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Felony Laws of the 50 States and the District of Columbia, 1986

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Introduction

This report presents results of the 1986 National Survey of State Felony Laws. The principal objective of this survey has been to provide a condensed listing of felony statutes and the sentencing and classification information necessary for their interpretation.

In particular, the survey lists all felonies contained in the criminal codes of the 50 States and the District of Columbia. (Hereafter, all references to States include the District.) For certain crime categories--homicide, arson, rape and sexual assault, robbery, assault, burglary, larceny, and drugs--nonfelonies are reported as well. The survey excludes all felonies and nonfelonies contained outside the criminal code.¹ The only exception to this concerns drug offenses, a category commonly codified outside criminal codes; all drug offenses, both felony and nonfelony, are provided. All statutory information provided here reflects laws that were in effect at the end of 1986.

How to use the listings

The States are listed in alphabetical order beginning on page 1. Each State listing begins with the following, reported verbatim: classification and sentencing information, the punishment of inchoate offenses, and certain definitions pertinent to the statutes. Next, the criminal statutes themselves are reported (number and title), along with their category designations and penalties. Although penalties in criminal statutes often include fines, this listing does not reflect such information, unless a fine is the sole penalty for a crime. A key, unique to each

¹At the request of the respective attorneys general, selected felonies contained outside the criminal codes of Alabama, Minnesota, and Washington have been included here.

State, is also provided to assist readers in the interpretation of listings. (An illustration of how to interpret a typical listing precedes the first State listing.)

The format has been kept as straightforward as possible. Where all felonies and lesser crimes are provided for a given crime category, the term "inclusive" appears with the category title. In instances where "inclusive" does not appear the reader can assume that only felonies are reported. Likewise, when no violations at all appear within a category, the reader can assume that the category contains no felonies. In the interest of accuracy, and to the extent possible, statute titles, crime categories, and sentences are reported unmodified; they appear as presented in the statutes themselves.

Felony definitions

The term felony is not uniform in either its usage or definition in the United States today. Two jurisdictions (Maine and New Jersey) do not use the term to classify their criminal offenses, and six others offer no explicit definition of the term, even though they use it as a criminal designation (table 1).

In the 43 States that use and define the term felony, common elements do exist in the definitions of felonies. With few exceptions, criminal codes define felonies by reference to place of imprisonment or duration of imprisonment. Most commonly, felony definitions identify the place of imprisonment but not the duration, as in Idaho, where a felony is "a crime which is punishable by death or by imprisonment in the State prison." Nearly as common is a definition that specifies the duration of prison but not the place, as in Georgia where a felony is "a crime punishable by death, by imprisonment for life, or by imprisonment for more than 12 months."

In a few States, the definition specifies both place and duration, as in Illinois, where a felony is "an offense for which a sentence to death or to a term of imprisonment in a penitentiary for 1 year or more is provided." States that define felonies by reference to place and/or duration of imprisonment account for 39 of the 43 States that use and define the term felony in their statutes.

Felony classifications

Rather than specify a different penalty for each felony statute, which, in some States, would require more than 100 different penalties, most State legislatures designate a class to which each felony belongs and enact a different penalty for each felony class. Because the number of felony classes is small (usually around five) legislatures are able to review and revise penalties for large numbers of felonies at one time.

Felonies of comparable seriousness are placed in the same class. For example, receiving bribes and offering bribes are two distinct offenses in Oregon. But because they are considered to be of comparable seriousness, the respective crimes are classified as class B felonies. Similarly, in Colorado, stealing a motor vehicle valued at \$10,000 or more and taking other property valued at \$10,000 or more are two distinct offenses. Colorado considers them to be of comparable seriousness and therefore punishes both as class 3 felonies.

Felony classes differ from one another by the length of prison sentence that conviction can bring and, in some cases, the amount of the fine that can be imposed. For example, Indiana's Annotated Code sets the presumptive prison term and the maximum fine for a class A felony at 30 years imprisonment and \$10,000 fine; for a class B felony, 10 years and \$10,000; for a class C felony, 5 years and \$10,000; and for a class D felony, 2 years and \$10,000. The State of Washington sets the maximum penal-

ty for a class A felony at life imprisonment and \$50,000 fine; for a class B felony, 10 years and \$20,000; and for a class C felony, 5 years and \$10,000.

Of the 49 States that use the term felony to differentiate criminal offenses, 31 classify felonies for sentencing purposes (table 2). States vary in their approaches, using letters, numbers, or phrases, of varying lengths, to distinguish felonies from one another. Of the 31 States, most use letters for classification purposes, as in Iowa, which has class A (most serious), class B, class C, and class D (least serious) felonies. The next most common practice is to use numbers, as in Arizona, which has felony offense classifications ranging from class 1 (most serious) through class 6 (least serious). Five States use ordinal numbers, as in New Mexico, which has first-degree (most serious) through fourth-degree (least serious) felonies.

Ten of the 31 States using felony classifications employ a category designated as "unclassified,"² which refers to offenses usually defined outside the criminal code that are punishable as felonies. For example, Arkansas classifies most of its crimes as Y, A, B, C, or D and reserves "unclassified" status for noncode felonies. Alaska, by contrast, classifies most of its crimes as A, B, or C and relegates a number of particularly serious crimes within its code to "unclassified" status.

²For the purposes of this report States are considered to have "unclassified" offenses if such a category is explicitly provided, and if offenses have no class designation and the criminal code has no general provision for classifying such offenses. Many States have such provisions. For example, Pennsylvania's criminal code states: "A crime declared to be a felony, without specification of degree, is of the third degree."

Minimum and maximum felony sentences

Convicted felons may be sent to a State prison or county jail, placed on probation, fined, or given a combination of sentences. Previous studies have shown that most convicted felons do not go to prison; most receive either a jail sentence or a term of probation.³ Nevertheless, because felonies are widely defined as crimes for which a person may receive a prison sentence, all convicted felons risk the possibility of going to prison for their crimes.

States use three main terms to designate prison sentences. A "minimum" sentence is the shortest amount of incarceration time a person may receive; a "maximum" sentence is the longest amount of time possible; and a "range" is the minimum and maximum sentence that may be received. Minimum and maximum sentences vary among offenses and among classes of offenses. Sentences also vary among the States themselves (table 3).⁴ The most common minimum prison sentences are 1 year (18 States) and more than 1 year (18 States).

³See Cunniff, Mark A., Sentencing Outcomes in 28 Felony Courts, 1985, Bureau of Justice Statistics, NCJ-105743, July 1987.

⁴Minimum sentences shown in table 4 were determined by one of five methods, listed from most to least preferred method:

- the State's felony definition was assumed to reveal the minimum (method A);
- the minimum sentence for the lowest felony class was assumed to reveal the minimum (method B);
- inspection of each individual statute was assumed to reveal the minimum (method C);
- the minimum was assumed to be 1 day more than the maximum sentence for (continued to column 2)

| <u>Minimum prison sentence</u> | <u>States</u> |
|--------------------------------|---------------|
| No minimum | 7 |
| Possibility of hard labor | 1 |
| 3 months | 1 |
| 6 months | 1 |
| 1 year | 18 |
| More than 1 year | 18 |
| 1 1/2 years | 1 |
| 2 years | 1 |
| More than 2 1/2 years | 1 |
| 3 years | 1 |
| 3 1/2 years | 1 |

In most States the maximum sentence a convicted felon may receive is death. Currently the laws of 37 States authorize capital punishment for the most serious crimes (almost exclusively murder). In the remaining 14 States the maximum felony sentence is life imprisonment (defined as 99 years in Alaska).

Inchoate offenses

Inchoate offenses are attempted crimes, conspiracies to commit crimes, and solicitations to commit crimes.⁵ They refer to acts that lead to other crimes. Historically, penalties for inchoate offenses have been less severe than those for consummated crimes. At common law (law governed by precedent rather than statute), inchoate offenses, even those relating to felonies, were punished as misdemeanors.⁶

⁴ (continued from column 1) the highest misdemeanor class (method D);

- a phone conversation with a State official determined the minimum (method E). Method A and method E determined the minimum for most States.

⁵H.C. Black, Black's Law Dictionary, Fifth Edition (St. Paul, Minn.: West Publishing Co., 1979), p. 686.

⁶C.E. Torcia, Wharton's Criminal Law, 14th Edition, Vol. IV (Rochester, N.Y.: The Lawyers Co-operative Publishing Co., 1981), pp. 511, 523, 567.

Clearly, the same is not the case today: only about half the States have provisions declaring that an attempt, conspiracy, or solicitation to commit a felony is a misdemeanor; moreover, these provisions apply only to less serious felonies (table 4).

In general, attempts and conspiracies receive punishments either equal to that of the target crime or to one classification below.⁷ Solicitations, which are codified less frequently, generally are punished with sanctions one or two classes below that of the consummated act. Solicitation of murder is an exception; punishments for it are reduced to a lesser extent than punishments for the solicitation of other crimes.

Misdemeanor definitions and classifications

Forty-nine States use both the terms felony and misdemeanor in their criminal codes, designating more serious crimes as felonies and less serious crimes as misdemeanors (table 5). The most common definition of a misdemeanor is a crime punishable by imprisonment for a maximum period of 1 year. A small number of States set the maximum at less than 1 year (for example, Arizona, Illinois, New Mexico, and Wisconsin) or at more than 1 year (for example, Colorado, Delaware,

⁷Every criminal code contains general provisions for inchoate offenses; in addition, many also have inchoate provisions for specific offenses. Table 4 is based solely on the section of each State's criminal code that contains its general provisions. Where this particular section also contained specific provisions, this information was also included in table 4. Excluded is any inchoate information existing outside the section containing general provisions. Information on fines is not shown in table 4, although inchoate provisions often include both incarceration and fines.

Iowa, and Pennsylvania). Not all States have a maximum misdemeanor penalty that distinguishes all misdemeanors from all felonies. Maryland is one such State. Certain misdemeanors in Maryland have maximum sentences that are as lengthy as certain felonies. For example, both the felony crime of arson and the misdemeanor crime of manslaughter by auto are punishable by a maximum of 5 years imprisonment, according to the Maryland Annotated Code.

Two States, Maine and New Jersey, do not use both the terms felony and misdemeanor. Maine uses neither of these terms to distinguish offenses (Maine's crime classes serve this purpose); New Jersey uses the term misdemeanor but not the term felony. New Jersey's definition of misdemeanor is unconventional, however, referring exclusively to offenses for which imprisonment in excess of 6 months is authorized. In New Jersey, misdemeanors, all of which are crimes, are distinguished from petty offenses, none of which are crimes.

As with felonies, most States classify their misdemeanors for sentencing purposes. Misdemeanor classes differ from one another by the length of imprisonment conviction can bring and, in some cases, the amount of fine that can be imposed.

The most common way in which misdemeanors are classified is by the use of letters, as in Kansas, where misdemeanors are classified as A, B, and C. Less common is the use of numbers or phrases to distinguish one misdemeanor from another.

Methodology

Each State's statutory laws are compiled in its "Annotated Code" (also called "Revised Statutes," "Annotated Statutes," etc.), which consists of separate sections. Felony laws are

found throughout the sections that comprise any given code, but most felony laws are contained in one particular section called the "Criminal Code" (also referred to as the "Penal Code," "Crimes and Punishments," "Criminal Law," etc.). For the 1986 National Survey of State Felony Laws, information on felony laws was extracted from each State's criminal code. In the interest of efficiency, no information was derived from the other codes except for drug-related offenses (usually contained in the "Health Code" or a related volume).

As noted at the outset, the principal target of this survey has been the felony. Most commonly, felonies are explicitly identified, and their extraction from the codes posed no methodological problems. However, such was not the case in Maine and New Jersey. Because these States do not use felony as an offense designation, it became necessary to develop special data collection criteria. Liberal "working definitions" of felonies were determined through conversations with State officials and inspection of the statutory classification information. The procedures adopted guaranteed that felonies, no matter how a user of the survey might define them, would be captured. In Maine, all crimes punishable for more than 1 year and all class A, B, C, and D crimes were recorded; in New Jersey, all first-, second-, third-, and fourth-degree crimes were recorded.

Annotated codes in the remaining 49 States generally provided clear identification of felonies: statutes expressly designated an offense as a felony, or they provided a sentence that clearly conforms to a felony definition. Where such clarity was not present, special data collection procedures were adopted to ensure that the survey did not miss including any felonies. In Maryland, all crimes designated as a felony or punishable by a sentence of 1 year or more were recorded; in Massa-

chusetts, all crimes punishable by a sentence in excess of 2 1/2 years were recorded; and in Oklahoma, all crimes involving a sentence to the State penitentiary and all crimes punishable by a sentence in excess of 1 year were recorded.

All information compiled in the survey was sent by the Bureau of Justice Statistics (BJS) to all State attorneys general for verification. Attorneys general were asked to complete their review and respond within 30 days. The form stated that if BJS did not receive a response within that time limit, it would be assumed that the summary was correct. BJS received verification forms from 35 States. Any errors detected by the attorneys general and reported to BJS were subsequently corrected.

Table 1. Felony definitions of the States and the District of Columbia

Alabama. Felony. An offense for which a sentence to a term of imprisonment in excess of 1 year is authorized by this title.

Alaska. "Felony" means a crime for which a sentence of imprisonment for a term of more than one year is authorized.

Arizona. "Felony" means an offense for which a sentence to a term of imprisonment to the custody of the department of corrections is authorized by any law of this state.

Arkansas. An offense is a felony if: it is so designated by this Code; or it is so designated by a statute not a part of this Code.

California. A felony is a crime which is punishable with death or by imprisonment in the State prison.

Colorado. The term felony, wherever it may occur in this constitution, or the laws of the State, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.

Connecticut. An offense for which a person may be sentenced to a term of imprisonment in excess of 1 year is a felony.

Delaware. (Statutory law does not define the term felony.)

District of Columbia. Any offense punishable by death or imprisonment for a term exceeding one year is a felony.

Florida. The term "felony" shall mean any criminal offense that is punishable under laws of this State, or that would be punishable if committed in this State, by death or imprisonment in a State penitentiary.

Georgia. "Felony" means a crime punishable by death, by imprisonment for life, or by imprisonment for more than 12 months.

Hawaii. A crime is a felony if it is so designated in this Code or if persons convicted thereof may be sentenced to imprisonment for a term in excess of 1 year.

Idaho. A felony is a crime which is punishable with death or by imprisonment in the State prison.

Illinois. "Felony" means an offense for which a sentence to death or to a term of imprisonment in a penitentiary for 1 year or more is provided.

Indiana. "Felony conviction" means a conviction, in any jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than 1 year; but it does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor or under Section 7(b) of this chapter.

Iowa. A public offense is a felony of a particular class when the statute defining the crime declares it to be a felony.

Kansas. A felony is a crime punishable by death or by imprisonment in any State penal institution.

Kentucky. Offenses punishable by death or confinement in the penitentiary, whether or not a fine or other penalty may also be assessed, are felonies.

Louisiana. "Felony" is any crime for which an offender may be sentenced to death or imprisonment at hard labor.

Maine. (Statutory law does not use the term felony.)

Maryland. (Statutory law does not define the term felony.)

Massachusetts. A crime punishable by death or imprisonment in the State prison is a felony.

Michigan. The term "felony," when used in this act, shall be construed to mean an offense for which the offender, on conviction may be punished by death, or by imprisonment in State prison.

Minnesota. "Felony" means a crime for which a sentence of imprisonment for more than 1 year may be imposed.

Mississippi. The term "felony," when used in any statute, shall mean any violation of law punished with death or confinement in the penitentiary.

Missouri. A crime is a "felony" if it is so designated or if persons convicted thereof may be sentenced to death or imprisonment for a term which is in excess of 1 year.

Montana. "Felony" means an offense in which the sentence imposed upon conviction is death or imprisonment in the State prison for any term exceeding 1 year.

Nebraska. (Statutory law does not define the term felony.)

Nevada. Every crime which may be punished by death or by imprisonment in the State prison is a felony.

New Hampshire. A felony is murder or a crime so designated by statute within or outside this Code or a crime defined by statute outside of this Code where the maximum penalty provided is imprisonment in excess of 1 year; provided, however, that a crime defined by statute outside of this Code is a felony when committed by a corporation or an unincorporated association if the maximum fine therein provided is more than \$200.

New Jersey. (Statutory law does not use the term felony.)

New Mexico. A crime is a felony if it is so designated by law or if upon conviction thereof a sentence of death or of imprisonment for a term of 1 year or more is authorized.

New York. "Felony" means an offense for which a sentence to a term of imprisonment in excess of 1 year may be imposed.

North Carolina. A felony is a crime which: was a felony at common law; is or may be punishable by death; is or may be punishable by imprisonment in the State's prison; or is denominated as a felony by statute.

North Dakota. (Statutory law does not define the term felony.)

Ohio. Regardless of the penalty which may be imposed, any offense specifically classified as a felony is a felony, and any offense specifically classified as a misdemeanor is a misdemeanor. Any offense not specifically classified is a felony if imprisonment for more than 1 year may be imposed as a penalty.

Oklahoma. A felony is a crime which is, or may be, punishable with death, or by imprisonment in the State penitentiary.

Oregon. Except as provided in ORS 161.585 and 161.705, a crime is a felony if it is so designated in any statute of this State, or if a person convicted under a statute of this State may be sentenced to a maximum term of imprisonment of more than 1 year.

Pennsylvania. (Statutory law does not define the term felony.)

Rhode Island. Unless otherwise provided, any criminal offense which at any given time may be punished by imprisonment for a term of more than 1 year, or by a fine of more than \$1,000 is hereby declared to be a felony.

South Carolina. The crimes referred to in the following sections. . . (specific statutory sections cited) and all other criminal offenses punishable under the laws of this state which were felonies under the common law are hereby classified as and declared to be felonies. (parens added)

South Dakota. A felony is a crime which is or may be punishable by imprisonment in the State penitentiary.

Tennessee. All violations of law punished by imprisonment in the penitentiary or by the infliction of the death penalty are, and shall be denominated, felonies.

Texas. "Felony" means an offense so designated by law or punishable by death or confinement in a penitentiary.

Utah. (Statutory law does not define the term felony.)

Vermont. Any other provision of law notwithstanding any offense whose maximum term of imprisonment is more than 2 years, for life or which may be punished by death is a felony.

Virginia. Such offenses as are punishable with death or confinement in the penitentiary are felonies.

Washington. A crime is a felony if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for a term in excess of 1 year.

West Virginia. Such offenses as are punishable by confinement in the penitentiary are felonies.

Wisconsin. A crime punishable by imprisonment in the Wisconsin State prisons is a felony.

Wyoming. Crimes which may be punished by death or by imprisonment for more than 1 year are felonies.

Source: Annotated code of each State, 1986.

Table 2. Felony classifications of the States and the District of Columbia

| | |
|---|---|
| Alabama. A, B, C | Nebraska. I, IA, IB, II, III, IV |
| Alaska. A, B, C, and unclassified felonies (specified serious crimes) | Nevada. Statutory law does not divide felonies into classes. |
| Arizona. 1, 2, 3, 4, 5, 6 | New Hampshire. Murder, A, B (corporation crimes are unclassified) |
| Arkansas. Y, A, B, C, D, and unclassified felonies | New Jersey. Statutory law does not use the term "felony." However, the class "high misdemeanor" does exist — crimes of the 1st, 2nd and 3rd degree. The only other class, crimes of the 4th degree, is designated simply as misdemeanor. |
| California. Statutory law does not divide felonies into classes. | New Mexico. Capital, 1st, 2nd, 3rd, 4th degree |
| Colorado. 1, 2, 3, 4, 5, and unclassified felonies | New York. A (A-I, A-II), B, C, D, E |
| Connecticut. Capital, A, B, C, D, and unclassified felonies | North Carolina. A, B, C, D, E, F, G, H, I, J |
| Delaware. A, B, C, D, E | North Dakota. AA, A, B, C |
| District of Columbia. Statutory law does not divide felonies into classes. | Ohio. Aggravated murder, murder, aggravated felonies (1st, 2nd, and 3rd degree), felonies (1st, 2nd, 3rd, 4th degree) |
| Florida. Capital, life, I, II, III | Oklahoma. Statutory law does not divide felonies into classes. |
| Georgia. Statutory law does not divide felonies into classes. | Oregon. A, B, C, and unclassified felonies |
| Hawaii. A, B, C | Pennsylvania. Murder of the 1st degree; murder of the 2nd degree; 1st, 2nd, 3rd degree |
| Idaho. Statutory law does not divide felonies into classes. | Rhode Island. Statutory law does not divide felonies into classes. |
| Illinois. Murder, X, 1, 2, 3, 4 | South Carolina. Statutory law does not divide felonies into classes. |
| Indiana. Murder, A, B, C, D | South Dakota. A, B, 1, 2, 3, 4, 5, 6 |
| Iowa. A, B, C, D | Tennessee. X and unclassified felonies |
| Kansas. A, B, C, D, E, and unclassified felonies | Texas. Capital, 1st, 2nd, 3rd |
| Kentucky. Capital, life, I, II, III | Utah. Capital, 1st, 2nd, 3rd |
| Louisiana. Statutory law does not divide felonies into classes. | Vermont. Statutory law does not divide felonies into classes. |
| Maine. Statutory law does not use the term "felony." | Virginia. 1, 2, 3, 4, 5, 6, and unclassified felonies |
| Maryland. Statutory law does not divide felonies into classes. | Washington. A, B, C, and unclassified felonies |
| Massachusetts. Statutory law does not divide felonies into classes. | West Virginia. Statutory law does not divide felonies into classes. |
| Michigan. Statutory law does not divide felonies in classes. | Wisconsin. A, B, C, D, E, and unclassified felonies |
| Minnesota. Statutory law does not divide felonies into classes. | Wyoming. Statutory law does not divide felonies into classes. |
| Mississippi. Statutory law does not divide felonies into classes. | |
| Missouri. A, B, C, D | |
| Montana. Statutory law does not divide felonies into classes. | |

Source: Annotated code for each State, 1986.

Table 3. Minimum and maximum felony sentences of the States and the District of Columbia

| Jurisdiction | Minimum | Maximum |
|---------------------------|---------------------------|----------|
| Alabama | Greater than 1 year | Death |
| Alaska | Greater than 1 year | 99 years |
| Arizona | Minimum of 1 1/2 years | Death |
| Arkansas | No minimum exists | Death |
| California | Greater than 1 year | Death |
| Colorado | Minimum of 1 year | Death |
| Connecticut | Minimum of 1 year | Death |
| Delaware | No minimum exists | Death |
| District of Columbia | Greater than 1 year | Life |
| Florida | Greater than 1 year | Death |
| Georgia | Greater than 1 year | Death |
| Hawaii | Greater than 1 year | Life |
| Idaho | No minimum exists | Death |
| Illinois | Minimum of 1 year | Death |
| Indiana | Minimum of 1 year | Death |
| Iowa ^a | Greater than 1 year | Life |
| Kansas | Minimum of 1 year | Life |
| Kentucky | Minimum of 1 year | Death |
| Louisiana | Possibility of hard labor | Death |
| Maine ^b | No minimum exists | Life |
| Maryland | Minimum of 1 year | Death |
| Massachusetts | Greater than 2 1/2 years | Life |
| Michigan ^a | Greater than 1 year | Life |
| Minnesota | Greater than 1 year | Life |
| Mississippi | Minimum of 1 year | Death |
| Missouri | Greater than 1 year | Death |
| Montana | Greater than 1 year | Death |
| Nebraska | No minimum exists | Death |
| Nevada | Minimum of 1 year | Death |
| New Hampshire | Greater than 1 year | Death |
| New Jersey ^b | Minimum of 3 years | Death |
| New Mexico | Minimum of 1 year | Death |
| New York ^c | Minimum of 1 year | Life |
| North Carolina | Minimum of 1 year | Death |
| North Dakota | Greater than 1 year | Life |
| Ohio | Minimum of 6 months | Death |
| Oklahoma | Minimum of 1 year | Death |
| Oregon | Greater than 1 year | Death |
| Pennsylvania ^d | Minimum of 3 1/2 years | Death |
| Rhode Island | Minimum of 1 year | Life |
| South Carolina | Minimum of 3 months | Death |
| South Dakota | No minimum exists | Death |
| Tennessee | Minimum of 1 year | Death |
| Texas | Minimum of 2 years | Death |
| Utah | Greater than 1 year | Death |
| Vermont | No minimum exists | Death |
| Virginia | Minimum of 1 year | Death |
| Washington | Greater than 1 year | Death |
| West Virginia | Minimum of 1 year | Life |
| Wisconsin | Minimum of 1 year | Life |
| Wyoming | Greater than 1 year | Death |

Note: Minimums reported here disregard any potential effect of aggravating or mitigating circumstances in sentences imposed. Other types of sentences—jail, fines, probation—may also be given.

^aThese States contain classifications referred to as "aggravated" or "serious" misdemeanors, with penalties that exceed felony minimums. They resemble felonies in procedural terms, essentially constituting misdemeanor status in name only.

^bThese jurisdictions do not use the term felony to classify offenses, but a working definition has been constructed here for the purposes of cross-jurisdictional analysis.

^cAlthough the New York State Penal Code authorizes the death penalty for first degree murder, the capital statute was ruled unconstitutional by the State Supreme Court in 1984. The statute has never been repealed by the New York State legislature.

^dThe minimum term derives from the Pennsylvania judicial code which stipulates that the minimum be half the maximum sentence for third degree felonies.

Source: Annotated code of each State, 1986, and State officials.

Table 4. Punishment of inchoate felony offenses of the States and the District of Columbia

| | | |
|--|---|--|
| <p>Alabama Attempt: Murder punished as consummated act; other crimes lowered one class Conspiracy: Murder punished as consummated act; other crimes lowered one class Solicitation: Murder punished as class A; other crimes lowered one class</p> | <p>Connecticut Attempt: Class A punished as class B; other crimes punished same as most serious act attempted Conspiracy: Class A punished as class B; other crimes punished same as most serious act conspired</p> | <p>Hawaii Attempt: Murder punished with life term with/ without parole; others same as most serious act attempted Conspiracy: Class A punished as class B; others punished as consummated act Solicitation: All crimes lowered one class</p> |
| <p>Alaska Attempt: If life term prescribed, then FA; unclassified felonies punished maximum of one-half of maximum term prescribed; other crimes lowered one class Solicitation: If life term prescribed, then FA; unclassified felonies punished maximum of one-half of maximum term prescribed; other crimes lowered one class</p> | <p>Delaware Attempt: Murder punished with mandatory life term; class A punished maximum of life term; other crimes punished as most serious act attempted Conspiracy: Murder punished with mandatory life term; class A punished maximum of life term; other crimes punished as most serious act conspired Solicitation: Class A punished as class D; other crimes punished as class E</p> | <p>Idaho Attempt: If crime punished by minimum prison term of five years, or jail, receives one-half maximum prescribed term; if punished by less than five years, then maximum of one year in jail Conspiracy: Punished same as consummated act Solicitation: If crime punished by minimum prison term of five years, or jail, receives one-half maximum prescribed term; if punished by less than five years, then maximum of one year in jail</p> |
| <p>Arizona Attempt: All crimes lowered one class Conspiracy: Class I punished by life imprisonment without parole for a minimum of twenty-five years; other crimes punished as consummated act Solicitation: All crimes lowered one class</p> | <p>District of Columbia Attempt: Maximum term of one year Conspiracy: Five years; for offenses with a penalty less than five years, maximum penalty shall not exceed maximum penalty for offense</p> | <p>Illinois Attempt: Murder punished as class X; X, 1, 2 lowered one class; others punished as misdemeanor A Conspiracy: Treason, murder, aggravated kidnapping punished maximum of class 2; certain specified crimes punished maximum of class 3; other crimes punished maximum of class 4 Solicitation: Not to exceed maximum term prescribed for crime</p> |
| <p>Arkansas Attempt: Capital murder, treason, Y class crimes punished as class A; other crimes lowered one class Conspiracy: Capital murder, treason, Y class crimes punished as class A; other crimes lowered one class Solicitation: Capital murder, treason, Y class crimes punished as class A; other crimes lowered one class</p> | <p>Florida Attempt: Capital offense punished as class I; life, class I offenses punished as class II; class II, burglary punished as class III; class III punished as misdemeanor I Conspiracy: Capital offense punished as class I; life, class I offenses punished as class II; class II, burglary punished as class III; class III punished as misdemeanor I Solicitation: Capital offense punished as class I; life, class I offenses punished as class II; class II, burglary punished as class III; class III punished as misdemeanor I</p> | <p>Indiana Attempt: Murder punished as class A; others punished as consummated act Conspiracy: Murder punished as class A; others punished as consummated act</p> |
| <p>California Attempt: Murder punished with life term with possibility of parole; other crimes where maximum is life term or death punished by five, seven or nine years; unclassified punished with maximum one-half term prescribed for consummated act Conspiracy: If crime against elected official, prison for five, seven or nine years; if to cheat or defraud another of property, punished by a jail term of one year or prison; other crimes punished as act itself</p> | <p>Georgia Attempt: Capital, life term offenses receive term of one to ten years; other crimes minimum of one year but less than one-half maximum term Conspiracy: Capital, life term offenses receive term of one to ten years; other crimes minimum of one year but less than one-half maximum term Solicitation: Capital, life term offenses receive term of minimum of one year and maximum five years; other crimes minimum of one year and maximum three years</p> | <p>Iowa Conspiracy: Forcible felonies punished as class C; others punished as class D Solicitation: Punished as class D</p> <p>Kansas Attempt: All crimes lowered one class; class E punished as class E Conspiracy: Class A punished as class C; others punished as class E</p> |
| <p>Colorado Attempt: Crimes lowered one class; unclassified offenses punished as class 5 Conspiracy: Crimes lowered one class; unclassified offenses punished as class 5 Solicitation: Crimes lowered one class; unclassified offenses punished as class 5</p> | | |

Source: Annotated code of each State, 1986.

Table 4. Punishment of inchoate felony offenses of the States and the District of Columbia, continued

| | | |
|---|---|---|
| <p>Kentucky Attempt: Capital, class A offenses punished as class B; class B punished as class C; classes C, D punished as misdemeanor A Conspiracy: Capital, class A offenses punished as class B; class B punished as class C; classes C, D punished as misdemeanor A Solicitation: Capital, class A offenses punished as class B; class B punished as class C; classes C, D punished as misdemeanor A</p> | <p>Michigan Attempt: If capital, maximum of ten years; if life or minimum term of five years, punished by maximum terms of five years in prison or one year in jail; if murder by poisoning, strangling, etc., punished by maximum of life term; if punished by prison for less than five years or jail, guilty of misdemeanor punished by maximums of two years in prison or one year in jail (not to exceed one-half maximum prescribed for consummated crime)</p> | <p>New Hampshire Attempt: Murder punished by thirty years maximum; other crimes punished same as consummated act Conspiracy: Murder punished as class A; other crimes punished same as consummated act Solicitation: Murder punished as class A; other crimes punished same as consummated act</p> |
| <p>Louisiana Attempt: If crime punished by death or life term, then maximum term of fifty years hard labor; theft, receiving stolen property punished by maximum term of one year; other crimes punished by term of one-half of maximum prescribed Conspiracy: Capital, life term crimes punished by maximum term of thirty years hard labor; other crimes punished as consummated act Solicitation: Murder punished by minimum term of five years and maximum of ten years</p> | <p>Minnesota Attempt: If crime punished by life term, punished by maximum term of twenty years; other crimes punished by maximum term of one-half maximum prescribed Conspiracy: Murder I, treason punished by maximum of twenty years; other crimes punished by maximum term of one-half maximum prescribed</p> | <p>New Jersey Attempt: Class one punished as class two; leader of organized crime punished as class two Conspiracy: Class one punished as class two; leader of organized crime punished as class two</p> |
| <p>Maine Attempt: Murder punished as class A; class E punished as same; other crimes lowered one class Conspiracy: Murder punished as class A; class E punished as same; other crimes lowered one class Solicitation: Murder punished as class A; other crimes lowered one class</p> | <p>Mississippi Attempt: If capital, punished maximum of ten years; other crimes punished maximum term prescribed for consummated act Conspiracy: Capital murder, murder punished by maximum term of twenty years; other crimes punished by maximum term of five years</p> | <p>New Mexico Attempt: Capital, first degree crimes punished as second degree; other crimes lowered one class Conspiracy: Capital, first degree crimes punished as second degree; second degree punished as third degree; third, fourth degree punished as fourth degree Solicitation: Capital, first degree crimes punished as second degree; second degree punished as third degree; third, fourth degree punished as fourth degree</p> |
| <p>Maryland Conspiracy: Punished not greater than maximum for consummated act</p> | <p>Missouri Attempt: All crimes lowered one class Conspiracy: All crimes lowered one class</p> | <p>New York Attempt: Certain A-I offenses punished as A-I; A-II offenses punished as A-II; other A-I offenses punished as class B; other crimes lowered one class Conspiracy: If adult conspires to commit class A with person under sixteen, then class FA-I; if adult conspires to commit class A, then class B; if adult conspires to commit class B or C with person under sixteen, then class D; if adult conspires to commit class B or C, then class E; if adult conspires to commit any other felony, then misdemeanor A</p> |
| <p>Massachusetts Attempt: If capital, punished by maximum of ten years; if punished by minimum of five years in prison, receives maximum prison term of five years or jail two-and-one-half; if punished by less than five years in prison or a jail term, receives jail term of less than one year; if larceny, punished by jail term of two-and-one-half years maximum Conspiracy: If death/life term, punished by maximum terms of twenty years in prison or two-and-one-half years in jail; if felony of greater than ten years, maximum terms of ten years in prison or two-and-one-half years in jail; if felony of maximum ten years, punished by maximum terms of five years in prison or two-and-one-half years in jail</p> | <p>Montana Attempt: Punishment not to exceed maximum prescribed for consummated act Conspiracy: Punishment not to exceed maximum prescribed for consummated act Solicitation: Punishment not to exceed maximum prescribed for consummated act</p> | <p>Nebraska Attempt: Class I, IA, IB punished as class II; other crimes lowered one class Conspiracy: Class I punished as class II; others punished same as most serious offense</p> |
| | <p>Nevada Attempt: If murder, life or death crime, punished by one year minimum to twenty years maximum; other crimes punished maximum term of maximum prescribed for consummated act Conspiracy: Murder, robbery, sexual assault, kidnapping I or II, Arson I or II, punished minimum of one year and maximum of six years Solicitation: Murder, kidnapping, arson punished as gross misdemeanor</p> | <p>North Carolina Conspiracy: Classes H, I and J punished as class J; other crimes punished as class H</p> |

Source: Annotated code of each State, 1986.

Table 4. Punishment of inchoate felony offenses of the States and the District of Columbia, continued

| | | |
|---|--|--|
| <p>North Dakota Attempt: Class AA punished as class A; other crimes lowered one class Conspiracy: Punished same as consummated act Solicitation: All crimes lowered one class</p> | <p>South Carolina Conspiracy: Kidnapping punished by life term; other crimes punished as misdemeanors, with maximum of either five years or prescribed term</p> | <p>Virginia Attempt: If capital, punished as class two; crimes with maximum penalty of life term punished as class four; crimes with maximum penalty of twenty years punished as class five; crimes with penalty less than twenty years punished as class six Conspiracy: If capital offense, punished as class three; if non-capital, punished as class five; if crime punished with maximum of less than five years, prison for one year but not to exceed maximum prescribed (court's discretion—jail term of one year maximum) Solicitation: Punished as class six</p> |
| <p>Ohio Attempt: Aggravated murder, murder punished as class one; aggravated classes one, two lowered one class in aggravation; aggravated class three punished as class four; other crimes lowered one class Conspiracy: Aggravated murder, murder punished as class one; aggravated classes one, two lowered one class in aggravation; aggravated class three punished as class four; other crimes lowered one class</p> | <p>South Dakota Attempt: If prescribed penalty is five years or greater, punished by imprisonment; if penalty less than five years, punished by maximum of one year jail term Conspiracy: Class 6 punished as same; others lowered one class; unclassified crimes punished by maximum for consummated act</p> | <p>Washington Attempt: Murder I, Arson I punished as class A; other crimes lowered one class Conspiracy: Murder I punished as class A; other crimes lowered one class Solicitation: Murder I, Arson I punished as class A; other crimes lowered one class</p> |
| <p>Oklahoma Attempt: If offense punished by minimum term of four years, punished by maximum term of one-half maximum prescribed; if offense punished by less than four year terms, punished by maximum of one year in jail Conspiracy: All offenses punished by maximum of ten years Solicitation: Murder I punished by minimum term of five years and maximum of life</p> | <p>Tennessee Attempt: Specific penalties for particular acts; unclassified crimes punished by maximum of five years in prison or jail one year Conspiracy: Specific penalties for particular acts; if felony on person on another, punished as class X — minimum of five years and maximum of fifteen years Solicitation: Specific penalties for particular acts; unclassified crimes punished by maximum of five years in prison or jail one year</p> | <p>West Virginia Attempt: If life term, punished minimum of one year and maximum of five years; other crimes considered misdemeanors and punished by minimum of six months and maximum of one year in jail</p> |
| <p>Oregon Attempt: If murder, treason punished as class A; other crimes lowered one class Conspiracy: If class A, murder, or treason then class A; other crimes punished as act Solicitation: If murder, treason punished as class A; other crimes lowered one class</p> | <p>Texas Attempt: All crimes lowered one class Conspiracy: All crimes lowered one class Solicitation: Capital crimes punished as class one; class one punished as class two</p> | <p>Wisconsin Attempt: If life term, then punished as class B; if specified battery/theft, maximum of one-half term prescribed; if intimidation of witness/victim, punished as class D Conspiracy: Crimes with life penalties punished as class B; others punished by penalty not to exceed maximum Solicitation: Crimes with life penalties punished as class C; class E punished as class E; other crimes punished as class D</p> |
| <p>Pennsylvania Attempt: Murder, class I punished as class II; other crimes punished as most serious offense Conspiracy: Murder, class I punished as class II; other crimes punished as most serious offense Solicitation: Murder, class I punished as class II; other crimes punished as most serious offense</p> | <p>Utah Attempt: If capital, punished as class one; class one (with some exceptions) punished as class two; other crimes lowered one class Conspiracy: If capital, punished as class one; class one (with some exceptions) punished as class two; other crimes lowered one class</p> | <p>Wyoming Attempt: Punished same as most serious offense, except capital offense does not receive death penalty Conspiracy: Punished same as most serious offense, except capital offense does not receive death penalty Solicitation: Punished same as most serious offense, except capital offense does not receive death penalty</p> |
| <p>Rhode Island Conspiracy: Same as term prescribed, not to exceed ten years Solicitation: Same as term prescribed, not to exceed ten years</p> | <p>Vermont Attempt: Punished by least severe of the following two potential punishments: maximum term of ten years or that prescribed for consummated act Conspiracy: Punished same as consummated act, except not to exceed 5 years</p> | |

Source: Annotated code of each State, 1986.

Table 5. Misdemeanor definitions and classifications of the States and the District of Columbia (Misdemeanor classifications shown in parentheses)

| | | |
|--|---|---|
| <p>Alabama. Misdemeanor. An offense for which a sentence to a term of imprisonment not in excess of one year may be imposed. (The criminal code designates 3 misdemeanor classes: A (maximum 1 year imprisonment), B, C.)</p> <p>Alaska. "Misdemeanor" means a crime for which a sentence of imprisonment for a term of more than one year may not be imposed. (The criminal code designates 2 misdemeanor classes: A (maximum 1 year imprisonment), B.)</p> <p>Arizona. "Misdemeanor" means an offense for which a sentence to a term of imprisonment other than to the custody of the department of corrections is authorized by any law of this state. (The criminal code designates 3 misdemeanor classes: 1 (maximum 6 months imprisonment), 2, 3.)</p> <p>Arkansas. An offense is a misdemeanor if: it is so designated by this Code; it is so designated by a statute not a part of this Code, except as provided in section 114; or it is not designated a felony and a sentence to imprisonment is authorized upon conviction thereof. (The criminal code designates 4 misdemeanor classes: A (maximum 1 year imprisonment), B, C, unclassified.)</p> <p>California. A felony is a crime which is punishable with death or by imprisonment in the state prison. Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions. (The criminal code does not divide misdemeanors into classes.)</p> <p>Colorado. (The criminal code designates class 1 (maximum 2 years imprisonment), class 2 and class 3 misdemeanors, but does not give an overall definition of misdemeanor.)</p> <p>Connecticut. An offense for which a person may be sentenced to a term of imprisonment of not more than one year is a misdemeanor. (The criminal code designates 4 misdemeanor classes: class A (maximum 1 year imprisonment), B, C, unclassified.)</p> <p>Delaware. Any offense not specifically designated by law to be a felony or a violation is a misdemeanor. (The criminal code designates 4 misdemeanor classes: A (maximum 2 years imprisonment), B, C, unclassified.)</p> <p>District of Columbia. Any offense punishable by death or imprisonment for a term exceeding one year is a felony. Any other offense is a misdemeanor. (The criminal code does not divide misdemeanors into classes.)</p> <p>Florida. The term "misdemeanor" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. (The criminal code designates 2 misdemeanor classes: 1st degree (maximum 1 year imprisonment), 2nd degree.)</p> | <p>Georgia. "Misdemeanor" and "misdemeanor of a high and aggravated nature" mean any crime other than a felony. (The criminal code designates 2 misdemeanor classes: aggravated misdemeanor, misdemeanor.)</p> <p>Hawaii. A crime is a misdemeanor if it is so designated in this Code or in a Statute other than this Code enacted subsequent thereto, or if it is defined in a statute other than this Code which provides for a term of imprisonment the maximum of which is one year. (The criminal code designates 2 misdemeanor classes: misdemeanor (maximum 1 year imprisonment), petty misdemeanor.)</p> <p>Idaho. A felony is a crime which is punishable with death or by imprisonment in the state prison. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars and for which no period of incarceration may be imposed. Every other crime is a misdemeanor. (The criminal code does not divide misdemeanors into classes.)</p> <p>Illinois. "Misdemeanor" means any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed. (The criminal code designates 3 misdemeanor classes: A (maximum less than 1 year imprisonment), B, C.)</p> <p>Indiana. (The criminal code designates class A (maximum of 1 year imprisonment), class B and class C misdemeanor, but does not give an overall definition of misdemeanor.)</p> <p>Iowa. All public offenses which are not felonies are misdemeanors. (The criminal code designates 3 misdemeanor classes: aggravated (maximum 2 years imprisonment), serious, simple.)</p> <p>Kansas. A felony is a crime punishable by death or by imprisonment in any state penal institution. All other crimes are misdemeanors. (The criminal code designates 3 misdemeanor classes: A (maximum 1 year imprisonment), B, C.)</p> <p>Kentucky. Offenses punishable by confinement other than in the penitentiary, whether or not a fine or other penalty may also be assessed, are misdemeanors. (The criminal code designates 2 misdemeanor classes: A (maximum 1 year imprisonment), B.)</p> <p>Louisiana. "Misdemeanor" is any crime other than a felony. (The criminal code does not divide misdemeanors into classes.)</p> <p>Maine. (The criminal code does not use the term misdemeanor.)</p> <p>Maryland. (The criminal code does not define the term misdemeanor and does not divide misdemeanors into classes.)</p> <p>Massachusetts. A crime punishable by death or imprisonment in the state prison is a felony. All other crimes are misdemeanors. (The criminal code does not divide misdemeanors into classes.)</p> | <p>Michigan. When any act or omission, not a felony, is punishable according to law, by a fine, penalty or forfeiture, and imprisonment, or by such fine, penalty or forfeiture, or imprisonment, in the discretion of the court, such act or omission shall be deemed a misdemeanor. When the performance of any act is prohibited by this or any other statute, and no penalty for the violation of such statute is imposed, whether in the same section containing such prohibition, or in any other section or statute, the doing of such act shall be deemed a misdemeanor. (The criminal code does not divide misdemeanors into classes.)</p> <p>Minnesota. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than \$700, or both, may be imposed. . . "Gross misdemeanor" means any crime which is not a felony or misdemeanor. The maximum fine which may be imposed for a gross misdemeanor is \$3,000. . . "Petty misdemeanor" means a petty offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than \$100 may be imposed. (The criminal code designates 3 misdemeanor classes: gross (maximum 1 year imprisonment), misdemeanor, petty.)</p> <p>Mississippi. (The criminal code does not define the term misdemeanor and does not divide misdemeanors into classes.)</p> <p>Missouri. A crime is a "misdemeanor" if it is so designated or if persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is one year or less. (The criminal code designates 3 misdemeanor classes: A (maximum 1 year imprisonment), B, C.)</p> <p>Montana. "Misdemeanor" means an offense in which the sentence imposed upon conviction is imprisonment in the county jail for any term or a fine, or both, or the sentence imposed is imprisonment in the state prison for any term of 1 year or less. (The criminal code does not divide misdemeanors into classes.)</p> <p>Nebraska. (The criminal code designates class I (maximum 1 year imprisonment), class II, class III, class IIIA, class IV, and class V misdemeanors, but does not give an overall definition of misdemeanor.)</p> <p>Nevada. Every crime punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than 6 months, is a misdemeanor. (The criminal code designates 2 misdemeanor classes: gross (maximum 1 year imprisonment), misdemeanor.)</p> <p>New Hampshire. A misdemeanor is any crime so designated by statute within or outside this code and any crime defined outside of this code for which the maximum penalty, exclusive of fine, is imprisonment not in excess of one year; provided, however, that a crime defined by statute outside of this code is a misdemeanor when committed by a corporation or an unincorporated association if the maximum fine wherein provided is more than \$50 but no more than \$200. (The criminal code does not divide misdemeanors into classes.)</p> |
|--|---|---|

Source: Annotated code of each State, 1986.

Table 5. Misdemeanor definitions and classifications of the States and the District of Columbia, continued

New Jersey. (All crimes are misdemeanors. A misdemeanor is an offense for which a sentence in excess of 6 months is authorized.)

New Mexico. A crime is a misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment in excess of six months but less than one year is authorized. (The criminal code designates 2 misdemeanor classes: misdemeanor (maximum less than 1 year imprisonment), petty.)

New York. "Misdemeanor" means an offense, other than a "traffic infraction," for which a sentence to a term of imprisonment in excess of fifteen days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed. (The criminal code designates 3 misdemeanor classes: A (maximum 1 year imprisonment), B, unclassified.)

North Carolina. A felony is a crime which was a felony at common law, is or may be punishable by death; is or may be punishable by imprisonment in the State's prison; or is denominated as a felony by statute. Any other crime is a misdemeanor. (The criminal code does not divide misdemeanors into classes.)

North Dakota. (The criminal code designates class A (maximum 1 year imprisonment) and class B misdemeanors, but does not give an overall definition of misdemeanor.)

Ohio. Regardless of the penalty which may be imposed, any offense specifically classified as a misdemeanor is a misdemeanor. Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty. (The criminal code does not divide misdemeanors into classes.)

Oklahoma. A felony is a crime which is, or may be, punishable with death, or by imprisonment in the State Penitentiary. Every other crime is a misdemeanor. (The criminal code does not divide misdemeanors into classes.)

Oregon. A crime is a misdemeanor if it is so designated in any statute of this state or if a person convicted thereof may be sentenced to a maximum term of imprisonment of not more than one year. (The criminal code designates 4 misdemeanor classes: A (maximum 1 year imprisonment), B, C, unclassified.)

Pennsylvania. (The criminal code designates 1st degree (maximum 5 years imprisonment), 2nd degree and 3rd degree misdemeanors, but does not give an overall definition of misdemeanor.)

Rhode Island. Any criminal offense which may be punishable by imprisonment for a term not exceeding one year, or by a fine of not more than one thousand dollars, or both, is hereby declared to be a misdemeanor. (The criminal code designates 2 misdemeanor classes: misdemeanor (maximum 1 year imprisonment), petty.)

South Carolina. (The criminal code designates specific offenses as felonies and declares all other crimes to be misdemeanors; misdemeanors are not divided into classes.)

South Dakota. A felony is a crime which is or may be punishable by imprisonment in the state penitentiary. Every other crime is a misdemeanor. (The criminal code designates 2 misdemeanor classes: 1 (maximum 1 year imprisonment), 2.)

Tennessee. All violations of law punished by fine or imprisonment in the county jail or workhouse or both, shall be denominated misdemeanors. (The criminal code does not divide misdemeanors into classes.)

Texas. "Misdemeanor" means an offense so designated by law or punishable by fine, by confinement in jail, or by both fine and confinement in jail. (The criminal code designates 3 misdemeanor classes: A (maximum 1 year imprisonment), B, C.)

Utah. (The criminal code designates class A (maximum 1 year imprisonment), class B and class C misdemeanors, but does not give an overall definition of misdemeanor.)

Vermont. Any other provision of law notwithstanding any offense whose maximum term of imprisonment is more than two years, for life or which may be punished by death is a felony. Any other offense is a misdemeanor. (The criminal code does not divide misdemeanors into classes.)

Virginia. Such offenses as are punishable with death or confinement in the penitentiary are felonies; all other offenses are misdemeanors. (The criminal code designates 4 misdemeanor classes: 1 (maximum 1 year imprisonment), 2, 3, 4.)

Washington. Any crime punishable by a fine of not more than one thousand dollars, or by imprisonment in a county jail for not more than ninety days, or by both such fine and imprisonment is a misdemeanor. Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor. (The criminal code designates 2 misdemeanor classes: gross misdemeanor (maximum 1 year imprisonment), misdemeanor.)

West Virginia. Such offenses as are punishable by confinement in the penitentiary are felonies; all other offenses are misdemeanors. (The criminal code does not divide misdemeanors into classes.)

Wisconsin. A crime punishable by imprisonment in the Wisconsin state prisons is a felony. Every other crime is a misdemeanor. (The criminal code designates 4 misdemeanor classes: A (maximum 9 months imprisonment), B, C, unclassified.)

Wyoming. Crimes which may be punished by death or by imprisonment for more than one year are felonies. All other crimes are misdemeanors. (The criminal code does not divide misdemeanors into classes.)

Source: Annotated code of each State, 1986.

HOW TO USE THIS BOOK

ARIZONA

ARIZ. REV. STAT. ANN. §x (1978 & Supp. 1986)

Legal citation showing the source of the statutes

Criminal Classification Information

KEY

- F = Felony
- M = Misdemeanor
- 1,2,3,4,5,6 = Crime subclass
- * = Offense may be either felony or misdemeanor, depending on circumstances, amount involved, etc.

| | Statute No. and Title | Class/Time | |
|---|--|--------------------|---|
| Indicates the category title the state uses to refer to this offense | HOMICIDE (inclusive) | | Indicates the offense is a felony |
| | 13-1102 Negligent homicide; classification | F4 | |
| | 13-1103 Manslaughter; classification | F3 | |
| | 13-1104 Second degree murder; classification | F1 | |
| Indicates that this offense is punishable as either a felony or misdemeanor | 13-1105 First degree murder; classification | F1/death or life | Indicates that the document lists <u>all</u> offenses (whether felony or not) under this category title |
| | ASSAULT AND RELATED OFFENSES (inclusive) | | |
| Indicates the statute number | 13-1201* Endangerment; classification | M1 | Indicates the offense is a misdemeanor |
| | ● If substantial risk of imminent death | F6 | |
| Indicates the effect of certain condition(s) on punishment | 13-1202 Threatening or intimidating; classification | M1 | Indicates the full range of penalties a defendant may receive for this offense |
| | 13-1203 Assault; classification | M1/M2/M3 | |
| | 13-1204 Aggravated assault; classification | F3/F6/F5/F2 | |
| | 13-1205 Unlawfully administering intoxicating liquors, narcotic drug or dangerous drug; classification | F6/F5 | |
| | 13-1206 Dangerous or deadly assault by prisoner | F3 | |

ALABAMA

ALA. CODE §x (1984 & Supp. 1986).

Criminal Classification Information

§13A-1-2. Definitions

Unless different meanings are expressly specified in subsequent provisions of this title, the following terms have the following meanings:

- (1) **Offense.** Conduct for which a sentence to a term of imprisonment, or the death penalty, or to a fine is provided by any law of this state or by any law, local law or ordinance of a political subdivision of this state.
- (2) **Violation.** An offense for which a sentence to a term of imprisonment not in excess of 30 days may be imposed.
- (3) **Misdemeanor.** An offense for which a sentence to a term of imprisonment not in excess of one year may be imposed.
- (4) **Felony.** An offense for which a sentence to a term of imprisonment in excess of one year is authorized by this title.
- (5) **Crime.** A misdemeanor or a felony.

§13A-5-2. Authorized dispositions

(a) Every person convicted of a felony shall be sentenced by the court to imprisonment for a term authorized by sections 13A-5-6, 13A-5-9 and 13A-5-10.

(b) In addition to imprisonment, every person convicted of a felony may be sentenced by the court to pay a fine authorized by section 13A-5-11.

(c) Every person convicted of a misdemeanor or violation shall be sentenced by the court to:

- (1) Imprisonment for a term authorized by section 13A-5-7; or
- (2) Pay a fine authorized by section 13A-5-12; or
- (3) Both such imprisonment and fine.

(f) Every person convicted of murder shall be sentenced by the court to imprisonment for a term, or to death or to life imprisonment without parole as authorized by subsection (c) of section 13A-6-2.

§13A-5-3. Classification of offenses

(a) Offenses are designated as felonies, misdemeanors or violations.

(b) Felonies are classified according to the relative seriousness of the offense into three categories:

- (1) Class A felonies;
- (2) Class B felonies; and
- (3) Class C felonies.

(c) Misdemeanors are classified according to the relative seriousness of the offense into three categories:

- (1) Class A misdemeanors;
 - (2) Class B misdemeanors; and
 - (3) Class C misdemeanors.
- (d) Violations are not classified.

§13A-5-4. Designation of offenses

(a) The particular classification of each felony defined in this title, except murder under section 13A-6-2, is expressly designated in the chapter or article defining it. Any offense defined outside this title which is declared by law to be a felony without specification of its classification or punishment is punishable as a Class C felony.

(b) The particular classification of each misdemeanor defined in this title is expressly designated in the chapter or article defining it. Any offense defined outside this title which is declared by

law to be a misdemeanor without specification as to classification or punishment is punishable as a Class C misdemeanor.

(c) Every violation defined in this title is expressly designated as such. Any offense defined outside this title without specification as to punishment or as to felony or misdemeanor is a violation.

§13A-5-6. Sentences of imprisonment for felonies

(a) Sentences for felonies shall be for a definite term of imprisonment, which imprisonment includes hard labor, within the following limitations:

- (1) For a Class A felony, for life or not more than 99 years or less than 10 years.
- (2) For a Class B felony, not more than 20 years or less than 2 years.
- (3) For a Class C felony, not more than 10 years or less than 1 year and 1 day.
- (4) For a Class A felony in which a firearm or deadly weapon was used or attempted to be used in the commission of a felony, not less than 20 years.
- (5) For a Class B or C felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, not less than 10 years.

(b) The actual time of release within the limitations established by subsection (a) of this section shall be determined under procedures established elsewhere by law.

§13A-5-7. Sentences of imprisonment for misdemeanors and violations

(a) Sentences for misdemeanors shall be a definite term of imprisonment in the county jail or to hard labor for the county, within the following limitations:

- (1) For a Class A misdemeanor, not more than one year.
- (2) For a Class B misdemeanor, not more than six months.
- (3) For a Class C misdemeanor, not more than three months.

(b) Sentences for violations shall be for a definite term of imprisonment in the county jail, not to exceed 30 days.

Commentary:

The imprisonment terms provided by the Criminal Code are as follows:

| Degree of offense | Authorized term |
|---------------------|---------------------------|
| Class A felony | 10 to 99 years or life |
| Class B felony | 2 to 20 years |
| Class C felony | 1 year, 1 day to 10 years |
| Class A misdemeanor | Up to 1 year |
| Class B misdemeanor | Up to 6 months |
| Class C misdemeanor | Up to 3 months |
| Violation | Up to 30 days |

13A-5-9 - Habitual Offenders, additional penalties

| Classification of present offense | Number of prior felony convictions | Mandatory sentence |
|-----------------------------------|------------------------------------|---------------------|
| C | 1 | 2-20 yrs. |
| C | 2 | 10-99 yrs. or life |
| C | 3 | 15-99 yrs. or life |
| B | 1 | 10-99 yrs. or life |
| B | 2 | 15-99 yrs. or life |
| B | 3 | life |
| A | 1 | 15-99 yrs. or life |
| A | 2 | 99 yrs. or life |
| A | 3 | life without parole |

INCHOATE OFFENSES

§13A-4-1. Criminal solicitation

* * *

(f) Criminal solicitation is a:

- (1) Class A felony if the offense solicited is murder.
- (2) Class B felony if the offense solicited is a Class A felony.
- (3) Class C felony if the offense solicited is a Class B felony.
- (4) Class A misdemeanor if the offense solicited is a Class C felony.
- (5) Class B misdemeanor if the offense solicited is a Class A misdemeanor.
- (6) Class C misdemeanor if the offense solicited is a Class B misdemeanor.
- (7) Violation if the offense solicited is a Class C misdemeanor.

* * *

§13A-4-2. Attempt

* * *

(d) An attempt is a:

- (1) Class A felony if the offense attempted is murder.
- (2) Class B felony if the offense attempted is a Class A felony.
- (3) Class C felony if the offense attempted is a Class B felony.
- (4) Class A misdemeanor if the offense attempted is a Class C felony.
- (5) Class B misdemeanor if the offense attempted is a Class A misdemeanor.
- (6) Class C misdemeanor if the offense attempted is a Class B misdemeanor.
- (7) Violation if the offense attempted is a Class C misdemeanor.

* * *

§13A-4-3. Criminal conspiracy generally

* * *

(g) Criminal conspiracy is a:

- (1) Class A felony if an object of the conspiracy is murder.
- (2) Class B felony if an object of the conspiracy is a Class A felony.
- (3) Class C felony if an object of the conspiracy is a Class B felony.
- (4) Class A misdemeanor if an object of the conspiracy is a Class C felony.
- (5) Class B misdemeanor if an object of the conspiracy is a Class A misdemeanor.
- (6) Class C misdemeanor if an object of the conspiracy is a Class B misdemeanor.
- (7) Violation if an object of the conspiracy is a Class C misdemeanor.

* * *

ALABAMA CRIMINAL STATUTES

ALA. CODE Sx (1984 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- A,B,C = Crime subclass
- HL = Hard labor
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

Statute No. and Title Class/Time

HOMICIDE (inclusive)

| | | |
|-----------|-------------------------------|---------------------------------|
| 13A-5-40 | Capital murder | F; death or life without parole |
| 13A-6-2 | Murder | FA |
| 13A-6-3 | Manslaughter | FC |
| 13A-6-4 | Criminally negligent homicide | MA |
| 32-5A-192 | Homicide by vehicle | F; 1-5 yrs. |

ASSAULTS (inclusive)

| | | |
|----------|------------------------------|----|
| 13A-6-20 | Assault in the first degree | FB |
| 13A-6-21 | Assault in the second degree | FC |
| 13A-6-22 | Assault in the third degree | MA |
| 13A-6-23 | Menacing | MB |
| 13A-6-24 | Reckless endangerment | MA |
| 13A-6-25 | Criminal coercion | MA |

KIDNAPPING, UNLAWFUL IMPRISONMENT AND RELATED OFFENSES

| | | |
|----------|---------------------------------|----|
| 13A-6-43 | Kidnapping in the first degree | FA |
| 13A-6-44 | Kidnapping in the second degree | FB |

SEXUAL OFFENSES (inclusive)

| | | |
|----------|-----------------------------|----|
| 13A-6-61 | Rape in the first degree | FA |
| 13A-6-62 | Rape in the second degree | FC |
| 13A-6-63 | Sodomy in the first degree | FA |
| 13A-6-64 | Sodomy in the second degree | FC |
| 13A-6-65 | Sexual misconduct | MA |

| | | | |
|--|-------------------|--|---------------|
| 13A-6-66 Sexual abuse in the first degree | FC | 13A-8-8 Theft of lost property in the second degree | FC |
| 13A-6-67 Sexual abuse in the second degree | MA | 13A-8-9 Theft of lost property in the third degree | MA |
| 13A-6-68 Indecent exposure | MA | 13A-8-10.1 Theft of services in the first degree | FB |
| 13A-6-69 Enticing child to enter vehicle, house, etc. for immoral purposes | | 13A-8-10.2 Theft of services in the second degree | FC |
| ● first offense | F: 5 yrs. MAX. | 13A-8-10.3 Theft of services in the third degree | MA |
| ● second offense | F: 2-10 yrs. | | |
| BURGLARY AND CRIMINAL TRESPASS (inclusive) | | 13A-8-10.4 Theft of trademarks or trade secrets | FC |
| 13A-7-2 Criminal trespass in the first degree | MA | 13A-8-11* Unauthorized use of a vehicle; unlawful breaking and entering a vehicle | MA |
| 13A-7-3 Criminal trespass in the second degree | MC | ● taken by force of threat, vehicle has passengers or operator | FB |
| 13A-7-4 Criminal trespass in the third degree | Violation | ● unlawful breaking and entering | FC |
| 13A-7-5 Burglary in the first degree | FA | 13A-8-14 Extortion in the first degree | FB |
| 13A-7-6 Burglary in the second degree | FB | 13A-8-15 Extortion in the second degree | FC |
| 13A-7-7 Burglary in the third degree | FC | 13A-8-17 Receiving stolen property in the first degree | FB |
| 13A-7-8 Possession of burglar's tools | FC | 13A-8-18 Receiving stolen property in the second degree | FC |
| CRIMINAL DAMAGE TO PROPERTY | | 13A-8-19 Receiving stolen property in the third degree | MA |
| 13A-7-21 Criminal mischief in the first degree | FC | 13A-8-22 Obscuring identity of vehicle | FC |
| 13A-7-25 Criminal tampering in the first degree | FC | 32-8-12 Violation of the Uniform Certificate of [Motor Vehicle] Title and Anti-Theft Act | FC |
| ARSON AND EXPLOSIVES (inclusive) | | | |
| 13A-7-41 Arson in the first degree | FA | 13A-8-23* Acts which make gas, electricity, or water unlawfully available; prima facie evidence of intent to violate section; penalty; construction with §13A-8-10 | |
| 13A-7-42 Arson in the second degree | FB | ● if theft amount > \$100 | FC |
| 13A-7-43 Arson in the third degree | MA | ● if theft amount ≤ \$100 | MA |
| 13A-7-44 Criminal possession of explosives | FC | ROBBERY (inclusive) | |
| MISCELLANEOUS OFFENSES | | 13A-8-41 Robbery in the first degree | FA |
| THEFT AND RELATED OFFENSES (inclusive) | | 13A-8-42 Robbery in the second degree | FB |
| 13A-8-3 Theft of property in the first degree | FB | 13A-8-43 Robbery in the third degree | FC |
| 13A-8-4 Theft of property in the second degree | FC | 13A-8-52 Pharmacy robbery | 10-99 yrs. HL |
| 13A-8-5 Theft of property in the third degree | MA | 13A-8-86 Penalty for improper sale or manufacture of recorded material | 1-3 yrs. |
| 13A-8-7 Theft of lost property in the first degree | FB | ● second offense | 3-10 yrs. |

COMPUTER CRIME ACT

13A-8-103* Acts constituting offense against computer equipment or supplies; punishment
 ● committed for purpose of devising or executing any scheme or artifice to obtain property
 ● if damage to computer is > \$2,500 or there is impairment of gov. operation or public communication/utilities
 ● causing physical injury to person

13A-10-39 Bail jumping in the first degree FC

BRIBERY AND CORRUPT INFLUENCE

13A-10-61 Bribery of public servants FC

15-22-39 Penalty for neglecting or failing to perform duty FC

36-10-14 Receipt of reward, etc., for performance, etc., of public duty, employment of persons, etc., under official control for private benefit, etc. FC

THEFT OF CABLE TELEVISION SERVICES

THEFT BY FRAUDULENT LEASING OR RENTAL PROPERTY

13A-8-144* Penalties
 ● if subject of lease or rental agreement has value of < \$100
 ● in excess of \$100

ABUSE OF PUBLIC OFFICE

36-25-27 Violation of the Ethics Act F: 2-10 yrs.

PERJURY AND RELATED OFFENSES

13A-10-101 Perjury in the first degree FC

OFFENSES RELATING TO JUDICIAL AND OTHER PROCEEDINGS

13A-10-121 Bribing a witness FC

13A-10-122 Bribe receiving by a witness FC

13A-10-123 Intimidating a witness FC

13A-10-125 Bribing a juror FC

13A-10-126 Bribe receiving by a juror FC

13A-10-127 Intimidating a juror FC

12-16-226 Violation of Grand Jury secrecy F: 1-3 yrs.

OFFENSES AGAINST PUBLIC ORDER AND DECENCY

13A-11-2 Treason FA

OFFENSES AGAINST PRIVACY

13A-11-33 Installing eavesdropping device FC

OFFENSES RELATING TO FIREARMS AND WEAPONS

13A-11-54 Carrying rifle or shotgun walking cane 2 yrs. minimum

13A-11-60 Possession or sale of brass knuckles or steel teflon-coated handgun ammunition; applicability of section FC

13A-11-61 Discharging firearm, etc., into occupied or unoccupied building, etc., prohibited; penalty ● if unoccupied FC

BUSINESS FRAUDS

OBSTRUCTION OF PUBLIC ADMINISTRATION

13A-10-8 Rendering a false alarm FC

13A-10-11 Impersonating a police officer FC

ESCAPE AND OTHER OFFENSES RELATING TO CUSTODY

13A-10-31 Escape in the first degree FB

13A-10-32 Escape in the second degree FC

13A-10-33 Escape in the third degree FC

13A-10-34 Permitting or facilitating escape in the first degree FC

13A-10-36 Promoting prison contraband in the first degree FC

13A-10-37 Promoting prison contraband in the second degree FC

| | | | |
|--|------------------|--|---|
| 13A-11-63 Possession, sale, etc. of short-barreled rifle or short-barreled shotgun; applicability of section | FC | 13A-12-197 Production of obscene matter depicting persons under 17 years of age involved in obscene acts | FA |
| 13A-11-64 Alteration, etc., of manufacturer's number, etc. of firearms; possession, etc. of firearm after identification altered | FC | OFFENSES AGAINST THE FAMILY | |
| | | 13A-13-1 Bigamy | FC |
| | | 13A-13-3 Incest | FC |
| 13A-11-65 Commission of any felony while armed with a weapon prohibited by §13A-11-63 | FB | MISCELLANEOUS OFFENSES | |
| | | 13A-14-1 Maiming one's self to escape duty or obtain alms | FC |
| 13A-11-81 & 84 Giving false information when obtaining a pistol or applying for a permit | F: 5 yrs MAX. | 8-6-18 Violation of the Securities Act | F: 10 yrs MAX. |
| FIREWORKS [repealed] | | 15-22-39 Knowingly and willfully issuing a parole without compliance with the statutes | F: 1-5 yrs. |
| OFFENSES AFFECTING BUSINESSES, OCCUPATIONS AND PROFESSIONS | | CONTROLLED SUBSTANCES (inclusive) | |
| OFFENSES RELATING TO SPORTS | | OFFENSES AND PENALTIES | |
| OFFENSES RELATING TO LIBEL AND DEFAMATION | | 20-2-70* Prohibited acts A. | |
| REGISTRATION OF FELONS | | (a) Possessing, selling, etc. or obtaining by fraud, or forgery or alteration of prescription controlled substances | F: 2-15 yrs. |
| 13A-11-203 Violation of provisions | F: 1-5 yrs. | • first offense possession of marijuana for personal use | M: 1 yr. MAX. |
| REGISTRATION OF SEX OFFENDERS | | (b) Violation of "a" with respect to a counterfeit substance | F: 2-15 yrs. |
| MISCELLANEOUS OFFENSES RELATING TO PUBLIC SAFETY | | 20-2-71 Prohibited Acts B. (Violation of provisions by drug manufacturer, etc.) | F: 2-15 yrs. |
| GAMBLING OFFENSES | | 20-2-72 Prohibited Acts C. (Registered business distributing without appropriate documents) | F: 2-15 yrs. |
| 13A-12-50 Unlawful to maintain electric bells, etc. | F: 1-5 yrs. | 20-2-73 Sale, furnishing, etc. of controlled substances by persons over 18 to persons under 18 | F: 4-30 yrs. |
| 13A-12-53 Owner permitting any person to equip any room, etc. | F: 1-5 yrs. | 20-2-74 Prescription, administration, etc. of controlled substances by practitioners of veterinary medicine for use of human beings or by practitioners of dentistry for persons not under treatment in regular practice of profession | F: 2-15 yrs. |
| PROSTITUTION OFFENSES | | 20-2-75.1* Drug paraphernalia; use or possession; delivery or sale; forfeiture | |
| 13A-12-111 Promoting prostitution in the first degree | FB | (c) Use or possess with intent to use | MA |
| 13A-12-112 Promoting prostitution in the second degree | FC | (d)(1) delivery or sale | MA |
| OBSCENITY AND RELATED OFFENSES | | • subsequent convictions | FC |
| 13A-12-191 Dissemination or public display of obscene matter depicting persons under 17 years of age involved in obscene acts | FB | (d)(2) deliver/sell to one 18, at least 3 yrs. junior | FB |
| 13A-12-192 (a) Possession with intent to disseminate obscene matter containing visual reproduction of persons under 17 years of age involved in obscene acts; prima facie evidence of possession with intent to disseminate; penalty | FC | 20-2-80 Trafficking in cannabis, cocaine, etc.; mandatory minimum terms of imprisonment | F: 3 yrs./ 5 yrs./ 15 yrs./life/ 10 yrs./ 25 yrs. |
| (b) Simple possession of such matter | FC | | |
| 13A-12-196 Parents or guardians permitting children to engage in production of obscene matter | FA | | |

20-2-120 Penalties
(Practitioner prescribes for
other reasons)

F

20-2-143* Manufacture, distri-
bution, possession or advertisement
of imitation controlled substances
prohibited; penalties; immunity
of certain persons from liability

(a) manufacture, distribution

MA

(b) Distribution to a minor

FC

(c) Possession

MC

(d) Advertisement

MB

(31) "misdemeanor" means a crime for which a sentence of imprisonment for a term of more than one year may not be imposed.

* * *

ALASKA STAT. §x (1986).

Criminal Classification Information

11.81.250. Classification of offenses

(a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, are classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, the offenses in this title are classified into the following categories:

(1) class A felonies, which characteristically involve conduct resulting in serious physical injury or a substantial risk of serious physical injury to a person;

(2) class B felonies, which characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order;

(3) class C felonies, which characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies;

(4) class A misdemeanors, which characteristically involve less severe violence against a person, less serious offenses against property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk or physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency.

(6) violations, which characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission.(b) The classification of each felony defined in this title, except murder in the first and second degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, and kidnapping, is designated in the section defining it. A felony under Alaska law defined outside this title for which no penalty is specifically provided is a class C felony.(c) The classification of each misdemeanor defined in this title is designated in the section defining it. A misdemeanor under Alaska law defined outside this title for which no penalty is provided is a class A misdemeanor.

11.81.900. Definitions

* * *

(a) "Crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor.

(19) "felony" means a crime for which a sentence of imprisonment for a term of more than one year is authorized.

* * *

12.55.125. Sentences of imprisonment for felonies.

(a) A defendant convicted of murder in the first degree shall be sentenced to a definite term of imprisonment of at least 20 years but not more than 99 years.

(b) A defendant convicted of murder in the second degree, kidnapping, or misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years.

(c) A defendant convicted of a class A felony may be sentenced to a definite term of imprisonment of not more than 20 years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, five years;

(2) if the offense is a first felony conviction, other than for manslaughter, and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, or knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional officer, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the offense, seven years;

(3) if the offense is a second felony conviction, 10 years;

(4) if the offense is a third felony conviction, 15 years.

(d) A defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of not more than 10 years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a second felony conviction, four years;

(2) if the offense is a third felony conviction, six years;

(3) if the offense is a first felony conviction, and the defendant knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional officer, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of the offense, two years.

(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(1) if the offense is a second felony conviction, two years;

(2) if the offense is a third felony conviction, three years;

(3) if the offense is a first felony conviction, and the defendant knowingly directed the conduct constituting the offense at a uniformed or otherwise clearly identified peace officer, fire fighter, correctional officer, emergency medical technician, paramedic, ambulance attendant, or other emergency responder who was engaged in the performance of official duties at the time of offense, one year.

(f) If a defendant is sentenced under (a) or (b) of this section:

(1) imprisonment for the prescribed minimum term may not be suspended under AS 12.55.080;

(2) imposition of sentence may not be suspended under AS 12.55.085;

(3) imprisonment for the prescribed minimum term may not be otherwise reduced.

(g) If a defendant is sentenced under (c), (d)(1), (d)(2), (e)(1), (e)(2), or (i) of this section, except to the extent permitted under AS 12.55.155 - 12.55.175.

(1) imprisonment may not be suspended under AS 12.55.080;

(2) imposition of sentence may not be suspended under AS 12.55.085;

(3) terms of imprisonment may not be otherwise reduced.

(h) Nothing in this section or AS 12.55.135 limits the discretion of the sentencing judge except as specifically provided.

(i) A defendant convicted of sexual assault in the first degree or sexual abuse of a minor in the first degree may be sentenced to a definite term of imprisonment of not more than 30 years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175.

(1) if the offense is a first felony conviction and does not involve circumstances described in (2) of this subsection, eight years;

(2) if the offense is a first felony conviction, and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 10 years;

(3) if the offense is a second felony conviction, 15 years;

(4) if the offense is a third felony conviction, 25 years.

12.55.135. Sentences of imprisonment for misdemeanors.

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

(c) A defendant convicted of assault in the fourth degree committed in violation of the provisions of an order issued under AS 25.35.010 or 25.35.020 shall be sentenced to a minimum term of imprisonment of 20 days.

(d) A defendant convicted of assault in the fourth degree upon a uniformed or otherwise clearly identified peace officer, fire fighter, correctional officer, emergency medical technician, paramedic, ambulance attendant or other emergency responder who was engaged in the performance of official duties at the time of the assault shall be sentenced to a minimum term of imprisonment of 30 days.

(e) The execution of a sentence under (c) or (d) of this section may not be suspended and probation and parole may not be granted until the minimum term of imprisonment has been served. Imposition of a sentence under (c) or (d) of this section may not be suspended, except upon condition that the defendant be imprisoned for no less than the minimum term of imprisonment provided in (c) or (d) of this section, and the minimum sentence provided for in (c) or (d) of this section may not be otherwise reduced.

INCHOATE OFFENSES

11.31.100. Attempt

* * *

(d) An attempt is a

(1) class A felony if the crime attempted is an unclassified felony;

(2) class B felony if the crime attempted is a class A felony;

(3) class C felony if the crime attempted is a class B felony;

(4) class A misdemeanor if the crime attempted is a class C felony;

(5) class B misdemeanor if the crime attempted is a class A or class B misdemeanor.

(e) If the crime attempted is an unclassified crime described in a state law which is not part of this title and no provision for punishment of an attempt to commit the crime is specified, the punishment for the attempt is imprisonment for a term of not more than half the maximum period prescribed as punishment for the unclassified crime, or a fine of not more than half the amount of the maximum fine prescribed as punishment for the unclassified crime, or both. If the crime attempted is punishable by an indeterminate or life term, the attempt is a class A felony.

11.31.110. Solicitation

* * *

(c) Solicitation is a

(1) class A felony if the crime solicited is an unclassified felony;

(2) class B felony if the crime solicited is a class A felony;

(3) class C felony if the crime solicited is a class B felony;

(4) class A misdemeanor if the crime solicited is a class C felony;

(5) class B misdemeanor if the crime solicited is a class A or class B misdemeanor

(d) If the crime solicited is an unclassified crime described in a state law which is not part of this title and no provision for punishment of a solicitation to commit the crime is specified, the punishment for the solicitation is imprisonment for a term of not more than half the maximum period prescribed as punishment for the unclassified crime, or a fine of not more than half the maximum fine prescribed as punishment for the unclassified crime, or both. If the crime solicited is punishable by an indeterminate or life term, the solicitation is a class A felony.

ALASKA CRIMINAL STATUTES

ALASKA STAT. §x (1986).

Criminal Classification Information

KEY

- F = Felony
- M = Misdemeanor
- U = Unclassified
- A,B,C = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = greater than, less than
- ≥ , ≤ = greater than or equal to, less than or equal to

Statute No. and Title Class/Time

HOMICIDE (inclusive)

| | | |
|-----------|-------------------------------|----|
| 11.41.100 | Murder in the first degree | FU |
| 11.41.110 | Murder in the second degree | FU |
| 11.41.120 | Manslaughter | FA |
| 11.41.130 | Criminally negligent homicide | FC |

ASSAULT AND RECKLESS ENDANGERMENT (inclusive)

| | | |
|-----------|------------------------------|----|
| 11.41.200 | Assault in the first degree | FA |
| 11.41.210 | Assault in the second degree | FB |
| 11.41.220 | Assault in the third degree | FC |
| 11.41.230 | Assault in the fourth degree | MA |
| 11.41.250 | Reckless endangerment | MA |

KIDNAPPING AND CUSTODIAL INTERFERENCE

| | | |
|-----------|--|----|
| 11.41.300 | Kidnapping | FU |
| 11.41.320 | Custodial interference in the first degree | FC |

SEXUAL OFFENSES (inclusive)

| | | |
|-----------|--|----|
| 11.41.410 | Sexual assault in the first degree | FU |
| 11.41.420 | Sexual assault in the second degree | FB |
| 11.41.434 | Sexual abuse of a minor in the first degree | FU |
| 11.41.436 | Sexual abuse of a minor in the second degree | FB |
| 11.41.438 | Sexual abuse of a minor in the third degree | FC |

11.41.440 Sexual abuse of a minor in the fourth degree MA

11.41.450 Incest FC

11.41.455 Unlawful exploitation of a minor FB

11.41.460 Indecent exposure MB

ROBBERY, EXTORTION AND COERCION (inclusive)

11.41.500 Robbery in the first degree FA

11.41.510 Robbery in the second degree FB

11.41.520 Extortion FB

11.41.530 Coercion FC

THEFT AND RELATED OFFENSES (inclusive)

11.46.120 Theft in the first degree FB

11.46.130 Theft in the second degree FC

11.46.140 Theft in the third degree MA

11.46.150 Theft in the fourth degree MB

11.46.220* Concealment of merchandise

- if firearm or merchandise value is > \$500 FC
- if value of merchandise is \$50-\$100 MA
- if value of merchandise is < \$50 MB

11.46.260* Removal of identification marks

- if property is ≥ \$500 FC
- if property is \$50-\$500 MA
- if property is < \$50 MB

11.46.270* Unlawful possession

- if property on which serial number of I.D. appeared is ≥ \$500 FC
- if value > \$50 MA
- if value < \$50 MB

11.46.280* Issuing a bad check

- if check is ≥ \$25,000 FB
- if check is ≥ \$500 and < \$25,000 FC
- if check is ≥ \$50 and < \$500 MA
- if check < \$50 MB

11.46.285* Fraudulent use of a credit card

- if value of property or services obtained is ≥ \$500 FC
- if value of property or services obtained is \$50 ≤ \$500 MA
- if value of property or services > \$50 MB

11.46.290* Obtaining a credit card by fraudulent means
 ● buys or sells credit card from other than owner; with intent to defraud obtains control
 ● with intent to defraud makes false statements in application

FC
 MA

BURGLARY AND CRIMINAL TRESPASS (inclusive)

11.46.300 Burglary in the first degree
 11.46.310 Burglary in the second degree
 11.46.320 Criminal trespass in the first degree
 11.46.330 Criminal trespass in the second degree

FB
 FC
 MA
 MB

ARSON, CRIMINAL MISCHIEF AND RELATED OFFENSES (inclusive)

11.46.400 Arson in the first degree
 11.46.410 Arson in the second degree
 11.46.430 Criminally negligent burning
 11.46.450 Failure to control or report a dangerous fire
 11.46.480 Criminal mischief in the first degree
 11.46.482 Criminal mischief in the second degree
 11.46.484* Criminal mischief in the third degree
 ● if person has previously been convicted of same

FA
 FB
 MA
 MA
 FB
 FC
 MA
 FC

11.46.486 Criminal mischief in the fourth degree

MB

FORGERY AND RELATED OFFENSES

11.46.500 Forgery in the first degree
 11.46.505 Forgery in the second degree
 11.46.520 Criminal possession of a forgery device
 11.46.530* Criminal simulation
 ● if value of object purports to represent is \geq \$500
 ● if value of object purports to represent is $>$ \$50 $<$ \$500
 ● if value of object purports to represent is $<$ \$50
 11.46.550 Offering a false instrument for recording

FB
 FC
 FC
 FC
 MA
 MB
 FC

BUSINESS AND COMMERCIAL OFFENSES

11.46.600 Scheme to defraud
 11.46.620* Misapplication of property
 ● if property misapplied is \geq \$500
 ● if property misapplied is $<$ \$500
 11.46.630 Falsifying a business record
 11.46.670 Commercial bribery
 11.46.730* Defrauding creditors
 ● unless that secured party, judgement creditor, creditor incurs a pecuniary loss of \$500 or more as a result to the defendant's conduct
 ● if loss is \$25,000 or more
 ● if loss is $<$ \$25,000 and more than \$500

FB
 FC
 MA
 FC
 FC
 MA
 FB
 FC

11.46.740 Criminal use of a computer

FC

OFFENSES AGAINST THE FAMILY

11.51.100 Endangering the welfare of a minor

FC

BRIBERY AND RELATED OFFENSES

11.56.100 Bribery
 11.56.110 Receiving a bribe

FB
 FB

PERJURY AND RELATED OFFENSES

11.56.200 Perjury
 11.56.230 Perjury by inconsistent statements

FB
 FC

ESCAPE AND RELATED OFFENSES

11.56.300 Escape in the first degree
 11.56.310 Escape in the second degree
 11.56.320 Escape in the third degree
 11.56.370 Permitting an escape
 11.56.375 Promoting contraband in the first degree

FA
 FB
 FC
 FC
 FC

OFFENSES RELATING TO JUDICIAL PROCEEDINGS

11.56.510 Interference with official proceedings
 11.56.520 Receiving a bribe by a witness or juror
 11.56.540 Tampering with a witness in the first degree
 11.56.590 Jury tampering
 11.56.600 Misconduct by a juror

FB
 FB
 FC
 FC
 FC

| | | | |
|--|-------|--|-----------|
| 11.56.610 Tampering with physical evidence | FC | 11.71.030 Misconduct involving a controlled substance in the third degree | FB |
| OBSTRUCTION OF PUBLIC ADMINISTRATION | | | |
| 11.56.705 Harming a police dog in the first degree | FC | 11.71.040 Misconduct involving a controlled substance in the fourth degree | FC |
| 11.56.770 Hindering prosecution in the first degree | FC | 11.71.050 Misconduct involving a controlled substance in the fifth degree | MA |
| 11.56.810 Terroristic threatening | FC | 11.71.060 Misconduct involving a controlled substance in the sixth degree | MB |
| 11.56.815 Tampering with public records in the first degree | FC | 11.71.070 Misconduct involving a controlled substance in the seventh degree | violation |
| ABUSE OF PUBLIC OFFICE | | | |
| RIOT, DISORDERLY CONDUCT, RELATED OFFENSES | | | |
| 11.61.100 Riot | FC | 11.73.010 Manufacture or delivery of imitation controlled substance | FC |
| 11.61.125 Distribution of child pornography | FC | 11.73.020 Possession of substance with intent to manufacture | FC |
| WEAPONS AND EXPLOSIVES | | | |
| 11.61.200 Misconduct involving weapons in the first degree | FC | 11.73.040 Advertisement to promote delivery of an imitation controlled substance | FC |
| 11.61.230* Criminal possession of explosives | | | |
| ● if crime intended is murder or kidnapping in any degree | FA | | |
| ● if crime intended is class A felony | FB | | |
| ● if crime intended is class B felony | FC | | |
| ● if crime intended is class C felony | MA | | |
| ● if crime intended is class A or B misdemeanor | MB | | |
| 11.61.250 Unlawful furnishing of explosives | FC | | |
| PROSTITUTION AND RELATED OFFENSES | | | |
| 11.66.110 Promoting prostitution in the first degree | FB/FA | | |
| 11.66.120 Promoting prostitution in the second degree | FC | | |
| GAMBLING OFFENSES | | | |
| 11.66.210 Promoting gambling in the first degree | FC | | |
| 11.66.230 Possession of gambling records in the first degree | FC | | |
| OFFENSES RELATING TO CONTROLLED SUBSTANCES (inclusive) | | | |
| 11.71.010 Misconduct involving a controlled substance in the first degree | FU | | |
| 11.71.020 Misconduct involving a controlled substance in the second degree | FA | | |

ARIZ. REV. STAT. ANN. § (1978 & Supp. 1986)
Criminal Classification Information

§13-105. Definitions

4. "Crime" means a misdemeanor or a felony.

* * *

11. "Felony" means an offense for which a sentence to a term of imprisonment to the custody of the department of corrections is authorized by any law of this state.

* * *

16. "Misdemeanor" means an offense for which a sentence to a term of imprisonment other than to the custody of the department of corrections is authorized by any law of this state.

§13-601. Classification of offenses

A. Felonies are classified, for the purpose of sentence, into the following six categories:

1. Class 1 felonies.
2. Class 2 felonies.
3. Class 3 felonies.
4. Class 4 felonies.
5. Class 5 felonies.
6. Class 6 felonies.

B. Misdemeanors are classified, for the purpose of sentence, into the following three categories:

1. Class 1 misdemeanors.
2. Class 2 misdemeanors.
3. Class 3 misdemeanors.

C. Petty offenses are not classified.

§13-602. Designation of offenses

A. The particular classification of each felony defined in this title is expressly designated in the section or chapter defining it. Any offense defined outside this title which is declared by law to be a felony without either specification of the classification or of the penalty is a class 5 felony.

B. The particular classification of each misdemeanor defined in this title is expressly designated in this section or chapter defining it. Any offense defined outside this title which is declared by law to be a misdemeanor without either specification of the classification or of the penalty is a class 2 misdemeanor.

C. Every petty offense in this title is expressly designated as such. Any offense defined outside this title without either designation as a felony or misdemeanor or specification of the classification or the penalty is a petty offense.

D. Any offense which is declared by law to be a felony, misdemeanor or petty offense without specification of the classification of such offense is punishable according to the penalty prescribed for such offense.

E. Any offense defined within or outside this title without designation as a felony, misdemeanor or petty offense is punishable according to the penalty prescribed for such offense.

F. Any offense defined outside this title with a specification of the classification of such offense is punishable according to the provision of this title.

G. Any petty offense, class 3 misdemeanor or class 2 misdemeanor, except a violation of title 23 [1], is deemed a minor nontraffic offense for the limited purpose of armed forces recruitment.

§13-604.01. Dangerous crimes against children; sentences; definitions

A. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children in the first degree involving second degree murder, sexual assault or sexual conduct with a minor shall be sentenced to a presumptive term of imprisonment for twenty years. If the convicted person has been previously convicted of one predicate felony the person shall be sentenced to a presumptive term of imprisonment for thirty years.

B. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children in the first degree involving aggravated assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, child abuse or kidnapping shall be sentenced to a presumptive term of imprisonment for seventeen years. If the convicted person has been previously convicted of one predicate felony the person shall be sentenced to a presumptive term of imprisonment for twenty-eight years.

C. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children in the first degree involving sexual abuse shall be sentenced to a presumptive term of imprisonment for ten years. If the convicted person has been previously convicted of one predicate felony the person shall be sentenced to a presumptive term of imprisonment for fifteen years.

D. The presumptive sentences prescribed in subsections A, B and C of this section may be increased or decreased by up to five years pursuant to the provisions of § 13-702, subsections C, D and E.

E. A person sentenced for a dangerous crime against children in the first degree pursuant to this section is not eligible for suspension or commutation of sentence, probation, pardon, parole, work furlough or release from confinement of any other basis except as specifically authorized by § 31-233, subsection A or B until the sentence imposed by the court has been served.

F. A person who stands convicted of any dangerous crime against children in the first degree having been previously convicted of two or more predicate felonies shall be sentenced to life imprisonment and is not eligible for suspension or commutation of sentence, probation, pardon, parole, work furlough or release from confinement on any other basis except as specifically authorized by § 31-233, subsection A or B until the person has served not fewer than thirty-five years.

G. Notwithstanding chapter 10 of this title, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children in the second degree is guilty of a class 3 felony and shall be sentenced to a presumptive term of imprisonment for ten years. The presumptive term may be increased or decreased by up to five years pursuant to § 13-702, subsections C, D and E. If the person is sentenced to a term of imprisonment the person is not eligible for release from confinement on any basis until the person has served not less than one-half the sentence imposed by the court.

H. Section 13-604, subsections H and I apply to the determination of prior convictions.

I. In addition to the term of imprisonment imposed pursuant to this section and notwithstanding any other law, the court shall order that a person convicted of any dangerous crime against children in the first degree be supervised on parole after release from confinement on such conditions as the court or the board of pardons and paroles deems appropriate for the rest of the person's life. If the person is convicted of any dangerous crime against children in the second degree the court, in addition to any term of imprisonment imposed or in lieu of the term of probation is otherwise authorized, may order that the person convicted be supervised on probation or on parole after release from confinement on such conditions as the court or board of pardons and paroles deems appropriate for any term up to the rest of the person's life.

J. The sentence imposed on a person by the court for a dangerous crime against children in the first or second degree shall be consecutive to any other sentence imposed on the person at any time.

K. In this section:

1. "Dangerous crime against children" means any of the following committed against a minor under fifteen years of age:

- (a) Second degree murder.
- (b) Aggravated assault resulting in serious physical injury or committed by the use of a deadly weapon or dangerous instrument.
- (c) Sexual assault.
- (d) Molestation of a child.
- (e) Sexual conduct with a minor.
- (f) Commercial sexual exploitation of a minor.
- (g) Sexual exploitation of a minor.
- (h) Child abuse as defined in § 13-3623, subsection B, paragraph 1.
- (i) Kidnapping.
- (j) Sexual abuse.

A dangerous crime against children is in the first degree if it is a completed offense and is in the second degree if it is a preparatory offense.

2. "Predicate felony" means any felony involving child abuse, a sexual offense, conduct involving the intentional or knowing infliction of serious physical injury or the use or exhibition of a deadly weapon or dangerous instrument, or a dangerous crime against children in the first or second degree.

§13-604.02. Offenses committed while released from confinement

A. Notwithstanding any provision of law to the contrary, a person convicted of any felony offense involving the use or exhibition of a deadly weapon or dangerous instrument or involving the intentional or knowing infliction of serious physical injury upon another if committed while the person is on probation or the conviction of a felony offense or parole, work furlough or any other release or escape from confinement for conviction of a felony offense shall be sentenced to life imprisonment and is not eligible for suspension or commutation of sentence, probation, pardon, parole, work furlough or release from confinement on any other basis except as specifically authorized by § 31-233, subsection A or B until the person has served not less than twenty-five years. A sentence imposed pursuant to this subsection shall revoke the convicted person's release if the person was on release and shall be consecutive to any other sentence from which the convicted person had been temporarily released or had escaped, unless the sentence from which the convicted person had been paroled or placed on probation was imposed by a jurisdiction other than this state.

B. Notwithstanding any provision of law to the contrary, a person convicted of any felony offense not included in subsection A of this section if committed while the person is on probation for a conviction of a felony offense or parole, work furlough or any other release or escape from confinement for conviction of a felony offense shall be sentenced to a term of not less than the presumptive sentence authorized for the offense, and the person is not eligible for suspension or commutation of sentence, probation, pardon, parole, work furlough or release from confinement on any other basis except as specifically authorized by § 31-233, subsection A or B until the sentence imposed by the court has been served. A sentence imposed pursuant to this subsection shall revoke the convicted person's release if the person was on release and shall be consecutive to any other sentence from which the convicted person had been temporarily released or had escaped, unless the sentence from which the convicted person had been paroled or placed on probation was imposed by a jurisdiction other than this state.

§13-701. Sentence of imprisonment for felony

A. A sentence of imprisonment for a felony shall be a definite term of years and the person sentenced, unless otherwise provided by law, shall be committed to the custody of the department of corrections.

B. Except as provided in §13-604 the term of imprisonment for a felony shall be determined as follows for a first offense:

1. For a class 2 felony, seven years.
2. For a class 3 felony, five years.
3. For a class 4 felony, four years.
4. For a class 5 felony, two years.
5. For a class 6 felony, one and one-half years.

§13-702. Sentencing

A. Sentences provided in §13-701 for a first conviction of a class 4, 5 or 6 felony, except those felonies involving a use of exhibition of a deadly weapon or dangerous instrument or when the intentional or knowing infliction of serious physical injury upon another has occurred, may be increased by the court up to twenty-five percent or may be reduced by the court up to fifty percent of the sentence prescribed for said offense. Such reduction or increase shall be based on the aggravating and mitigating circumstances contained in subsections D and E of this section.

B. Sentences provided in §13-701 for a first conviction of a class 2 or 3 felony, except those felonies involving a use of exhibition of a deadly weapon or dangerous instrument or when the intentional or knowing infliction of serious physical injury upon another has

[1]Section 23-101 et seq.

occurred, may be increased by the court up to one hundred percent or may be reduced by the court up to twenty-five percent of the sentence prescribed for said offense. Such reduction or increase shall be based on aggravating and mitigating circumstances contained in subsections D and E of this section.

C. The upper or lower term imposed pursuant to §13-604 or 13-710 or subsection A or B of this section may be imposed only if the circumstances alleged to be in aggravation or mitigation of this crime are found to be true by the trial judge upon any evidence or information introduced or submitted to the court prior to sentencing or any evidence previously heard by the judge at the trial, and factual findings and reasons in support of such findings are set for the record at the time of sentencing.

[See D for aggravating circumstances]

[See E for mitigating circumstances]

[See F for victim presentation]

[See G for no affect on death penalty, life imprisonment, mandatory sentences]

H. Notwithstanding any other provision of this title, if a person is convicted of any class 6 felony not involving the intentional or knowing infliction of serious physical injury or the use of a deadly weapon or dangerous instrument and if the court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that it would be unduly harsh to sentence the defendant for a felony, the court may enter judgment of conviction for a class 1 misdemeanor and make disposition accordingly or may place the defendant on probation in accordance with chapter 9 of this title [1] and refrain from designating the offense as a felony or misdemeanor until the probation is terminated. The offense shall be treated as a felony for all purposes until such time as the court may actually enter an order designating the offense a misdemeanor. The provisions of this subsection shall not apply to any person who stands convicted of a class 6 felony and who has previously been convicted of two or more felonies. When a crime or public offense is punishable in the discretion of the court by a sentence as a class 6 felony or a class 1 misdemeanor, the offense shall be deemed a misdemeanor if the prosecuting attorney:

1. Files an information in superior court designating the offense as a misdemeanor.
2. Files a complaint in justice court or magistrate court designating the offense as a misdemeanor within the jurisdiction of the respective court; or
3. Files a complaint, with the consent of the defendant, before or during the preliminary hearing amending the complaint to charge a misdemeanor.

§13-707. Sentence of imprisonment for misdemeanor
A sentence of imprisonment for a misdemeanor shall be for a definite term to be served other than a place within custody of the department of corrections. The court shall fix the term of imprisonment within the following maximum limitations.

1. For a class 1 misdemeanor, six months.
2. For a class 2 misdemeanor, four months.
3. For a class 3 misdemeanor, thirty days.

§13-1001. Attempt; classifications

* * *

C. Attempt is a:

1. Class 2 felony if the offense attempted is a class 1 felony.
2. Class 3 felony if the offense attempted is a class 2 felony.
3. Class 4 felony if the offense attempted is a class 3 felony.
4. Class 5 felony if the offense attempted is a class 4 felony.
5. Class 6 felony if the offense attempted is a class 5 felony.
6. Class 1 misdemeanor if the offense attempted is a class 6 felony.
7. Class 2 misdemeanor if the offense attempted is a class 1 misdemeanor.
8. Class 3 misdemeanor if the offense attempted is a class 2 misdemeanor.
9. Petty offense if the offense attempted is a class 3 misdemeanor or petty offense.

§13-1002. Solicitation; classifications

* * *

B. Solicitation is a:

1. Class 3 felony if the offense solicited is a class 1 felony.
2. Class 4 felony if the offense solicited is a class 2 felony.
3. Class 5 felony if the offense solicited is a class 3 felony.
4. Class 6 felony if the offense solicited is a class 4 felony.

5. Class 1 misdemeanor if the offense solicited is a class 5 felony.

6. Class 2 misdemeanor if the offense solicited is a class 6 felony.

7. Class 3 misdemeanor if the offense solicited is a misdemeanor.

§13-1003. Conspiracy; classification

* * *

D. Conspiracy to commit a class 1 felony is punishable by a sentence of life imprisonment without possibility of release on any basis until the service of twenty-five years, otherwise, conspiracy is an offense of the same class as the most serious offense which is the object or result of the conspiracy.

§13-1004. Facilitation; classification

* * *

B. Facilitation is a:

1. Class 5 felony if the offense facilitated is a class 1 felony.
2. Class 6 felony if the offense facilitated is a class 2 or class 3 felony.
3. Class 1 misdemeanor if the offense facilitated is a class 4 or class 5 felony.
4. Class 3 misdemeanor if the offense facilitated is a class 6 felony or a misdemeanor.

ARIZONA CRIMINAL STATUTES

ARIZ. REV. STAT. ANN. Sx (1978 & Supp. 1986)

Criminal Classification Information

KEY

- F = Felony
- M = Misdemeanor
- 1,2,3,4,5,6 = Crime subclass
- * = Offense may be either felony or misdemeanor, depending on circumstances, amount involved, etc.

Statute No. and Title Class/Time

HOMICIDE (inclusive)

- 13-1102 Negligent homicide; classification F4
- 13-1103 Manslaughter; classification F3
- 13-1104 Second degree murder; classification F1
- 13-1105 First degree murder; classification F1/death or life

ASSAULT AND RELATED OFFENSES (inclusive)

- 13-1201* Endangerment; classification M1
 - If substantial risk of imminent death F6
- 13-1202 Threatening or intimidating; classification M1
- 13-1203 Assault; classification M1/M2/M3
- 13-1204 Aggravated assault; classification F3/F6/F5/F2
- 13-1205 Unlawfully administering intoxicating liquors, narcotic drug or dangerous drug; classification F6/F5
- 13-1206 Dangerous or deadly assault by prisoner F3

KIDNAPPING AND RELATED OFFENSES

- 13-1302* Custodial interference; classification F6/F3
 - Returned voluntarily by defendant without physical injury prior to arrest M1
- 13-1303* Unlawful imprisonment; classification F6
 - Released voluntarily by the defendant without physical injury in a safe place prior to arrest M1
- 13-1304 Kidnapping; classification; consecutive sentence F2/F4/F3

SEXUAL OFFENSES (inclusive)

- 13-1402* Indecent exposure; classification M1
 - Indecent exposure to a person under the age of fifteen years F6
- 13-1403* Public sexual indecency; classification M1
 - Public sexual indecency to a minor F5
- 13-1404 Sexual abuse; classification F5/F3
- 13-1405 Sexual conduct with a minor; classifications F2/F6
- 13-1406 Sexual assault; classifications F2
- 13-1408 Adultery; classification; punishment; limitation on prosecution M3
- 13-1409 Open and notorious cohabitation or adultery; classification M3
- 13-1410 Molestation of child; classification F2
- 13-1411 Crime against nature; classification M3
- 13-1412 Lewd and lascivious acts; definition; classification M3

CRIMINAL TRESPASS AND BURGLARY (inclusive)

- 13-1502 Criminal trespass in the third degree; classification M3
- 13-1503 Criminal trespass in the second degree; classification M2
- 13-1504* Criminal trespass in the first degree; classification F6
 - Crime committed pursuant to subsection A, paragraph 2 or 3 M1
- 13-1505 Possession of burglary tools; classification F6

13-1506 Burglary in the third degree; classification F4

13-1507 Burglary in the second degree; classification F3

13-1508 Burglary in the first degree; classification F3/F2

CRIMINAL DAMAGE TO PROPERTY

13-1602* Criminal damage; classification F4/F5/F6

- Damage of one hundred dollars or less and doesn't cause the impairment of the functioning of any utility M2

13-1604* Aggravated criminal damage; classification F4/F5/F6

- Damage of one hundred dollars or less M1

| | | | |
|--|-------------|---|-------|
| ARSON (inclusive) | | 13-2103* Receipt of anything of value obtained by fraudulent use of a credit card; classification | F6 |
| 13-1702 Reckless burning; classification | M1 | ● If value of property bought or received is less than one hundred dollars | M1 |
| 13-1703* Arson of an unoccupied structure or property; classification | F4/F5 | | |
| ● Property had a value of one hundred dollars or less | M1 | 13-2104 Forgery of credit card; classification | F6 |
| 13-1704 Arson of an occupied structure; classification | F2 | 13-2105* Fraudulent use of a credit card; classification | M1 |
| | | ● If value of all money, goods, services, and other things of value exceeds one hundred dollars in any consecutive six-month period | F6 |
| THEFT (inclusive) | | | |
| 13-1802* Theft; classification | F3/F4/F5/F6 | 13-2106* Possession of machinery, plate or other contrivance or incomplete credit card; classification | F6 |
| ● Theft of any property or services valued at less than one hundred dollars, unless such property is taken from person of another or is a motor vehicle or firearm | M1 | ● Possession of machinery, plate, or other contrivance or incomplete credit card in subsection A, paragraph 1 | M1 |
| 13-1803 Unlawful use of means of transportation; classification | F6 | 13-2107 False statement as to financial condition or identify; classification | F6 |
| 13-1804 Theft by extortion; classification | F2/F4 | | |
| 13-1805* Shoplifting; detaining suspect; defense to wrongful detention; civil action by merchant; classification; public services in lieu of fines | F5/F6 | 13-2108* Fraud by person authorized to provide goods or services; classification | F6 |
| ● Shoplifting property valued at one hundred dollars or less, unless such property is a firearm | M1 | ● Except as provided in subsections C & D, fraud by a person authorized to provide goods and services in subsection A, paragraphs 1 and 2 | M1 |
| 13-1806* Unlawful failure to return rented property; notice; classification | F6 | | |
| ● If rented property value is less than one hundred dollars | M1 | BUSINESS AND COMMERCIAL FRAUDS | |
| 13-1807 Issuing a bad check; violation; classification | M1 | 13-2204 Defrauding secured creditors; classification | F6 |
| | | 13-2205 Defrauding judgment creditors; classification | F6 |
| ROBBERY (inclusive) | | 13-2206 Fraud insolvency; classification | F6 |
| 13-1902 Robbery; classification | F4 | 13-2207 Receiving deposits in an insolvent financial institution; classification | F5 |
| 13-1903 Aggravated robbery; classification | F3 | 13-2208 Usury; classification | F6 |
| 13-1904 Armed robbery; classification | F2 | | |
| | | ORGANIZED CRIME AND FRAUD | |
| FORGERY AND RELATED OFFENSES | | 13-2302 Making extortionate extensions of credit; classification | F5 |
| 13-2002 Forgery; classification | F4 | 13-2303 Financing extortionate extensions of credit | F2 |
| 13-2003 Criminal possession of a forgery device; classification | F6/F5 | 13-2304 Collection of extensions of credit by extortionate means | F4 |
| 13-2004 Criminal simulation; classification | F6 | 13-2306 Possession of altered property; classification | F6 |
| CREDIT CARD FRAUD | | 13-2307 Trafficking in stolen property; classification | F3/F2 |
| 13-2102 Theft of a credit card or obtaining a credit card by fraudulent means; classification | F5 | 13-2308 Leading organized crime; classification | F2 |

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| 13-2308.01 Terrorism; definition; classification | F2 | 13-2605* Commercial bribery; classification; exception ● If value of benefit is less than one hundred dollars | F5/F6 M1 |
| 13-2309 Bribery of participants in professional or amateur games, sports, horse races, dog races, contests; classification | F4 | 13-2606 Offer to exert improper influence on public officer or employee for consideration; classification | F4 |
| 13-2310 Fraudulent schemes and artifices; classification | F2 | PERJURY AND RELATED OFFENSES | |
| 13-2311 Fraudulent schemes and practices; willful concealment; classification | F5 | 13-2702 Perjury; classification | F4 |
| 13-2312 Illegal control of an enterprise; illegally conducting an enterprise; classification | F3 | 13-2703 False swearing; classification | F6 |
| 13-2316 Computer fraud; classification | F3/F6 | 13-2704* Unsworn falsification; classification ● Pursuant to paragraph 1, subsection A | F6 M2 |
| 13-2317 Money laundering; classifications; definitions | F3/F2 | INTERFERENCE WITH JUDICIAL AND OTHER PROCEEDINGS | |
| OBSTRUCTION OF PUBLIC ADMINISTRATION | | 13-2802 Influencing a witness; classification | F5 |
| 13-2405* Compounding; classification ● If crime compounded is not a felony | F6 M3 | 13-2803 Receiving a bribe by a witness; classification | F5 |
| 13-2407 Tampering with a public record; classification | F6 | 13-2804 Tampering with a witness; classification | F6 |
| 13-2408* Securing the proceeds of an offense; classification ● Securing proceeds of an offense if the person assisted committed a misdemeanor | F6 M2 | 13-2805 Influencing a juror; classification | F4 |
| 13-2409 Obstructing criminal investigations or prosecutions; classification | F5 | 13-2806 Receiving a bribe by a juror; classification | F5 |
| ESCAPE AND RELATED OFFENSES | | 13-2807 Jury tampering; classification | F6 |
| 13-2502 Escape in the third degree; classification | F6 | 13-2808 Misconduct by a juror; classification | F6 |
| 13-2503 Escape in the second degree; classification | F5 | 93-2809 Tampering with physical evidence; classification | F6 |
| 13-2504 Escape in the first degree; classification | F4 | OFFENSES AGAINST PUBLIC ORDER | |
| 13-2505 Promoting prison contraband; definitions; classification | F5/F4/F2 | 13-2903 Riot; classification | F5 |
| 13-2507 Failure to appear in the first degree; classification | F6 | 13-2910.01 Dog fighting; classification | F5 |
| 13-2508 Resisting arrest; classification | F6 | 13-2910.02 Presence at dog fight; classification | F6 |
| 13-2512 Hindering prosecution in the first degree; classification | F5 | 13-2912 Unlawful reading or learning of contents of message in telegraph or telephone office; classification | F5 |
| BRIBERY | | 13-2913 Disclosure or alteration of telephone or telegraph message without authority; classification | F6 |
| 13-2602 Bribery of a public servant or party officer; classification | F4 | EAVESDROPPING AND COMMUNICATIONS | |
| 13-2603 Trading in public office; classification | F6 | 13-3002 False or forged messages; classification | F6 |
| | | 13-3005 Wiretapping and eavesdropping; classification; exception | F5 |

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| 13-3006 Divulging telephone and telegraph company information; preventing order for movement; classification; exception | F6 | 13-3403* Possession and sale of a vapor releasing substance containing a toxic substance; regulation of sale; exceptions; classification ● The court may, having regard to the nature and circumstances of the offense, enter judgment of conviction for M1 | F5 M1 |
| WEAPONS AND EXPLOSIVES | | | |
| 13-3102* Misconduct involving weapons; defenses; classification ● Under subsection A, paragraphs 1,2,8,9 | F4/F6 M1 | 13-3404* Possession and sale of dangerous drugs, precursor chemicals II and prescription-only drugs; classification ● If defendant violates subsection A, paragraph 1 or 5 the court may enter judgment of conviction for M1 ● Violate subsection A, paragraph 1,3,4 or 5 | F2/F4 M1 M2 |
| 13-3104 Depositing explosives; classification | F4 | | |
| PROSTITUTION | | | |
| 13-3201 Enticement of persons for purpose of prostitution; classification | F6 | | |
| 13-3202 Procurement by false pretenses of person for purpose of prostitution; classification | F6 | 13-3404.01 Sale of precursor chemicals; report; exemptions; violation; classification | F6/F5/F4 |
| 13-3203 Procuring or placing persons in house of prostitution; classification | F5 | 13-3405 Possession and sale of marijuana; inducing minor to traffic in or use marijuana; classification | F6/F4/F2 |
| 13-3204 Receiving earnings of prostitute; classification | F5 | 13-3406 Possession and sale of narcotic drugs; inducing minor to traffic in or use narcotic drugs; classification | F4/F2 |
| 13-3205 Causing spouse to become prostitute; classification | F5 | | |
| 13-3206 Taking child for purpose of prostitution; classification | F4 | 13-3408* Use of drugs; parole, probation and suspension of sentence; conditions ● Subsequent convictions | M1 F4 |
| 13-3207 Detention of persons in house of prostitution for debt; classification | F5 | 13-3411 Possession, manufacture, delivery and advertisement of drug paraphernalia definitions; violation; classification; forfeiture; factors | M2/M1 |
| 13-3208* Keeping or residing in house of prostitution; employment in prostitution classification ● Knowingly is an employee of house of prostitution | F5 M1 | | |
| 13-3209 Pandering; definitions; methods; classification | F5 | IMITATION SUBSTANCE OR DRUG OFFENSES (inclusive) | |
| 13-3210 Transporting persons for purpose of prostitution or other immoral purposes; classification; venue | F5 | 13-3453 Manufacture or distribution of imitation controlled substance; prohibited acts; classification | F6/F5 |
| 13-3212 Child prostitution; classification | F2 | 13-3454 Manufacture or distribution of imitation prescription-only drug; prohibited acts; classification | F6/F5 |
| GAMBLING | | | |
| 13-3307 Accepting bets, wagers, penalty | F6 | 13-3455 Manufacture or distribution of imitation over-the-counter drug; prohibited acts; classification | F6/F5 |
| DRUG OFFENSES (inclusive) | | | |
| 13-3402 Possession and sale of peyote; classification | F6 | 13-3456 Possession or possession with intent to use imitation-controlled substance; violation; classification | M2 |
| | | 13-3457 Possession or possession with intent to use an imitation prescription-only drug; violation; classification | M2 |

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| 13-3458 Possession or possession with intent to use an imitation over-the-counter drug; violation; classification | M2 | 13-3702.01* Excavating certain sites; collecting certain specimens; classification ● Violate § 41-841(A) ● Violate § 41-841(B) | F5/F3 M1 |
| 13-3459 Manufacture of certain substances and drugs by certain means; prohibited acts; classification | M1 | 13-3704 Adding poison or other harmful substance to food, drink or medicine; classification | F6 |
| OBSCENITY | | | |
| 13-3502 Production, publication, sale possession and presentation of obscene items; classification | F5 | 13-3708 Introducing a drug, liquor, firearm, weapon or explosive into a juvenile correctional institution; classification | F5 |
| 13-3504 Coercing acceptance of obscene classification | F5 | 13-3709* Obtaining cable television services fraudulently; selling an instrument with intent to defraud; classification; definition ● Makes unauthorized connections to receive signal | F6 M2 |
| 13-3506 Furnishing obscene or harmful items to minors; classification | F4 | | |
| 13-3507 Public display of explicit sexual materials; classification; definitions | F6 | 13-3713* Consideration for referral of of patient, client, or customer; fraud; violation; classification ● If value of the medical or health coverage or attempted coverage is one hundred dollars or less | F3/F4/F6/F5 M1 |
| 13-3508 Films, photographs or motion pictures of minors; classification | F3 | | |
| SEXUAL EXPLOITATION OF CHILDREN | | | |
| 13-3552 Commercial sexual exploitation of a minor; classification | F2 | 13-3714 Aggravated or mutiple violations of insurance code; classification | F5 |
| 13-3553 Sexual exploitation of a minor; classification | F2 | UNIFORM CONTROLLED SUBSTANCES ACT (inclusive) | |
| 13-3556 Admitting minors to public displays of sexual conduct; constructive knowledge of age; classification | F6 | OFFENSES AND PENALTIES | |
| FAMILY OFFENSES | | | |
| 13-3604 Soliciting abortion; punishment; exception [unconstitutional] | 1-5 yrs. | 36-2531 Prohibited acts classification (A)(1) Distribute controlled substance without prescription (2) Registrant dispenses unauthorized controlled substance (3) Fail to keep/furnish record (C)(1) Prescriptive violations (2) Furnish false records | F4 F4 F4 F4 |
| 13-3606 Bigamy; classification; exception | F5 | | |
| 13-3607 Marrying spouse of another; classification | F5 | | |
| 13-3608 Incest; classification | F4 | | |
| 13-3610 Abandonment of spouse; classification | F6 | | |
| 13-3611 Refusal or neglect to provide for spouse; classification | F6 | | |
| 13-3623 Child abuse; definitions; classification | F2/F3/F4 F5/F6 | | |
| MISCELLANEOUS OFFENSES | | | |
| 13-3701* Unlawful use of food stamps or authorizations to purchase; classification ● If value of the food stamps or authorizations to purchase is one hundred dollars or less | F6/F5 M1 | | |

ARK. STAT. ANN. Sx (1976, 1977 & Supp. 1985).

Criminal Classification Information

41-111. Offenses

(1) An offense is conduct for which a sentence to a term of imprisonment or fine or both is authorized by statute.

(2) Offenses are classified as follows:

- (a) felonies;
- (b) misdemeanors;
- (c) violations.

41-112. Felonies

(1) An offense is a felony if:

- (a) it is so designated by this Code [SS 41-101 - 41-3110]; or
- (b) it is so designated by a statute not a part of this Code.

(2) Felonies are classified as follows:

- (a) class Y felonies;
- (b) class A felonies;
- (c) class B felonies;
- (d) class C felonies;
- (e) class D felonies.

(3) Any felony defined by a statute not a part of this Code that neither specifies the class of the felony nor prescribes limitations on a sentence to imprisonment upon conviction thereof is a class D felony. Any felony defined by a statute not a part of this Code that does prescribe limitations on a sentence to imprisonment upon conviction thereof is an unclassified felony.

41-113. Misdemeanors

(1) An offense is a misdemeanor if:

- (a) it is so designated by this Code [SS 41-101 - 41-3110];
- (b) it is so designated by a statute not a part of this Code, except as provided in section 114 [S 41-114]; or

(c) it is not designated a felony and a sentence to imprisonment is authorized upon conviction thereof.

(2) Misdemeanors are classified as follows:

- (a) class A misdemeanors;
- (b) class B misdemeanors;
- (c) class C misdemeanors;

(3) Any misdemeanor defined by a statute not a part of this Code that neither specifies the class of the misdemeanor nor prescribes limitations on a sentence to imprisonment upon conviction thereof is a class A misdemeanor. Any misdemeanor defined by a statute not a part of this Code that does prescribe limitations on a sentence to imprisonment upon conviction thereof is an unclassified misdemeanor.

41-901. Sentence to imprisonment

(1) A defendant convicted of a felony shall receive a determinate sentence according to the following limitations:

- (a) For a Class Y felony, the sentence shall be not less than ten (10) years and not more than forty (40) years, or life;
- (b) For a Class A felony, the sentence shall be not less than six (6) years nor more than thirty (30) years;
- (c) For a Class B felony, the sentence shall be not less than five (5) years nor more than twenty (20) years;
- (d) For a Class C felony, the sentence shall be not less than three (3) years nor more than ten (10) years;

(e) For a Class D felony, the sentence shall not exceed six (6) years;

(f) For an unclassified felony, the sentence shall be in accordance with the limitations of the statute defining the felony.

(2) A defendant convicted of a misdemeanor may be sentenced according to the following limitations:

- (a) For a Class A misdemeanor, the sentence shall not exceed one (1) year;
- (b) For a Class B misdemeanor, the sentence shall not exceed ninety (90) days;
- (c) For a Class C misdemeanor, the sentence shall not exceed thirty (30) days.
- (d) For an unclassified misdemeanor, the sentence shall be in accordance with the limitations of the statute defining the misdemeanor.

INCHOATE OFFENSES

41-703. Criminal attempt - Grading

A criminal attempt is a:

- (1) class A felony if the offense attempted is capital murder, treason or a class Y felony;
- (2) class B felony if the offense attempted is a class A felony;
- (3) class C felony if the offense attempted is a class B felony;
- (4) class D felony if the offense attempted is a class C felony;
- (5) class A misdemeanor if the offense attempted is a class D felony or an unclassified felony;
- (6) class B misdemeanor if the offense attempted is a class A misdemeanor;
- (7) class C misdemeanor if the offense attempted is a class B misdemeanor;
- (8) violation if the offense attempted is a class C misdemeanor or an unclassified misdemeanor.

41-705. Criminal solicitation

(2) Criminal solicitation is a:

- (a) class A felony if the offense solicited is capital murder, treason or a class Y felony;
- (b) class B felony if the offense solicited is a class A felony;
- (c) class C felony if the offense solicited is a class B felony;
- (d) class D felony if the offense solicited is a class C felony;
- (e) class A misdemeanor if the offense solicited is a class D felony or an unclassified felony;
- (f) class B misdemeanor if the offense solicited is a class A misdemeanor;
- (g) class C misdemeanor if the offense solicited is a class B misdemeanor;
- (h) violation if the offense solicited is a class C misdemeanor or an unclassified misdemeanor.

41-714. Criminal conspiracy - Grading

Criminal conspiracy is a:

- (1) class A felony if an object of the conspiracy is commission of capital murder, treason or a class Y felony;
- (2) class B felony if an object of the conspiracy is commission of a class A felony;
- (3) class C felony if an object of the conspiracy is commission of a class B felony;
- (4) class D felony if an object of the conspiracy is commission of a class C felony;
- (5) class A misdemeanor if an object of the conspiracy is commission of a class D felony or an unclassified felony;
- (6) class B misdemeanor if an object of the conspiracy is commission of a class A misdemeanor;
- (7) class C misdemeanor if an object of the conspiracy is commission of a class B misdemeanor.

ARKANSAS CRIMINAL STATUTES

ARK. STAT. ANN. Sx (1976, 1977 & Supp. 1985)

KEY

- F = Felony
- M = Misdemeanor
- Y, A, B, C, D = Crime subclass
- HL = Hard labor
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

NOTE: Maximums recorded unless sentence range or minimum (MIN.) stated.

| Statute No. and Title | Class/Time |
|---|--------------------|
| HOMICIDE (inclusive) | |
| 41-1501 Capital murder | FY - death or life |
| 41-1502 Murder in the first degree | FY |
| 41-1503 Murder in the second degree | FB |
| 41-1504 Manslaughter | FC |
| 41-1505 Negligent homicide | MA |
| BATTERIES AND ASSAULT (inclusive) | |
| 41-1601 Battery in the first degree | FB |
| 41-1602 Battery in the second degree | FD |
| 41-1603 Battery in the third degree | MA |
| 41-1604 Aggravated assault | FD |
| 41-1605 Assault in the first degree | MA |
| 41-1606 Assault in the second degree | MB |
| 41-1607 Assault in the third degree | MC |
| 41-1608* Terroristic threatening | |
| ● first degree | FD |
| ● second degree | MB |
| 41-1609 Coercion | MA |
| 41-1652 Terroristic act - penalty | FB |
| 41-1653 Wife battering in the first degree | FB |
| 41-1654 Wife battering in the second degree | FD |
| 41-1655 Wife battering in the third degree | MA |

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| 41-1656 Aggravated assault on wife | FD |
| 41-1657 First degree assault on wife | MA |
| 41-1658 Second degree assault on wife | MB |
| 41-1659 Third degree assault on wife | MC |
| 41-1661 Violation of act - booby trap | FD |

KIDNAPPING AND RELATED OFFENSES

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| 41-1702 Kidnapping | FB/FY |
| 41-1703 False imprisonment in the first degree | FC |
| 41-1705 Vehicular piracy | FB/FC |
| 41-1706 Permanent detention or restraint | FD/FB |

SEXUAL OFFENSES (inclusive)

| | |
|---|----|
| 41-1803 Rape | FY |
| 41-1804 Carnal abuse in the first degree | FB |
| 41-1805 Carnal abuse in the second degree | FD |
| 41-1806 Carnal abuse in the third degree | MA |
| 41-1807 Sexual misconduct | MB |
| 41-1808 Sexual abuse in the first degree | FC |
| 41-1809 Sexual abuse in the second degree | MA |
| 41-1810 Sexual solicitation of a child | MA |
| 41-1811 Public sexual indecency | MA |
| 41-1812 Indecent exposure | MA |
| 41-1813 Sodomy | MA |
| 41-1827 Violation of a minor in the second degree | FD |

ARSON AND RELATED OFFENSES (inclusive)

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| 41-1902 Arson | FB/FA/FY |
| 41-1903 Reckless burning | FD |
| 41-1904 Failure to control or report dangerous fire | MB |
| 41-1905 Causing a catastrophe - threatening to cause a catastrophe | FY/FD |
| 41-1906* Criminal mischief in the first degree | |
| ● if amount of damage is ≥ \$500 | FC |
| ● if amount of damage is < \$500 | MA |

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| 41-1907 Criminal mischief in the second degree | MA/MB | 41-2103 Robbery | FB |
| 41-1908 Impairing operation of vital public facility | FC | THEFT (inclusive) | |
| 41-1951 Forest fires - allowing fire to escape - burning bush or debris - camp fires, etc. | M: fine or ≤ 1 yr. | 41-2203* Theft of property ● value of property ≥ \$2500; or obtained by threat of serious physical injury; or obtained by threat and the actor stands in confidential or fiduciary relationship to the person threatened | MA FB |
| 41-1952 Setting fire on lands of another with intent to let escape | F: 1-10 yrs. | ● value of property < \$2500 but more than \$200; the property is a firearm < \$2500; or property is a credit card; or property obtained by threat | FC |
| 41-1965 Penalty for sowing Johnson grass | M: fine | ● if livestock < \$2500 | FD |
| 41-1966 Turning animal into enclosure | M: fine | 41-2204* Theft of services ● value of services ≥ \$2500; obtained by threat; obtained by threat and actor stands in a confidential or fiduciary relationship to person threatened | MA FB |
| 41-1974 Holly and other native growth | M: fine | ● \$200-\$2500; obtained by threat | FC |
| 41-1975 Landmarks - removing or destroying - penalty | M: fine | 41-2205* Theft of property lost, mislaid or delivered by mistake ● if value ≥ \$1000 | MC FD |
| 41-1976 Landmark - established by legal survey - destruction - penalty | M: fine | ● if value \$100-\$1000; property is credit card | MB |
| 41-1977 Section or quarter section corners - removing or destroying - penalty | M: fine | 41-2206* Theft by receiving ● value ≥ \$2500 | MA FB FC |
| 41-1983 Penalty for mining or entries in cemeteries | F: 1-5 yrs. | ● value >\$200 or <\$2500; credit card; firearm valued at < \$2500 | |
| 41-1986 Violation - penalty (enclosing or placing debris in cemetery) | M: fine | 41-2207 Theft of a trade secret | MA |
| BURGLARY AND OTHER CRIMINAL INTRUSION (inclusive) | | 41-2208 Unauthorized use of a vehicle | MA |
| 41-2002 Burglary | FB | 41-2212 Violation of act (theft of cable television services) | MB |
| 41-2003 Breaking and entering | FD | FORGERY AND FRAUDULENT PRACTICES | |
| 41-2004 Criminal trespass | MB/MC | 41-2302 Forgery | FB/FC |
| 41-2051 Forcible possession of land | M: fine and ≤ 1 yr. | 41-2304 Defrauding secured creditors | FD |
| 41-2053 Penalty for advertising | Fine: \$25-\$100 | 41-2304.2 Unlawful acts relating to secured interests on certain farm products | F: 4-15 yrs. |
| 41-2054 Riding, ranging or hunting in enclosure or on posted lands | MA | 41-2305 Fraud in insolvency | FD |
| 41-2056 Entering upon lands after receipt of notice | M: fine | 41-2308* Fraudulent use of a credit card ● if value of goods obtained during 6 month period > \$100 | MA FC |
| 41-2057 Entering upon posted lands without consent of owner | M: fine | 41-2309* Unlawfully using slugs ● if value of property or slugs > \$100 | MA FC |
| 41-2059 Penalty ● entering upon lands posted in manner of act | M: fine | 41-2311* Criminal simulation ● if value of object simulated > \$100 | MA FD |
| 41-2062 Unlawful to enter upon posted land for recreational purposes without permission | MB | 41-2312 Criminal possession of forgery device | FC |
| ROBBERY (inclusive) | | | |
| 41-2102 Aggravated robbery | FY | | |

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| 41-2313 Obtaining signature by deception | FD | 41-2654 Public officials approaching jury commissioners | F: 2-5 yrs. |
| 41-2314 Defrauding judgment creditors | FD | 41-2655 Licensed attorneys approaching jury commissioners | F: 2-5 yrs. |
| 41-2378 Fraud in acquisition of authorization to provide motor vehicle transportation of property | FD | CORRUPT INFLUENCE | |
| | | 41-2703 Public servant bribery | FD |
| OFFENSES AGAINST THE FAMILY | | OBSTRUCTING GOVERNMENTAL OPERATIONS | |
| 41-2403 Incest | FC | 41-2804* Interference with a law enforcement officer | MA |
| 41-2405* Nonsupport ● person leaves the state with purpose to avoid legal action; previous conviction for non-support | MA FD | ● if use deadly force or assisted by ≥ one person and physical injury to officer results | FC |
| 41-2407 Endangering welfare of minor in the first degree | FD | 41-2805* Hindering apprehension or prosecution | |
| 41-2409 Endangering welfare of an incompetent person in the first degree | FD | ● conduct of person assisted is class Y | FB |
| 41-2415* Interference with visitation ● if minor taken, enticed or kept outside Arkansas | MA FD | ● conduct of person assisted is class B or C | One degree below the felony constituted by the conduct of the person assisted MA |
| 41-2416* Interference with custody ● if minor is taken, enticed or kept without the state of Arkansas | MA FD | ● if conduct is class D felony unless person in violation of this section was assisting escape from correctional custody | FC |
| 41-2472* Permitting child abuse ● if sexual contact or caused physical injury | MA | ● if correctional custody | One class below the misdemeanor constituted by the conduct of the person assisted |
| ● if intercourse or deviant sex or caused serious physical injury or death | FC | ● otherwise | |
| ABORTION | | | |
| 41-2561 Unlawful to induce an abortion or to willfully terminate a pregnancy unless licensed to practice medicine | FD | 41-2807* Compounding ● if offense concealed is class A ● if offense concealed is class B, C, D or unclassified | FC FD |
| | | ● if offense concealed is any misdemeanor | MB |
| OFFENSES RELATING TO JUDICIAL AND OTHER OFFICIAL PROCEEDINGS | | | |
| 41-2602 Perjury | FC | 41-2810 First degree escape | FC |
| 41-2608 Witness bribery | FC | 41-2811 Second degree escape | FD |
| 41-2609 Intimidating a witness | FC | 41-2813 Permitting escape in the first degree | FC |
| 41-2611* Tampering with physical evidence ● if actor impairs or obstructs the prosecution or defense of felony | MB FD | 41-2816* Aiding an authorized departure ● if person aiding used force, threatens or uses a deadly weapon | MA FC |
| 41-2613 Juror bribery | FC | 41-2817 Furnishing implement for escape ● if deadly | FD FC |
| 41-2614 Intimidating a juror | FC | 41-2818* Furnishing implement for unauthorized departure ● if deadly weapon | MA FC |
| 41-2615 Jury tampering | FD | 41-2819 Furnishing prohibited articles ● if weapons, intoxicating beverage, controlled substance, moneys, other items | FC FB |
| 41-2653 Jury commissioners - approaching person placed on jury prohibited | F: 2-5 yrs. | | |

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| 41-2820* Failure to appear ● if charge was felony ● if charge was misdemeanor | FC MA | 41-3203 Agency service wagering on horse racing - penalty | FD |
| 41-2821 Tampering with a public record | FD | 41-3251 Keeping gambling house | F: 1-3 yrs. |
| 41-2823* Penalties - Fleeing ● convicted of fleeing in last year ● where property damage results from fleeing ● where personal injury occurs as direct result | MC MB MA FD | 41-3286 Operation of lottery enjoined | See 41-3287 |
| 41-2858 Killing of animals used by law enforcement agency | FD | 41-3287 Penalty for violation | FD |
| RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES | | 41-3288 Bribery of professional and amateur sports participants | FD |
| 41-2903 Aggravated riot | FD | HIGHWAYS AND BRIDGES | |
| 41-2904* Inciting a riot ● if injury to persons or damage to property occurs | MA FD | LIBEL AND SLANDER | |
| 41-2905 Arming rioters | FB | 41-3454 Proclaiming one as coward for not accepting challenge | F: 2 mos.- 1 yr. HL |
| 41-2911* Communicating a false alarm ● if physical injury to person | MA FC | 41-3455 Slander | 6 mos.- 3 yrs. HL |
| 41-2912* Threatening or fire bombing ● if physical injury to a person results | MA FD | OBSCENITY | |
| 41-2920 Abuse of a corpse | FD | 41-3585.2 Promoting obscene materials | FD |
| 41-2921* Communicating false alarm by means of a citizens' band radio - penalty ● if physical injury to persons results | MA FD | 41-3585.3 Promoting obscene performance | FD |
| 41-2927 Promoting civil disorder in the first degree | FC | 41-3585.4 Obscene performance at a live public show | FC |
| PROSTITUTION | | 41-3585.6 Public display of hardcore sexual conduct | FD |
| 41-3004 Promoting prostitution in the first degree | FD | 41-3553* Obscene literature - sale or circulation prohibited ● 1st offense and 2nd offense ● 3rd offense | M F: 1-3 yrs. |
| FIREARMS, WEAPONS AND RELATED OFFENSES | | 41-3565* Possession, sale or dis- tribution of obscene material ● possession ● sale | M F: 1-5 yrs. |
| 41-3103* Firearms - possession by certain persons prohibited ● if convicted of a felony | MA FD | OIL AND GAS | |
| 41-3104 Criminal use of pro- hibited weapons | FD/FB | PUBLIC HEALTH AND SAFETY | |
| 41-3106 Defacing a firearm | FD | SUNDAY LAWS | |
| 41-3108 Criminal possession of explosives | FB | TREASON, DISLOYAL CONDUCT, SABOTAGE | |
| 41-3158 Perpetrating or attempting crime ● with machine gun | 20 yrs. (MIN.) | 41-3952 Penalty for treason | FA |
| 41-3159 Offensive or aggressive purposes | 10 yrs. (MIN.) | 41-3955 Usurping government - penalty | FB |
| GAMBLING | | 41-3956 Usurping office | 1-5 yrs. |
| | | 41-3958 Penalty for subversive activities | F: 10 yrs. |
| | | 41-3961 Intentional injury to or interference with property | 3 yrs. |
| | | 41-3962 Intentionally defective workmanship | 3 yrs. |
| | | 41-3970 Penalty for failing to register membership with Communist party | FD |

41-3974 Penalty for violations
(Communist Party operations) 1-21 yrs.

WATER AND WATERCOURSES

41-4057 Public levee - penalty
for injuring F

41-4059 Penalty for injuring
levees 1-5 yrs.

41-4064 Cutoffs on Mississippi
River - penalty for making F: 1-3 yrs.

MISCELLANEOUS OFFENSES AFFECTING BUSINESS EXPLOITATION OF CHILDREN

41-4203 Engaging children in
sexually explicit conduct for
use in visual or print medium
● subsequent offenses FC FB

41-4204 Transportation, receipt,
and distribution for sale of
obscene material depicting child
● subsequent offenses FC FB

41-4205 Transportation of minors
for prohibited sexual conduct FC

41-4207 Use of child or consent
to use child in sexual performance
● subsequent offenses FC FB

41-4208 Producing, directing or
promoting sexual performance by
child FB

ILLEGAL FOOD COUPONS

41-4301* Traffic in illegal food
coupons
● if value \geq \$100 FD/5 yrs.
● if value $<$ \$100 MA

41-4302* Illegal use, transfer,
acquisition or possession of food
coupons
● if value \geq \$100 FD
● if value $<$ \$100 MA

41-4303* Illegal presentation of
food coupons for payment
● if value \geq \$100 FD
● if value $<$ \$100 MA

MEDICAID FRAUD

41-4403* Medicaid - fraud -
violations - punishment MA
● if aggregate payments \geq \$2,500 FB
● if aggregate payments
\$100-\$2,500 FC

41-4410* Medicaid recipients
to authorize examination of
records . . . MA
● if unavailability of
records impairs or obstructs
the prosecution of a felony FD

INTERCEPTION OF COMMUNICATION

CONTROLLED SUBSTANCES (inclusive)

82-2617* Criminal penalties See below
(a) Manufacture, deliver, or
possess with intent to manufacture
or deliver specific substances FY/FB/FC

(b) Counterfeit substance FB/FC/FD
purporting to be a narcotic, etc.

(c) Possessing controlled
substances or counterfeit controlled
substances
● first offense MA
● second offense FD
● third or subsequent FC
● listed under Schedule I or II FC

82-2618 Distribution - Criminal
penalties FD

82-2619 Fraud - Criminal
penalties FB/FC/FD

82-2622 Distribution to minors -
Criminal penalties 2 x penalty

82-2624.1 Breaking or entering
to steal controlled substances Unlawful

82-2641 Delivery of uncontrolled
substances - penalty 10 yrs. (MIN.)

82-2644* Conduct of drug
paraphernalia business
● first offense MA
● second offense FD
● third and subsequent FC

CAL. PENAL CODE § X (West 1975 & Supp. 1987)
 For Drugs: CAL. HEALTH AND SAFETY CODE § X
 (West 1975 & Supp. 1987)

Criminal Classification Information

§15. Crime and public offense defined

"Crime" and "Public Offense" defined. A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments:

1. Death;
2. Imprisonment;
3. Fine;
4. Removal from office; or,
5. Disqualification to hold and enjoy any office of honor, trust, or profit in this State.

§16. Crimes; kinds

Crimes and public offenses include:

1. Felonies;
2. Misdemeanors; and
3. Infractions.

§17. Felony; misdemeanor; infraction; classification of offenses

(a) A felony is a crime which is punishable with death or by imprisonment in the state prison. Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions.

(b) When a crime is punishable, in the discretion of the court by imprisonment in the state prison or by fine or imprisonment in the county jail, it is a misdemeanor for all purposes under the following circumstances:

- (1) After a judgment imposing a punishment other than imprisonment in the state prison.
- (2) When the court, upon committing the defendant to the Youth Authority, designates the offense to be a misdemeanor.
- (3) When the court grants probation to a defendant without imposition of sentence and at the time of granting probation, or on application of the defendant or probation officer thereafter, the court declares the offense to be a misdemeanor.
- (4) When the prosecuting attorney files in a court having jurisdiction over misdemeanor offenses a complaint specifying that the offense is a misdemeanor, unless the defendant at the time of his arraignment or plea objects to the offense being made a misdemeanor, in which event the complaint shall be amended to charge the felony and the case shall proceed on the felony complaint.
- (5) When, at or before the preliminary examination or prior to filing an order pursuant to Section 872, the magistrate determines that the offense is a misdemeanor, in which event the case shall proceed as if the defendant had been arraigned on a misdemeanor complaint.

(c) When a defendant is committed to the Youth Authority for a crime punishable, in the discretion of the court, by imprisonment in the state prison or by fine or imprisonment in the county jail, the offense shall, upon the discharge of the defendant from the Youth Authority, thereafter be deemed a misdemeanor for all purposes.

(d) A violation of any code section listed in Section 19e is an infraction subject to the procedures described in Sections 19c and 19d, when:

- (1) The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, or being informed of his rights, elects to have the case proceed as a misdemeanor, or;
- (2) The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

§18. Punishment for felony not otherwise prescribed; alternate sentence to county jail

Except in cases where a different punishment is prescribed by any law of this state, every offense declared to be a felony, or to be punishable by imprisonment in a state prison, is punishable by imprisonment in any of the state prisons for 16 months, or two or three years; provided, however, every offense which is prescribed by any law of the state to be a felony punishable by imprisonment in the county jail not exceeding one year or by a fine, or by both.

§19. Punishment for misdemeanor; punishment not otherwise prescribed

Except in cases where a different punishment is prescribed by any law of this state, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000), or by both.

§19a. Punishment for misdemeanor; maximum confinement

In no case shall any person sentenced to confinement in a county or city jail, or in a county or joint county penal farm, road camp, work camp, or other county adult detention facility, or committed to the sheriff for placement in any such county adult detention facility, on conviction of a misdemeanor, or as a condition of probation upon conviction of either a felony or a misdemeanor, or upon commitment for civil contempt, or upon default in the payment of a fine upon conviction of either a felony or a misdemeanor, or for any reason except upon conviction of more than one offense when consecutive sentences have been imposed, be committed for a period in excess of one year; provided, however, that the time allowed on parole shall not be considered as a part of the period of confinement.

§19d. Applicability of provisions of law relating to misdemeanors as applicable to infractions

Except as otherwise provided by law, all provisions of law relating to misdemeanors shall apply to infractions, including but not limited to powers of peace officers, jurisdiction of courts, periods for commencing action and for bringing a case to trial and burden of proof.

§19e. Infractions; classification of offenses; fines; suspension, revocation or denial of license; revocation of probation or parole

The following offenses are subject to the provisions of subdivision (d) of Section 17: Sections 330, 415, 555, and 853.7, of the Penal Code; subdivision (m) of Section 602 of the Penal Code; subdivision (b) of Section 25658 and Sections 25661 and 25662 of the Business and Professional Code; Sections 27150.1, 40508, and 42005 of the Vehicle Code, Section 14601.1 of the Vehicle Code based upon failure to appear, and any other offense which the Legislature makes subject to the provisions of subdivision (d) of Section 17.

Except where a lesser maximum fine is expressly provided for violation of any such sections, any such violation which is an infraction is punishable by a fine not exceeding two hundred fifty dollars (\$250).

Except for Section 14601.1 of the Vehicle Code based upon failure to appear, a conviction for any offense made an infraction under subdivision (d) of Section 17 shall not be grounds for the suspension, revocation, or denial of any license, or for the revocation of probation or parole of the person convicted.

§664. Attempts; punishment

Every person who attempts to commit any crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempts, as follows:

1. Offenses punishable by imprisonment in the state prison. If the offense so attempted is punishable by imprisonment in the state prison, the person guilty of such attempt is punishable by imprisonment in the state prison for one-half the term of imprisonment prescribed upon a conviction of the offense so attempted; provided, however, that if the crime attempted is willful, deliberate, and premeditated murder, as defined in Section 189, the person guilty of that attempt shall be punishable by imprisonment in the state prison for life with the possibility of parole; provided, further, that if the crime attempted is any other one in which the maximum sentence is life imprisonment or death the person guilty of the attempt shall be punishable by imprisonment in the state prison for a term of five, seven, or nine years. The additional term provided in this section for attempted willful, deliberate, and premeditated murder shall not be imposed unless the fact that the attempted murder was willful, deliberate, and premeditated is charged in the accusatory pleading and admitted or found to be true by the trier of fact.
2. Offenses punishable by imprisonment in a county jail. If the offense so attempted is punishable by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in a county jail for a term not exceeding one-half the term of imprisonment prescribed upon a conviction of the offense so attempted.
3. Offenses punishable by fine. If the offense so attempted is punishable by a fine, the offender convicted of that attempt is punishable by a fine not exceeding one-half the largest fine which may be imposed upon a conviction of the offense so attempted.
4. Crime divided into degrees. If a crime is divided into degrees, an attempt to commit the crime may be of any such degree, and the punishment for the attempt shall be determined as provided by this section.

§666. Petit theft; prior conviction of certain offenses; punishment

Every person who, having been convicted of petit theft, grand theft, auto theft under Section 10851 of the Vehicle Code, burglary, or robbery and having served a term therefore in any penal institution or having been imprisoned therein as a condition of probation for such offense, is subsequently convicted of petit theft, then the person convicted of such subsequent offense is punishable by imprisonment in the county jail not exceeding one year, or in the state prison.

§667. On conviction of a "serious felony" a 5 year mandatory consecutive enhancement is assessed for each prior "serious felony" conviction. "Serious felonies" are defined in section 1192.7 as, inter alia, burglary, rape, robbery or any crime involving great bodily injury or firearm use.

§667.5(b). A one year consecutive enhancement is assessed for each prior separate prison term.

CALIFORNIA CRIMINAL STATUTES

CAL. PENAL CODE §X (West 1975 & Supp. 1987)
 For Drugs: CAL. HEALTH AND SAFETY CODE §X
 (West 1975 & Supp. 1987)

KEY

- F = Felony
- M = Misdemeanor
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = more than, less than
- ≥ , ≤ = more than or equal, less than or equal

NOTE: As stated in the appended criminal classification information (17b-4, § 17b-5), the potential exists for certain violations to be charged either as felonies or misdemeanors. Thus, for any violation where a jail term and "prison" appear in tandem as potential sanctions, with no specific reference made to classification, an * appears.

Statute No. and Title Class/Time

TITLE 1. OF PERSONS LIABLE TO PUNISHMENT FOR CRIME

TITLE 2. OF PARTIES TO CRIME

TITLE 3. OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE

37 Treason; definition; persons capable of committing; punishment Death/life imprisonment

38 Misprision of treason; definition; punishment Prison

TITLE 4. OF CRIMES AGAINST THE ELECTIVE FRANCHISE

Repealed

TITLE 5. OF CRIMES BY AND AGAINST THE EXECUTIVE POWER OF THE STATE

67 Bribes; giving or offering to executive officers; punishment Prison: 2, 3, or 4 yrs.

67 1/2* Bribes; giving or offering to ministerial officers, employees, appointees

- If amounts to petty theft M
- If amounts to grand theft F

68 Bribes; executives or ministerial officers, employees, or appointees; asking or receiving; punishment Prison: 2, 3 or 4 yrs.

69* Obstructing or resisting executive officers in performance of their duties; attempts; threats; violence; punishment Jail: 1 yr. maximum or prison

71* Threatening public officers and employees and school officials

- First conviction Jail: 1 yr. maximum or prison
- Subsequent conviction Prison

72* Fraudulent claims; presentation; intent; punishment Jail: 1 yr. maximum or prison

72.5* Seeking public funds for reimbursement of costs for attendance at political functions Jail: 1 yr. maximum or prison

76* Threatening certain state officials and judges

- First offense Jail: 1 yr. maximum or prison
- Subsequent offenses Prison

TITLE 6. OF CRIMES AGAINST THE LEGISLATIVE POWER

85 Bribes; giving or offering; corrupt influencing; punishment Prison: 2, 3, or 4 yrs.

86 Bribes; asking or receiving; punishment; forfeiture of office; disenfranchisement Prison: 2, 3, or 4 yrs.

TITLE 7. OF CRIMES AGAINST PUBLIC JUSTICE

Chapter 1. Bribery and Corruption

92 Bribes; judicial officer, juror, etc; giving or offering; punishment Prison: 2, 3, or 4 yrs.

93 Bribes; judicial officer, juror, etc.; asking or receiving; punishment Prison: 2, 3, or 4 yrs.

95 Corrupt influencing of jurors, arbitrators, umpires, or referees; attempts; punishment Prison

96 Misconduct of jurors, arbitrators, umpires, or referees; punishment Prison

99 Superintendent of state printing; prohibited interests in contracts; punishment Prison

100 Superintendent of state printing; collusion; penalty Prison

Chapter 2. Rescues

Chapter 3. Escapes and Aiding Therein

107 Public training school, reformatory, or county hospital; felony prisoners; punishment Prison

109 Public training school or reformatory; assisting; punishment Prison

110 Public training school or reformatory; carrying or sending things useful to aid escape; intent; punishment F

Chapter 4. Forging, Stealing, Mutilating, and Falsifying Judicial and Public Records and Documents

115 Procuring or offering false or forged instrument for record; violations; punishment F

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| 115.5* Filing false or forged documents relating to single-family residences; punishment; false statement to notary public ● Forged document | Fine in addition to any other penalty F | 138 Witness asking or receiving bribe | F |
| ● False statement to notary | | 139* Threat to use force or violence upon witnesses, victims, or their immediate families; punishment | Jail: 1 yr. maximum or prison |
| 116 Tampering with jury list; destruction of jury box of contents; adding, deleting, or changing names | F | Chapter 7. Other Offenses Against Public Justice | |
| 117 Falsification of jury list | F | 142* Officer refusing to receive or arrest person charged with offense; punishment; designation of facilities and classes of prisoners by sheriff | Jail: 1 yr. maximum or prison |
| Chapter 5. Perjury and Subornation of Perjury | | 148.1* False report of secretion of explosive or facsimile bomb; penalty | Jail: 1 yr. maximum or prison |
| 118. Perjury defined | Prison: 2, 3, or 4 yrs. | 148.3* False report of emergency; punishment ● If great bodily injury or death results | Jail: 1 yr. maximum Prison |
| 118a False affidavit as to testimony as perjury; subsequent contrary testimony | Prison: 2, 3, or 4 yrs. | 148.4* Fire protection equipment; fire alarms; tampering with systems; false alarms; punishment ● If bodily injury or death results | Jail: 1 yr. maximum Prison |
| 126 Punishment (Perjury) | Prison: 2, 3, or 4 yrs. | 149* Officer unnecessarily assaulting or beating any person; punishment | Jail: 1 yr. maximum or prison |
| 127 Subornation of perjury; definition; punishment | Prison: 2, 3, or 4 yrs. | 151* Advocacy to kill or injure peace officer; punishment ● If not result in death or injury to officer ● If does result in death or injury to officer | M F |
| 128 Procuring execution of innocent person; punishment | Death/life imprisonment | 153* Compounding or concealing crimes; punishment ● If crime punishable by death or prison for life ● If crime punishable by prison term for months other than life ● If crime was misdemeanor | Jail: 1 yr. maximum or prison Jail: 6 mos. maximum or prison Jail: 6 mos. maximum |
| 129 False return required to be under oath | Prison: 2, 3, or 4 yrs. | 154* Debtor fraudulently removing, conveying, or concealing property; punishment ● If value > \$100 | Jail: 1 yr. maximum F |
| Chapter 6. Falsifying Evidence, and Bribing, Influencing, Intimidating or Threatening Witnesses | | 155.5* Disposal of property to avoid fine or restitution after plea or judgment and prior to sentencing; misdemeanor or felony ● If guilty of misdemeanor ● If guilty of felony | M F |
| 132 Offering forged, altered, or ante-dated book, document, or record | F | 156 False pretenses regarding birth of child to intercept inheritance; punishment | Prison: 2, 3, or 4 yrs. |
| 134 Preparing false documentary evidence | F | 157 Substitution of one child for another; punishment | Prison: 2, 3, or 4 yrs. |
| 136.1* Intimidation of witnesses and victims; offenses; penalties; enhancement; aggravation ● If force, conspiracy, previous violation | M Prison: 2, 3, or 4 yrs. | 165 Bribery; councilmen, supervisors, or trustees; punishment | Prison: 2, 3, or 4 yrs. |
| 136.2* Good cause belief of intimidation or dissuasion of victim or witness to occur; order of court; violations; punishment ● If force, conspiracy, previous violation | M Prison: 2, 3, or 4 yrs. | | |
| 136 1/2 Dissuading witness from attending; bribe | F | | |
| 136.5* Deadly weapon; intent to use to intimidate witness; offense; penalty | Jail: 1 yr. maximum or prison | | |
| 137* Influencing testimony or information given to a law enforcement official ● Offer bribe ● Use of force ● Knowingly induce | F Prison: 2, 3, or 4 yrs. M | | |

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| 171b* Possession of weapon in courtroom, courthouse, or court building; offense; penalty | Jail: 1 yr. maximum or prison | 191.5 Gross vehicular manslaughter while intoxicated | Prison: 4, 6, 10 yrs. |
| c* Loaded firearms; bringing into or possession of, within state capitol, or legislative offices, etc; exceptions | Jail: 1 yr. maximum or prison | 192* Manslaughter; voluntary, involuntary, and vehicular, construction of section | See below |
| d* Loaded firearms; taking into, or possession of, within governor's mansion or residence of other constitutional officer, etc; exceptions | Jail: 1 yr. maximum or or prison | 192.5* Vehicular manslaughter committed during operation of a vessel | See below |
| e* Firearms deemed loaded; examination; effect of refusal to allow inspection | Jail: 1 yr. maximum or prison | 193* Voluntary manslaughter, involuntary manslaughter and vehicular manslaughter | Prison: 3, 6 or 11 yrs. Prison: 2, 3, or 4 yrs. Prison: 2, 4, or 6 yrs. Jail: not more than 1 yr. Jail: 1 yr. maximum or prison: 16 mos. or 2 or 4 yrs. |
| 181 Slavery; infringement of personal liberty; purchase of custody; punishment | Prison: 2, 3, or 4 yrs. | • Voluntary manslaughter | |
| Chapter 8. Conspiracy | | • Involuntary manslaughter | |
| 182* Definition; punishment; venue | Prison: 5, 7 or 9 yrs. | • Vehicular with gross negligence | |
| • Conspire to commit crime against U.S. President or Vice-president, governor, U.S. judges, etc. | F - prison: 5, 7, or 9 yrs. | • Vehicular without gross negligence | |
| • Conspire to commit any other felony | Jail: 1 yr. maximum or prison | • Vehicular in violation of 23152 or 23153 without gross negligence | |
| • Conspire to defraud of money or property | Jail: 1 yr. maximum or prison | 193.5* Manslaughter committed during operation of a vessel; punishment | |
| • Conspire to: commit any crime, falsely indict another for a crime, falsely maintain false suit, commit act injurious to public health | Jail: 1 yr. maximum or prison | • With gross negligence | Jail: 1 yr. maximum or prison: 2, 4, or 6 yrs. |
| Chapter 9. Criminal Profiteering | | • Without gross negligence | Jail: 1 yr. maximum |
| Chapter 10. Money Laundering [NEW] | | • In violation of Section 655 of Harbor and Navigation Code, with gross negligence | Prison: 4, 6 or 8 yrs. |
| 186.10* Money laundering; elements; burden of proof; violations; punishment; duration of laundering | Jail: 1 yr. maximum or prison | • In violation of Section 655 of Harbor and Navigation Code, without gross negligence | Jail: 1 yr. maximum or prison: 16 mos. or 2 or 4 yrs. |
| TITLE 8. OF CRIMES AGAINST THE PERSON | | | |
| Chapter 1. Homicide (inclusive) | | Chapter 2. Mayhem (inclusive) | |
| 187 Murder defined; death of fetus | | 203 Definition (Mayhem) | |
| 189 Murder; degrees | | 204 Punishment | Prison: 2, 4, or 8 yrs. |
| 190 Murder; degrees; punishment; parole | | Chapter 3. Kidnapping | |
| • First degree | Death/life imprisonment; 25 yrs. to life | 207 Definition (Kidnapping) | |
| • Second degree | Prison: 15 yrs. to life | 208 Punishment; victims under 14 years of age at time of commission of crime | |
| 190.05 Prior prison term for murder; penalty; pleadings; findings; penalty hearing; evidence; special circumstances | Prison: life/15 yrs. to life | • Kidnapping | Prison: 3, 5, or 8 yrs. |
| • Second degree | Prison: life | • Victim under 14 years of age | Prison: 5, 8, or 11 yrs. |
| 190.25 Life imprisonment without parole; transportation personnel; accomplices | | 209 Punishment; kidnapping for ransom, reward, extortion, or robbery | Prison: life without possibility of parole/with possibility of parole |

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| 210 Extortion by posing as kidnapper or by claiming ability to obtain release of victim; punishment; exception | Prison: 2, 3, or 4 yrs. | Chapter 8. False Imprisonment | |
| Chapter 4. Robbery (inclusive) | | 236 Definition | |
| 211 Definition (Robbery) | | 237* Punishment | Jail: 1 yr. maximum or prison |
| 212.5 Robbery; degrees | | ● If violence | Prison |
| 213 Punishment | | Chapter 9. Assault and Battery (inclusive) | |
| ● First degree | Prison: 3, 4, or 6 yrs. | 240 Assault defined | |
| ● Second degree | Prison: 2, 3, or 5 yrs. | 241 Assault; punishment | Jail: 6 mos. maximum |
| 214 Train robbery; acts with intention of committing | F | ● If on-duty police officer, firefighter, nurse, etc. | Jail: 1 yr. maximum |
| Chapter 5. Attempts to Kill (inclusive) | | 241.1* Assault upon custodial officer; punishment | Jail: 1 yr. maximum or prison |
| 217.1* Public officials | Jail: 1 yr. maximum or prison | 241.2 Assault on school property; punishment | Jail: 1 yr. maximum |
| ● If regarding official duties | Prison: 15 yrs. to life | 241.3 Assault against transportation personnel; punishment | Jail: 1 yr. maximum |
| 218 Train wrecking; attempt; punishment | Prison: life, no parole | 241.4* Assault; punishment; peace officer of school district; punishment | Jail: 1 yr. maximum or prison |
| 219 Train derailing or wrecking; punishment | Death/prison for life with/without possibility of parole | 241.7* Assault against jurors; punishment | Jail: 1 yr. maximum or prison |
| 219.1 Throwing missiles at common carrier or vehicles with intent to wreck or do bodily harm; punishment | Prison: 2, 4 or 6 yrs. | 242. Battery defined | |
| 219.2* Throwing hard substance or shooting missile at train or other conveyance; punishment | Jail: 1 yr. maximum or prison | 243* Battery; punishment | Jail: 6 mos. maximum |
| Chapter 6. Assaults with Intent to Commit Felony, Other Than Assaults With Intent to Murder (inclusive) | | ● If on-duty police officer, firefighter, nurse, etc. | Jail: 1 yr. maximum |
| 220 Assault with intent to commit mayhem, rape, sodomy, oral copulation, rape in concert with another, lascivious acts upon a child, or penetration of genitals or anus with foreign object, punishment | Prison: 2, 4, or 6 yrs. | ● If same injured | Prison: 16 mos., 2 or 3 yrs. |
| 222 Administering stupefying drugs to assist in commission of felony | F | ● Any person seriously injured | Prison: 2, 3, or 4 yrs. |
| Chapter 7. Duels and Challenges (inclusive) | | 243.1 Battery against custodial officer in performance of duties | Prison |
| 225 Definitions (Duels) | | 243.2 Battery on school property; punishment | Jail: 1 yr. maximum |
| 226 Punishment; death resulting | Prison: 2, 3, or 4 yrs. | 243.3* Battery against transportation personnel; punishment | Jail: 1 yr. maximum |
| 227* Punishment; fighting; sending or accepting challenge | Jail: 1 yr. maximum or prison | ● If injury inflicted | Prison: 16 mos., 2 or 3 yrs. |
| 231 Leaving state to evade law; punishment | Prison: 2, 3, or 4 yrs. | 243.4 Sexual battery | Prison: 2, 3, or 4 yrs. |
| | | 243.6 Assault on battery committed against process server; punishment | Jail: 1 yr. maximum |
| | | 243.7 Battery against jurors | Prison: 16 mos., 2 or 3 yrs. |
| | | 244 Assault with caustic chemicals; punishment | Prison: 2, 3, or 4 yrs. |

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| 244.5* Stun gun or taser; assault; punishment | Jail: 1 yr. maximum or prison | 264.1 Rape or penetration of genital or anal openings by foreign object, etc.; acting in concert by force or violence; punishment | Prison: 5, 7, or 9 yrs. |
| 245* Assault with deadly weapon or force likely to produce great bodily injury; punishment | Jail: 1 yr. maximum or prison: 2, 3, or 4 yrs. | 265 Abduction for marriage or defilement; punishment | Prison |
| ● With other than firearm with great bodily injury | Jail: 1 yr. maximum or prison: 2, 3, or 4 yrs. | 266* Inveiglement or enticement of unmarried female under 18 for purposes of prostitution, etc.; aiding and abetting; procuring female for illicit intercourse by false pretenses; punishment | Jail: 1 yr. maximum or prison |
| ● With firearm | Prison: 3, 4, or 5 yrs. | a Abduction or procurement by fraudulent inducement for prostitution; punishment | Prison |
| ● With other than firearm with great bodily injury threat on on-duty police, etc. | Prison: 4, 6, 8 yrs. | b Abduction to live in illicit relation; punishment | Prison |
| ● With firearm on on-duty police, etc. | Prison: 3, 4, or 5 yrs. | c* Unlawful sexual intercourse, penetration by foreign object or substance, oral copulation, or sodomy; consent procured or by false or fraudulent representation with intent to create fear; punishment | Jail: 1 yr. maximum or prison: 2, 3, 4 yrs. |
| 245.2 Transportation personnel; assault with deadly weapon or means likely to produce great bodily injury; punishment | Prison: 3, 4, or 5 yrs. | d Receiving money for placing person for purposes of cohabitation | F |
| 245.3 Custodial officer; assault with deadly weapon or means likely to produce great bodily injury; punishment | Prison: 3, 4, or 5 yrs. | e Purchasing person for purposes of prostitution or placing person for immoral purposes | F |
| 246* Shooting at inhabited dwelling house, occupied building, or vehicle, or inhabited housecar or camper; punishment | Jail: 1 yr. maximum or prison: 3, 5, or 7 yrs. | f Sale of person for immoral purposes | F |
| 247 Shooting at unoccupied aircraft or motor vehicles | F | g Placing or permitting placement of wife in house of prostitution; punishment | Prison: 2, 3, or 4 yrs. |
| 247.5* Discharge of laser at aircraft; punishment | Jail: 1 yr. maximum or prison: 16 mos., 2 or 3 yrs. | h Pimping; punishment | Prison: 3, 4, or 6 yrs./3, 6 or 8 yrs. |
| Chapter 10. Libel | | i Pandering; punishment | Prison: 3, 6 or 8 yrs. 3, 6 or 8 yrs. |
| [Repealed] | | j Procurement of child under age 14 for lewd or lascivious acts; punishment | Prison: 3, 6 or 8 yrs. |
| Chapter 11. Slander | | 267 Abduction; person under 18 for purpose of prostitution; punishment | Prison |
| TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS | | Chapter 2. Abandonment and Neglect of Children | |
| Chapter 1. Rape, Abduction, Carnal Abuse of Children, and Seduction (inclusive) | | 270* Failure to provide; parent; punishment; effect of custody; evidence; applicability of section; artificial insemination; treatment by spiritual means | Jail: 1 yr. maximum or prison: 1 yr. and a day maximum |
| 261 Rape defined | Prison: 3, 6, or 8 yrs. | 271* Desertion of child under 14 with intent to abandon; punishment | Jail: 1 yr. maximum or prison |
| 261.5* Unlawful sexual intercourse with female under age 18 | Jail: 1 yr. maximum or prison | 271a* Abandonment or failure to maintain child under 14; false representation that child if orphan; punishment | Jail: 1 yr. maximum or prison |
| 262* Rape of spouse | Jail: 1 yr. maximum or prison: 3, 6, or 8 yrs. | 273a* Willful cruelty or unjustifiable punishment of child; endangering life or health | Jail: 1 yr. maximum or prison: 2, 4, or 6 yrs. |
| 264 Rape; rape of spouse; unlawful sexual intercourse; punishment | See above | | |

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| ● Cause/permit situation wherein child's health/person endangered d* Corporal punishment or injury; infliction upon child; felony; punishment | M Jail: 1 yr. maximum or prison: 2, 4, or 6 yrs. | ● Person voluntarily acts in concert with another and sodomizes by means of force, threat of retaliation, etc. ● While in state prison | Prison: 5, 7, or 9 yrs. |
| 273.5* Corporal injury; infliction by spouse or upon his or her spouse or by person cohabiting with person of opposite sex | Prison: 2, 3, 4 yrs. or jail: 1 yr. maximum | ● With unconscious victim ● Victim is unable to give consent because of mental/physical disability ● Victim cannot give consent because of mental disability and both in institution for mentally disabled | Jail: 1 yr. maximum or prison Prison: 3, 6, or 8 yrs. Prison: 3, 6, or 8 yrs. |
| Chapter 2.5. Spousal Abusers | | | Jail: 1 yr. maximum |
| Chapter 3. Abortions | | | |
| 274 Supplying or administering abortifacient; exception; punishment | Prison | ● Victim is subjected to intoxicating substance, etc. ● False belief of spouse status induced ● By threat to use authority of public official to arrest, etc. | Prison: 3, 6, or 8 yrs. Prison: 3, 6, or 8 yrs. Prison: 3, 6, or 8 yrs. |
| 275 Soliciting and submitting to use of abortifacient; exception; punishment | Prison | | |
| 276* Soliciting use of abortifacient; exceptions; punishment; proof required | Jail: 1 yr. maximum or prison | 286.5 Sexually assaulting animal; misdemeanor | M |
| Chapter 4. Child Abduction | | 288 Lewd or lascivious acts with child under age 14; punishment; prevention of psychological harm to victim | Prison: 3, 6, or 8 yrs. |
| 277* Person with right of custody maliciously taking, detaining, concealing, or enticing away without good cause with intent to deprive person or agency with custody right; penalties | Jail: 1 yr. maximum or prison: 1 yr. and a day maximum | 288a* Oral copulation; punishment ● Both more than 18 years old ● By person more than 21 years old and person less than 16 years old ● By one who sodomizes another less than 14 years old and more than 10 years or younger or act done by force, threat of retaliation, etc. ● Person voluntarily acts in concert with another and sodomizes by force, threat of retaliation, etc. ● While in state prison | Jail: 1 yr. maximum or prison F Prison: 3, 6, 8 yrs. Prison: 5, 7, or 9 yrs. |
| 278* Unlawful detention, concealment, etc.; punishment | Prison: 2, 3, or 4 yrs. or jail not more than 1 yr. | | |
| 278.5* Violation of custody visitation decrees; punishment or | Prison: 2, 3, or 4 yrs. or jail not more than 1 yr. | | |
| 280* Concealment of child or removal from county pending adoption proceeding ● If removed from state | Jail: 1 yr. maximum or prison | | Jail: 1 yr. maximum or prison Prison: 3, 6, or 8 yrs. Prison: 3, 6, or 8 yrs. |
| Chapter 5. Bigamy, Incest, and the Crime Against Nature (inclusive) | | | |
| 283* Bigamy; punishment | Jail: 1 yr. maximum or prison | ● With unconscious victim ● With victim unable to give consent because of mental/physical inability ● With victim unable to give consent because of mental disability and both in hospital for mentally disordered ● With victim subjected to intoxicating substance, etc. ● False belief of spouse status induced ● By threat to use authority of public official to arrest, etc. | Jail: 1 yr. maximum Prison: 3, 6, 8 yrs. Prison: 3, 6, or 8 yrs. Prison: 3, 6, or 8 yrs. |
| 284 Marrying husband or wife of another; scienter; punishment | Prison/fine | | |
| 285 Incest | Prison | | |
| 286* Sodomy; punishment ● Those more than 18 years old ● Those more than 21 years old with another less than 16 years old ● One who sodomizes another less than 14 years old and more than 10 years younger or act done by means of force, threat of retaliation, etc. | Jail: 1 yr. maximum or prison F Prison: 3, 6 or 8 yrs. | 289* Penetration of genital or anal openings by foreign object, etc.; punishment ● By force/against will ● Victim incapable of consent because of or of disability | Prison: 3, 6, or 8 yrs. Prison: 3, 6, or 8 yrs. |

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| <ul style="list-style-type: none"> ● Victim unable to give consent because of mental disability and both in institution for mentally disordered ● Unconscious victim | Jail: 1 yr. maximum | 311.10* Advertising for sale or distribution or obscene matter depicting a person jail:under age 18 engaging in or simulating sexual conduct; felony; punishment | Prison: 2, 3, 4 yrs. or 1 yr. maximum |
| <ul style="list-style-type: none"> ● Victim subjected to intoxicating substance, etc.or ● False belief of spouse status induced ● By threat to use authority of public or official to arrest, etc. ● Victim is less than 18 years old ● More than 21 years old and victim less than 16 years old ● Sodomizes another less than 14 years old and more than 10 years younger | Prison: 3, 6, or 8 yrs. Prison: 3, 6, 8 yrs. Prison: 3, 6, or 8 yrs. Prison: 3, 6, 8 yrs. Jail: 1 yr. maximum F | Chapter 7.6 Harmful Matter | |
| Chapter 6. Violating Sepulture and the Remains of the Dead | | 313.1* Distribution or exhibition to, or admittance of, a minor; sale or offer to sell from vending machine near school | M |
| Repealed | | ● If previous violation of chapter | F |
| Chapter 7. Of Crimes Against Religion and Conscience, and Other Offenses Against Good Morals | Prison: 3, 6, or 8 yrs. | Chapter 8. Indecent Exposure, Obscene Exhibitions, and Bawdy and Other Disorderly Houses | |
| Chapter 7.5 Obscene Matter | | 314* Lewd or obscene conduct; indecent exposure; obscene exhibitions; punishment | M |
| 311.2* Sending or bringing into state for sale or distribution; printing, exhibiting, distributing, exchanging or possessing within state; matter depicting sexual conduct by minor; transaction with minor; exemptions | | ● If enters inhabited dwelling or trailer | Jail: 1 yr. maximum or prison Prison |
| <ul style="list-style-type: none"> ● First offense, adult subjects ● Subject is less than 18 years old, for commercial consideration ● Subject is less than 17 years old, for commercial consideration ● Distribute, etc. to user under age 18 with subject under age 17 | M Prison: 2, 3, or 6 yrs. Jail: 1 yr. maximum F | Chapter 9. Lotteries | |
| 311.3* Depiction by film, photograph, videotape, etc. sexual conduct by person under age 14; punishment; exemptions | Jail: 1 yr. maximum | Chapter 10. Gaming | |
| ● If previous conviction | Prison | 332* Winning by fraudulent means, trick, or cheating | Jail: 1 yr. maximum or prison Jail: 6 mos. maximum |
| 311.4* Employment or use of minor to perform prohibited acts; previous conviction; exception | | ● As grand theft | |
| <ul style="list-style-type: none"> ● Hire or use minor for acts in 311.2 ● For commercial purposes uses person or under age 17 in film, performance etc. ● Not necessarily for commercial purposes uses person under age 17 in film, performance, etc. | M Prison: 3, 6, 8 yrs. F | ● As petty theft | |
| 311.7* Requiring receipt of obscene matter as condition to sale or delivery of papers, magazines, books, etc.; denying or threatening to deny franchise | M | 334* Use, manufacture, or sale of hidden device to diminish chance, or any other fraudulent means of winning at concession; owning or operation of game of razzle-dazzle | Jail: 1 yr. maximum or prison Jail: 6 mos. maximum M M |
| ● Two previous convictions of chapter | F | ● As grand theft | |
| 311.9 Punishment | See above | ● As petty theft | |
| | | ● Manufacture, sell device | |
| | | ● Own or operate game of razzle-dazzle | |
| | | 337a* Bookmaking or pool selling; keeping or occupying place with paraphernalia for recording wages, etc; stake holding; recording wages; permitting unlawful use of room or enclosure; making or accepting wagers; prior convictions; punishment; application of section | Jail: 1 yr. maximum or prison |
| | | b Sporting events; offering or attempting to bribe player; punishment | Prison |
| | | c Sporting events; player accepting or attempting to accepting bribe; punishment | Prison |
| | | d Sporting events; offer to attempt to bribe official; punishment | Prison |
| | | e Sporting events; official receiving or attempting to receive bribe; punishment | Prison |

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| f* Horse races; stimulating or depressing horse by drug or device; entering drugged horse in race; entering horse by fictitious name; drug defined | Jail: 1 yr. maximum or prison | ● Subjects to injury in conditions not involving threat of great bodily harm or death | M |
| ● Horse under fictitious name | Prison | ● Caretaker embezzles > \$400 | Jail: 1 yr. maximum or prison: 2, 3, or 4 yrs. |
| i* Transmittal of racing information to gamblers | Jail: 1 yr. maximum or prison | ● Caretaker embezzles < \$400 | Jail: 1 yr. maximum |
| Chapter 10.5 Horse Racing | | TITLE 10. OF CRIMES AGAINST THE PUBLIC HEALTH AND SAFETY | |
| 337.3 Touting; use of name of official; punishment | F - prison | 375* Places of public assemblage; injurious, nauseous, or offensive substances; use or preparation; punishment | Jail: 1 yr. maximum |
| 337.4* Touting; grand theft | Jail: 1 yr. maximum or prison | ● If substance can produce serious illness/permanent injury or tear gas, mustard gas, or explosives introduced to public assemblage | F - prison |
| ● If > \$400 | | | |
| 337.7 Credentials or licenses; unauthorized possession; forgery or simulation; punishment | F - prison | 382.5 Dinitrophenol; sale, administration, or prescription for human consumption; offense; authorized uses | F - fine and/or prison |
| 337.8* Credentials; use for touting; punishment | F - prison | 382.6 Eyebrow and eyelash dyes; sale, administration, or prescription of certain chemicals; punishment | F - fine and/or prison |
| ● If touting | Jail: 1 yr. maximum or prison | | |
| ● If forged credential | | | |
| Chapter 11. Pawnbrokers | | 399 Mischievous animal causing death; negligence of owner; punishment | F |
| Chapter 12. Other Injuries to Persons | | 401 Suicide; aiding, advising, or encouraging | F |
| 347* Poisoning or adulterating food, drink, medicine, pharmaceutical products, spring, well, or reservoir; malicious information; punishment | Prison: 2, 4, or 5 yrs. | TITLE 11. OF CRIMES AGAINST THE PUBLIC PEACE | |
| ● Poison | Additional 3 yrs. | 405a Lynching; definition | |
| ● Great bodily injury | Jail: 1 yr. maximum or prison | 405b Lynching; punishment | Prison: 2, 3, or 4 yrs. |
| ● Maliciously inform | | | |
| 350* Manufacture or sale of counterfeit mark; punishment; destruction of mark and destruction or transfer of goods; definition of counterfeit mark; exception | Jail: 1 yr. maximum | 417* Drawing, exhibiting, or using firearm or deadly weapon; self-defense; peace officers | M |
| ● Previous conviction | Jail: 1 yr. maximum or prison | ● If peace officer engaged in duties | F - jail: not less than 6 mos. nor more than 1 yr. or prison |
| ● Death or great bodily injury results through reliance on item | Prison: 2, 3, or 4 yrs. | 417.1 Drawing or exhibiting firearm in presence of reserve or auxiliary peace officer | F - jail: 1 yr. or prison |
| 366 Counterfeiting or using counterfeited quicksilver seal or stamp | F | 417.6 Intentionally inflicting serious bodily injury; drawing or exhibiting firearm or deadly weapon; punishment | |
| 367f Sale of human organ for transplantation; removal or transplant of organ with knowledge of sale; definitions; applications; exceptions; punishment | Prison: 3, 4, or 5 yrs. | ● If 417, 417.1, or 417.8 result in serious bodily injury | F - jail: 1 yr. maximum or prison |
| 368* Elder or dependent adults; infliction of pain or mental suffering or endangering health; theft or embezzlement of property; penalties; definitions | | 417.8 Drawing or exhibiting deadly weapon with intent to resist or prevent arrest or detention by peace officer; punishment | Prison: 2, 3, or 4 yrs. |
| ● Subjects to injury in conditions involving threat of great bodily harm | Prison: 2, 3, or 4 yrs. or death | | |

TITLE 11.5. TERRORIST THREATS

422 Felony; elements of crime; punishment F - prison

455 Attempts; acts preliminary or in furtherance; punishment; attempt to burn defined

Prison: 16 mos., 2 or 3 yrs.

TITLE 12. OF CRIMES AGAINST THE REVENUE AND PROPERTY OF THIS STATE

424 Embezzlement and falsification of accounts or by public officers; misappropriation; unauthorized loan, use or private profit; failure to pay over or transfer public moneys; punishment Prison: 2, 3, 4 yrs.

457.1 Arson; registration requirement; dissemination of information; continuing requirement; violation of section

M

425 Neglect to keep or pay over public funds F

Chapter 2. Burglary (inclusive)

459 Definition (Burglary)

460 Degrees; construction of section

432 Possession of blank licenses or poll tax receipts with intent to sell F

461* Punishment
● Burglary I

Prison: 2, 4, or 6 yrs.
Jail: 1 yr. maximum or prison

● Burglary II

TITLE 13. OF CRIMES AGAINST PROPERTY

Chapter 1. Arson (inclusive)

462.5* Probation; custodial institution burglary; sentence
● Misdemeanor custodial institution

Jail: not less burglary than 90 days nor more than 1 yr.
F

451 Arson of structure, forest land, or property; great bodily injury; inhabited structure or property; owned property; punishment
● Great bodily injury

Prison: 5, 7, or 9 yrs.

● Felony custodial institution burglary

● Inhabited structure/property

Prison: 3, 5, or 8 yrs.

464 Burglary with acetylene torch, etc., or explosives; punishment

Prison: 3, 5, or 7 yrs.

● Forest land

Prison: 2, 4, or 6 yrs.

● Property of another (may involve own if defraud attempt or injury)

Prison: 16 mos., 2 or 3 yrs.

Chapter 3. Burglarious and Larcenous Instruments and Deadly Weapons (inclusive)

452* Unlawfully causing a fire of any structure, forest land, or property; great bodily injury; inhabited structure or property; punishment
● Great bodily injury

466 Burglar's tools; possession; intent; making or altering key; making, altering, or repairing thing for use in committing offense; building defined

M

● Inhabited structure/property

Prison: 2, 4, or 6 yrs. or jail: 1 yr. maximum

466.1 Sale or provision of lock pick, tension bar, lock pick gun, tubular lock pick, or floor-safe door puller; information on purchaser or person to whom provided on bill of sale or receipt; inspection; violation

M

● Forest land

Prison: 2, 3, or 4 yrs. or jail: 1 yr. maximum

466.3 Possession of tool, device, etc., designed to open, break into, tamper with or damage coin-operated machine with intent to commit theft; punishment

Jail: 1 yr. maximum

● Property

Prison: 16 mos., 2 or 3 yrs.

● Property

M

453* Possession of flammable, explosive, or combustible material or substance, or device; intent; possession, manufacture, or disposal of firebomb
● Possess with intent to burn structure, forest land or property

Jail: 1 yr. maximum or prison

466.5 Motor vehicle key; motor vehicle wheel lock master key; unlawful possession; manufacture; sale

M

● Possess, manufacture, or dispose of a firebomb

F

466.6 Motor vehicle keys; making other than by duplication of existing key; information for work orders; retention and inspection; misdemeanor

M

454 Violation of arson statutes during and or within area of state of insurrection state of emergency; punishment
● Violate 451 or 452 during crisis

Prison: 3, 5, or 7 yrs.

466.7 Motor vehicle keys; possession; knowledge of making without consent; misdemeanor

M

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| 466.8 Residential keys; making by method including onsite inspection; required information on work order form | M | Chapter 5. Larceny [Theft] (inclusive) | |
| 467 Deadly weapons; possession with intent to assault | M | 484 Theft defined | Jail: 1 yr. maximum or prison M |
| 468 Sniperscopes; unlawful possession, etc.; authorized use | M | b* Diversion of funds received to obtain or pay for services, labor, materials, or equipment ● If < \$1,000 | |
| Chapter 4. Forgery and Counterfeiting | | c* Submission of false voucher to obtain construction loan funds ● As grand theft | Jail: 1 yr. maximum or prison Jail: 6 mos. maximum |
| 470* Forgery; intent; documents of value; counterfeiting seal; uttering; falsification of records | Jail: 1 yr. maximum or prison | ● As petty theft | Jail: 1 yr. maximum or prison Jail: 6 mos. maximum |
| a* Forgery or counterfeiting of driver's license or identification card; intent; punishment | Jail: 1 yr. maximum or prison | e* Theft of access card | |
| b* Display or possession of forged driver's license or identification card; intent; punishment | Jail: 1 yr. maximum or prison | ● As grand theft | Jail: 1 yr. maximum or prison |
| 471* Forgery; false entries in records or returns | Jail: 1 yr. maximum or prison | ● As petty theft | Jail: 6 mos. maximum |
| 472* Forgery or counterfeiting of seals; possession and concealment of counterfeit seal | Jail: 1 yr. maximum or prison | f* Forgery of access card | Jail: 1 yr. maximum or prison |
| 473 Punishment | See above | g* Use of card unlawfully obtained; false representation of card ownership ● If < \$400 | Jail: 6 mos. maximum |
| 474* Forgery; telegraph or telephone messages; intent; punishment | Jail: 1 yr. maximum or prison | ● If > \$400 | Jail: 1 yr. maximum or prison |
| 475* Possession or receipt of forged bills, notes, trading stamps, stamps, lottery tickets or shares; etc.; intent; punishment | Jail: 1 yr. maximum or prison | h* Furnishing thing of value upon presentation of unauthorized access card; falsely presenting evidence of access card transaction ● If < \$400 | Jail: 6 mos. maximum |
| a* Possession of completed check, money order, traveler's check, controller's warrant or county warrant with intent to defraud | Jail: 1 yr. maximum or prison | ● If > \$400 | Jail: 1 yr. maximum or prison |
| 476* Making, possession, uttering, etc., fictitious instruments; intent; punishment | Jail: 1 yr. maximum or prison | i* Unlawful possession of card | Jail: 1 yr. maximum or prison M |
| a* Checks, drafts, or orders on banks; insufficient funds; intent to defraud; punishment; evidence; credit defined; partial validity ● If < \$200 | Jail: 1 yr. maximum or prison | j Publication of access card, number, or code with intent to defraud another | Jail: 6 mos. maximum |
| 478 Counterfeiting; punishment | Prison: 2, 3, or 4 yrs. | 485* Theft; appropriation of lost property with knowledge or means of inquiry as to true owner ● If grand theft | Jail: 1 yr. maximum or prison Jail: 6 mos. maximum |
| 479 Counterfeit coin, bullion, etc.; or possession or receipt; intent; punishment | Prison: 2, 3, 4 yrs. | ● If petty theft | |
| 480 Counterfeiting; making or possessing dies, plates, etc; punishment; destruction of dies, etc. | Prison: 2, 3, or 4 yrs. | 486 Theft; degrees | |
| 481* Railroad or steamship tickets; counterfeiting, forging or altering; uttering; intent to defraud; punishment | Jail: 1 yr. maximum or prison | 487 Grand theft defined | Jail: 1 yr. maximum or prison |
| | | a* Grand theft; stealing, transporting, appropriating, etc., carcass of animal | Jail: 1 yr. maximum or prison |
| | | b* Grand theft; conversion of real property to personal property by severance | Jail: 1 yr. maximum |
| | | c Petty theft; conversion of real property to personal property by severance | Jail: 1 yr. maximum or prison |
| | | d* Grand theft; gold dust, amalgam or quicksilver | Jail: 1 yr. maximum or prison |
| | | e* Grand theft; dog exceeding value of \$400 | Jail: 1 yr. maximum or prison |

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| f Petty theft; dog not exceeding value of \$400 | Jail: 6 mos. maximum | • If grand theft | Jail: 1 yr. maximum or prison |
| g* Grand theft; stealing dog for purposes of sale, medical research, or other commercial uses | Jail: 1 yr. maximum or prison | • If petty theft | Jail: 6 mos. maximum |
| 489 Grand theft; punishment | See above | 497* Bringing into state property stolen or received in another state | |
| 490 Petty theft; punishment | See above | • If grand theft | Jail: 1 yr. maximum or prison |
| 490.5 Petty theft of retail merchandise or library materials; punishment; civil liability; detention | Fine/jail: 6 mos. maximum | • If petty theft | Jail: 6 mos. maximum |
| 492* Written instruments; determination of value | | 498* Theft of utility services; definitions; presumptions; penalties | M |
| • If grand theft | Jail: 1 yr. maximum or prison | • If value > \$400 or previous offense | Jail: 1 yr. maximum or prison |
| • If petty theft | Jail: 6 mos. maximum | 499b* Vehicle; prior confinement for theft, unlawful driving or taking; subsequent conviction; punishment | Jail: 1 yr. maximum or prison: 16 mos., 2, or 3 yrs. |
| 493* Tickets; determination of value | | c* Trade secrets; theft; solicitation or bribery to acquire; punishment; defenses | Jail: 1 yr. maximum or prison |
| • As grand theft | Jail: 1 yr. maximum or prison | d* Aircraft; taking without owner's consent; punishment | Jail: 1 yr. maximum or prison |
| • As petty theft | Jail: 6 mos. maximum | 500 Theft; goods saved from San Francisco fire; punishment | Prison |
| 494* Written instruments completed but not delivered; application of chapter | | 502* Definitions; computer system or network; intentional access to defraud or extort or to obtain money, property, or services with false or fraudulent intent, representations or promises; malicious access, alteration, deletion, damage, or disruption; violations; penalty; civil action | |
| • As grand theft | Jail: 1 yr. maximum or prison | • Access to defraud | Prison: 16 mos., 2, or 3 yrs. |
| • As petty theft | Jail: 6 mos. maximum | • Maliciously access or damage | Prison: 16 mos., 2, or 3 yrs. |
| 495* Severance and removal of fixtures or parts of realty; application of chapter | | • Access without authorization, injury or second violation of no injury | Fine no injury Jail: 1 yr. maximum |
| • As grand theft | Jail: 1 yr. maximum or prison | 502.5* Theft; removal of structures, improvements, or fixtures from encumbered property | |
| • As petty theft | Jail: 6 mos. maximum | • If grand theft | Jail: 1 yr. maximum or prison |
| 496* Receiving stolen property | | • If petty theft | Jail: 6 mos. maximum |
| • If < \$400 | Jail: 1 yr. maximum or prison | 502.7* Obtaining telephone or telegraph services by fraud | M |
| • Attempts (not misdemeanor) | F/M - jail: 1 yr. maximum | • If value > \$400 or previous conviction of same | Jail: 1 yr. maximum or prison |
| a* Junk and secondhand dealers; purchasing metals used in transportation of public utility service; determination of seller's right; punishment; record of transaction | Jail: 1 yr. maximum or prison | Chapter 7. Embezzlement | |
| b Secondhand book dealers, etc.; purchase of items with mark of library, college, or university; inquiry; punishment | Jail: 1 yr. maximum or prison | 504* Offices and deputies, etc. of state, political subdivisions, public or private corporations, societies or associations | |
| • First degree | Jail: 1 yr. maximum | | |
| • Second degree | Jail: 1 month maximum | | |
| c* Theft; real estate title information from private unpublished records, etc.; private records, etc., declared property; value | | | |

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| ● If grand theft | Jail: 1 yr. maximum or prison F | Chapter 7. Extortion | |
| ● If state, federal, or county fines | | 518 Definition | |
| ● If petty theft | Jail: 6 mos. maximum | 520 Punishment | Prison: 2, 3, or 4 yrs. |
| a* Fraudulent removal, conceal- ment, or disposal of personal property under lease, conditional sale, or vendor's lien | | 522 Signature; obtaining by means of threats; punishment | Prison: 2, 3, or 4 yrs. |
| ● If grand theft | Jail: 1 yr. maximum or prison | 523 Threatening letters; intent; punishment | Prison: 2, 3, or 4 yrs. |
| ● If petty theft | Jail: 6 mos. maximum | 524* Attempts; punishment | Jail: 1 yr. maximum or prison |
| b* Sale of property covered by security agreement; willful failure to pay secured party and appropriation of proceeds to own use; punishment | | Chapter 8. False Personation and Cheats | |
| ● If grand theft | Jail: 1 yr. maximum or prison | 529* False personation of an- other in private or official capacity; bail or surety; verifi- cation, publication, or acknow- ledgement of instrument; acts imposing liability or conferring benefit; penalty | Jail: 1 yr. maximum or prison |
| ● If petty theft | Jail: 6 mos. maximum | 530* False personation of another in private or official capacity; obtaining money or property; punishment | ● If grand theft Jail: 1 yr. maximum or prison |
| 505* Carrier or individual tran- sporting property for hire | Jail: 1 yr. maximum or prison | ● If petty theft | Jail: 6 mos. maximum |
| ● If grand theft | Jail: 6 mos. maximum | 532* False pretenses; obtaining money, labor, or property; punishment | ● If grand theft Jail: 1 yr. maximum or prison |
| ● If petty theft | | ● If petty theft | Jail: 6 mos. maximum |
| 506* Person controlling or intrusted with property of another; misappropriations; payment of laborers and materialmen as use of contract price | Jail: 1 yr. maximum or prison | ● If petty theft | Jail: 1 yr. maximum or prison |
| ● If grand theft | Jail: 6 mos. maximum | 532a* False financial state- ments; punishment | M - jail: 6 mos. maximum F - jail: 1 yr. maximum or prison |
| ● If petty theft | | ● If false name, business affi- liation, social security number, etc. used parcel; punishment | Prison |
| a* Collector of accounts of debts; definition; prosecution and punishment | Jail: 1 yr. maximum or prison | 533 Real estate; multiple sales of same | F |
| ● If grand theft | Jail: 6 mos. maximum | 534 Real estate; sales by married person under false representation | |
| ● If petty theft | Jail: 1 yr. maximum or prison | 535* Mock auctions; obtaining money, property, or signature; punishment; forfeiture of auctioneer's license; disquali- fication | Jail: 1 yr. maximum or prison |
| b* Violation of real property sales contracts provisions; punishment | Jail: 1 yr. maximum or prison | 537* Defrauding innkeepers, etc. ● If ≤ \$400 | Jail: 6 mos. maximum Jail: 1 yr. maximum or prison |
| 507* Bailee; tenant; lodger; attorney in fact | Jail: 6 mos. maximum | ● If > \$400 | M |
| ● If grand theft | Jail: 1 yr. maximum or prison | e* Articles from which serial number or identification mark has been removed; purchase, sale, possession; disposition by peace officers; exceptions | |
| ● If petty theft | Jail: 6 mos. maximum | | |
| 508* Clerk; agent; servant | Jail: 1 yr. maximum or prison | | |
| ● If grand theft | Jail: 6 mos. maximum | | |
| ● If petty theft | | | |

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| ● If value exceeds \$400 | F - jail: 1 yr. maximum or prison | Chapter 13. Repealed | |
| 538* Mortgaged personal property; removal from county; intent; exceptions; subsequent sale, destruction, or encumbrance; notice of intention | | Chapter 14. Fraudulent Issue of Documents of Title to Merchandise | |
| ● If grand theft | Jail: 1 yr. maximum or prison | 577 Fictitious bills of lading, receipts, or vouchers; issuance; punishment | Prison |
| ● If petty theft | Jail: 6 mos. maximum | 578 Fictitious warehouse receipts, bills of lading, or vouchers; issuance; punishment | Prison |
| 538.5* False or fraudulent wire, radio, or television communication | Jail: 1 yr. maximum or prison | 580 Duplicate receipts or punishment vouchers; marking; | Prison |
| Chapter 9. Offenses Against Rationing | | 581 Unauthorized sale, hypothecation, or pledge by warehouseman or carrier; punishment | Prison |
| 540* Theft, alteration, forgery, or counterfeiting of ration coupons, stamps, tokens, etc.; punishment | Jail: 6 mos. maximum or prison | Chapter 15. Malicious Injuries to Railroad Bridges, Highways, Bridges and Telegraphs | |
| 541* Altered, forged, or counterfeited coupons, etc.; unauthorized transfer; punishment | Jail: 6 mos. maximum or prison | 587* Railroads and bridges; punishment | Jail: 1 yr. maximum or prison |
| 542* Altered, forged, or counterfeited coupons, etc; unauthorized acquisition; punishment | Jail: 6 mos. maximum or prison | 588a* Highways; throwing substances likely to injure persons, animals or vehicles | M |
| 543* Unlawful acquisition or transfer of coupons, etc., for valuable consideration; punishment | Jail: 6 mos. maximum or prison | ● If intent is to cause great bodily injury | F |
| Chapter 10. Crimes Against Insured Property and Insurers --Chapter 11 incorporated | | 591* Telegraph, telephone, cable television, or electric lines | Jail: 1 yr. maximum or prison |
| 548 Defrauding or prejudicing insurer; punishment | Prison: 2, 3, or 4 yrs. | 593* Electric lines; punishment | Jail: 1 yr. maximum or prison |
| Chapter 12. Unlawful Interference with Property | | a Timber intended to be manufactured into lumber | F |
| Article 1. Trespassing or Loitering Near Posted Industrial Property | | c Gas lines, etc. | F |
| Article 2. Unlawfully Placing Signs on Public and Private Property | | TITLE 14. MALICIOUS MISCHIEF | |
| Article 3. Trespass on Property Belonging to the University of California | | 594* Vandalism; penalty | Jail: 1 yr. maximum or prison |
| Chapter 12.5 Crimes Involving Bailments | | ● If damage is \geq \$5,000 | Jail: 1 yr. maximum or prison |
| 560 Documents of title; unlawful issuance, negotiation, or transfer; punishment | Prison | ● If damage is $<$ \$5,000 but $>$ \$1,000 | Jail: 1 yr. maximum |
| 560.4 Unlawful issuance of duplicate or additional negotiable documents of title | Prison | ● If damage is $<$ \$1,000 | Jail: 6 mos. maximum |
| Chapter 12.6 Crimes Involving Branded Containers, Cabinets, or Other Dairy Equipment | | 594.3* Vandalism; church, synagogue, building of religious educational institution or other place of worship; punishment if based on racial or religious prejudice | Jail: 1 yr. maximum or prison |
| 566 Felony; use, possession, obliteration or destruction of brand registrations by unauthorized persons | F | ● If done by reason of race, religion, or national origin to intimidate | F - prison |
| | | 597* Cruelty to animals | Jail: 1 yr. maximum or prison |
| | | ● Kill or wound animal of another | M |
| | | ● Overwork or abuse own animal | Jail: 1 yr. maximum or prison |
| | | ● Maliciously and intentionally maim, torture, etc. endangered species | |

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| 600* Horses or dogs used by peace officers; willful and malicious harm or interference; punishment; restitution | | | |
| ● If serious injury to police-related or horse | Prison: 16 mos., 2 or 3 yrs. or jail: 1 yr. maximum | | |
| ● If no serious injury to police-related dog or horse | Jail: 1 yr. maximum | | |
| ● Interference with police-related dog or horse | Jail: 1 yr. maximum | | |
| ● Specified circumstances attend felony conviction | Prison: additional yrs. | | |
| 610 Masking, altering, or removing light or signal; exhibiting false light or signal; endangering vessel; punishment | Prison | | |
| 617 Written instruments belonging to another; punishment | Prison | | |
| 620* Telegraphic or telephonic message; altering purport, effect, or meaning | Jail: 1 yr. maximum or prison | | |
| 625b* Aircraft; tampering with, injuring, damaging or destroying; punishment | Jail: 6 yrs. maximum | | |
| ● If maliciously damage or injure aircraft | Jail: 1 yr. maximum or prison | | |
| c Passenger transit vehicles and system; removing, tampering with, injuring, or destroying; felony | F | | |
| TITLE 15. MISCELLANEOUS CRIMES | | | |
| Chapter 1. Schools | | | |
| 626.9* Firearms; bringing into or possession of upon or within public schools and grounds; exceptions | Jail: 1 yr. maximum or prison | | |
| Chapter 1.1 Access to School Premises | | | |
| Chapter 1.2 Reporting of School Crime | | | |
| Chapter 1.5 Invasion of Privacy | | | |
| 631* Wiretapping | Jail: 1 yr. maximum or prison | | |
| 632* Eavesdropping on or recording confidential communications | Jail: 1 yr. maximum or prison | | |
| 632.5* Cellular radio telephone interceptions; application of section | Jail: 1 yr. maximum or prison | | |
| 634* Trespass for the purpose of committing prohibited acts; punishment | Jail: 1 yr. maximum or prison | | |
| 635* Manufacture, sale, or possession of eavesdropping devices; punishment; recidivists; exceptions | Jail: 1 yr. maximum or prison | | |
| 636 Eavesdropping or recording conversation between prisoner and his attorney, clergyman, or physician; offense; exception | | | F |
| 637* Disclosure of telegraphic or telephonic message; punishment; exception | | | Jail: 1 yr. maximum or prison |
| 637.1* Telegraphic or telephonic message; opening or procuring improper delivery; punishment | | | Jail: 1 yr. maximum or prison: 5 yrs. maximum |
| Chapter 2. Of Other and Miscellaneous Offenses | | | |
| 639 Bribery of director, officer, or employee of financial institution to procure loan or extension of credit | | | F |
| 639a Solicitation of bribe by director, officer, or employee of financial institution | | | F |
| 641 Bribery of telegraph or telephone employee to disclose private message; use of information; punishment | | | F |
| 642* Theft of articles from dead bodies | | | |
| ● If petty theft | | | M |
| ● If grand theft | | | F |
| 647a* Vagrancy; annoying or molesting child under 18; punishment | | | |
| ● If enter dwelling | | | Jail: 1 yr. maximum |
| ● Subsequent violation of 647a or 288 | | | Jail: 1 yr. maximum or prison |
| 648* Making, issuing, or circulating unauthorized money | | | M |
| ● Subsequent offense | | | F |
| 653f* Soliciting commission of certain offenses; punishment; degree of proof | | | |
| ● Soliciting to involve in bribe, robbery, grand theft, burglary, receiving stolen property, extortion, perjury, subornation of perjury, forgery, kidnapping, arson, ADW, dissuade witness | | | Jail: 1 yr. maximum or prison |
| ● Soliciting to murder | | | Prison: 2, 4, or 6 yrs. |
| ● Soliciting rape by force or violence, sodomy by force or violence, or oral copulation by force or violence | | | Prison: 2, 3, or 4 yrs. |
| 653t* Citizen's band radio; interference with transmission of emergency communications; misdemeanor; felony; punishment | | | M - jail: 6 mos. maximum |
| ● If serious bodily injury or loss in excess of \$10,000 | | | F |

Chapter 3. Immigration Matters

TITLE 16. GENERAL PROVISIONS

TITLE 17. RIGHTS OF VICTIMS AND WITNESSES OF CRIME [NEW]

[NOTE: Violations interrupted here for a number of volumes.]

TITLE 5. OFFENSES RELATING TO PRISONS AND PRISONERS

Chapter 1. Offenses by Prisoners (inclusive)

4500 Assault with means of force likely to produce great bodily injury Prison: life

4501 Assault with deadly weapon, etc.; prisoner for less than life; punishment F - prison: 2, 4, or 6 yrs.

4502 Possession of deadly weapon; punishment F - prison: 2, 3, or 4 yrs.

4503 Holding of hostages; offense; punishment F - prison: 3, 5, or 7 yrs.

Chapter 2. Escapes and Rescues

Article 1. Escapes

4530 Custody of prison officials; temporary work or education release; punishment Prison: 2, 4, or 6 yrs. prison: 16 mos., 2 or 3 yrs.

4532 County or city jail, industrial farm, road camp, etc.; escape or attempted escape; punishment; probation F

4533* Keeper or other officer permitting; punishment Jail: 1 yr. maximum or prison

4534* Aiders and abettors; punishment Jail: 1 yr. maximum or prison Prison: 2, 3, or 4 yrs. ● If serving time for capital offense

4535 Carrying or sending into prison or jail things useful to aid escape; punishment ● If serving time for capital offense F Prison: 2, 3, or 4 yrs.

4550 Punishment See above

Chapter 3. Unauthorized Communications with Prisons and Prisoners

4571 Ex-convict coming upon prison or camp grounds or adjacent lands F

4573 Controlled substances or alcoholic beverages; bringing into prison, camp, jail, etc. F

4573.5 Unauthorized drugs; bringing into prison, camp, jail, etc. F

4573.6 Unauthorized possession of drugs, narcotics, or alcoholic beverages in prison, camp, jail, etc. F

4574 Firearms, deadly weapons or explosives; bringing into prison, camp, jail, etc.; punishment F - prison: 2, 3, or 4 yrs.

Chapter 4. Demolishing Prisons and Jails

4600* Punishment Prison ● If damage to city, city and county, or county jail is ≤ \$400 M

[NOTE: Violations interrupted here]

Title 1. Investigation and Control of Crimes and Criminals

Chapter 1. Investigation, Identification, and Information Responsibilities of the Department of Justice

Chapter 2. Control of Crimes and Criminals

Chapter 3. Prevention and Abatement of Unlawful Activities

Article 1. Unlawful Liquor Sale Abatement Law

Article 2. Red Light Abatement Law

Article 3. Control of Gambling Ships

Article 4. Criminal Syndicalism

11401 Offense; punishment F - prison

Article 4.5 Terrorizing

11412 Threats obstructing exercise of religion F

11413 Terrorism; use of destructive devices, explosive or commission of arson; places of worship; places or meetings involving abortion; punishment Prison: 3, 5, or 7 yrs.

TITLE 1.5. STATEWIDE PROGRAMS OF EDUCATION, TRAINING, AND RESEARCH FOR LOCAL PUBLIC PROSECUTORS AND PUBLIC DEFENDERS

TITLE 2. CONTROL OF DEADLY WEAPONS

Chapter 1. Concealed Weapons

Article 1. General Provisions

Article 2. Unlawful Carrying and Possession of Concealed Weapons

12020 Blackjacks, etc.; manufacture, sale or possession; concealed explosive or dagger; offense; punishment; exceptions F - jail: 1 yr. maximum or prison

12021* Concealable firearms; prohibited ownership or possession; offense; punishment; exceptions Jail: 1 yr. maximum or prison

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| 12021.1* Concealable firearms; prior conviction of certain violent offenses; prohibited ownership or possession; offense; punishment; condition of probation or suspension of imposition or execution of sentence | Jail: 1 yr. maximum or prison | Article 3. Licenses to Carry Concealed Weapons | |
| | | 12051* Applications for licenses; contents; uniformity; false statements; violations | M |
| | | ● If false statement refers to criminal conviction, denial of concealed weapons license, etc. | F |
| 12022 Felony; commission or attempt; armed with firearm or use of deadly or dangerous weapon; additional punishment; disposal of weapon | Additional yr. | Article 4. Licenses to Sell Concealed Weapons | |
| | | Article 5. Obliteration of Identification Marks | |
| 12022.1 Felony committed while released on bail or recognizance; primary offense and secondary offense; additional punishment | Additional 2 yrs. | 12090 Unauthorized alteration; punishment | Prison |
| | | Chapter 2. Machine Guns | |
| | | Article 1. General Provisions | |
| 12022.2 Possession of ammunition designed to penetrate metal or armor; additional punishment | Additional 3 yrs. | Article 2. Unlawful Possession of Machine Guns | |
| | | 12220 Unauthorized sale, possession or transportation; punishment | Prison |
| 12022.3 Firearms or deadly weapons; use or possession in commission of certain sex offenses; additional punishment | Additional 2 or 3 yrs. | Article 3. Permits | |
| | | Article 4. Licenses to Sell Machine Guns | |
| | | Chapter 2.5 Destructive Devices | |
| 12022.4 Furnishing or offering to furnish firearms to another for purpose of aiding, abetting or enabling that person or another to commit felony; additional term | Additional 2 yrs. | 12303* Possession; other than fixed ammunition; punishment | Jail: 1 yr. maximum or prison |
| | | 12303.1 Carrying or placement of destructive device on passenger vessel, etc.; penalty | Prison: 2, 4, or 6 yrs. |
| 12022.5 Use of firearm in commission, or attempted commission, of a felony; additional penalty; disposal of firearm | Additional 2 yrs. | 12303.2 Possession of destructive devices or explosives in or near certain places; felony; punishment | F - prison: 2, 4, or 6 yrs. |
| | | 12303.3 Wrongful possession, explosion, etc., of destructive device or explosive with intent to injure or intimidate person or to injure or destroy property; felony; punishment | F - prison: 3, 5, or 7 yrs. |
| 12022.6 Taking, damaging or destruction of property; commission | Additional 1 yr. | | |
| ● If > \$25,000 | Additional 2 yrs. | 12303.6 Sale or transportation; other than fixed ammunition; punishment | F - prison: 2, 3, or 4 yrs. |
| ● If > \$100,000 | | 12304* Sale, possession, or transportation of fixed ammunition; punishment; subsequent conviction | Jail: 6 mos. maximum |
| | | ● Subsequent conviction | Jail: 1 yr. maximum or prison |
| 12022.7 Infliction of great bodily injury; commission or attempted commission of felony; additional punishment; exceptions | Additional 3 yrs. | 12308 Explosion, attempt to explode, or ignite destructive device or explosive with intent to murder; felony; punishment | F - prison: 5, 7, or 9 yrs. |
| | | 12309 Unlawful explosion or ignition of destructive device or explosive causing bodily injury; felony; punishment | F prison: 5, 7, or 9 yrs. |
| 12022.8 Infliction of great bodily injury; commission of certain sex offenses; additional punishment | Additional 5 yrs. | | |
| | | | |
| 12022.9 Intentional infliction of injury upon pregnant woman causing termination of pregnancy; enhanced punishment | Additional 5 yrs. | | |
| | | | |
| 12025* Carrying weapon concealed within vehicle or on person; offense; | | | |
| arms in holster or sheath | M | | |
| ● Carrying in car | F | | |
| ● Felon carries in car | M | | |
| ● Carrying on person | Jail: 1 yr. maximum or prison | | |
| ● Felon carries on person | F | | |
| ● If prior conviction | | | |

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| 12310 Unlawful explosion or ignition of destructive device or explosive causing death, mayhem, or great bodily injury; felony; punishment | F - prison: life | Chapter 6. Miscellaneous Article 1. Minors Article 2. Felons | |
| 12312 Possession of materials with intent to make explosive or destructive device | F - prison: 2, 3, or 4 yrs. | 12560* Violation; penalty | Jail: 1 yr. maximum or prison |
| Chapter 2.6 Ammunition Designed Primarily to Penetrate Metal or Armor | | Article 3. Rifles and Shotguns Article 4. Blowguns Article 5. Picketing Article 6. Less Lethal Weapons Article 7. Stun Guns | |
| 12320* Possession; offense; punishment | Jail: 1 yr. maximum or prison | | |
| 12321 Manufacture, importation, sale, or transportation; offense; punishment | F - prison | | |
| Chapter 3. Pistols | | [NOTE: Violations once again interrupted here.] | |
| Chapter 3.2 Boobytraps | | TITLE 11. RECORDS AND REPORTS OF MONETARY INSTRUMENT TRANSACTIONS [NEW] | |
| 12355* Offenses; punishment; boobytrap defined | Jail: 1 yr. maximum or prison | 14162* Records of transactions involving \$10,000 or more; filing of reports; copies | Jail: 1 yr. maximum or prison |
| Chapter 3.5 Body Armor Certification | | 14163* Exemption of monetary instrument transactions from reporting requirements for transactions exempt from federal reporting requirements; disapproval; investigation | Jail: 1 yr. maximum or prison |
| Chapter 4 Tear Gas Weapons | | 14166 Violations of title; punishment | See above |
| Article 1. General Provisions | | DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT (inclusive) | |
| 12403.7* Exemptions; weapons approved for self-defense; regulations; training | Prison: 16 mos., 2 or 3 yrs. or jail: 1 yr. maximum Prison: 16 mos., 2 or 3 yrs. | Chapter 1. General Provisions and Definitions Chapter 2. Standards and Schedules Chapter 3. Regulation and Control | |
| ● If victim is peace officer | | Article 1. Reporting | |
| Article 2. Unlawful Possession and Sale | | 11100* Transactions reported; exemptions; punishment; operative date and duration of section ● Manufacturers, sellers must submit appropriate reports to Department of Justice ● Prior conviction | Jail: 6 mos. maximum Jail: 1 yr. maximum or prison |
| 12422 Alteration of manufacturer's name, serial number, or mark | Prison | 11100.1* Receivers of substances from sources outside state; violation; punishment ● Receivers of certain substances must file report with Department of Justice ● Prior conviction | Jail: 6 mos. maximum Jail: 1 yr. maximum or prison |
| Article 3. Permits | | | |
| Article 4. Licenses to Sell | | | |
| Article 5. Certification of Acceptability | | | |
| Chapter 5. Firearm Devices | | | |
| 12520 Possession; offense; punishment | F - prison | 11104 Furnishing 11100(a) substances for manufacturing purposes; felony | F |
| Article 1. General Provisions | | | |
| Article 2. Unlawful Possession of Firearm Silencers | | | |
| 12520 Possession; offense; punishment | Prison | | |

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| 11105* False statement in connection with report or record; penalty | | 11174* False name or address | Jail: 1 yr. maximum or prison |
| ● False statement in drug report | Jail: 1 yr. maximum or prison | | |
| ● Prior conviction | Prison: 2, 3, or 4 yrs. | 11175 Possession of non-complying prescriptions; unlawfully obtained controlled substances | M |
| 11106* Permit for conduct of business; applications; forms; fees; renewal; violations; operative date of section | M/F | 11179 Filing and retention of prescriptions | M |
| --Selling, transferring specified substances | | 11180 Possession of controlled substance obtained by nonconforming prescription | M |
| Article 2. Licenses, Custom Brokers and Warehouses | | Article 2. Prescriber's Record | |
| Article 3. Registration of Dealers and Users of Piperidine | | 11190 Duty to keep records; contents | M |
| 11140* County system; regulations; violations; punishment; revocation; fee | Unlawful | 11191 Preservation of record; violations | M |
| ● Subsequent violation | Jail: 6 mos. maximum or prison | Article 3. Copies of Prescriptions | |
| Chapter 4. Prescriptions | | Article 4. Refilling Prescriptions | |
| Article 1. Requirements of Prescription | | 11200 Restrictions and prohibitions | M |
| 11153* Controlled substance prescriptions; issuance; filling; legality; offense; penalties | Jail: 1 yr. maximum or prison | Article 5. Pharmacists' Records | |
| 11153.5* Furnishing controlled substances for other than legitimate medical purposes; punishment for violations | Jail: 1 yr. maximum or prison | 11207 Compounding or filling controlled substance prescriptions by regular pharmacist | M |
| 11154* Prescription, administration, or furnishing controlled substances, restrictions | Jail: 1 yr. maximum or prison | Chapter 5. Use of Controlled Substances | |
| 11155* Prescriptions for Schedule II, III, IV, and V substances; practitioners authorized | Jail: 1 yr. maximum or prison | Article 1. Lawful Medical Use Other Than Treatment of Addicts | |
| 11156* Addicts; restriction on prescription, administration or dispensation | Jail: 1 yr. maximum or prison | Article 2. Treatment of Addicts for Addiction | |
| 11162.5* Official blanks; counterfeit; punishment | Jail: 1 yr. maximum or prison | Article 3. Veterinarians | |
| ● Possess 3 or fewer blanks | M - jail: 6 mos. maximum | Article 4. Sale Without Prescription | |
| 11170 Controlled substances for self-use | M | Article 5. Cannabis Therapeutic Research Program | |
| 11171 Prescription, administration or furnishing controlled substance | M | Chapter 6. Offenses and Penalties | |
| 11172 Antedating or postdating prescription | M | Article 1. Offenses Involving Controlled Substances Formerly Classified as Narcotics | |
| 11173* Fraud, deceit, misrepresentations | Jail: 1 yr. maximum or prison | 11350* Possession of designated controlled substances; punishment | Prison |
| | | ● Specified substances | Jail: 1 yr. maximum or prison |
| | | ● Specified substances | |
| | | 11351 Possession or purchase for sale of designated controlled substances; punishment | Prison: 2, 3, or 4 yrs. |
| | | ● Specified substances | |
| | | 11351.5 Possession of cocaine for sale; punishment | Prison: 3, 4, 5 yrs. |
| | | 11352 Transportation, sale, giving away, etc., of designated controlled substances; punishment | Prison: 3, 4, or 5 yrs. |

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| 11353 Adult inducing minor to violate provisions; use or employment of minors; punishment | Prison: 3, 5, or 7 yrs. | 11364.5 Drug paraphernalia; maintenance or operation of a place of business; exclusion of minors; revocation or denial of license | License revocation |
| 11353.5 Adult preparing for sale, sale or gift of controlled substance to minor upon school grounds or public playgrounds | Prison: 5, 7, or 9 yrs. | 11364.7 Delivery, furnishing or transfer, or to possess or manufacture with intent to deliver, furnish or transfer drug paraphernalia; penalties and punishment | M |
| 11354 Minor inducing another minor to violate provisions; use or employment of minors; punishment; juvenile court | Prison | 11365 Presence in room or place where designated controlled substance smoked or used | Unlawful |
| 11355* Sale or furnishing substance falsely represented to be a controlled substance; punishment | Jail: 1 yr. maximum or prison | 11366* Opening or maintenance of unlawful places; punishment | Jail: 1 yr. maximum or prison |
| 11356.5 Valuation of controlled substances; conviction of or inducing another to violate provisions; additional punishment based on value | Additional yrs. | 11366.5* Renting, leasing, or making available for use a building, room, space, or enclosure for unlawful manufacture, storage, or distribution of controlled substance; allowing building, room, space, or enclosure to be fortified to suppress law enforcement entry to further sale of specified controlled substances; punishment | Jail: 1 yr. maximum or prison |
| Article 2. Marijuana | | ● Rents space | Jail: 1 yr. maximum or prison |
| 11357* Unauthorized possession; punishment; prior conviction; possession in school or on school grounds | Jail: 1 yr. maximum or prison | ● Allows to be fortified | Prison: 2, 3, or 4 yrs. |
| ● Concentrated cannabis | M | ● Previous conviction of section | Prison: 2, 3, or 4 yrs. |
| ● Less than 28.5 grams marijuana, other than concentrated cannabis | Jail: 6 maximum | 11366.6 Utilizing building, room space, or enclosure designed to suppress law enforcement entry in order to sell or possess for sale specified controlled substances; punishment | Prison: 3, 4, or 5 yrs. |
| ● More than 28.5 grams marijuana, other than concentrated cannabis | M - jail: 10 days maximum | 11366.7* Sale of chemical, drug, or laboratory apparatus or device with knowledge or intent of use for unlawful manufacture, processing, or preparation of controlled substance | Jail: 1 yr. maximum or prison |
| ● Adult with at least 285 grams on school grounds | M | 11368* Forged or altered prescriptions; punishment | Jail: 6 mos. to 1 yr. or prison |
| ● Minor with at least 28.5 grams on school grounds | Prison | 11370.2 Sentence enhancements for persons with certain prior convictions | Additional yrs. |
| 11358 Unauthorized cultivation, harvesting, or processing; punishment; prior convictions | Prison | 11370.4 Convictions under specified sections with respect to substances containing heroin, cocaine, cocaine hydrochloride, methamphetamine, amphetamine, or phencyclidine; additional terms | Additional yrs. |
| ● Marijuana | Prison | 11371* Prescription violations; inducing minor to violate provisions; punishment | Jail: 1 yr. maximum or prison |
| 11359 Possession for sale; punishment; prior convictions | Prison: 2, 3, or 4 yrs. | 11371.1* Fraud and false representation; inducing minor to violate provisions | Jail: 1 yr. maximum or prison |
| 11360* Transportation, sale, import, give away, etc.; punishment | M | | |
| ● If < 28.5 grams marijuana, non-concentrated | Prison: 3, 4, or 5 yrs. | | |
| 11361 Adults employing or selling to minors; minors less than or more than 14 yrs. of age; punishment | | | |
| ● Marijuana | | | |
| Article 3. Peyote | | | |
| 11363* Planting, cultivating, and harvesting; punishment | Jail: 1 yr. maximum or prison | | |
| ● Peyote | | | |
| Article 4. Miscellaneous Offenses and Provisions | | | |
| 11364 Opium pipes; instruments for injecting or smoking controlled substances | Unlawful | | |

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| 11374.5* Manufacturer violating hazardous substance disposal law by disposal of controlled substance or its precursor; punishment; definitions | Prison: 2, 3, or 4 yrs. or jail: 1 yr. maximum | Article 6. Precursors of Metamphetamine and Phencyclidine | |
| 11375* Possession for sale or sale of designated controlled substances; application of section; punishment | Jail: 1 yr. maximum or prison | 11383 Possession with intent to manufacture methamphetamine, N-ethylamphetamine, or designated substances including phencyclidine; felony; punishment; exception ● Possession of materials to manufacture N-ethylamphetamine ● Possession of materials to manufacture phencyclidine | F - prison F - prison: 3, 4, or 5 yrs. |
| Article 5. Offenses Involving Controlled Substances Formerly Classified as Registered Dangerous Drugs | | | |
| 11377* Unauthorized possession; punishment (Specified non-narcotic drugs and other controlled substances) | Jail: 1 yr. maximum or prison | Article 7. Mushrooms | |
| 11378 Possession for sale; punishment (Specified non-narcotic drugs and other controlled substances) | Prison | 11390* Cultivation of spores or mycelium capable of producing mushrooms or other material containing controlled substance; punishment | Jail: 1 yr. maximum or prison |
| 11378.5 Possession for sale of designated substances including phencyclidine; punishment | Prison: 3, 4, or 5 yrs. | 11391* Transporting, importing, selling, furnishing, giving away, etc., spores or mycelium capable of producing mushrooms containing controlled substance to violate 11390; punishment | Jail: 1 yr. maximum or prison |
| 11379 Transportation, sale, furnishing, etc; punishment (Specified non-narcotic drugs and controlled substances) | Prison: 2, 3, or 4 yrs. | Chapter 7. Bureau of Narcotic Enforcement | |
| 11379.5 Transportation, sale, furnishing, etc. of designated substances, including phencyclidine; punishment | Prison: 3, 4, or 5 yrs. | 11453 Physician; duties; testimony | M |
| 11379.6 Manufacturing, compounding, converting, producing, etc.; terms of imprisonment ● Manufacture, etc. specified controlled substances ● Offers to perform such work | Prison: 3, 5, or 7 yrs. Prison: 3, 4, or 5 yrs. | Chapter 8. Seizure and Disposition | |
| 11379.8 Conviction for violation of 11379.6(a) with respect to any substance containing specified controlled substances; additional term | Additional yrs. | Chapter 9. Collection and Disposition of Fines | |
| 11380 Adult using minor as; agent; inducing minor to violate provisions; furnishing to minor; punishment | Prison: 3, 5, or 7 yrs. | Chapter 10. Control of Users of Controlled Substances | |
| 11380.5 Designated substances including phencyclidine; adult using minor as agent; inducing minor to violate provision; furnishing to minor; punishment | Prison: 3, 5, or 7 yrs. | Article 1. Addicts | |
| 11382* Sale or furnishing substances falsely represented to be a controlled substance; punishment | Jail: 1 yr. maximum or prison | 11550 Unlawful acts; exception; burden of defense; punishment; probation; eligibility for diversion (Use or be under influence of specified drugs) | M - jail: 3 mos. to 1 yr. |
| | | Article 2. Controlled Substances Treatment Control Units | |
| | | Article 3. Abatement | |
| | | Article 4. Registration of Controlled Substance Offenders | |
| | | Chapter 11. Educational Programs | |
| | | Chapter 12. Clandestine Laboratory Enforcement Program [New] | |
| | | Chapter 13. Miscellaneous | |
| | | DIVISION 10.1 IMITATION CONTROLLED SUBSTANCES ACT (inclusive) | |
| | | Chapter 1. General Provisions and Definitions | |
| | | Chapter 2. Offenses and Penalties | |
| | | 11680 Manufacture, distribution, or possession with intent to distribute imitation controlled substance | M - jail: 6 mos. maximum |

11681 Distribution of imitation controlled substance to person under 18

● Subsequent convictions

Jail: 6 mos.
maximum

Jail: 1 yr.
maximum and
fine

DIVISION 11. EXPLOSIVES

Part 1. High Explosives

Chapter 1. Definition and Scope

Chapter 2. Enforcement

Chapter 3. General

Chapter 4. Permits

Chapter 5. Sale or Other Disposition

Chapter 6. Storage

Chapter 7. Illegal Use or Possession

13205 Unlawful possession;
felony

F - jail:
1 yr.
maximum or
prison

Chapter 8. Confiscation

Chapter 9. Penalties

12401 Felonies

See above

Part 2. Fireworks and Pyrotechnic Devices

Chapter 1. General Provisions and Definitions

Chapter 2. Exceptions

Chapter 3. Administration

Chapter 4. Classification of Fireworks and Pyrotechnic Devices

Chapter 5. Licenses

Chapter 6. Permits

Chapter 7. Violations

Chapter 8. Penalties

Chapter 9. Remedies

COLO. REV. STAT. § X (1978 & Supp. 1986)
 For Drugs: COLO. REV. STAT. § 12 (1985)

Criminal Classification Information

16-11-309. Mandatory sentences for violent crimes

(1)(a) Except as provided in paragraph (b) of this subsection (1), any person convicted of a crime of violence shall be sentenced pursuant to section 18-1-105 (9), C.R.S., to a term of incarceration greater than the maximum in the presumptive range, but not more than twice the maximum term, provided for such offense in section 18-1-105 (1)(a), C.R.S., without suspension; except that, within ninety days after he has been placed in the custody of the department of corrections, the department shall transmit to the sentencing court a report on the evaluation and diagnosis of the violent offender, and the court, in a case which it considers to be exceptional and to involve unusual and extenuating circumstances, may thereupon modify the sentence, effective not earlier than one hundred twenty days after his placement in the custody of the department. Such modification may include probation if the person is otherwise eligible therefor. Whenever a court finds that modification of a sentence is justified, the judge shall notify the state court administrator of his decision and shall advise said administrator of the unusual and extenuating circumstances that justified such modification. The state court administrator shall maintain a record, which shall be open to the public, summarizing all modifications of sentences and the grounds therefor for each judge of each district court in the state. A person convicted of two separate crimes of violence arising out of the same incident shall be sentenced for such crimes so that sentences are served consecutively rather than concurrently.

(b) Any person convicted of a crime against an elderly or handicapped person in which he used, or possessed and threatened the use of, a deadly weapon shall be sentenced to at least the maximum term of incarceration in the presumptive range provided for such offense in section 18-1-105 (1)(a), C.R.S., without suspension. Thereafter, the provisions of paragraph (a) of this subsection (1) shall apply.

(2)(a)(I) "Crime of violence" means a crime in which the defendant used, or possessed and threatened the use of, a deadly weapon during the commission or attempted commission of any crime committed against an elderly or handicapped person or a crime of murder, first or second degree assault, kidnapping, sexual assault, robbery, first degree arson, first or second degree burglary, escape, or criminal extortion, or during the immediate flight therefrom, or the defendant caused serious bodily injury or death to any person, other than himself or another participant, during the commission or attempted commission of any such felony or during the immediate flight therefrom.

(II) "Crime of violence" also means any unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim. For purposes of this subparagraph (II), "unlawful sexual offense" shall have the same meaning as set forth in section 18-3-411 (1), C.R.S., and "bodily injury" shall have the same meaning as set forth in section 18-1-901 (3)(c), C.R.S.

(III) The provisions of subparagraph (II) of this paragraph (a) shall apply only to felony unlawful sexual offenses.

(b) As used in the section, "elderly person" means a person who is sixty years of age or older.

"Handicapped person" means a person who is disabled because of the loss of or permanent loss of use of a hand or foot or because of blindness or the permanent impairment of vision in both eyes to such a degree as to constitute virtual blindness.

(3) Repealed, L. 77, p. 888, §78, effective July 1, 1979.

(4) In any case in which the accused is charged with a crime of violence as defined in subsection (2)(a)(I) of this section, the indictment or information shall so allege in a separate count, even though the use or threatened use of such deadly weapon or infliction of such serious bodily injury or death is not an essential element of the crime charged.

(5) The jury, or the court if no jury trial is had, in any case as provided in subsection (4) of this section shall make a specific finding as to whether the accused did or did not use, or possessed and threatened to use, a deadly weapon during the commission of such crime or whether such serious bodily injury or death was caused by the accused. If the jury or court finds that the accused used, or possessed and threatened the use of, such deadly weapon or that such injury or death was caused by the accused, the penalty provisions of this section shall be applicable.

(6) In any case in which the accused is charged with a crime of violence as defined in subsection (2)(a)(II) of this section, the indictment or information shall so allege in a separate count, even though the use of threat, intimidation, or force or the infliction of bodily injury is not an essential element of the crime charged.

(7) The jury, or the court if no jury trial is had, in any case as provided in subsection (6) of this section shall make a specific finding as to whether the accused did or did not use threat, intimidation, or force during the commission of such crime or whether such bodily injury was caused by the accused. If the jury or court finds that the accused used threat, intimidation, or force or that such bodily injury was caused by the accused, the penalty provisions of this section shall be applicable.

16-13-101. Punishment for habitual criminals

(1) Every person convicted in this state of any felony for which the maximum penalty prescribed by law exceeds five years who, within ten years of the date of the commission of the said offense, has been twice previously convicted upon charges separately brought and tried, and arising out of separate and distinct criminal episodes, either in this state or elsewhere, of a felony, or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony shall be adjudged an habitual criminal and shall be punished by confinement in a correctional facility for a term of not less than twenty-five nor more than fifty years.

(2) Every person convicted in this state of any felony, who has been three times previously convicted, upon charges separately brought and tried, and arising out of separate and distinct criminal episodes, either in this state or elsewhere, of a felony or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony, shall be adjudged an habitual criminal and shall be punished by imprisonment in a correctional facility for the term of his or her natural life. Such former conviction or convictions and the judgment or judgments shall be set forth in apt words in the

indictment or information. Nothing in this part 1 shall abrogate or affect the punishment by death in any and all crimes punishable by death on or after July 1, 1972. (3) No drug law conviction shall be counted as a prior felony conviction under this section unless such prior offense would be a felony if committed in this state at the time of the commission of the new offense.

18-1-105. Felonies classified, presumptive penalties
 (1)(a)(I) As to any person sentenced for a felony committed after July 1, 1979, and before July 1, 1984, felonies are divided into five classes which are distinguished from one another by the following presumptive ranges of penalties which are authorized upon conviction:

| Class | Presumptive Range |
|-------|---|
| 1 | Life imprisonment or death |
| 2 | Eight to twelve years plus one year of parole |
| 3 | Four to eight years plus one year of parole |
| 4 | Two to four years plus one year of parole |
| 5 | One to two years plus one year of parole |

(II) As to any person sentenced for a felony committed on or after July 1, 1984, and before July 1, 1985, felonies are divided into five classes which are distinguished from one another by the following presumptive ranges of penalties which are authorized upon conviction:

| Class | Presumptive Range |
|-------|----------------------------|
| 1 | Life imprisonment or death |
| 2 | Eight to twelve years |
| 3 | Four to eight years |
| 4 | Two to four years |
| 5 | One to two years |

(III) As to any person sentenced for a felony committed on or after July 1, 1985, in addition to, or in lieu of, any sentence to imprisonment provided for in this paragraph (a), a fine within the following presumptive ranges may be imposed for the specified classes of felonies:

| Class | Minimum Sentence | Maximum Sentence |
|-------|------------------------|--------------------------------------|
| 1 | No fine | No fine |
| 2 | Five thousand dollars | One million dollars |
| 3 | Three thousand dollars | Seven hundred fifty thousand dollars |
| 4 | Two thousand dollars | Five hundred thousand dollars |
| 5 | One thousand dollars | One hundred thousand dollars |

(IV) As to any person sentenced for a felony committed on or after July 1, 1985, felonies are divided into five classes which are distinguished from one another by the following presumptive ranges of penalties which are authorized upon conviction:

| Class | Minimum Sentence | Maximum Sentence |
|-------|--------------------------|--------------------------------|
| 1 | Life imprisonment | Death |
| 2 | Eight years imprisonment | Twenty-four years imprisonment |
| 3 | Four years imprisonment | Sixteen years imprisonment |
| 4 | Two years imprisonment | Eight years imprisonment |
| 5 | One year imprisonment | Four years imprisonment |

(b)(I) Except as provided in subsection (6) and subsection (9) of this section and in section 18-4-202.1, a person who has been convicted of a class 2, class 3, class 4, or class 5 felony shall be punished by the

imposition of a definite sentence which is within the presumptive ranges set forth in paragraph (a) of this subsection (1). In imposing the sentence within the presumptive range, the court shall consider the nature and elements of the offense, the character and record of the offender, and all aggravating or mitigating circumstances surrounding the offense and the offender. The prediction of the potential for future criminality by a particular defendant, unless based on prior criminal conduct, shall not be considered in determining the length of sentence to be imposed.

(II) As to any person sentenced for a felony committed on or after July 1, 1985, a person may be sentenced to imprisonment as described in subparagraph (I) of this paragraph (b) or to pay a fine which is within the presumptive ranges set forth in subparagraph (III) of paragraph (a) of this subsection (1), or to both such fine and imprisonment.

(III) Notwithstanding anything in this section to the contrary, as to any person sentenced for a crime of violence, as defined in section 16-11-309, C.R.S., committed on or after July 1, 1985, a person may be sentenced to pay a fine in addition to, but not instead of, a sentence for imprisonment.

(c) Except as otherwise provided by statute, felonies are punishable by imprisonment in the correctional facilities at Canon City. Nothing in this section shall limit the authority granted in part 1 of article 13 of title 16, C.R.S., to increase sentences for habitual criminals. Nothing in this section shall limit the authority granted in part 2 of article 13 of title 16, C.R.S., to commit sex offenders to the department of corrections for an indeterminate term. Nothing in this section shall limit the authority granted in section 18-4-202.1 for increased sentences for habitual burglary offenders.

(2)(a) A corporation which has been found guilty of a class 2 or class 3 felony shall be subject to imposition of a fine of not less than five thousand dollars nor more than fifty thousand dollars. A corporation which has been found guilty of a class 4 or class 5 felony shall be subject to imposition of a fine of not less than one thousand dollars nor more than thirty thousand dollars.

(b) A corporation which has been found guilty of a class 2, class 3, class 4, or class 5 felony, for an act committed on or after July 1, 1985, shall be subject to imposition of a fine which is within the presumptive ranges set forth in subparagraph (III) of paragraph (a) of subsection (1) of this section.

(3) Every person convicted of a felony, whether defined as such within or outside this code, shall be disqualified from holding any office of honor, trust, or profit under the laws of this state or from practicing as an attorney in any of the courts of this state during the actual time of confinement or commitment to imprisonment or release from actual confinement on conditions of probation. Upon his discharge after completion of service of his sentence or after service under probation, the right to hold any office of honor, trust, or profit shall be restored, except as provided in section 4 of article XII of the state constitution.

(4) A person who has been convicted of a class 1 felony shall be punished by life imprisonment unless the proceeding held to determine sentence according to the procedure set forth in section 16-11-103, C.R.S., results in a verdict which requires imposition of the death penalty, in which event such person shall be sentenced to death. As to any person sentenced for a class 1 felony, for an act committed on or after July 1, 1985, life imprisonment shall mean imprisonment without the possibility of parole for forty calendar years.

(5) In the event the death penalty as provided for in this section is held to be unconstitutional by the Colorado supreme court or the United States supreme

court, a person convicted of a crime punishable by death under the laws of this state shall be punished by life imprisonment. In such circumstance, the court which previously sentenced a person to death shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment.

(6) In imposing a sentence to incarceration, the court shall impose a definite sentence which is within the presumptive range set forth in subsection (1) of this section unless it concludes that extraordinary mitigating or aggravating circumstances are present, are based on evidence in the record of the sentencing hearing and the presentence report, and support a different sentence which better serves the purposes of this code with respect to sentencing, as set forth in section 18-1-102.5. If the court finds such extraordinary mitigating or aggravating circumstances, it may impose a sentence which is lesser or greater than the presumptive range; except that in no case shall the term of sentence be greater than twice the maximum nor less than one-half the minimum term authorized in the presumptive range for the punishment of the offense.

(7) In all cases, except as provided in subsection (9) of this section, in which a sentence which is not within the presumptive range is imposed, the court shall make specific findings on the record of the case, detailing the specific extraordinary circumstances which constitute the reasons for varying from the presumptive sentence.

(8) Repealed, L. 82, p. 312, §3, effective July 1, 1982.

(9) (a) The presence of any one or more of the following extraordinary aggravating circumstances shall require the court, if it sentences the defendant to incarceration, to sentence the defendant to a term greater than the maximum in the presumptive range, but not more than twice the maximum term authorized in the presumptive range for the punishment of a felony:

(I) The defendant is convicted of a crime of violence under section 16-11-309, C.R.S.;

(II) The defendant was on parole for another felony at the time of commission of the felony;

(III) The defendant was on probation for another felony at the time of the commission of the felony;

(IV) The defendant was charged with or was on bond for a previous felony at the time of the commission of the felony, for which previous felony the defendant was subsequently convicted;

(V) The defendant was under confinement, in prison, or in any correctional institution within the state as a convicted felon, or an escapee from any correctional institution within the state for another felony at the time of the commission of a felony;

(VI) The defendant was under a deferred judgment and sentence for another felony at the time of the commission of the felony;

(VII) At the time of the commission of the felony, the defendant was on parole for having been adjudicated a delinquent child for an offense which would constitute a felony if committed by an adult;

(VIII) At the time of the commission of the felony, the defendant was on appeal bond following his conviction for a previous felony.

(b) In any case in which one or more of the extraordinary aggravating circumstances provided for in paragraph (a) of this subsection (9) exist, the provisions of subsection (7) of this section shall not apply.

(c) Nothing in this subsection (9) shall preclude the court from considering aggravating circumstances other than those stated in paragraph (a) of this subsection (9) as the basis for sentencing the defendant to a term greater than the presumptive range for the felony.

(d)(I) If the defendant is convicted of the class 2 or the class 3 felony of child abuse under section 18-6-401 (7)(a)(I) or (7)(a)(III), the court shall be required to sentence the defendant to a term greater than the maximum in the presumptive range, but not more than twice the maximum term authorized in the presumptive range for the punishment of that class felony.

(II) In no case shall any defendant sentenced pursuant to subparagraph (I) of this paragraph (d) be eligible for suspension of sentence or for probation or deferred prosecution.

(e)(I) If the defendant is convicted of the class 2 felony of sexual assault in the first degree under section 18-3-402 (3), the court shall be required to sentence the defendant to a term greater than the maximum in the presumptive range, but not more than twice the maximum term authorized in the presumptive range for the punishment of that class felony.

(II) In no case shall any defendant sentenced pursuant to subparagraph (I) of this paragraph (e) be eligible for suspension of sentence or probation.

(III) As a condition of parole under section 17-2-201 (5)(e), C.R.S., a defendant sentenced pursuant to this paragraph (e) shall be required to participate in a program of mental health counseling or receive appropriate treatment to the extent that the state board of parole deems appropriate to effectuate the successful reintegration of the defendant into the community while recognizing the need for public safety.

(f) The court may consider aggravating circumstances such as serious bodily injury caused to the victim or the use of a weapon in the commission of a crime, notwithstanding the fact that such factors constitute elements of the offense.

18-1-106. Misdemeanors classified — penalties

Misdemeanors are divided into three classes which are distinguished from one another by the following penalties which are authorized upon conviction:

| Class | Minimum Sentence | Maximum Sentence |
|-------|---|---|
| 1 | Six months imprisonment, or five hundred dollars fine or both | Twenty-four months imprisonment, or five thousand dollars fine, or both |
| 2 | Three months imprisonment, or two hundred fifty dollars fine, or both | Twelve months imprisonment, or five thousand dollars fine, or both |
| 3 | Fifty dollars fine | Six months imprisonment, or seven hundred fifty dollars fine, or both |

No term of imprisonment for conviction of a misdemeanor shall be served in the correction facilities at Canon City unless served concurrently with a term for conviction of a felony.

18-1-107. Petty offenses classified—penalties

A violation of a statute of this state is a "petty offense" if specifically classified as a class 1 or class 2 petty offense. The penalty for commission of a class 1 petty offense, upon conviction, is a fine of not more than five hundred dollars, or imprisonment for not more than six months other than in the correctional facilities at Canon City, or both. The penalty for commission of a class 2 petty offense is a fine specified in the section defining the offense. The penalty assessment procedure of section 16-2-201, C.R.S., is available for the payment of fines in class 2 petty offense cases.

18-1-109. Penalty not fixed by statute—punishment

In all cases where an offense is denominated by statute as being a felony, and no penalty is fixed in the statute therefor, the punishment shall be imprisonment for not more than five years in a correctional facility, as defined in section 17-1-102, C.R.S., or a fine of not more than fifteen thousand dollars, or both such imprisonment and fine. For offenses committed on or after July 1, 1985, a fine of not more than one hundred thousand dollars may be levied. In all cases where an offense is denominated a misdemeanor and no penalty is fixed in the statute therefor, the punishment shall be imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars, or both such imprisonment and fine.

18-2-101. Criminal attempt

(1) A person commits criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, he engages in conduct constituting a substantial step toward the commission of the offense. A substantial step is any conduct, whether act, omission, or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be, nor is it a defense that the crime attempted was actually perpetrated by the accused.

(2) A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish his complicity under section 18-1-603 were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.

(3) It is an affirmative defense to a charge under this section that the defendant abandoned his effort to commit the crime or otherwise prevented its commission, under circumstances manifesting the complete and voluntary renunciation of his criminal intent.

(4) Criminal attempt to commit a class 1 felony is a class 2 felony; criminal attempt to commit a class 2 felony is a class 3 felony; criminal attempt to commit a class 3 felony is a class 4 felony; criminal attempt to commit a class 4 or 5 felony is a class 5 felony.

(5) Criminal attempt to commit a felony which is defined by any statute other than one contained in this title and for which no penalty is specifically provided is a class 5 felony.

(6) Criminal attempt to commit a class 1 misdemeanor is a class 2 misdemeanor.

(7) Criminal attempt to commit a misdemeanor other than a class 1 misdemeanor is a class 3 misdemeanor.

(8) Criminal attempt to commit a petty offense is a crime of the same class as the offense itself.

(9) The provisions of subsections (4) to (8) of this section shall not apply to a person who commits criminal attempt to escape. A person who commits criminal attempt to escape shall be punished as provided in section 18-8-208.1.

18-2-201. Conspiracy

(1) A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he agrees with another person or persons that they, or one or more of them, will engage in conduct which constitutes a crime or an attempt to commit a crime, or he agrees to aid the other person or persons in the planning or commission of a crime or of an attempt to commit such crime.

(2) No person may be convicted of conspiracy to commit a crime, unless an overt act in pursuance of that conspiracy is proved to have been done by him or by a person with whom he conspired.

(3) If a person knows that one with whom he conspires to commit a crime has conspired with another person or persons to commit the same crime, he is guilty of conspiring to commit a crime with the other person or persons, whether or not he knows their identity.

(4) If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are part of a single criminal episode.

(5) If a person conspires to commit a felony which is defined by any statute other than one contained in this title and for which conspiracy no penalty is specifically provided, he is guilty of a class 5 felony. If a person conspires to commit a misdemeanor which is defined by any statute other than one contained in this title and for which conspiracy no penalty is specifically provided, he is guilty of a class 3 misdemeanor.

18-2-206. Penalties for criminal conspiracy - when convictions barred

(1) Conspiracy to commit a class 1 felony is a class 2 felony; conspiracy to commit a class 2 felony is a class 3 felony; conspiracy to commit a class 3 felony is a class 4 felony; conspiracy to commit a class 4 or 5 felony is a class 5 felony.

(2) A person may not be convicted of conspiracy to commit an offense if he is acquitted of the offense which is the object of the conspiracy where the sole evidence of conspiracy is the evidence establishing the commission of the offense which is the object of the conspiracy.

(3) If the particular conduct charged to constitute a criminal conspiracy is so inherently unlikely to result or culminate in the commission of a crime that neither that conduct nor the offender presents a public danger warranting the grading of the offense under this section, the court may enter judgment and impose sentence for a crime of a lesser class or, in extreme cases, may dismiss the prosecution.

(4) Conspiracy to commit a class 1 misdemeanor is a class 2 misdemeanor.

(5) Conspiracy to commit a misdemeanor other than a class 1 misdemeanor is a class 3 misdemeanor.

(6) Conspiracy to commit a petty offense is a crime of the same class as the offense itself.

18-2-301. Criminal solicitation

(1) Except as to bona fide acts of persons authorized by law to investigate and detect the commission of offenses by others, a person is guilty of criminal solicitation if he commands, induces, entreats, or otherwise attempts to persuade another person to commit a felony, whether as principal or accomplice, with intent to promote or facilitate the commission of that crime, and under circumstances strongly corroborative of that intent.

(2) It is a defense to a prosecution under this section that, if the criminal object were achieved, the defendant would be the sole victim of the offense or the offense is so defined that his conduct would be inevitably incident to its commission or he otherwise would not be guilty under the statute defining the offense or under section 18-1-603 dealing with complicity.

(3) It is no defense to a prosecution under this section that the person solicited could not be guilty of the offense because of lack of responsibility or culpability, or other incapacity.

(4) It is an affirmative defense to a prosecution under this section that the defendant, after soliciting another person to commit a felony, persuaded him not to do so or otherwise prevented the commission of the felony, under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent.

(5) Criminal solicitation is subject to the penalties provided for criminal attempt in section 18-2-101.

COLORADO CRIMINAL STATUTES

COLO. REV. STAT. § X (1978 & Supp. 1986)
For Drugs: COLO. REV. STAT. § 12 (1985)

KEY

- F = Felony
- M = Misdemeanor
- P = Petty
- 1,2,3,4,5 = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

Statute No. and Title Class/Time

ARTICLE 22. DRUGS AND DRUGGISTS (inclusive)

Part 1. General Provisions

| | |
|---|-----------|
| 12-22-126* Unlawful acts | See below |
| (1a) Practice pharmacy without license | M1 |
| ● Second offense | F5 |
| (1b) Fraud or forgery to obtain drugs | M1 |
| ● Second offense | F5 |
| (1c) Make false statement in order, report, application | M1 |
| ● Second offense | F5 |
| (1d) Falsely represent as pharmacist | M1 |
| ● Second offense | F5 |
| (1e) Make/utter false or forged order | M1 |
| ● Second offense | F5 |
| (1f) Affix false/forged label to drug container | M1 |
| ● Second offense | F5 |
| (1g) [Repealed] | |
| (1h) Wrongfully sell, compound, receive, etc., drug | M1 |
| ● Second offense | F5 |
| (1i) Dispense drug other than that prescribed | M1 |
| ● Second offense | F5 |
| (1j) Affix false trade/identification mark to container | M1 |
| ● Second offense | F5 |
| (1k) Employers/employee's agent coerce a pharmacist to dispense a prescription drug against the professional judgment of pharmacist | M1 |
| ● Second offense | F5 |
| (1l) Coerce non-pharmacist to practice pharmacy | M1 |
| ● Second offense | F5 |
| (1m) Dispense drug in violation of labeling, drug identification, and container requirements of law | M1 |
| ● Second offense | F5 |
| 12-22-127 Penalty for violations | See above |
| Part 2. Regulation of Working Hours [Repealed] | |
| Part 3. Controlled Substances | |
| 12-22-314* Unlawful acts--licenses--penalties | See below |

| | |
|---|----|
| (1)(a) Dispense/possess Schedule I controlled substance | F3 |
| ● If prior conviction | F2 |
| (b) Dispensing of Schedule II controlled substance | F3 |
| ● If prior conviction | F2 |
| (c) Dispensing of Schedule III, IV or V controlled substance | |
| ● Schedule III | F4 |
| - If prior conviction | F3 |
| ● Schedule IV | F5 |
| - If prior conviction | F4 |
| ● Schedule V | M1 |
| - If prior conviction | F5 |
| (c.5) Dispensing of marijuana/concentrate | F4 |
| - If prior conviction | F3 |
| (d) Refilling of any Schedule III, IV or V controlled substance 6 months after issuance or 5 times | M |
| (e) Failure of pharmacy to file and retain prescription | M |
| (f) Failure of hospital to record and maintain a record | M |
| (g) Refusal to make available for inspection and provide full opportunity to check any record or file | M |
| (h) Fail to keep records | M |
| (i) Fail to obtain license | M |
| (j) Fail to affix proper information on drug container when dispensed (name, address, etc.) | M |
| (k) Fail to affix proper information on drug container when dispensed (directions, etc.) | M |
| (l) Administration of controlled substance other than to patient for whom prescribed | M |
| (m) Possession of controlled substance from improper persons | M |

12-22-315 Fraud and deceit F5/F4

12-22-318 Records to be kept--order forms M

12-22-320 Records confidential M

Part 4. Dangerous Drugs

Repealed

Part 5. Control of Drug Paraphernalia

12-22-504 Possession of drug paraphernalia--penalty P2

12-22-505 Manufacture, sale, or delivery of drug paraphernalia--penalty M2

12-22-506 Advertisement for drug paraphernalia--penalty M2

ARTICLE 3. OFFENSES AGAINST THE PERSON

Part 1. Homicide and Related Offenses (inclusive)

18-3-102 Murder in the first degree F1

18-3-103 Murder in the second degree F2

| | | | | | |
|--|--|----------|---|---|-----------------|
| 18-3-104 | Manslaughter | F4 | Part 2. Burglary and Related Offenses (inclusive) | | |
| 18-3-105 | Criminally negligent homicide | F5 | 18-4-202 | First degree burglary | F2/F3 |
| 18-3-106 | Vehicular homicide | F4 | 18-4-202.1 | Habitual burglary offenders--punishment--legislative declaration | Additional time |
| Part 2. Assaults (inclusive) | | | 18-4-203 | Second degree burglary | F4/F3 |
| 18-3-202 | Assault in the first degree | F3/F5 | 18-4-204 | Third degree burglary | F5/F4 |
| 18-3-203* | Assault in the second degree | F4 | 18-4-205 | Possession of burglary tools | F5 |
| | ● If under sudden heat of passion or provocation | M1 | Part 3. Robbery (inclusive) | | |
| 18-3-204 | Assault in the third degree | M1 | 18-4-301 | Robbery | F4 |
| 18-3-205 | Vehicular assault | F5 | 18-4-302 | Aggravated robbery | F3 |
| 18-3-206 | Menacing | F5 | 18-4-303 | Aggravated robbery of controlled substances | F2 |
| 18-3-207 | Criminal extortion | F4/F3 | 18-4-304 | Robbery of the elderly or handicapped--legislative declaration | F3 |
| 18-3-208 | Reckless endangerment | M3 | Part 4. Theft (inclusive) | | |
| 18-3-209 | Assault on the elderly or the handicapped--legislative declaration | F3/F5 | 18-4-401* | Theft | |
| Part 3. Kidnapping | | | | ● If value < \$50 | M3 |
| 18-3-301 | First degree kidnapping | F1/F2 | | ● If value is between \$50 and \$300 | M2 |
| 18-3-302 | Second degree kidnapping | F2/F3/F4 | | ● If value > \$300 but < \$10,000 | F4 |
| 18-3-304 | Violation of custody | F5 | | ● If value > \$10,000 | F3 |
| 18-3-305 | Enticement of a child | F4/F3 | | ● If value is between \$300 and \$10,000 and theft committed twice within 6-month period without having been placed in jeopardy | F4 |
| Part 4. Unlawful Sexual Behavior (inclusive) | | | | ● If value > \$10,000 | F3 |
| 18-3-402 | Sexual assault in the first degree | F3/F2 | | ● Theft from the person by other than force | F5 |
| 18-3-403 | Sexual assault in the second degree | F4 | 18-4-402* | Theft of rental property | |
| 18-3-404* | Sexual assault in the third degree | M1 | | ● If value < \$50 | M3 |
| | ● If compelled victim by threat, intimidation, etc. | F4 | | ● If value ≥ \$50 but < \$300 | M2 |
| 18-3-405 | Sexual assault on a child | F4/F3 | | ● If value ≥ \$300 but < \$10,000 | F4 |
| ARTICLE 4. OFFENSES AGAINST PROPERTY | | | | ● If value ≥ \$10,000 | F3 |
| Part 1. Arson (inclusive) | | | 18-4-408* | Theft of trade secrets--penalty | M1 |
| 18-4-102 | First degree arson | F3 | | ● If subsequent conviction within 5 years | F4 |
| 18-4-103* | Second degree arson | F4 | 18-4-409* | Aggravated motor vehicle theft | |
| | ● If value of damage is < \$200 | M2 | | ● First degree | |
| 18-4-104 | Third degree arson | F4 | | - if value ≤ \$10,000 | F4 |
| 18-4-105* | Fourth degree arson | F4 | | - if value > \$10,000 or if defendant twice previously convicted of same act | F3 |
| | ● If person endangered | F4 | | ● Second degree | M2 |
| | ● If only property is endangered | M2/M3 | | - if twice previously convicted | F5 |
| | | | 18-4-410* | Theft by receiving | |
| | | | | ● If value < \$50 | M3 |
| | | | | ● If value ≥ \$50 but < \$300 | M2 |
| | | | | ● If value ≥ \$300 but < \$10,000 | F4 |
| | | | | ● If value > \$10,000 | F3 |
| | | | | ● If value ≥ \$300 and defendant engaged in business concerning stolen goods | F3 |
| | | | 18-4-412 | Theft of medical records or medical information--penalty | F5 |

18-4-413 Mandatory sentencing for repeated felony theft from a store--store defined

Part 5. Trespass, Tampering, and Criminal Mischief

- 18-4-501* Criminal mischief
- If damage < \$50 M3
 - If damage is between \$50 and \$300 M2
 - If damage is between \$300 and \$10,000 F4
 - If damage > \$10,000 F3

18-4-502 First degree criminal trespass F5

- 18-4-503* Second degree criminal trespass M3
- If specified agricultural lands M2
 - If trespass on same with intent to commit felony F4

- 18-4-504* Third degree criminal trespass P1
- If specified agricultural lands M3
 - If trespass on same with intent to commit felony F4

Part 6. Theft of Sound Recordings (inclusive)

18-4-602 Unlawful transfer for sale F5

18-4-603 Unlawful trafficking in unlawfully transferred articles M3

18-4-604 Dealing in unlawfully packaged recorded articles M3

Part 7. Theft of Cable Television Service (inclusive)

18-4-701 Theft of cable television service M2

ARTICLE 5. OFFENSES INVOLVING FRAUD

Part 1. Forgery, Simulation, Impersonation, and Related Offenses

18-5-102 First degree forgery F4

18-5-103 Second degree forgery F4

18-5-105 Criminal possession of first degree forged instrument F5

18-5-109 Criminal possession of forgery devices F5

18-5-113 Criminal impersonation F5

- 18-5-114* Offering a false instrument for recording
- In the first degree F5
 - In the second degree M1

18-5-115 Charitable fraud F5

18-5-116 Controlled substances--inducing consumption by fraudulent means F4

Part 2. Fraud in Obtaining Property or Services

- 18-5-205* Fraud by check--definitions--penalties
- If amount < \$50 M3
 - If amount ≥ \$50 but < \$300 M2
 - If amount ≥ \$300, two or more checks are involved, or twice previously convicted of check fraud F4
 - Check drawn on non-existent or closed account F4
 - Open checking account under false pretenses M2

- 18-5-206* Defrauding a secured creditor or debtor
- Debtor:
 - if value of collateral < \$50 M3
 - if value of collateral ≥ \$50 but < \$300 M2
 - if value of collateral ≥ \$300 but < \$10,000 F4
 - if value of collateral > \$10,000 F3
 - Creditor:
 - if note or contract < \$50 M3
 - if note or contract ≥ \$50 but < \$300 M2
 - if note or contract ≥ \$300 but < \$10,000 F4
 - if note or contract > \$10,000 F3

- 18-5-209* Issuing a false financial statement--obtaining a financial transaction device by false statements
- Issuing a false financial statement to obtain property, services, or money M1
 - Issuing two or more false financial statements to obtain property, services, or money F5

18-5-210 Receiving deposits in a failing financial institution F5

Part 3. Fraudulent and Deceptive Sales and Business Practices

18-5-302 Unlawful activity concerning the selling of land F5

Part 4. Bribery and Rigging of Contests

18-5-401 Commercial bribery and breach of duty to act disinterestedly F5

18-5-403 Bribery in sports F5

Part 5. Offenses Relating to the Uniform Commercial Code

- 18-5-502* Failure to pay over assigned accounts
- If amount < \$100 M2

- 18-5-504* Concealment or removal of secured property
- If value ≥ \$100 F4
 - If value < \$100 M2

- 18-5-505* Failure to pay over proceeds unlawful
- If value ≥ \$100 F4
 - If value < \$100 M2

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|---|----------|---|------------------|
| 18-5-506 Fraudulent receipt--penalty | F5 | Part 3. Incest | |
| 18-5-508 Duplicate receipt not marked--penalty | F5 | 18-6-301 Incest | F4 |
| | | 18-6-302 Aggravated incest | F3 |
| Part 6. Imitation Controlled Substances Act (inclusive) | | Part 4. Wrongs to Children | |
| 18-5-604* Violations--penalties | | 18-6-401* Child abuse | See below |
| ● Manufacture, distribute, possess with intent to distribute imitation controlled substance | F5 | (7a)(I) Knowingly/recklessly results in death | F2 |
| ● If prior conviction | F4 | (7a)(II) Criminal negligence results in death | F3 |
| ● Person 18 years old or more distributes to one less than 18 years old | F4 | (7a)(III) Knowingly/recklessly results in serious bodily injury | F3 |
| ● If prior conviction | F3 | (7a)(IV) Criminal negligence results in serious bodily injury | F4 |
| ● Advertise for distribution of imitation controlled substance | M1 | (7a)(V) Knowingly/recklessly results in bodily injury other than serious | M1 |
| | | (7a)(VI) Criminal negligence results in bodily injury other than serious | M2 |
| Part 7. Financial Transaction Device Crime Act | | (7b)(I) Knowingly/recklessly results in injury | M2 |
| 18-5-702* Unauthorized use of a financial transaction device | | (7b)(II) Criminal negligence results in injury | M3 |
| ● If amount obtained < \$50 | P1 | 18-6-401.2 Habitual child abusers indictment or information verdict of jury | Additional years |
| ● If amount obtained ≥ \$50 but < \$300 | M2 | 18-6-402 Trafficking in children | F3 |
| ● If amount obtained ≥ \$300 but < \$10,000 | F4 | 18-6-403 Sexual exploitation of children | F3 |
| ● If amount obtained ≥ \$10,000 | F3 | 18-6-404 Procurement of a child for sexual exploitation | F3 |
| 18-5-703* Criminal possession of a financial transaction device | | Part 5. Adultery | |
| ● Possession of one device | M1 | ARTICLE 7. OFFENSES RELATING TO MORALS | |
| ● Possession of two or three devices | F5 | Part 1. Obscenity--Offenses | |
| ● Possession of four or more devices | F4 | Part 2. Prostitution | |
| 18-5-704 Sale or possession for sale of a financial transaction device | F4/F3 | 18-7-203* Pandering | |
| 18-5-705 Criminal possession or sale of a blank financial transaction device | F5/F4/F3 | ● Involving a person by intimidation or menacing | F5 |
| 18-5-706 Criminal possession of forgery devices | F5 | ● Arranging a situation | M3 |
| 18-5-707 Unlawful manufacture of a financial transaction device | F4 | 18-7-206 Pimping | F3 |
| ARTICLE 5.5 COMPUTER CRIME | | Part 3. Public Indecency | |
| 18-5.5-102* Computer crime | | Part 4. Child Prostitution | |
| ● If value < \$50 | M3 | 18-7-402 Soliciting for child prostitution | F3 |
| ● If value ≥ \$50 but < \$300 | M2 | 18-7-403 Pandering of a child | F2/F3 |
| ● If value ≥ \$300 but < \$10,000 | F4 | 18-7-403.5 Procurement of a child | F3 |
| ● If value ≥ \$10,000 | F3 | 18-7-404 Keeping a place of child prostitution | F3 |
| ARTICLE 6. OFFENSES INVOLVING THE FAMILY RELATION | | 18-7-405 Pimping of a child | F3 |
| Part 1. Abortion | | 18-7-405.5 Inducement of child prostitution | F3 |
| 18-6-102 Criminal abortion | F4/F2 | 18-7-406 Patronizing a prostituted child | F3 |
| 18-6-103 Pretended criminal abortion | F5/F2 | | |
| Part 2. Bigamy | | | |
| 18-6-201 Bigamy | F5 | | |

Part 5. Sexually Explicit Materials
Harmful to Children

ARTICLE 8. OFFENSES--GOVERNMENTAL
OPERATIONS

Part 1. Obstruction of Public Justice

18-8-105* Accessory to crime F4
 ● If knows person convicted of F1/F2
 ● If knows person suspected of F1/F2 F5
 ● Other than F1/F2 F5
 ● If misdemeanor P1

18-8-110 False report of explosives, weapons, or harmful substances F5

18-8-116 Disarming a peace officer F5

Part 2. Escape and Offenses Relating to Custody

18-8-201* Aiding escape
 ● If convicted of F1/F2 F2
 ● If in custody or charged with F1/F2 F3
 ● If convicted of, charged with, etc. misdemeanor M1

18-8-201.1 Aiding escape from mental institution F5

18-8-203 Introducing contraband in the first degree F4

18-8-204 Introducing contraband in the second degree F5

18-8-204.1 Possession of contraband in the first degree F5/F4

18-8-206 Assault during escape F1/F2/F3

18-8-207 Holding hostages F2

18-8-208* Escapes
 ● If convicted of F1/F2 F2
 ● If convicted of offense other than F1/F2 F3
 ● Charged with/held for felony but not convicted F4
 ● If convicted of misdemeanor/petty M3
 ● Charged with/held for misdemeanor but not convicted P1
 ● If escape while confined under article 8 of title 16:
 - if charged with misdemeanor M1
 - if charged with felony but not leave Colorado M1
 - if charged with felony but leaves Colorado F5
 - if confined pursuant to article 19 of title 16 F5

18-8-208.1* Attempt to escape
 ● If charged with/convicted of felony F4/F5
 ● If misdemeanor M

18-8-211 Riots in detention institutions F3/F5

18-8-212* Violation of bail bond conditions
 ● If released on felony F5
 ● If released on misdemeanor M3

Part 3. Bribery and Corrupt Influences

18-8-302 Bribery F3

18-8-303 Compensation for past official behavior F5

18-8-306 Attempt to influence a public servant F4

18-8-307 Designation of supplier prohibited F5

Part 4. Abuse of Public Office

18-8-402 Misuse of official information F5

18-8-406 Issuing a false certificate F5

18-8-407 Embezzlement of public property F4

Part 5. Perjury and Related Offenses

18-8-502 Perjury in the first degree F4

Part 6. Offenses Relating to Judicial and Other Proceedings

18-8-603 Bribe-receiving by a witness F4

18-8-606 Bribing a juror F4

18-8-607 Bribe-receiving by a juror F4

18-8-608 Intimidating a juror F4

18-8-609* Jury-tampering
 ● In any F1 trial M1
 F5

18-8-610 Tampering with physical evidence F5

Part 7. Victims and Witnesses Protection

18-8-703 Bribing a witness or victim F4

18-8-704 Intimidating a witness or victim F4

18-8-705 Aggravated intimidation of a witness or victim F3

18-8-706 Retaliation against a witness or victim F3

18-8-707 Tampering with a witness or victim F4

ARTICLE 9. OFFENSES AGAINST PUBLIC PEACE,
ORDER, AND DECENCY

Part 1. Public Peace and Order

18-9-102* Inciting a riot M1
● If injury to person or damage F5
to property results

18-9-103 Arming rioters F4

18-9-104* Engaging in a riot M2
● If employs a deadly weapon or F4
destructive device

18-9-115 Endangering public F3
transportation

18-9-116.5* Vehicular eluding M1
● If bodily injury to another F4
results

18-9-118 Firearms, explosives, F5
or incendiary devices in facilities
of public transportation

18-9-119* Failure or refusal to M1/M2
leave premises or property upon
request of a peace officer--
penalties--payment of costs
● Detain another with threat/ F4
use of deadly weapon

18-9-120 Terrorist training F5
activities--penalties--exemptions

Part 2. Cruelty to Animals

18-9-204 Dog-fighting--penalty F5/F4

Part 3. Offenses Involving Communications

18-9-302* Wiretapping and eaves- M2
dropping devices prohibited--
penalty
● If second or subsequent offense F5

18-9-303 Wiretapping prohibited-- F5
penalty

18-9-304 Eavesdropping pro- F5
hibited--penalty

18-9-309* Illegal telecom- M3
munications equipment
● Second violation within 5 years F5

18-9-310 Unlawful use of F5
information--penalty

ARTICLE 10. GAMBLING

18-10-103* Gambling--professional M3
gambling--offenses
● Gambling P1
- professional gambling M1
- repeat offender F5

18-10-105* Possession of a M2
gambling device or record
● If repeat offender F5

18-10-106* Gambling information M3
● If repeat offender F5

18-10-107* Gambling premises M3
● If repeat offender F5

ARTICLE 11. OFFENSES INVOLVING DISLOYALTY

Part 1. Treason and Related Offenses

18-11-101 Treason F1

18-11-102 Insurrection F4

Part 2. Anarchy--Sedition

18-11-201 Advocating overthrow F4
of government

18-11-202 Inciting to destruction F5
of life or property

ARTICLE 12. OFFENSES RELATING TO FIREARMS
AND WEAPONS

18-12-102* Possessing a dangerous F5/F4
or illegal weapon--affirmative
defense
● Possess dangerous weapon F5/F4
● Possess illegal weapon M1

18-12-103* Possession of a de- M3
faced firearm
● Second offense F5

18-12-104 Defacing a firearm F5

18-12-105* Unlawfully carrying M2
a concealed weapon--unlawful
possession of weapons
● Second offense F5

18-12-106* Prohibited use of M2
weapons
● Second offense F5

18-12-107 Penalty for second F5
offense

18-12-108 Possession of weapons F5/F4
by previous offenders

18-12-109 Possession, use, or F2/F4/F5
removal of explosives or incendiary
devices--possession of components
thereof--persons exempt--hoaxes

ARTICLE 13. MISCELLANEOUS OFFENSES

18-13-104 Fighting by agreement-- F4
dueling

18-13-105 Criminal libel F5

18-13-112 Hazardous waste F4
violations

ARTICLE 14. HOTEL FACILITY RATES:
POSTING--NOTICE

ARTICLE 15. OFFENSES--RELATING TO MAKING,
FINANCING, OR COLLECTION OF LOANS

18-15-102 Extortionate extension F4
of credit--penalty

18-15-104 Engaging in criminal F5
usury

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|---|-----------|--|-----------------|
| 18-15-105 Financing extortionate extension of credit | F4 | (4b)(II) If prior conviction of same | F4 |
| 18-15-106 Financing criminal usury | F5 | (7a) Person 18 years old or over supplies more than one ounce of marijuana to person less than 18 years old but more than 15 years old | F4 |
| 18-15-107 Collection of extensions of credit by extortionate means | F4 | (7b) Person more than 18 years old supplies any amount of marijuana to person less than 15 years old | F4 |
| 18-15-108 Possession or concealment of records of criminal usury | F5 | (7c) If prior conviction of supplying minor | F3 |
| | | (8IIA) Grow/allow marijuana to be grown | F4 |
| ARTICLE 16. PURCHASERS OF VALUABLE ARTICLES | | (8IIB) If convicted of same before | F3 |
| 18-16-103 Purchaser to identify seller | F5 | (8IIIA) Sell marijuana/concentrate | F4 |
| 18-16-104 Purchases prohibited | F5 | (8IIIB) If prior conviction of sale | F3 |
| 18-16-105 Purchaser to maintain register and obtain declaration of seller's ownership | F5 | 18-18-107 Special offender | Additional time |
| 18-16-106 Holding period | F5 | 18-18-108 Declaration of class 1 public nuisance | Forfeiture |
| 18-16-107 Reports required | F5 | 18-18-109 Authorized possession of controlled substances | P1 |
| 18-16-108 Penalty | See above | | |
| ARTICLE 17. COLORADO ORGANIZED CRIME ACT | | | |
| 18-17-104 Prohibited Activities | F2 | | |
| 18-17-105 Criminal penalties | See above | | |
| ARTICLE 18. OFFENSES RELATING TO CONTROLLED SUBSTANCES (inclusive) | | | |
| 18-18-104* Unlawful use of a controlled substance | See below | | |
| (1a) If Schedule I or II | F5 | | |
| (1b) If Schedule III, IV or V | M1 | | |
| 18-18-105* Unlawful distribution, manufacture, dispensing, sale, or possession | See below | | |
| (2a)(I) If Schedule I or II | F3 | | |
| (2a)(II) If Schedule I or II, prior conviction | F2 | | |
| (2b)(I) If Schedule III | F4 | | |
| (2b)(II) If prior conviction of this or any above | F3 | | |
| (2c)(I) If Schedule IV | F5 | | |
| (2c)(II) If prior conviction of this or any above | F4 | | |
| (2d)(I) If Schedule V | M1 | | |
| (2d)(II) If prior conviction of this or any above | F5 | | |
| 18-18-106* Offenses relating to marijuana and marijuana concentrate | See below | | |
| (1) Possess < one ounce marijuana | P2 | | |
| (3) Openly use, display < one ounce marijuana | P2 | | |
| (4a)(I) Possess > one ounce but < eight ounces | M1 | | |
| (4a)(II) If prior conviction of same | F5 | | |
| (4b)(I) Possess ≥ eight ounces of marijuana/concentrate | F5 | | |

CONN. GEN. STAT. ANN. §x (West 1985 & Supp. 1986).

Criminal Classification Information

§53a-24. Offense defined.

Application of sentencing provisions to motor vehicle and drug selling violators

(a) The term "offense" means any crime or violation which constitutes a breach of any law of this state or of any other state or of federal law or local law or ordinance of a political subdivision of this state, for which a sentence to a term of imprisonment or to a fine, or both, may be imposed, except one that defines a motor vehicle violation or is deemed to be an infraction. The term "crime" comprises felonies and misdemeanors. Every offense which is not a "crime" is a "violation." Conviction of a violation shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

(b) Notwithstanding the provisions of subsection (a), the provisions of sections 53a-28 to 53a-44, inclusive, shall apply to motor vehicle violations. Said provisions shall apply to convictions under section 21a-278 except that the execution of any mandatory minimum sentence imposed under the provisions of said section may not be suspended.

53a-25. Felony: Definition, classification, designation.

(a) Any offense for which a person may be sentenced to a term of imprisonment in excess of one year is a felony.

(b) Felonies are classified for the purposes of sentence as follows: (1) Class A, (2) Class B, (3) Class C, (4) Class D, (5) unclassified and (6) capital felonies for which the sentence of death may be imposed as provided in sections 53a-46a and 53a-54b.

(c) The particular classification of each felony defined in this chapter is expressly designated in the section defining it. Any offense defined in any other section of the general statutes which, by virtue of any expressly specified sentence, is within the definition set forth in subsection (a) shall be deemed an unclassified felony.

§53a-26. Misdemeanor: Definition, classification, designation.

(a) An offense for which a person may be sentenced to a term of imprisonment of not more than one year is a misdemeanor.

(b) Misdemeanors are classified for the purpose of sentence as follows: (1) Class A, (2) Class B, (3) Class C and (4) unclassified.

(c) The particular classification of each misdemeanor defined in this chapter is expressly designated in the section defining it. Any offense defined in any other section of the general statutes which, by virtue of an expressly specified sentence, is within the definition set forth in subsection (a) shall be deemed an unclassified misdemeanor.

§53a-27. Violation: Definition, designation.

(a) An offense, for which the only sentence authorized is a fine, is a violation unless expressly designated an infraction.

(b) Every violation defined in this chapter is expressly designated as such. Any offense defined in any other section which is not expressly designated a violation or

infraction shall be deemed a violation if, notwithstanding any other express designation, it is within the definition set forth in subsection (a).

§53a-35a. Imprisonment for any felony committed on or after July 1, 1981: Definite sentences; terms authorized.

For any felony committed on or after July 1, 1981, the sentence of imprisonment shall be a definite sentence and the term shall be fixed by the court as follows:

- (1) For a capital felony, a term of life unless a sentence of death is imposed in accordance with section 53a-46a;
- (2) for the class A felony of murder, a term not less than twenty-five years nor more than life;
- (3) for a class A felony other than murder, a term not less than ten years nor more than twenty-five years;
- (4) for a class B felony, a term not less than one year nor more than twenty years, except that for a conviction under section 53a-55a, 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the term shall be not less than five years nor more than twenty years;
- (5) for a class C felony, a term not less than one year nor more than ten years, except that for a conviction under section 53a-56a, the term shall be not less than three years nor more than ten years;
- (6) for a class D felony, a term not less than one year nor more than five years, except that for a conviction under section 53a-60b, the term shall be not less than two years nor more than five years, and for a conviction under section 53a-60c, the term shall be not less than three years nor more than five years;
- (7) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime.

§53a-36. Imprisonment for misdemeanor: Maximum and minimum sentences.

A sentence of imprisonment for a misdemeanor shall be a definite sentence and the term shall be fixed by the court as follows:

- (1) For a class A misdemeanor, a term not to exceed one year except that when a person is found guilty under section 53a-61(a)(3), the minimum term shall be not less than one year and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-61a, the minimum term shall not be less than one year and such sentence shall not be suspended or reduced;
- (2) for a class B misdemeanor a term not to exceed six months;
- (3) for a class C misdemeanor a term not to exceed three months;
- (4) for an unclassified misdemeanor a term in accordance with the sentence specified in the section of the general statutes that defines the crime.

INCHOATE OFFENSES

§53a-51. Classification of attempt and conspiracy.

Attempt and conspiracy are crimes of the same grade and degree as the most serious offense which is attempted or is an object of the conspiracy, except that an attempt or conspiracy to commit a class A felony is a class B felony.

CONNECTICUT CRIMINAL STATUTES

CONN. GEN. STAT. ANN. §x (West 1985 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- A, B, C, D = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = more than, less than
- ≥ , ≤ = more than or equal, less than or equal

NOTE: For categories that are NOT inclusive, crimes with a penalty of 1 year or less are NOT recorded.

Statute No. and Title Class/Time

Crimes

OFFENSES AGAINST THE PERSON

53-21 Injury or risk of injury to or impairing morals of children 10 yrs.

53-23 Abandonment of child under age 16 years 5 yrs.

53-29 Attempt to procure miscarriage or abortion 5 yrs.

53-30 Abortion or miscarriage 2 yrs.

53-31a Abortion or miscarriage FD

53-37a Deprivation of a person's civil rights by person wearing mask or hood FD

OFFENSES AGAINST PRIVATE PROPERTY

53-80a Manufacture of bombs FB

OFFENSES AGAINST PUBLIC JUSTICE

53-153 Unlawful removal or alteration of records; counterfeiting seals 10 yrs.

OFFENSES AGAINST PUBLIC PEACE AND SAFETY

53-201 Witnessing or aiding prize fights 2 yrs.

53-202* Machine guns 10-20 yrs./5-10 yrs.

- failure of manufacturer to keep a register Fine

53-206b Unlawful training in use of firearms FC

CONCEALMENT OF DELIVERY OF CHILD

CRUELTY TO ANIMALS

OFFENSES AGAINST PUBLIC POLICY

53-278d* Transmission of gambling information MA

• use fictitious name for service FD
e* Gambling premises as nuisance MA

• if electrical/alarm system FD

53-289* Ticket scalping MC/MA
• third offense FD

53-320 Distribution of noxious seeds or poisons 5 yrs.

53-334 Unlawful disinterment 5 yrs.

FORGERY AND COUNTERFEITING

FRAUDS AND FALSE PRETENSES

53-368 Falsely certifying as to administration of oath 3 yrs.

EXTORTIONATE CREDIT TRANSACTIONS

53-391 Advances of money or property to be used in extortionate extension of credit FB/20 yrs.

53-392 Participation or conspiracy in use of extortionate means FB

ACADEMIC CRIMES

CORRUPT ORGANIZATIONS AND RACKETEERING ACTIVITY ACT

53-394 Definitions

53-395 Prohibited activities See below

53-397 Penalty; forfeiture of property 1-20 yrs.

COMMUNICATIONS CONSUMER PRIVACY ACT

Penal Code

HOMICIDE (inclusive)

53a-54a Murder defined. Affirmative defenses. Evidence of mental condition. Classification. FA/Capital felony

- b Capital felony defined
- c Felony murder FA/Capital felony
- d Arson murder Life without parole

53a-55 Manslaughter in the first degree FB

- a Manslaughter in the first degree with a firearm: One year not suspendable FB

53a-56 Manslaughter in the second degree FC

- a Manslaughter in the second degree with a firearm: One year not suspendable FC

- b Manslaughter in the second degree with a motor vehicle while intoxicated FC

53a-57 Misconduct with a motor vehicle FD

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| 53a-58 Criminally negligent homicide | MA | KIDNAPPING AND RELATED OFFENSES | |
| ASSAULT AND RELATED OFFENSES (inclusive) | | 53a-92 Kidnapping in the first degree | FA |
| 53a-59 Assault in the first degree | FB | a Kidnapping in the first degree with a firearm: One year not suspendable | FA |
| a Assault of a victim sixty or older in the first degree | FB | 53a-94 Kidnapping in the second degree | FB |
| 53a-60 Assault in the second degree | FD | a Kidnapping in the second degree with a firearm: One year not suspendable | FB |
| a Assault in the second degree with a firearm: One year not suspendable | FD | 53a-95 Unlawful restraint in the first degree | FD |
| b Assault of a victim sixty or older in the second degree | FD | 53a-97 Custodial interference in the first degree | FD |
| c Assault of a victim sixty or older in the second degree with a firearm | FD | 53a-99 Substitution of children | FD |
| d Assault in the second degree with a motor vehicle while intoxicated | FD | BURGLARY, CRIMINAL TRESSPASS, ARSON, CRIMINAL MISCHIEF AND RELATED OFFENSES (inclusive) | |
| 53a-61 Assault in the third degree | MA | 53a-101 Burglary in the first degree | FB |
| a Assault of a victim sixty or older in the third degree | MA | 53a-102 Burglary in the second degree | FC |
| 53a-62 Threatening | MA | a Burglary in the second degree with a firearm: One year not suspendable | FC |
| 53a-63 Reckless endangerment in the first degree | MA | 53a-103 Burglary in the third degree | FD |
| 53a-64 Reckless endangerment in the second degree | MB | a Burglary in the third degree with a firearm: One year not suspendable | FD |
| SEX OFFENSES (inclusive) | | 53a-106 Manufacturing or possession of burglar's tools | MA |
| 53a-70 Sexual assault in the first degree: One year not suspendable | FB | 53a-107 Criminal trespass in the first degree | MA |
| a Sexual assault in the first degree with a deadly weapon; five years not suspendable | FB | 53a-108 Criminal trespass in the second degree | MB |
| b Sexual assault in spousal or cohabitating relationship | FB | 53a-109 Criminal trespass in the third degree | MC |
| 53a-71 Sexual assault in the second degree: Nine months not suspendable | FC | 53a-111 Arson in the first degree | FA |
| 53a-72a Sexual assault in the third degree | FD | 53a-112 Arson in the second degree | FB |
| b Sexual assault in the third degree with a firearm: One year not suspendable | FD | 53a-113 Arson in the third degree | FC |
| 53a-73a Sexual assault in the fourth degree | MA | 53a-114 Reckless burning | FD |
| 53a-81 Adultery | MA | 53a-115 Criminal mischief in the first degree | FD |
| 53a-82 Prostitution | MA | 53a-116 Criminal mischief in the second degree | MA |
| 53a-83 Patronizing a prostitute | MA | 53a-117 Criminal mischief in the third degree | MB |
| 53a-86 Promoting prostitution in the first degree | FB | a Criminal mischief in the fourth degree | MC |
| 53a-87 Promoting prostitution in the second degree | FC | | |
| 53a-88 Promoting prostitution in the third degree | FD | | |

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|---|-----------|--|----|
| LARCENY, ROBBERY AND RELATED OFFENSES (inclusive) | | 53a-136 Robbery in the third degree | FD |
| 53a-119b* Using motor vehicle or vessel without owner's permission. Interfering or tampering with a motor vehicle | | FORGERY AND RELATED OFFENSES | |
| • first offense | MA | 53a-138 Forgery in the first degree | FC |
| • subsequent offense | FD | 53a-139 Forgery in the second degree | FD |
| 53a-122 Larceny in the first degree | FB | BRIBERY, OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE AND OTHER RELATED OFFENSES | |
| 53a-123 Larceny in the second degree | FC | 53a-147 Bribery | FD |
| 53a-124 Larceny in the third degree | FD | 53a-148 Bribe receiving | FD |
| 53a-125 Larceny in the fourth degree | MA | 53a-149 Bribery of a witness | FD |
| a Larceny in the fifth degree | MB | 53a-150 Bribe receiving by a witness | FD |
| b Larceny in the sixth degree | MC | 53a-151 Tampering with a witness | FD |
| 53a-127 Diversion from state of benefit of labor of employees | MA | 53a-152 Bribery of a juror | FC |
| a Unlawful entry into coin machine; possession of key to enter | MA | 53a-153 Bribe receiving by a juror | FC |
| b Fraudulent use of an automated teller machine | MC | 53a-154 Tampering with a juror | FD |
| c Theft of utility service for profit | FD | 53a-155 Tampering with or fabricating evidence | FD |
| 53a-128* Issuing a bad check | | 53a-156 Perjury | FD |
| • if amount > 1000 | FD | 53a-158 Bribery of a labor official | FD |
| • 500-1000 | MA | 53a-159 Bribe receiving by a labor official | FD |
| • 250-500 | MB | 53a-161a Bid rigging | FD |
| • < 250 | MC | c Receiving kickbacks | FD |
| b False statement to procure issuance of credit card | MA | 53a-162 Rigging | FD |
| c* Credit card theft | MA | 53a-166 Hindering prosecution in the first degree | FD |
| • subsection (e) | FD | 53a-167c Assault on a police officer or fireman | FC |
| d* Illegal use of credit card, presumption of knowledge of revocation | MA | ESCAPE AND RELATED OFFENSES | |
| • if > \$500 in 6-month period | FD | 53a-169 Escape in the first degree | FC |
| e* Illegal furnishing of money, goods or services on credit card | MA | 53a-170 Escape in the second degree, while at work | FD |
| • if > \$500 in 6-month period | FD | 53a-172 Failure to appear in the first degree | FD |
| f Unlawful completion or reproduction of credit card | FD | 53a-174a Possession of weapon or dangerous instrument in correctional institution | FB |
| g Receipt of money, goods or services obtained by illegal use of credit card | MA | RIOT AND RELATED OFFENSES | |
| i* Penalties for credit card crimes | See above | 53a-179 Criminal advocacy | FD |
| 53a-129 Misapplication of property | MA | a Inciting injury to persons or property | FC |
| 53a-130 Criminal impersonation | MB | | |
| 53a-131 Unlawfully concealing a will | MA | | |
| 53a-132 False entry by officer or agent of public community | MA | | |
| 53a-134 Robbery in the first degree | FB | | |
| 53a-135 Robbery in the second degree | FC | | |

| | | | |
|---|------------|--|--------------------------|
| b Rioting at a correctional institution | FB | (b) prescription violations | |
| c Inciting to riot at correctional institutions | FC | • first offense | 2 yrs. |
| 53a-180a Falsely reporting an incident resulting in serious physical injury or death | FD | • subsequent offense | 10 yrs. |
| BREACH OF PEACE, CREATING A PUBLIC DISTURBANCE, DISORDERLY CONDUCT, OBSTRUCTING FREE PASSAGE AND HARASSMENT | | 21a-266 Prohibited acts | Revocation of license |
| | | (a) fraud, forgery, deceit | |
| | | (b) -- | |
| | | (c-h) fraud, forgery | |
| | | 21a-267 Prohibited acts re drug paraphernalia | MC |
| INTOXICATION | | 21a-268 Misrepresentation of substance as controlled substance | FD |
| LOITERING IN OR ABOUT SCHOOL GROUNDS, PUBLIC INDECENCY | | 21a-277* Penalty for illegal manufacture, distribution, sale, prescription, dispensing | |
| TAMPERING WITH PRIVATE COMMUNICATIONS AND EAVESDROPPING | | (a) sell, manufacture hallucinogen other than marijuana or a narcotic | 15 yrs./ 30 yrs. |
| 53a-189 Eavesdropping | FD | (b) sell, manufacture any controlled substance, except narcotic or hallucinogen other than marijuana | 7 yrs./ 15 yrs. |
| BIGAMY AND INCEST | | (c) possess drug paraphernalia in drug factory | MC |
| 53a-190 Bigamy | FD | 21a-278 Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug dependent person | |
| 53a-191 Incest | FD | (a) manufacture/sell heroin, cocaine, methadone, LSD (\geq 1 oz.) | 5-20 yrs./ life |
| COERCION | | (b) manufacture/sell narcotic/hallucinogen not marijuana/amphetamines (\geq 1 kg.) | 5-20 yrs./ 10-25 yrs. |
| OBSCENITY AND RELATED OFFENSES | | 21a-279* Penalty for illegal possession | |
| 53a-196a Employing minor in obscene performance | FA | (a) possess any quantity narcotic | 7 - 15 yrs./ 25 yrs. |
| b Promoting a minor in obscene performance | FB | (b) possess hallucinogen other than marijuana or \geq 4 oz. cannabis type substance | 5 - 10 yrs. |
| MISCELLANEOUS OFFENSES | | (c) possess other than narcotic or hallucinogen other than marijuana or < 4 oz. cannabis type substance | |
| 53a-211 Possession of sawed-off shotgun or silencer | FD | • first offense | 1 yr. |
| 53a-212 Stealing a firearm | FD | • second offense | 5 yrs. |
| 53a-215 Insurance fraud | FD | | |
| 53a-216 Criminal use of a firearm | FD | | |
| 53a-217 Criminal possession of pistol or revolver | FD | | |
| 53a-218 Interference with cemetery or burial ground | FD | | |
| 53a-219 Unlawful possession or sale of gravestones | FD | | |
| COMPUTER-RELATED OFFENSES | | | |
| 53a-252 Computer crime in the first degree | FB | | |
| 53a-253 Computer crime in the second degree | FC | | |
| 53a-254 Computer crime in the third degree | FD | | |
| DEPENDENCY PRODUCING DRUGS (inclusive) | | | |
| 21a-255* Penalty for failure to keep or furnish records, statements, information | | | |
| (a) prescription violations | | | |
| • first offense | Fine | | |
| • subsequent offense | J: 30 days | | |

DELAWARE

DEL. CODE ANN. Tit. 11 Sx (1979 & Supp. 1986).
For drugs: DEL. CODE ANN. tit. 16 Sx (1983 & Supp. 1984)

Criminal Classification Information

§233. Definition and classification of offenses

(a) "Crime" or "offense" means an act or omission forbidden by a statute of this State and punishable upon conviction by:

- (1) Imprisonment; or
- (2) Fine; or
- (3) Removal from office; or
- (4) Disqualification to hold any office of trust, honor or profit under the State; or
- (5) Other penal discipline.

(b) An act or omission is forbidden by a statute of this State if a statute makes the act or omission punishable by any form of punishment mentioned in subsection (a) of this section.

(c) An offense is either a felony, a misdemeanor or a violation. Any offense not specifically designated by law to be a felony or a violation is a misdemeanor.

§4201. Classification of felonies

(a) Felonies defined by this Criminal Code are classified, for the purpose of sentence, into 5 categories as follows:

- (1) Class A felonies;
- (2) Class B felonies;
- (3) Class C felonies;
- (4) Class D felonies;
- (5) Class E felonies.

(b) The classification of each felony defined in this Criminal Code is expressly designated in the section defining it. Any offense defined outside this Criminal Code which is declared to be a felony without specification of the classification thereof shall be deemed a class E felony, and, notwithstanding any other provision as to punishment, such offense shall be subject to §4205 of this title.

§4202. Classification of misdemeanors

(a) Misdemeanors are classified, for the purpose of sentence, into 4 categories as follows:

- (1) Class A misdemeanors;
- (2) Class B misdemeanors;
- (3) Class C misdemeanors;
- (4) Unclassified misdemeanors.

(b) Each misdemeanor defined in this Criminal Code is either a class A or a class B or a class C misdemeanor, as expressly designated in the section defining it.

(c) Any offense defined outside this Criminal Code which is declared by law to be a misdemeanor or a crime without specification or the classification thereof shall be an unclassified misdemeanor.

§4203. Violations

There shall be a class of offenses denominated violations. No offense is a violation unless expressly declared to be a violation in this Criminal Code or in the statute defining the offense.

§4204. Authorized disposition of convicted offenders

(a) Every person convicted of an offense shall be sentenced in accordance with this Criminal Code. This section applies to all judgments of conviction, whether entered after a trial or upon a plea of guilty or *nolo contendere*.

(b) A person convicted of a class A felony shall be sentenced to life imprisonment in accordance with §4205 of this title, unless the conviction is for first-degree murder, in which event §4209 of this title shall apply. Notwithstanding any other statute, a sentence of life imprisonment or a sentence under §4209 of this title may not be suspended or reduced by the court.

(c) When a person is convicted of any offense other than a class A felony the court may take the following action:

- (1) Impose a fine as provided by law for the offense;
- (2) Impose a fine and place the offender upon probation;
- (3) Commit the offender to the Department of Health and Social Services, with or without a fine, or with any other punishment provided by law for the offense;
- (4) Suspend the imposition or execution of sentence;
- (5) Place the offender upon probation;
- (6) Impose a period of imprisonment and place the offender upon probation to commence when he is released from prison.

§4205. Sentence for felonies

(a) A sentence of imprisonment for a felony shall be a definite sentence. The term of imprisonment shall be as provided in subsection (b) of this section.

(b) The term of imprisonment which the court may impose for a felony is fixed as follows:

- (1) For a class A felony, life imprisonment, except for conviction of first-degree murder in which event §4209 of this title shall apply; provided, however, that in the case of an attempt to commit any class A felony, the court shall impose a term of imprisonment and may impose life imprisonment, but may impose less than life imprisonment, except for conviction of an attempt to commit first-degree murder, in which event the court shall impose life imprisonment;
- (2) For a class B felony, from 3 to 30 years and such fine or other conditions as the court may order;
- (3) For a class C felony, from 2 to 20 years and such fine or other conditions as the court may order;
- (4) For a class D felony, 10 years and such fine or other conditions as the court may order;
- (5) For a class E felony, 7 years and such fine or other conditions as the court may order.

(c) In the case of the conviction of any felony other than a class A felony, the court may impose the maximum term of imprisonment as stated in subsection (b) of this section or any part thereof, or it may impose any sentence authorized by §4204 of this title.

§4206. Sentence for misdemeanors

(a) The sentence for a class A misdemeanor shall be fixed by the court and shall not exceed 2 years imprisonment and such fine or other conditions as the court may order; provided, however, that the court shall require a person convicted of issuing a worthless check under §900 of this title to make restitution to the person to whom the worthless check was issued.

(b) The sentence for a class B misdemeanor shall be fixed by the court and shall not exceed 6 months imprisonment and such fine or other conditions as the court may order.

(c) The sentence for a class C misdemeanor shall be fixed by the court and shall not exceed 3 months imprisonment and such fine or other conditions as the court may order.

(d) The sentence of imprisonment for an unclassified misdemeanor shall be a definite sentence. The term shall be fixed by the court, and shall be in accordance with the sentence specified in the law defining the offense.

§4209. Punishment, procedure for determining punishment, review of punishment and method of punishment for first-degree murder

(a) Punishment for first-degree murder. Any person who is convicted of first-degree murder shall be punished by death or by imprisonment for the remainder of his or her natural life without benefit of probation or parole or any other reduction, said penalty to be determined in accordance with this section.

§4209A. Punishment for unlawful sexual intercourse in the first-degree

Any person who is convicted of unlawful sexual intercourse in the first-degree shall be punished by imprisonment for not less than 20 years without benefit of probation or parole or any other reduction.

§4214. Habitual criminal; life sentence

(a) Any person who has been three times convicted of a felony, other than those which are specifically mentioned in subsection (b) of this section, under the laws of this State, and/or any other state, United States or any territory of the United States, and who shall thereafter be convicted of a subsequent felony of this State is declared to be an habitual criminal, and the court in which such fourth or subsequent conviction is had, in imposing sentence, may, in its discretion, impose a life sentence upon the person so convicted.

(b) Any person who has been 2 times convicted of a felony or an attempt to commit a felony hereinafter specifically named, under the laws of this State, and/or any other state, United States or any territory of the United States, and who shall thereafter be convicted of a subsequent felony hereinafter specifically named, or an attempt to commit such specific felony, is declared to be an habitual criminal, and the court in which such third or subsequent conviction is had, in imposing sentence, shall impose a life sentence upon the person so convicted unless the subsequent felony conviction requires or allows and results in the imposition of capital punishment. Such sentence shall not be subject to the probation or parole provisions of Chapter 43 of this title.

Such felonies shall be:

| Section | Crime |
|---------|---------------------------------|
| 803 | Arson in the first degree |
| 826 | Burglary in the first degree |
| 825 | Burglary in the second degree |
| 636 | Murder in the first degree |
| 635 | Murder in the second degree |
| 632 | Manslaughter |
| 783 | Kidnapping in the second degree |
| 783A | Kidnapping in the first degree |
| 613 | Assault in the first degree |
| 763 | Rape in the second degree |
| 764 | Rape in the first degree |
| 766 | Sodomy in the first degree |
| 832 | Robbery in the first degree |

Title 16, Section

| | |
|------|---|
| 4751 | Manufacture, delivery or possession with intent to manufacture or deliver a narcotic drug |
|------|---|

| | |
|-------|---|
| 4752 | Manufacture, delivery or possession with intent to manufacture or deliver nonnarcotic, controlled substance |
| 4752A | Unlawful delivery or attempt to deliver noncontrolled substance |
| 4753A | Trafficking in marijuana, cocaine, illegal drugs or methamphetamine. |

(c) Any person who has been convicted for an offense which occurred within this State prior to July 1, 1973, of any of the hereinafter enumerated crimes shall be considered as having been convicted previously of the crimes specified in subsection (b) of this section for purposes of the operation of this section and §4215 of this title. Any person convicted under the laws of another state, the United States or any territory of the United States of any felony the same as or equivalent to any of the above or hereinafter named felonies is an habitual offender for the purposes of this section and §4215 of this title.

Such felonies include:

Arson in the first degree
Burglary in the first degree
Burglary in the second degree
Murder in the first degree
Murder in the second degree
Manslaughter except involuntary
Manslaughter by motor vehicle
Assault with intent to murder
Poisoning with intent to murder
Kidnapping
Abducting child under 12 years
Kidnapping child under 15 years
Maiming by lying in wait
Maiming without lying in wait
Rape
Assault with intent to commit rape
Robbery
Assault with intent to commit robbery

(d) A conviction of rape or kidnapping under either §763 or 783 of this title, as the same existed and were defined prior to the amendment of this section, shall be considered a prior conviction for the purpose of the effectiveness and applicability of this subsection, this section and §4215 of this title.

INOCHATE OFFENSES

§501. Criminal solicitation in the third degree; class A misdemeanor

A person is guilty of criminal solicitation in the third degree when, intending that another person engage in conduct constituting a misdemeanor, he solicits, requests, commands, importunes or otherwise attempts to cause the other person to engage in conduct that would constitute the misdemeanor or an attempt to commit the misdemeanor or which would establish the other's complicity in its commission or attempted commission.

Criminal solicitation in the third degree is a class A misdemeanor.

§502. Criminal solicitation in the second degree; class E felony

A person is guilty of criminal solicitation in the second degree when, intending that another person engage in conduct constituting a felony, he solicits, requests, commands, importunes or otherwise attempts to cause the other person to engage in conduct which would constitute the felony or an attempt to commit the felony or which would establish the other's complicity in its commission or attempted commission.

Criminal solicitation in the second degree is a class E felony.

§503. Criminal solicitation in the first degree; class D felony

A person is guilty of criminal solicitation in the first degree when, intending that another person engage in conduct constituting a class A felony, he solicits, requests, commands, importunes or otherwise attempts to cause the other person to engage in conduct that would constitute the felony or an attempt to commit the felony or which would establish the other's complicity in its commission or attempted commission.

Criminal solicitation in the first degree is a class D felony.

§511. Conspiracy in the third degree; class A misdemeanor

A person is guilty of conspiracy in the third degree when, intending to promote or facilitate commission of a misdemeanor, he:

(1) Agrees with another person or persons that they or 1 or more of them will engage in conduct constituting the misdemeanor or an attempt or solicitation to commit the misdemeanor; or

(2) Agrees to aid another person or persons in the planning or commission of the misdemeanor or an attempt or solicitation to commit the misdemeanor, and he or another person with whom he conspired commits an overt act in pursuance of the conspiracy.

Conspiracy in the third degree is a class A misdemeanor.

§512. Conspiracy in the second degree; class E felony

A person is guilty of conspiracy in the second degree when, intending to promote or facilitate commission of a felony, he:

(1) Agrees with another person or persons that they or 1 or more of them will engage in conduct constituting the felony or an attempt or solicitation to commit the felony; or

(2) Agrees to aid another person or persons in the planning or commission of the felony or an attempt or solicitation to commit the felony; and he or another person with whom he conspired commits an overt act in pursuance of the conspiracy.

Conspiracy in the second degree is a class E felony.

§513. Conspiracy in the first degree; class D felony

A person is guilty of conspiracy in the first degree when, intending to promote or facilitate the commission of a class A felony, he:

(1) Agrees with another person or persons that they or 1 or more of them will engage in conduct constituting the felony or an attempt or solicitation to commit the felony; or

(2) Agrees to aid another person or persons in the planning or commission of the felony or an attempt or solicitation to commit the felony, and he or another person with whom he conspired commits an overt act in pursuance of the conspiracy.

Conspiracy in the first degree is a class D felony.

§531. Attempt to commit a crime

A person is guilty of an attempt to commit a crime if he:

(1) Intentionally engages in conduct which would constitute the crime if the attendant circumstances were as he believes them to be; or

(2) Intentionally does or omits to do anything which, under the circumstances as he believes them to be, is a substantial step in a course of conduct planned to culminate in his commission of the crime.

Attempt to commit a crime is an offense of the same grade and degree as the most serious offense which the accused is found guilty of attempting.

DELAWARE CRIMINAL STATUTES

DEL. CODE ANN. Tit. 11 §x (1979 & Supp. 1986).
For drugs: DEL. CODE ANN. Tit. 16 §x (1983 & Supp. 1984).

KEY

F = Felony

M = Misdemeanor

A,B,C,

D,E = Crime subclass

* = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

> , < = More than, less than

≥ , ≤ = More than or equal, less than or equal

NOTE: Maximum sentence recorded unless minimum (MIN.) or range given.

| Statute No. and Title | Class/Time |
|-----------------------|------------|
|-----------------------|------------|

INCHOATE CRIMES

| | |
|---|----|
| 11:502 Criminal solicitation in the second degree | FE |
|---|----|

| | |
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| 11:503 Criminal solicitation in the first degree | FD |
|--|----|

| | |
|--|----|
| 11:512 Conspiracy in the second degree | FE |
|--|----|

| | |
|---------------------------------------|----|
| 11:513 Conspiracy in the first degree | FD |
|---------------------------------------|----|

ASSAULTS AND RELATED OFFENSES (inclusive)

| | |
|---------------------------|----|
| 11:601 Offensive touching | MB |
|---------------------------|----|

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|-----------------|----|
| 11:602 Menacing | MB |
|-----------------|----|

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|--|----|
| 11:603 Reckless endangering in the second degree | MA |
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|---|----|
| 11:604 Reckless endangering in the first degree | FD |
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|------------------------------------|----|
| 11:611 Assault in the third degree | MA |
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| 11:612 Assault in the second degree | FC |
|-------------------------------------|----|

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|------------------------------------|----|
| 11:613 Assault in the first degree | FB |
|------------------------------------|----|

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|--------------------------------|----|
| 11:621 Terroristic threatening | MA |
|--------------------------------|----|

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|---------------------------------------|----|
| 11:625 Unlawfully administering drugs | MA |
|---------------------------------------|----|

| | |
|---|----|
| 11:626 Unlawfully administering controlled substance or counterfeit substance or narcotic drugs | FE |
|---|----|

| | |
|---|----|
| 11:627 Prohibited acts as to substances releasing toxic vapors or fumes | MC |
|---|----|

| | |
|---|----|
| 11:628 Vehicular assault in the second degree | MB |
|---|----|

| | |
|--|----|
| 11:629 Vehicular assault in the first degree | MA |
|--|----|

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|---|----------|--|---------------------|
| 11:630 Vehicular homicide in the second degree | FE, MIN. | ARSON AND RELATED OFFENSES (inclusive) | |
| A Vehicular homicide in the first degree | FD, MIN. | 11:801 Arson in the third degree | FE |
| ACTS CAUSING DEATH (inclusive) | | 11:802 Arson in the second degree | FC |
| 11:631 Criminally negligent homicide | FE | 11:803 Arson in the first degree | FB |
| 11:632 Manslaughter | FB | 11:804 Reckless burning or exploding | MA |
| 11:635 Murder in the second degree | FA | CRIMINAL TRESPASS AND BURGLARY (inclusive) | |
| 11:636 Murder in the first degree | FA | 11:820 Trespassing with intent to peer or peep into a window or door of another | MB |
| 11:645 Promoting suicide | FD | 11:821 Criminal trespass in the third degree | Violation |
| ABORTION AND RELATED OFFENSES | | 11:822 Criminal trespass in the second degree | MC |
| 11:651 Abortion | FD | 11:823 Criminal trespass in the first degree | MA |
| SEXUAL OFFENSES (inclusive) | | 11:824 Burglary in the third degree | FD |
| 11:763 Sexual harassment | MB | 11:825 Burglary in the second degree | FC |
| 11:764 Indecent exposure in the second degree | MB | 11:826 Burglary in the first degree | FB |
| 11:765 Indecent exposure in the first degree | MA | 11:828 Possession of burglar's tools | FE |
| 11:766 Incest | MA | ROBBERY (inclusive) | |
| 11:767 Unlawful sexual contact in the third degree | MA | 11:831 Robbery in the second degree | FD |
| 11:768 Unlawful sexual contact in the second degree | FE | 11:832 Robbery in the first degree | FB |
| 11:769 Unlawful sexual contact in the first degree | FD | THEFT AND RELATED OFFENSES (inclusive) | |
| 11:770 Unlawful sexual penetration in the third degree | FD | 11:840* Shoplifting | |
| 11:771 Unlawful sexual penetration in the second degree | FC | ● when value is \geq \$500 | FE |
| 11:772 Unlawful sexual penetration in the first degree | FB | ● when value is $<$ \$500 | MA |
| 11:773 Unlawful sexual intercourse in the third degree | FB | 11:841* Theft | |
| 11:774 Unlawful sexual intercourse in the second degree | FA | ● when value is \geq \$500 | FE |
| 11:775 Unlawful sexual intercourse in the first degree | FA | ● when value is $<$ \$500 | MA |
| KIDNAPPING AND RELATED OFFENSES | | 11:846 Extortion | FD |
| 11:782 Unlawful imprisonment in the first degree | FE | 11:848* Misapplication of property | |
| 11:783 Kidnapping in the second degree | FB | ● when value is \geq \$500 | FE |
| A Kidnapping in the first degree | FA | ● when value is $<$ \$500 | MA |
| 11:785* Interference with custody | MA | 11:850 Possession of or dealing in a device for unlawfully taking telecommunication services | MA |
| ● if causes removal of child from Delaware | FE | 11:851* Receiving stolen property | |
| | | ● when value is \geq \$500 | FE |
| | | ● when value is $<$ \$500 | MA |
| | | 11:853 Unauthorized use of a vehicle | MA |
| | | 11:859 Larceny of livestock | F: 6 mos.- 1 yr. |

FORGERY AND RELATED OFFENSES

11:861* Forgery
 ● first degree FD
 ● second degree FE
 ● all other is third degree MA
 11:862 Possession of forgery devices FE

OFFENSES INVOLVING FALSIFICATION OF RECORDS

11:876 Tampering with public records in the first degree FD
 11:878 Issuing a false certificate FE

BRIBERY NOT INVOLVING PUBLIC SERVANTS

FRAUDS ON CREDITORS

OTHER FRAUDS AND CHEATS

11:900* Issuing a bad check
 ● if check is \geq \$500 FE
 ● if check is $<$ \$500 MA
 11:903* Unlawful use of credit card
 ● if over \$500 FE
 ● if under \$500 MA
 11:908 Unlawfully concealing a will FE

11:911 Fraudulent conveyance of public lands FE
 11:912 Fraudulent receipt of public lands FE
 11:913 Insurance fraud FE

COMPUTER RELATED OFFENSES

11:932* Unauthorized access See below
 11:933* Theft of computer services See below
 11:934* Interruption of computer services See below
 11:935* Misuse of computer system information See below
 11:936* Destruction of computer equipment See below
 11:937* Penalties
 ● first degree: $>$ \$10,000 FB
 ● second degree: $>$ \$5,000 FC
 ● third degree: $>$ \$1,000 or risk of serious physical injury FD
 ● fourth degree: $>$ \$500 MA
 ● fifth degree: \leq \$500 MB

OFFENSES RELATING TO MARRIAGE

11:1001 Bigamy FE

OFFENSES RELATING TO CHILDREN AND INCOMPETENTS

11:1108 Sexual exploitation of a child FB
 11:1109 Unlawfully dealing in material depicting child engaging in a prohibited sexual act FC

BRIBERY AND IMPROPER INFLUENCE

11:1201 Bribery FD
 11:1203 Receiving a bribe FD

ABUSE OF OFFICE

PERJURY AND RELATED OFFENSES

11:1222 Perjury in the second degree FE
 11:1223 Perjury in the first degree FC

OFFENSES INVOLVING OBSTRUCTION OF GOVERNMENTAL OPERATIONS

ESCAPE AND OTHER OFFENSES RELATING TO CUSTODY

11:1252 Escape in the second degree FE
 11:1253 Escape after conviction FD/FC/FB
 11:1254 Assault in a detention facility FC/FB
 11:1256* Promoting prison contraband MA
 ● deadly weapon FD
 11:1259 Sexual relations in detention facility FD

OFFENSES RELATING TO JUDICIAL AND SIMILAR PROCEEDINGS

11:1261 Bribing a witness FD
 11:1262 Bribe receiving by a witness FD
 11:1263 Tampering with a witness FD
 11:1263A Interfering with a child witness FE/FD
 11:1264 Bribing a juror FD
 11:1265 Bribe receiving by a juror FD
 11:1269 Tampering with physical evidence FE

RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES

11:1302 Riot FD
 11:1338 Bombs, incendiary devices, Molotov cocktails and explosive devices FC

| | | | |
|---|----------|---|----------------------------------|
| 11:1339 Adulteration | FE/FC/FA | 16:4756 Prohibited acts I; penalties (distribute schedule I or II) | 10 yrs. |
| OFFENSES INVOLVING PUBLIC INDECENCY | | | |
| 11:1351 Promoting prostitution in the third degree | FE | 16:4757 Hypodermic syringe or needle; delivering or possessing; disposal; exceptions, penalties ● possess ● deliver | 1 yr. 10 yrs. |
| 11:1352 Promoting prostitution in the second degree | FD | | |
| 11:1353 Promoting prostitution in the first degree | FB | 16:4758 Keeping drugs in original containers | 10 yrs. |
| OBSCENITY | | | |
| 11:1361 Obscenity; acts consti- tuting | FE/FD | 16:4761 Distribution to minors; penalties ● Schedule I or II - narcotic ● Schedule I, II, III, IV, V-non- narcotic | F: 30 yrs. F: 15 yrs. |
| OFFENSES INVOLVING GAMBLING | | | |
| OFFENSES INVOLVING DEADLY WEAPONS AND DANGEROUS INSTRUMENTS | | | |
| 11:1442 Carrying a concealed deadly weapon | FE | 16:4771 Possession | Crime: 2 yrs. |
| 11:1444 Possessing a destructive weapon | FD | 16:4772 Manufacture or delivery | Crime: 1-5 yrs. |
| 11:1447 Possession of a deadly weapon during commission of a felony | FB | 16:4773 Delivery to a minor | Special offense: 1-10 yrs. |
| 11:1448 Purchase and possession of deadly weapons by certain persons prohibited | FE | 16:4774 Advertisement | Crime: 1 yr. |
| 11:1449 Wearing body armor during commission of felony | FB | | |
| 11:1450 Receiving a stolen firearm | FE | | |
| 11:1451 Theft of a firearm | FE | | |
| CONTROLLED SUBSTANCES ACT: OFFENSES AND PENALTIES (inclusive) | | | |
| 16:4751 Prohibited acts A; penalties (possess with intent to manufacture or deliver narcotics) ● where death occurs | | | F: 15 yrs. F: life |
| 16:4752 Prohibited acts B; penalties (Schedule I, II, III, IV, V-not narcotic) A Unlawful delivery of non-controlled substance | | | F: 10 yrs. F: See §4751 |
| 16:4753 Prohibited acts C; penalties (possess, use or consume) A Trafficking in mari- juana, cocaine, illegal drugs or methamphetamine | | | F: 5 yrs. FB |
| 16:4754 Prohibited acts D; penalties (possess, use, consume Schedules I-V - not narcotic) | | | 2 yrs. |
| 16:4755 Prohibited acts E; penalties (distribute or dispense) | | | 10 yrs. |

DISTRICT OF COLUMBIA

§ 22-107. Punishment for offenses not covered by provisions of Code

Whoever shall be convicted of any criminal offense not covered by the provisions of any section of this Code, or of any general law of the United States not locally inapplicable in the District of Columbia, shall be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 5 years, or both.

D.C. CODE Ann. § X (1981 & Supp. 1986)

Criminal Classification Information

[U.S. CODE Ann. tit. 18 (1986)]

§18-1. Offenses classified

- (1) Any offense punishable by death or imprisonment for a term exceeding one year is a felony.
- (2) Any other offense is a misdemeanor.]

§ 22-103. Attempts to commit crime

Whoever shall attempt to commit any crime, which attempt is not otherwise made punishable by this title, shall be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 1 year, or both.

§ 22-105a. Conspiracy to commit crime

(a) If 2 or more persons conspire either to commit a criminal offense or to defraud the District of Columbia or any court or agency thereof in any manner or for any purpose, each shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both, except that if the object of the conspiracy is a criminal offense punishable by less than 5 years, the maximum penalty for the conspiracy shall not exceed the maximum penalty provided for that offense.

(b) No person may be convicted of conspiracy unless an overt act is alleged and proved to have been committed by 1 of the conspirators pursuant to the conspiracy and to effect its purpose.

(c) When the object of a conspiracy contrived within the District of Columbia is to engage in conduct in a jurisdiction outside the District of Columbia which would constitute a criminal offense under an act of Congress applicable exclusively to the District of Columbia if performed therein, the conspiracy is a violation of this section if:

(1) Such conduct would also constitute a crime under the laws of the other jurisdiction if performed therein or;

(2) Such conduct would constitute a criminal offense under an act of Congress exclusively applicable to the District of Columbia even if performed outside the District of Columbia.

(d) A conspiracy contrived in another jurisdiction to engage in conduct within the District of Columbia which would constitute a criminal offense under an act of Congress exclusively applicable to the District of Columbia if performed within the District of Columbia is a violation of this section when an overt act pursuant to the conspiracy is committed within the District of Columbia. Under such circumstances, it is immaterial and no defense to a prosecution for conspiracy that the conduct which is the object of the conspiracy would not constitute a crime under the laws of the other jurisdiction.

§ 22-106. Accessories after the fact

Whoever shall be convicted of being an accessory after the fact to any crime punishable by death shall be punished by imprisonment for not more than 20 years. Whoever shall be convicted of being accessory after the fact to any crime punishable by imprisonment shall be punished by a fine or imprisonment, or both, as the case may be, not more than one-half the maximum fine or imprisonment, or both, to which the principal offender may be subjected.

DISTRICT OF COLUMBIA CRIMINAL STATUTES

D.C. CODE Ann. § X (1981 & Supp. 1986)

KEY:

* = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

> , < = more than, less than

≥ , ≤ = more than or equal, less than or equal

NOTE: Unless otherwise provided, imprisonment for one year or less is to be interpreted as a misdemeanor; any penalty in excess of one year constitutes a felony. This information has been provided by the U.S. Attorney, District of Columbia. Maximums are recorded, unless a sentence range or minimum (MIN.) is specified.

Statute No. and Title

Class/Time

CHAPTER 2. ABORTION

22-201 Definition and penalty

Prison: 1-10 yrs./or punishable as murder II if death of mother results

CHAPTER 3. ADULTERY

CHAPTER 4. ARSON (inclusive)

22-401 Definition and penalty

Prison: 1-10 yrs.

22-402 Burning one's own property with intent to defraud or injure another

Prison: < 15 yrs.

22-403* Malicious burning, destruction, or injury of another's property

• if less than \$200

• if \$200 or more

Prison: < 1 yr.
Prison: < 10 yrs.

22-404 Malicious burning of fences, woods, crops

Prison: < 30 days

CHAPTER 5. ASSAULT; MAYHEM; THREAT OF BODILY HARM (inclusive)

22-501 Assault with intent to kill, rob, rape, or poison

Prison: 2-15 yrs.

22-502 Assault with intent to commit mayhem or with dangerous weapon

Prison: < 10 yrs.

22-503 Assault with intent to commit any other offense

Prison: < 5 yrs.

22-504 Assault or threatened assault in a menacing manner

Prison: < 1 yr.

22-505 Assault on member of police force or fire department

• deadly weapon used

Prison: < 5 yrs.
Prison: < 10 yrs.

22-506 Mayhem or maliciously disfiguring

Prison: < 10 yrs.

22-507 Threats to do bodily harm

Prison: < 6 mos.

22-508 Penalty for assaulting, beating, or fighting on account of money won by gaming

Prison: for 2 yrs.

CHAPTER 6. BIGAMY

22-601 Definition and penalty

Prison: 2-7 yrs.

CHAPTER 7. BRIBERY; OBSTRUCTING JUSTICE

22-704 Corrupt influence; officials

Prison: 6 mos.-5 yrs.

22-712 Prohibited acts; penalty (bribery)

Prison: < 10 yrs.

22-713 Bribery of witness; penalty

Prison: < 5 yrs.

22-722 Prohibited acts; penalty (obstruction of justice)

Prison: < 3 yrs.

22-723 Tampering with physical evidence; penalty

Prison: < 3 yrs.

CHAPTER 8. CRUELTY TO ANIMALS

CHAPTER 9. CRUELTY TO CHILDREN

22-901 Definition and penalty

Prison: ≤ 2

CHAPTER 10. FORNICATION

CHAPTER 11. DISTURBANCES OF THE PUBLIC PEACE

22-1102 Duelling challenges

Prison: < 10 yrs.

22-1103 Assault for refusal to accept challenge

Prison: < 3 yrs.

22-1104 Leaving District to give or receive challenge

Prison: < 10 yrs.

22-1122* Rioting or inciting to riot

• if other suffers serious bodily harm or property damage in excess of \$5,000 results

Prison: < 1 yr.
Prison: < 10 yrs.

CHAPTER 12. EMBEZZLEMENT

[Repealed]

CHAPTER 13. FALSE PRETENSES; FALSE PERSONATION

22-1302 Recordation of deed, contract, or conveyance with intent to extort money

Prison: < 2 yrs.

22-1303 False personation before court, officers, notaries

Prison: 1-5 yrs.

22-1304 Falsely impersonating public officer or minister

Prison: 1-3 yrs.

22-1306 False personation of police officer

Prison: < 2 yrs.

CHAPTER 14. FORGERY; FRAUDS

22-1410* Making, drawing, or uttering check, draft, or order with intent to defraud; proof of intent; "credit" defined
● if value ≥ \$100
● if value < \$100

Prison:
1-3 yrs.
Prison: 1 yr.

CHAPTER 15. GAMBLING

22-1501 Lotteries; promotion; sale or possession of tickets

Prison:
< 3 yrs.

22-1504 Gaming; setting up gaming tables; inducing play

Prison:
< 5 yrs.

22-1505* Gambling premises; definition; prohibition against manufacturing; forfeiture; liens; deposit of moneys in the Treasury; penalty; subsequent offenses
● if violator has previous conviction under section

Prison:
< 1 yr.

22-1506 Three card monte and confidence games

Prison:
< 5 yrs.

22-1509 Bucketing, and bucket-shopping and bucket-shops; definitions

22-1510* Penalty for bucketing or keeping bucket shop
● if convicted of second such offense

Prison:
< 1 yr.
Prison:
< 5 yrs.

22-1511* Penalty for communicating, receiving, exhibiting, or displaying, quotations of prices
● if convicted of second such offense

Prison:
< 1 yr.

22-1513* Corrupt influence in connection with athletic contests
● if one pays or gives to affect outcome
● if one accepts, solicits or agrees to accept

Prison:
1-5 yrs.
Prison:
< 1 yr.

CHAPTER 16. GAME AND FISH LAWS

CHAPTER 17. HARBOR REGULATIONS

CHAPTER 18. BURGLARY (inclusive)

22-1801 Definition and penalty
● burglary I
● burglary II

Prison:
5-30 yrs.
Prison:
2-15 yrs.

CHAPTER 19. INCEST

22-1901 Definition and penalty

Prison:
< 12 yrs.

CHAPTER 20. OBSCENITY

22-2001* Certain obscene activities and conduct declared unlawful; definitions; penalties; affirmative defenses; exception
● if second or subsequent offense

Prison:
< 1 yr.
Prison:
6 mos.-
3 yrs.

22-2012 Prohibited acts
● use of minor in sexual performance or parent guardian consent to such
● if second or subsequent offense

Prison:
< 10 yrs.
Prison:
< 20 yrs.

22-2013 Penalties

See above

CHAPTER 21. KIDNAPPING

22-2101 Definition and penalty; conspiracy

Prison for life or court's discretion

CHAPTER 22. LARCENY; RECEIVING STOLEN GOODS

[Repealed]

CHAPTER 23. LIBEL; BLACKMAIL; EXTORTION; THREATS

22-2307 Threatening to kidnap or injure a person or damage his property

Prison:
< 20 yrs.

CHAPTER 24. MURDER; MANSLAUGHTER (inclusive)

22-2401 Murder in the first degree--Purposeful killing; killing while perpetrating certain crimes.

Prison for life

22-2402 Same--Placing obstructions upon or displacement of railroad

Prison for life

22-2403 Murder in the second degree

Prison:
20 yrs.
MIN.

22-2404 Penalty for murder in the first and second degrees

● Murder I
● Murder II

Prison for life
Prison: 20 yrs.-life

22-2405 Penalty for manslaughter

Prison:
< 15 yrs.

CHAPTER 25. PERJURY; RELATED OFFENSES

22-2511 Perjury

Prison:
< 10 yrs.

22-2512 Subornation of perjury

Prison:
< 10 yrs.

22-2513 False swearing

Prison:
< 3 yrs.

CHAPTER 26. PRISON BREACH; MISPRISONS

22-2601 Prison breach

Prison:
< 5 yrs.

22-2603 Introducing contraband into penal institution

Prison:
< 10 yrs.

CHAPTER 27. PROSTITUTION; PANDERING

22-2704 Abducting or enticing child from her home for purposes of prostitution; harboring such child.
● harboring
Prison:
2-20 yrs.

22-2705 Pandering; inducing or compelling female to engage in prostitution
Prison:
< 5 yrs.

22-2706 Compelling female to live life of prostitution against her will
Prison:
< 5 yrs.

22-2707 Procuring; receiving money or other valuable thing for arranging assignation
Prison:
< 5 yrs.

22-2708 Causing wife to live in prostitution
Prison:
1-10 yrs.

22-2709 Detaining female in disorderly house for debt there contracted
Prison:
1-5 yrs.

22-2710 Procuring for house of prostitution
Prison:
< 5 yrs.

22-2711 Procuring for third persons
Prison:
< 5 yrs.

22-2712 Operating house of prostitution
Prison:
< 5 yrs.

CHAPTER 28. RAPE (inclusive)

22-280 Definition and penalty
Prison: any term of yrs. or life

CHAPTER 29. ROBBERY (inclusive)

22-2901 Robbery
Prison:
2-15 yrs.

22-2902 Attempt to commit robbery
Prison:
< 3 yrs.

CHAPTER 30. SEDUCTION

22-3002 Seduction by teacher
Prison:
1-10 yrs.

CHAPTER 31. TRESPASS; INJURIES TO PROPERTY

22-3103 Grave robbery; buying or selling dead bodies
Prison:
1-3 yrs.

22-3104 Depredation of fixtures in houses
Prison:
< 2 yrs.

22-3105 Placing explosives with intent to destroy or injure property
Prison:
2-10 yrs.

22-3107 Destroying or defacing public records
Prison:
< 2 yrs.

22-3108* Cutting down or destroying things growing on or attached to the land of another
● if value \geq \$50
● if value < \$50
Prison:
1-3 yrs.
Prison: less than 1 yr.

22-3118 Malicious pollution of water
Prison:
1-3 yrs.

22-3119 Placing obstructions on or displacement of railway tracks.
Prison:
< 10 yrs.

CHAPTER 32. WEAPONS

22-3202 Additional penalty for committing crime when armed
● second offense
Prison:
5 yrs.-life
Not less than 5 yrs. nor more than 3 times MIN

22-3203* Unlawful possession of pistol
● if second offense
Prison:
< 1 yr.
Prison:
< 10 yrs.

22-3204* Carrying concealed weapons
● if second offense
Prison:
< 1 yr.
Prison:
< 10 yrs.

22-3214* Possession of certain dangerous weapons prohibited; exceptions
● if second offense
Prison:
< 1 yr.
Prison:
< 10 yrs.

22-3215A Manufacture, transfer, use, possession, or transportation molotov cocktails, or other explosives for unlawful purposes; prohibited; definitions; penalties
Prison: 1-5 yrs.

● second offense
● third offense
Prison: 3-15 yrs.
Prison: 5 yrs.- life

CHAPTER 33. VAGRANCY

CHAPTER 34. MISCELLANEOUS PROVISIONS

22-3427 Breaking and entering vending machines and similar devices
Prison:
< 3 yrs.

CHAPTER 35. SEXUAL PSYCHOPATHS (inclusive)

22-3501 Indecent acts with children
Prison:
< 10 yrs./
< 5 yrs.

22-3502 Sodomy
● if victim under 16
Prison:
10 yrs.
Prison:
20 yrs.

CHAPTER 36. IMPLEMENTS OF CRIME

22-3601* Possession of implements of crime; penalty
● if prior conviction under this section or for felony
Prison:
< 1 yr.
Prison:
1-5 yrs.

CHAPTER 37. WAREHOUSE RECEIPTS

[Repealed]

CHAPTER 38. THEFT; FRAUD (inclusive)

22-3811* Theft See below

22-3812* Penalties for theft

- Theft I (value \geq \$250) Prison: < 10 yrs.
- Theft II (value < \$250) Prison: < 1 yr.

22-3813 Shoplifting Prison: < 90 days

22-3814 Commercial piracy Prison: < 1 yr.

22-3815 Unauthorized use of motor vehicles
● from renter Prison: < 5 yrs.
Prison: < 3 yrs.

22-3816 Taking property without right Prison: < 90 days

22-3821 Fraud See below

22-3822* Penalties for fraud

- Fraud I (value \geq \$250) Prison: < 10 yrs.
- if value < \$250 Prison: < 1 yr.
- Fraud II (value \geq \$250) Prison: < 3 yrs.
- if value < \$250 Prison: < 1 yr.

22-3823* Credit card fraud

- if value \geq \$250 Prison: < 10 yrs.
- if value < \$250 Prison: < 1 yr.

22-3824 Fraudulent registration Prison: < 90 days

22-3831 Trafficking in stolen property Prison: < 10 yrs.

22-3832* Receiving stolen property

- if value \geq \$250 Prison: < 7 yrs.
- if value < \$250 Prison: < 1 yr.

22-3841 Forgery See below

22-3842 Penalties for forgery Prison: not more than 10 yrs./5 yrs.-3 yrs.

22-3851 Extortion Prison: < 10 yrs.

22-3852 Blackmail Prison: < 5 yrs.

CHAPTER 39. CRIMES COMMITTED AGAINST SENIOR CITIZENS

22-3901 Enhanced penalty Prison sentence enhanced up to 1 1/2 times maximum term

CHAPTER 5. CONTROLLED SUBSTANCES (inclusive)

33-541* Prohibited acts A; penalties (a)(1) Knowingly/intentionally manufacture, distribute, or possess with intent to manufacture or distribute a controlled substance See below

(a)(2)(A) Schedule I or II narcotic drug, phencyclidine (or precursor) Prison: < 15 yrs./< 25 yrs.

(a)(2)(B) Any other Schedule I, II, or III controlled substance Prison: < 5 yrs.
(a)(2)(C) Schedule IV Prison: < 3 yrs.
(a)(2)(D) Schedule V Prison: < 1 yr.

(b)(1) Create, distribute, or possess with intent to distribute a counterfeit substance Prison: < 15 yrs.

(b)(2)(A) Schedule I or II narcotic drug, phencyclidine (or precursor) Prison: < 5 yrs.

(b)(2)(B) Any other Schedule I, II or III counterfeit substance Prison: < 3 yrs.

(b)(2)(C) Schedule IV Prison: < 3 yrs.
(b)(2)(D) Schedule V Prison: < 1 yr.

(c) Mandatory minimum information
(d) Unlawful to knowingly/intentionally possess controlled substance not obtained via prescription Prison: < 1 yr.

33-542 Prohibited acts B; penalties Civil penalty-prison < 1 yr.

- violate prescription law [33-538]
- manufacture of controlled substance not authorized by registration
- failure to keep or furnish records
- refuse entry into premises for inspection
- knowingly maintain building, etc. as environ for sale or use of controlled substance
- law enforcement official divulge information relating to registrants
- official uses to own advantage information gained from investigation

33-543 Prohibited acts C; penalties Prison: < 4 yrs.

- distribute as a registrant a controlled substance classified in Schedule I or II, except pursuant to an order form as required by § 33-537
- use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person

- acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge
- furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter or any record required to be kept by this chapter
- make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name or other identifying mark, imprint, or device, etc. upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

| | |
|---|--|
| 33-546 Distribution to minors | Prison: 50 yrs./ 10 yrs./ 6 yrs./ 2 yrs. |
| 33-547 Enlistment of minors to distribute | Additional punishment of prison for up to 10 yrs. |
| ● second offense | Prison: < 10 yrs. |
| 33-548 Second or subsequent offenses | Up to twice the term otherwise authorized |
| 33-550 Possession of drug paraphernalia | Prison: < 1 yr. |

CHAPTER 6. DRUG PARAPHERNALIA (inclusive)

| | |
|---|----------------------|
| 33-603* Prohibited acts | |
| (a) Use or possess with intent to use paraphernalia to process manufacture, test, ingest, etc. a controlled substance | Prison: < 30 days |
| (b) Sell or possess with intent to sell paraphernalia | Prison: 6 mos. |
| ● previous conviction | Prison: < 2 yrs. |
| (c) If adult delivers paraphernalia to minor | Prison: < 8 yrs. |

FLORIDA

FLA. STAT. ANN. §x (West 1976 & Supp. 1986).

Criminal Classification Information

775.08. Classes and definitions of offenses

When used in the laws of this state:

- (1) The term "felony" shall mean any criminal offense that is punishable under laws of this state, or that would be punishable if committed in this state, by death or imprisonment in a state penitentiary. "State penitentiary" shall include state correctional facilities. A person shall be imprisoned in the state penitentiary for each sentence which, except an extended term, exceeds 1 year.
- (2) The term "misdemeanor" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. The term "misdemeanor" shall not mean a conviction for any violation of any provision of chapter 316 or any municipal or county ordinance.
- (3) The term "noncriminal violation" shall mean any offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by no other penalty than a fine, forfeiture, or other civil penalty. A noncriminal violation does not constitute a crime, and conviction for a noncriminal violation shall not give rise to any legal disability based on a criminal offense. The term "noncriminal violation" shall not mean any conviction for any violation of any municipal or county ordinance. Nothing contained in this code shall repeal or change the penalty for a violation of any municipal or county ordinance.
- (4) The term "crime" shall mean a felony or misdemeanor.

| Felonies: | Maximum | | |
|------------------|----------------------------|-------------------|-------------------------------------|
| | Imprisonment \$ 775.082 | Fine \$775.083 | Subsequent felonies \$775.084 |
| a. Capital | Life-Death | | |
| b. First degree | 30 years | \$10,000 | Life |
| c. Second degree | 15 years | 10,000 | 30 years |
| d. Third degree | 5 years | 5,000 | 10 years |
| Misdemeanors: | | | |
| a. First Degree | 1 year | 1,000 | |
| b. Second Degree | 60 Days | 500 | |

775.081. Classifications of felonies and misdemeanors

- (1) Felonies are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:
 - (a) Capital felony;
 - (b) Life felony;
 - (c) Felony of the first degree;
 - (d) Felony of the second degree; and
 - (e) Felony of the third degree.

A capital felony and a life felony must be so designated by statute. Other felonies are of the particular degree designated by statute. Any crime declared by statute to be a felony without specification of degree is of the third degree, except that this provision shall not affect felonies punishable by life imprisonment for the first offense.

(2) Misdemeanors are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:

- (a) Misdemeanor of the first degree; and
- (b) Misdemeanor of the second degree.

A misdemeanor is of the particular degree designated by statute. Any crime declared by statute to be a misdemeanor without specification of degree is of the second degree.

775.082. Penalties

- (1) A person who has been convicted of a capital felony shall be punished by life imprisonment and shall be required to serve no less than 25 years before becoming eligible for parole unless the proceeding held to determine sentence according to the procedure set forth in §921.141 results in findings by the court that such person shall be punished by death, and in the latter event such person shall be punished by death.
- (2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1).
- (3) A person who has been convicted of any other designated felony may be punished as follows:
 - (a) For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30 and, for a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years;
 - (b) For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.
 - (c) For a felony of the second degree, by a term of imprisonment not exceeding 15 years;
 - (d) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.
- (4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:
 - (a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;
 - (b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.
- (5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

Sentence enhancements

775.0845. Wearing mask while committing offense; enhanced penalties

The penalty for any criminal offense, other than a violation of §§876.12-876.15, shall be increased as provided in this section if, while committing the offense, the offender was wearing a hood, mask, or other device that concealed his identity.

(1) A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree.

- (2) A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree.
- (3) A felony of the third degree shall be punishable as if it were a felony of the second degree.
- (4) A felony of the second degree shall be punishable as if it were a felony of the first degree.

775.0846. Wearing bulletproof vest while committing certain offenses

- (2) A person is guilty of the unlawful wearing of a bulletproof vest when, acting alone or with one or more other persons and while possessing a firearm, he commits or attempts to commit any murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy and, in the course of and in furtherance of any such crime, he wears a bulletproof vest.
- (3) Any person who is convicted of a violation of this section is guilty of a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

775.087. Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence

(1) Unless otherwise provided by law, whenever a person is charged with a felony, except a felony in which the use of a weapon or firearm is an essential element, and during the commission of such felony the defendant carries, displays, uses, threatens, or attempts to use any weapon or firearm, or during the commission of such felony the defendant commits an aggravated battery, the felony for which the person is charged shall be reclassified as follows:

- (a) In the case of a felony of the first degree, to a life felony.
- (b) In the case of a felony of the second degree, to a felony of the first degree.
- (c) In the case of a felony of the third degree, to a felony of the second degree.

(2) Any person who is convicted of:

- (a) Any murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy, or any attempt to commit the aforementioned crimes; or
- (b) Any battery upon a law enforcement officer or firefighter while the officer or firefighter is engaged in the lawful performance of his duties and who had in his possession a "firearm," as defined in §790.001(6), or "destructive device," as defined in §790.001(4), shall be sentenced to a minimum term of imprisonment of 3 calendar years. Notwithstanding the provisions of §948.01, adjudication or guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall the defendant be eligible for parole or statutory gain-time under §944.275, prior to serving such minimum sentence.

INCHOATE OFFENSES

777.04. Attempts, solicitation, conspiracy, generally

* * *

(3) Whoever agrees, conspires, combines, or confederates with another person or persons to commit any offense commits the offense of criminal conspiracy and shall, when no express provision is made by law for the punishment of such conspiracy, be punished as provided in subsection (4).

(4) Whoever commits the offense of criminal attempt, criminal solicitation, or criminal conspiracy shall be punished as follows:

- (a) If the offense attempted, solicited, or conspired to is a capital felony, the person convicted is guilty of a felony of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

(b) If the offense attempted, solicited, or conspired to is a life felony or a felony of the first degree, the person convicted is guilty of a felony of the second degree, punishable as provided in §775.082, §775.083, or §775.084.

(c) If the offense attempted, solicited, or conspired to is a felony of the second degree or a burglary that is a felony of the third degree, the person convicted is guilty of a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

(d) If the offense attempted, solicited, or conspired to is a felony of the third degree, the person convicted is guilty of a misdemeanor of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

(e) If the offense attempted, solicited, or conspired to is a misdemeanor of the first or second degree, the person convicted is guilty of a misdemeanor of the second degree, punishable as provided in §775.082, §775.083, or §775.084.

FLORIDA CRIMINAL STATUTES

FLA. STAT. ANN. §x (West 1976 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- 1,2,3,4 = Crime subclasses
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = more than, less than
- ≥, ≤ = more than or equal, less than or equal

Statute No. and Title Class/Time

HOMICIDE (inclusive)

| | | |
|---------|---|---------------------|
| 782.04 | Murder | F Capital/ F1/F2 |
| 782.07 | Manslaughter | F2 |
| 782.071 | Vehicular homicide | F3/F2 |
| 782.08 | Assisting self-murder | F2 |
| 782.09 | Killing of unborn child by injury to mother | F2 |
| 782.11 | Unnecessary killing to prevent unlawful act | F2 |

ASSAULT; BATTERY; CULPABLE NEGLIGENCE (inclusive)

| | | |
|---------|---------------------|-------|
| 784.011 | Assault | M2 |
| 784.021 | Aggravated assault | F3 |
| 784.03 | Battery | M1 |
| 784.045 | Aggravated battery | F2 |
| 784.05 | Culpable negligence | M2/M1 |

784.07* Assault or battery of law enforcement officers, firefighters, or intake officers; reclassification of offenses

- For assault M1
- For battery F3

KIDNAPPING; FALSE IMPRISONMENT; CUSTODY OFFENSES

| | | |
|--------|---|-----------|
| 787.01 | Kidnapping; kidnapping of child under age 13, aggravating circumstances | F1/F life |
| 787.02 | False imprisonment; false imprisonment of child under age 13, aggravating circumstances | F3/F1 |
| 787.04 | Felony to remove children from state contrary to court order | F3 |

WEAPONS AND FIREARMS

- 790.01* Carrying concealed weapons
- If weapon M1
 - If firearm F3

790.07 Persons engaged in criminal offense, having weapons F3/F2/F1

790.145 Crimes in pharmacies; possession of weapons; penalties F3

790.16 Discharging machine guns; penalty F1

790.161 Making, possessing, throwing, placing or discharging any destructive device or attempt so to do, felony; penalties F2/F1/F Capital

790.1615* Unlawful throwing, placing or discharging of destructive device or bomb that results in injury to another; penalty

- If bodily harm M1
- If great bodily harm F2

790.162 Threat to throw, place or discharge any destructive device, felony; penalty F2

790.163 False report about planting bomb or explosive; penalty F2

790.164 False reports of bombing or arson against state-owned property; penalty; reward F2

790.19 Shooting into or throwing deadly missiles into dwellings, public or private buildings, occupied or not occupied; vessels, aircraft, buses, railroad cars, street cars or other vehicles F2

790.221 Possession of short-barreled rifle, short-barreled shotgun, or machine gun; penalty Felony

790.23 Felons; possession of firearms or electric weapons or devices unlawful; exception; penalty F2

790.27* Alteration or removal of fire-arm serial number or possession, sale, or delivery of firearm with serial number altered or removed prohibited; penalties

- To alter or remove F3
- To sell, deliver, possess any altered firearm M1

790.29 Paramilitary training; teaching or participation prohibited F3

790.31 Armor-piercing or exploding ammunition prohibited F3/F2

SALE OF FIREWORKS

SEXUAL BATTERY (inclusive)

794.011 Sexual battery F life/F1/F2

794.023 Sexual battery by multiple perpetrators; enhanced penalties F life/F1

| | | | |
|--|----------------|--|----------------------------|
| 794.041 Sexual activity with child by or at solicitation of person in familial or custodial authority; penalties | F3/F1 | 810.08 Trespass in structure or conveyance unallowed entrance or allowed entrance with warning not to enter | M1/M2/M3 |
| 794.05 Carnal intercourse with unmarried person under 18 years | F2 | 810.09* Trespass on property other than structure or conveyance ● defies order to leave, looses animals, crops, or other property ● armed ● property trespassed is construction site with trespass posted as a felony | M1 F3 F3 |
| PROSTITUTION | | | |
| 796.01 Keeping house of ill fame | F3 | 810.10 Posted land; removing notices unlawful; penalty | M2 |
| 796.03 Procuring person under age of 16 for prostitution | F2 | 810.11 Placing signs adjacent to highways; penalty | M2 |
| 796.04 Prostitute; forcing, etc., one to become, unlawful | F3 | 810.115 Breaking or injuring fences | M1 |
| 796.05 Living off earnings of prostitute | F3 | 810.13 Cave vandalism and related offenses | M1 |
| ABORTION | | | |
| ADULTERY AND FORNICATION | | | |
| LEWDNESS; INDECENT EXPOSURE | | | |
| 800.04 Lewd, lascivious, or indecent assault or act upon or in presence of child; sexual battery | F2 | 812.014* Theft ● Property value > \$20,000 ● Property value ≥ \$300, but < \$20,000 ● Other ● Other second conviction ● Other third or subsequent conviction | F2 F3 M2 M1 F3 |
| ARSON (inclusive) | | | |
| 806.01 Arson | F2/F1 | 812.015 Retail and farm theft resistance to attempts to recover merchandise or by individual who conceals merchandise | M1 |
| 806.031* Arson resulting in injury to another; penalty ● If bodily harm ● If great bodily harm | M1 F2 | 812.016 Possession of altered property | M1 |
| 806.10 Preventing or obstructing extinguishment of fire | F3 | 812.019 Dealing in stolen property | F2/F1 |
| 806.101* False alarms of fires ● If first conviction ● If second or subsequent conviction | M1 F3 | 812.081 Trade secrets; theft embezzlement; unlawful copying; definitions; penalty | F3 |
| 806.111 Firebombs | F3 | ROBBERY (inclusive) | |
| 806.13* Criminal mischief ● If < \$200 ● If > \$200, < \$1,000 ● If ≥ \$1,000 or utility or church | M2 M1 F3 | 812.13 Robbery | F1/F2 |
| 806.14* Artworks in public buildings; willful damage; unauthorized removal; penalties ● If < \$200 ● If > \$200, < \$1,000 ● If ≥ \$1,000 | M2 M1 F3 | 812.14 Trespass and larceny with relation to utility or cable television fixtures | M1 |
| COMPUTER-RELATED CRIMES | | | |
| BURGLARY (inclusive) | | | |
| 810.02 Assault or battery; armed with dangerous weapon or explosive | F1/F2/F3 | 815.04 Offenses against intellectual property | F2/F3 |
| 810.06 While having in possession any tool, machine to commit or allow burglary or trespass | F3 | 815.05* Offenses against computer equipment or supplies ● Computer equipment or supplies ● to defraud or to obtain property ● damage > \$200 but < \$1000 ● damage > \$1,000 | M1 F3 F3 F2 |
| | | 815.06 Offenses against computer users | F3/F2 |

FRAUDULENT PRACTICES

817.035* Schemes to defraud; proof; penalties
 ● 1-10 persons M1
 ● > 10 persons F3

817.036 Organized fraud defined, penalties F1

817.12 Obtaining property by fraudulent promise to furnish inside information; penalty F3

817.15 Making false entries, etc., on books of corporation F3

817.16 False reports, etc., by officers of banks, trust companies, etc. under supervision of Department of Banking and Finance with intent to defraud F3

817.19 Fraudulent issue of certificate of stock of corporation F3

817.20 Issuing stock or obligation of corporation beyond authorized amount F3

817.22 Making false invoice to defraud insurer F2

817.23 Making false affidavit to defraud insurer F3

817.233 Burning to defraud the insurer F3

817.234 False or Fraudulent insurance claims F3

817.24 Unlawful to add or alter or deface existing brand F3

817.25 Fraudulently marking or branding F3

817.26 Fraudulently changing marks on animal F3

817.29 Cheating--gross fraud or cheat at common law F3

817.34 False entries and statements by investment companies offering stock or security for sale F3

817.37* Touting; defining; providing punishment; ejection from racetracks M2
 ● convicted of touting--uses name of Florida Division of Pari-mutuel or other racetrack official F3
 ● convicted of touting--if ejected and returns to racetrack M2
 ● if convicted of touting and ejected and refuses to leave racetrack when asked--considered a separate offense M2

817.482* Possessing or transferring device for theft of telecommunications service; concealment of destination of telecommunication service M1
 ● use of any electronic device to avoid payment F3

817.52* Obtaining vehicles with intent to defraud, failing to return hired vehicle, or tampering with mileage device of hired vehicle F3
 ● obtaining by trick, false representation, etc. F3
 ● hiring with intent to defraud F3
 ● failure to redeliver hired vehicle F3
 ● tampering with mileage device M2

817.54 Obtaining of mortgage, mortgage note, promissory note, etc., by false representation F3

817.564* Imitation controlled substances defined; possession and distribution prohibited F3
 ● manufacture or possession with intent to manufacture F3
 ● person > 18 years to sell to person < 18 years F3
 ● advertise imitation controlled substances M1

817.60(5) Dealing in credit cards of another F3

817.60(6) Forgery of credit card F3

817.61* Fraudulent use of credit cards M1
 ● card used 2 or < 2 times in a six month period, or obtains goods valued < \$100 F3
 ● cards used 2 or > 2 times or obtains goods valued > \$100 F3

817.611 Traffic in counterfeit credit cards F2

817.62* Fraud by person authorized to provide goods or services; illegally obtained or illegally possessed credit card; forged, revoked, or expired credit card M1
 ● in 6-month period value of goods < \$300 F3
 ● in 6-month period value of goods > \$300 F3
 ● misrepresentation to issuer F3

817.631 Possession and transfer of credit card making equipment F3

PUBLIC NUISANCES

823.04 Animals suffering from disease or pests brought into state or offered for sale in state F3

823.06 Doors to public buildings to open outward F3

| | | | |
|---|----------|---|--------------|
| 823.09* Iceboxes, refrigerators, deep-freeze lockers, clothes washers, clothes dryers, or similar air-tight units abandoned or discarded; attractive nuisance | M2 F3 | 831.16 Having less than 10 counterfeit coins in possession, with intent to utter | 10 yrs. MAX. |
| ● guilty of above--no death | | 831.17 Having less than 10 counterfeit coins, etc.: second conviction | 20 yrs. MAX. |
| ● guilty of above resulting in death | | 831.18 Making instruments for forging bills, etc. | 10 yrs. MAX. |
| BIGAMY | | 831.19 Making or having instruments for countereiting coin | 10 yrs. MAX. |
| 826.01 Bigamy, punishment | F3 | 831.21 Forging or counterfeit-ing doctor's certificate of examination | 5 yrs. MAX. |
| 826.03 Knowingly marrying hus-band or wife of another | F3 | 831.29 Making or having instru-ments and material for counter-feeding operator's or chauffeur's license | F2 |
| 826.04 Incest | F3 | 831.31* Counterfeit controlled substance; sale, manufacture, delivery or possession with intent to sell, manufacture or deliver | F3 |
| ABUSE OF CHILDREN OR DISABLED OR AGED PERSONS | | ● a substance named or described in 893.03(1), (2), (3), (4) | |
| 827.03 Aggravated child abuse | F2 | ● a substance described in 893.03(5) | M2 |
| 827.04* Child abuse | | ISSUING WORTHLESS CHECKS AND DRAFTS | |
| ● great bodily harm | F3 | 832.041* Stopping payment with intent to defraud | |
| ● no great bodily harm | M1 | ● \geq \$150 | F3 |
| ● contributing to the delin-quency of a minor | M1 | ● $<$ \$150 | M2 |
| 827.071 Sexual performance by a child, penalties | F2 | 832.05* Knowingly drawing, making, uttering, issuing, delivering, or using worthless checks, drafts, and debit card orders; obtaining property in return for worthless instruments; penalty; duty of drawee; evidence | |
| 827.08* Misuse of child support money | | ● $<$ \$150 | M2 |
| ● first offense | M1 | ● \geq \$150 | F3 |
| ● second or subsequent conviction | F3 | ● cashing or depositing | F3 |
| 827.09* Abuse, neglect, or exploi-tation of aged or disabled persons | | ● obtaining property or services | |
| ● great bodily harm | F3 | - if $<$ \$150 | M1 |
| ● no great bodily harm | M1 | - if \geq \$150 | F3 |
| CRUELTY TO ANIMALS | | DEFAMATION; LIBEL; THREATENING LETTERS AND SIMILAR OFFENSES | |
| FORGERY AND COUNTERFEITING | | 836.05 Threats; extortion | F2 |
| 831.01 Forgery | F3 | 836.10 Written threats to kill or do bodily injury; punishment | F2 |
| 831.02 Uttering forged instru-ments | F3 | PERJURY | |
| 831.04 Penalty for forging cer-tain instruments of writing | F3 | 837.02 Perjury in official pro-ceedings | F3 |
| 831.07 Forging bank bills or treasury notes | F3 | 837.021 Perjury by contradictory statements | F3 |
| 831.08 Having forged notes, etc. in possession | F3 | BRIBERY; MISUSE OF PUBLIC OFFICE | |
| 831.09 Uttering forged bills | F3 | 838.015 Bribery | F3 |
| 831.11 Bringing into the state forged bank bills | F3 | 838.016 Unlawful compensation or reward for official behavior | F3 |
| 831.13 Having in possession uncurrent bills | F3 | | |
| 831.14 Uttering uncurrent bills | F3 | | |
| 831.15 Counterfeiting coin; having 10 or more such coins in possession with intent to utter | F3 | | |

838.021 Corruption by threat against public servant F2/F3

838.12 Bribery in athletic contests F3

OFFENSES BY AUCTIONEERS, PUBLIC OFFICERS AND EMPLOYEES

839.17 Misappropriation of moneys by commissioners to make sales F2

839.25 Official misconduct F3

OBSTRUCTING JUSTICE

843.01 Resisting officer with violence to his person F3

843.025 Depriving officer of means of protection or communication F3

843.09 Voluntary escape by officer F2

843.11* Conveying tools into jail to aid escape; forcible rescue
 ● Forcible rescue F2
 ● If prisoner held on misdemeanor misdemeanor M1

843.12 Aiding escape F3

843.14* Compounding felony
 ● If crime is capital or punishable in prison F3
 ● If other crime M1

843.15* Failure of defendant on bail to appear
 ● If for a felony F3
 ● If for a misdemeanor M1

843.18 Boats, fleeing or attempting to elude a law enforcement officer F3

843.19 Injuring or killing police dog or police horse prohibited; penalty F3

OBSCENE LITERATURE; PROFANITY

847.011* Prohibition of certain acts in connection with obscene, lewd, etc., materials; penalty
 ● Sale or distribution M1
 ● If prior conviction sale F3
 ● Possession M2
 ● If prior conviction possess M1
 ● Pressure vendor to sell F3
 ● Promote lewd entertainment M1
 ● If prior conviction promote F3

847.012 Prohibition of sale or other distribution of harmful materials to persons under 18 years of age; penalty F3

847.07 Distribution of obscene materials; penalties; "wholesale promote" defined
 ● Distribution F3
 ● Promotion wholesale F3
 ● Pressure vendor to sell F3

GAMBLING

849.01 Keeping gambling houses, etc. F3

849.02 Agents, servants, etc., of keeper of gambling houses F3

849.03 Renting house for gambling purposes F3

849.04 Permitting minors and persons under guardianship to gamble F3

849.09* Lottery prohibited; exceptions
 ● If operate, set up, etc. F3
 ● If attempt to operate, sell ticket, possess paraphernalia M1
 ● If prior conviction F3
 ● Possess ticket or prize M1

849.093* Charitable, nonprofit, or veterans' organizations; certain endeavors permitted
 ● If prior conviction F3

849.10 Printing lottery tickets, etc., prohibited F3

849.23* Penalty for violations of §§849.15-849.22 [coin-operated devices]
 ● Prior conviction M1
 ● Third conviction F3

849.25 "Bookmaking" defined; penalties, exceptions F2/F3

DRUNKENNESS; LOITERING; PROWLING; DESERTION

856.04 Desertion; withholding support; proviso F3

POISONS, ADULTERATED DRUGS

859.01 Poisoning food or water F1

859.05 Narcotics not to be sold except on prescription F3

OFFENSES CONCERNING AIRCRAFT, MOTOR VEHICLES, VESSELS, AND RAILROADS

860.05 Unauthorized person interfering with railroad train, cars or engines F3

860.08 Interference with railroad signals prohibited; penalty F3

860.09 Interference with railroad track and other equipment prohibited; penalties F3

| | | | |
|--|----------------------|---|------------------|
| 860.091 Violations of §860.05, §860.08, or §860.09 resulting in death; penalty | "guilty of homicide" | 876.35 Combination against part of the people of the state | F3 |
| 860.11 Injuring railroad structures; driving cattle on tracks | F2 | 876.36 Inciting insurrection | F2 |
| 860.121 Crimes against railroad vehicles; penalties | F1/F2/F3/"homicide" | 876.38 Intentional injury to or interference with property | F life |
| 860.13 Operation of aircraft while intoxicated in careless or reckless manner; penalty | F3 | 876.39 Intentionally defective workmanship | F2 |
| 860.16 Aircraft piracy; penalty | F1 | 876.40 Attempts | "1/2 punishment" |
| 860.20* Outboard boat motors; identification numbers | | MISCELLANEOUS CRIMES | |
| ● Sale without serial numbers | M1 | 877.08* Coin-operated vending machines and parking meters; prohibited acts, penalties | M2 |
| ● Possession altered numbers | F3 | ● If second offense | F3 |
| OFFENSES RELATED TO PUBLIC ROADS, TRANSPORT, AND WATERS | | 877.18 Identification card or document purporting to contain applicant's age or date of birth; penalties for failure to comply with requirements for sale or issuance | F3 |
| 861.03 Injuries to dams | F2 | | |
| 861.06 Obstructing harbors, etc. | F3 | DRUGS (inclusive) | |
| VIOLATIONS OF CERTAIN COMMERCIAL RESTRICTIONS | | 893.13* Prohibited acts; penalties | See below |
| AFFRAYS; RIOTS; ROUTS; UNLAWFUL ASSEMBLIES | | (1)(a)1. Sale, distribution Schedule I or II | F2 |
| 870.01* Affrays and riots | | (1)(a)2. Sale, distribution Schedule III or IV or certain substances Schedules I and II | F3 |
| ● If affray | M1 | (1)(a)3. Sale, distribution Schedule V | M1 |
| ● If riot | F3 | (1)(b) Sale, deliver, possess > 10 grms. Schedule I | F1 |
| 870.03 Riots and routs | F3 | (1)(c)1. Distribution to minor certain substances Schedules I and II | F1 |
| DISTURBING RELIGIOUS AND OTHER ASSEMBLIES | | (1)(c)2. Distribution to minor Schedule III, IV, or certain substances Schedule I and II | F2 |
| OFFENSES CONCERNING DEAD BODIES AND GRAVES | | (1)(d)1. Bring into state certain substances Schedules I and II | F2 |
| 872.02* Injuring or removing tomb or monument; disturbing contents of grave or tomb; penalties | M1 | (1)(d)2. Bring into state Schedule III, IV and certain substances Schedules I and II | F3 |
| ● If damage > \$100 | F3 | (1)(d)3. Bring into state Schedule V | M1 |
| ● If malicious | F3 | (1)(e) Possession without a valid prescription | F3 |
| SALE OF ANATOMICAL MATTER | | (1)(f) Possession or gift < 20 gms. cannabis | M1 |
| 873.01 Purchase or sale of human organs and tissue prohibited | F2 | (2)(b) Violate laws on sale and distribution of drugs | M1 |
| CRIMINAL ANARCHY, TREASON, AND OTHER CRIMES AGAINST PUBLIC ORDER | | ● Second conviction | F3 |
| 876.03 Unlawful assembly for purposes of anarchy, communism, etc. | F2 | (3)(b) Violate laws on purchase of drugs | F3 |
| 876.10 False oath, penalty | F3 | 893.135 Trafficking; mandatory sentences; suspension or reductions of sentences; conspiracy to engage in trafficking | F1 |
| 876.23 Subversive activities unlawful; penalty | F2 | | |
| 876.24 Membership in subversive organization; penalty | F3 | | |
| 876.32 Treason | F1 | | |
| 876.33 Misprison of treason | F3 | | |
| 876.34 Combination to usurp government | F2 | | |

| | |
|--|-----------|
| 893.147* Use, possession, manufacture, delivery, advertisement of drug paraphernalia | See below |
| (1) Use/possession of drug paraphernalia | M1 |
| (2) Manufacture, delivery of drug paraphernalia | F3 |
| (3)(a) Delivery of drug paraphernalia to a minor | F2 |
| (3)(b) Sale of hypodermic to a minor | M1 |
| (4) Advertisement of drug paraphernalia | M1 |

OFFENSES CONCERNING RACKETEERING AND ILLEGAL DEBTS

| | |
|--|----|
| 895.04 Criminal penalties and alternative fine | F1 |
|--|----|

KEY

- F = Felony
- M = Misdemeanor
- AGM = Aggravated misdemeanor
- 1,2,3,4 = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = Greater than, less than
- ≥, ≤ = Greater than or equal, less than or equal

GA. CODE ANN. § (1984 & Supp. 1986).

Criminal Classification Information

16-1-3. Definitions

* * *

- (5) "Felony" means a crime punishable by death, by imprisonment for life, or by imprisonment for more than 12 months.
- (6) "Forcible felony" means any felony which involves the use or threat of physical force or violence against any person.
- (7) "Forcible misdemeanor" means any misdemeanor which involves the use or threat of physical force or violence against any person.
- (9) "Misdemeanor" and "misdemeanor of a high and aggravated nature" mean any crime other than a felony.

16-1-10. Punishment for crimes for which punishment not otherwise provided

Any conduct that is made criminal by this title or by another statute of this state and for which punishment is not otherwise provided, shall be punished as for a misdemeanor.

INCHOATE OFFENSES

16-4-6. Penalties for criminal attempt

- (a) A person convicted of the offense of criminal attempt to commit a crime punishable by death or by life imprisonment shall be punished by imprisonment for not less than one year nor more than ten years.
- (b) A person convicted of the offense of criminal attempt to commit a felony shall be punished by imprisonment for not less than one year nor more than one-half the maximum period of time for which he could have been sentenced if he had been convicted of the crime attempted, by one-half the maximum fine to which he could have been subjected if he had been convicted of the crime attempted, or both.
- (c) A person convicted of the offense of criminal attempt to commit a misdemeanor shall be punished as for a misdemeanor.

16-4-7. Criminal solicitation

(b) A person convicted of the offense of criminal solicitation to commit a felony shall be punished by imprisonment for not less than one year nor more than three years. A person convicted of the offense of criminal solicitation to commit a crime punishable by death or by life imprisonment shall be punished by imprisonment for not less than one nor more than five years.

16-4-8. Conspiracy to commit a crime

A person convicted of the offense of criminal conspiracy to commit a felony shall be punished by imprisonment for not less than one year nor more than one-half the maximum period of time for which he could have been sentenced if he had been convicted of the crime conspired to have been committed, by one-half the maximum fine to which he could have been subjected if he had been convicted of such crime, or both. A person convicted of the offense of criminal conspiracy to commit a misdemeanor shall be punished as for a misdemeanor. A person convicted of the offense of criminal conspiracy to commit a crime punishable by death or by life imprisonment shall be punished by imprisonment for not less than one year nor more than ten years.

NOTE: Maximum sentence given, unless range or minimum (MIN.) is specified.

| Statute No. and Title | Class/Time |
|---|---|
| Crimes Against the Person | |
| HOMICIDE (inclusive) | |
| 16-5-1 Murder; felony murder | Death/life |
| 16-5-2 Voluntary manslaughter | 1-20 yrs. |
| 16-5-3* Involuntary manslaughter ● in commission of lawful act | 1-10 yrs. M |
| ASSAULT AND BATTERY (inclusive) | |
| 16-5-20 Simple assault | M |
| 16-5-21 Aggravated assault | 1-20 yrs./ 5-20 yrs. 3-20 yrs. |
| 16-5-23 Simple battery | M |
| 16-5-24 Aggravated battery | 1-20 yrs./ 10-20 yrs./ 5-20 yrs. |
| KIDNAPPING, FALSE IMPRISONMENT AND RELATED OFFENSES | |
| 16-5-40 Kidnapping ● if ransom/injury | 1-20 yrs. /life life/death |
| 16-5-41 False imprisonment | 1-10 yrs. |
| 16-5-42 False imprisonment under color of legal process | 1-10 yrs. |
| 16-5-43 Malicious confinement of sane person in an asylum | 1-10 yrs. |
| 16-5-44 Hijacking an aircraft | Death/life |
| 16-5-45* Interference with custody ● second offense ● third or subsequent offense ● interstate interference with custody | M: 1-5 mos. M: 3-12 mos. F: 1-5 yrs. F: 1-5 yrs. |
| RECKLESS CONDUCT | |
| CRUELTY TO CHILDREN | |
| 16-5-70 Cruelty to children | 1-20 yrs. |

| | | | |
|--|---|--|------------|
| 16-5-80 Feticide; penalty | Life | 16-7-22 Criminal damage to property in the first degree | 1-10 yrs. |
| SEXUAL OFFENSES (inclusive) | | | |
| 16-6-1 Rape | Death/life/ 1-20 yrs. | 16-7-23 Criminal damage to property in the second degree | 1-5 yrs. |
| 16-6-2 Sodomy; aggravated sodomy | 1-20 yrs. /life | 16-7-26 Vandalism to a place of worship | 1-5 yrs. |
| 16-6-3 Statutory rape | 1-20 yrs. | LITTERING PUBLIC AND PRIVATE PROPERTY | |
| 16-6-4 Child molestation; aggravated child molestation | 1-20 yrs./ 5 yrs. (MIN.)/ 20 yrs./ 1-30 yrs. | ARSON AND EXPLOSIVES (inclusive) | |
| 16-6-5 Enticing a child for indecent purposes | 1-20 yrs./ 5 yrs. (MIN.)/ 20 yrs. 1-3 yrs. | 16-7-60 Arson in the first degree | 1-20 yrs. |
| .1 Sexual assault against persons in custody | | 16-7-61 Arson in the second degree | 1-10 yrs. |
| 16-6-6 Bestiality | 1-5 yrs. | 16-7-62 Arson in the third degree | 1-5 yrs. |
| 16-6-7 Necrophilia | 1-10 yrs. | 16-7-63 Criminal possession of explosives | 1-10 yrs. |
| 16-6-8 Public indecency | M | 16-7-64 Criminal possession of an incendiary | 1-3 yrs. |
| 16-6-9 Prostitution | M | OFFENSES INVOLVING THEFT (inclusive) | |
| 16-6-10 Keeping a place of prostitution | AGM | 16-8-2* Theft by taking | M |
| 16-6-11 Pimping | AGM | ● property value > \$500 | 1-10 yrs. |
| 16-6-12 Pandering | AGM | ● same, judge's discretion | M |
| 16-6-14 Pandering by compulsion | 1-10 yrs. | ● by fiduciary in breach of fiduciary contract | 1-15 yrs. |
| 16-6-15 Solicitation of sodomy | M | ● memorial to the dead | 1-3 yrs. |
| 16-6-16 Masturbation for hire | M | ● motor vehicle or part value > \$100 | 1-20 yrs. |
| 16-6-17 Giving of massages in place used for lewdness, prostitution, etc. | M | ● same, first offense, judge's discretion | M |
| 16-6-18 Fornication | M | ● same, second offense | 3-20 yrs. |
| 16-6-19 Adultery | M | ● same, third offense | 10-20 yrs. |
| 16-6-20 Bigamy | 1-10 yrs. | ● firearm | 1-10 yrs. |
| 16-6-21 Marrying a bigamist | 1-10 yrs. | 16-8-3* Theft by deception | M |
| 16-6-22 Incest | 1-20 yrs. | ● property value > \$500 | 1-10 yrs. |
| 16-6-23 Publication of name or identity of females raped or assaulted with intent to commit rape | M | ● same, judge's discretion | M |
| Damage to and Intrusion Upon Property | | ● by fiduciary in breach of fiduciary contract | 1-15 yrs. |
| BURGLARY (inclusive) | | ● motor vehicle or part value > \$100 | 1-20 yrs. |
| 16-7-1 Burglary | 1-20 yrs./ 2-20 yrs./ 5-20 yrs. | ● same, first offense, judge's discretion | M |
| | | ● same, second offense | 3-20 yrs. |
| | | ● same, third offense | 10-20 yrs. |
| | | ● firearm | 1-10 yrs. |
| CRIMINAL TRESPASS AND DAMAGE TO PROPERTY | | | |
| 16-7-20 Possession of tools for the commission of a crime | 1-5 yrs. | | |

| | | | |
|--|------------|--|--|
| 16-8-5* Theft of services | M | 16-8-13* Trade secrets; stealing, embezzling, copying without authority | 1-5 yrs. |
| • property value > \$500 | 1-10 yrs. | • value < \$100 | M |
| • same, judge's discretion | M | | |
| • by fiduciary in breach of fiduciary contract | 1-15 yrs. | | |
| • motor vehicle or part value > \$100 | 1-20 yrs. | 16-8-14* Theft by shoplifting | M |
| • same, first offense, judge's discretion | M | • second offense | Fine |
| • same, second offense | 3-20 yrs. | • third offense | 30 days |
| • same, third offense | 10-20 yrs. | • fourth or subsequent offense | F: 1-10 yrs. |
| • firearm | 1-10 yrs. | • property value > \$100 | F: 1-10 yrs. |
| | | 16-8-15* Conversion of payments for real property improvements | F: 1-5 yrs. |
| 16-8-6* Theft of lost or mislaid property | M | • recommendation of jury or discretion of judge | M |
| • property value > \$500 | 1-10 yrs. | | |
| • same, judge's discretion | M | 16-8-16 Theft by extortion | 1-10 yrs. |
| • by fiduciary in breach of fiduciary contract | 1-15 yrs. | | |
| • motor vehicle or part value > \$100 | 1-20 yrs. | 16-8-18 Entering an automobile or other motor vehicle with intent to commit theft or a felony | F: 1-5 yrs. |
| • same, first offense, judge's discretion | M | | |
| • same, second offense | 3-20 yrs. | 16-8-19* Conversion of leased personal property | F: 1-2 yrs. |
| • same, third offense | 10-20 yrs. | • property value < \$100 | M |
| • firearm | 1-10 yrs. | | |
| | | 16-8-20* Livestock | F: 1-10 yrs. |
| 16-8-7* Theft by receiving stolen property | M | • property value < \$100 | M |
| • property value > \$500 | 1-10 yrs. | | |
| • same, judge's discretion | M | 16-8-21 Removal or abandonment of shopping carts; posting of code section in stores and markets | M |
| • by fiduciary in breach of fiduciary contract | 1-15 yrs. | | |
| • motor vehicle or part value > \$100 | 1-20 yrs. | ROBBERY (inclusive) | |
| • same, first offense, judge's discretion | M | 16-8-40 Robbery | 1-20 yrs./ 5-20 yrs. |
| • same, second offense | 3-20 yrs. | | |
| • same, third offense | 10-20 yrs. | 16-8-41 Armed robbery; robbery by intimidation; taking of controlled substance from pharmacy in course of committing offense | Death/life/ 5-20 yrs./ 10 yrs. (MIN.)/ 15 yrs. (MIN.) |
| • firearm | 1-10 yrs. | | |
| | | CRIMINAL REPRODUCTION AND SALE OF RECORDED MATERIAL | |
| 16-8-8* Theft by receiving property stolen in another state | M | 16-8-60 Reproduction of recorded material; transfer, sale, distribution, circulation | 1-2 yrs./ 1-3 yrs. |
| • property value > \$500 | 1-10 yrs. | | |
| • same, judge's discretion | M | Forgery and Fraudulent Practices | |
| • by fiduciary in breach of fiduciary contract | 1-15 yrs. | FORGERY AND RELATED OFFENSES | |
| • motor vehicle or part value > \$100 | 1-20 yrs. | 16-9-1 Forgery in the first degree | 1-10 yrs. |
| • same, first offense, judge's discretion | M | 16-9-2 Forgery in the second degree | 1-5 yrs. |
| • same, second offense | 3-20 yrs. | BAD CHECKS | |
| • same, third offense | 10-20 yrs. | 16-9-20* Issuance of bad checks; check < \$100; ≥ \$100 and < \$500 | M: 30 days/ 60 days/ 12 mos./ 3 mos. |
| • firearm | 1-10 yrs. | • check ≥ \$500 | F: 3 yrs. |
| | | • on bank of another state | F: 1-5 yrs. |
| 16-8-9* Theft by bringing stolen property into state | M | ILLEGAL USE OF FINANCIAL TRANSACTION CARDS | |
| • property value > \$500 | 1-10 yrs. | 16-9-31 Financial transaction card theft | F: 1-3 yrs. |
| • same, judge's discretion | M | | |
| • by fiduciary in breach of fiduciary contract | 1-15 yrs. | | |
| • motor vehicle or part value > \$100 | 1-20 yrs. | | |
| • same, first offense, judge's discretion | M | | |
| • same, second offense | 3-20 yrs. | | |
| • same, third offense | 10-20 yrs. | | |
| • firearm | 1-10 yrs. | | |
| 16-8-12 Penalties for violation of Code Sections 16-8-2 through 16-8-9 | See above | | |

| | | | |
|--|----------------|---|-------------|
| 16-9-32 Forgery of financial transaction card | F: 1-3 yrs. | 16-10-5 Influencing of officer or employee of state or political subdivision by another officer or employee | 1-5 yrs. |
| 16-9-33* Financial transaction card fraud | | | |
| ● value < \$100 | 1-2 yrs. | 16-10-6 Sale of real or personal property to political subdivision by local officer or employee; exemptions | 1-5 yrs. |
| ● value > \$100 | F: 1-3 yrs. | | |
| ● specified offense | F: 1-3 yrs. | | |
| ● specified offense | F: 1-3 yrs. | | |
| 16-9-34 Criminal possession of financial transaction card forgery devices | F: 1-3 yrs. | 16-10-8 False official certificates or writings by officers or employees of state and political subdivisions | 1-5 yrs. |
| 16-9-35* Criminal receipt of goods and services fraudulently obtained | | | |
| ● value < \$100 | 1-2 yrs. | | |
| ● value > \$100 | F: 1-3 yrs. | | |
| 16-9-37 Unauthorized use of financial transaction card | 1-2 yrs. | | |
| 16-9-38 Punishment and penalties | See above | | |
| 16-9-39 Publication of information regarding schemes, devices, means, or methods for financial transaction card fraud or theft of telecommunication services | 1-2 yrs. | | |
| OBSTRUCTION OF PUBLIC ADMINISTRATION AND RELATED OFFENSES | | | |
| | | 16-10-20 False statements, concealment of facts, fraudulent writings, etc., in matters within jurisdiction of state or political subdivisions | 1-5 yrs. |
| | | 16-10-21 Conspiracy to defraud state or political subdivision | 1-5 yrs. |
| | | 16-10-22 Conspiracy in restraint of free and open competition in transactions with state or political subdivisions; forfeiture of right to bid on or enter into contracts | 1-5 yrs. |
| FRAUD AND RELATED OFFENSES | | | |
| 16-9-53 Damaging, destroying, or secreting property to defraud another | 1-5 yrs. | 16-10-23 Impersonating a public officer or employee | 1-5 yrs. |
| 16-9-57* False representation as representative of peace officer organization or fire service organization | M: 30 days | 16-10-24* Obstruction or hindering of law enforcement officers | M |
| ● across boundaries of the state | F: 1-3 yrs. | ● offering or doing violence to law enforcement person | F: 1-5 yrs. |
| 16-9-58 Failing to pay for natural products or chattels | F: 1-5 yrs. | 16-10-28 Transmitting a false public alarm | 1-5 yrs. |
| REMOVAL OR ALTERATION OF IDENTIFICATION MARKS, ETC., FROM PROPERTY | | | |
| 16-9-70 Criminal use of an article with an altered identification mark | 1-5 yrs. | ESCAPE AND OTHER OFFENSES RELATED TO CONFINEMENT | |
| COMPUTER RELATED OFFENSES | | | |
| 16-9-93 Accessing of computers, etc., for fraudulent purposes; unauthorized access, alteration, destruction, etc., of computers, etc. | 15 yrs. (MIN.) | 16-10-50 Hindering apprehension or punishment of a criminal | 1-5 yrs. |
| MOTOR VEHICLE SALES AND TRANSFERS | | | |
| Offenses Against Public Administration | | | |
| ABUSE OF GOVERNMENTAL OFFICE | | | |
| 16-10-1 Violation of oath by public officer | 1-5 yrs. | 16-10-51* Bail jumping generally | 1-5 yrs. |
| 16-10-2 Bribery | 1-20 yrs. | ● felon--bail jumping | M |
| 16-10-4 Influencing of legislative action by state and local government officers or employees | 1-5 yrs. | ● misdemeanor bail jumping | |
| | | 16-10-52* Escape | 1-5 yrs. |
| | | ● convicted of felony or misdemeanor | |
| | | ● any other person | M |
| | | ● escape with dangerous weapon | 1-10 yrs. |
| | | 16-10-53* Aiding or permitting another to escape lawful custody or confinement | 1-5 yrs. |
| | | ● recklessly permitted by peace officer | M |
| | | 16-10-54 Assailing, opposing, or resisting officer of the law in a penal institution | 1-5 yrs. |
| | | 16-10-55 Persuading, enticing, aiding, etc., person in a penal institution to commit mutiny | 1-5 yrs. |

PERJURY AND RELATED OFFENSES

16-10-70 Perjury 1-10 yrs./not to exceed sentence of person convicted/life

16-10-71 False swearing 1-5 yrs.

16-10-72 Subornation of perjury or false swearing 1-10 yrs.

16-10-73 Impersonating another in the acknowledgement of recognition, bail, or judgment 1-5 yrs.

16-11-107 Destroying or injuring police dog F: 1-5 yrs.

16-11-123 Unlawful possession of firearms or weapons 1-5 yrs.

16-11-126* Carrying a concealed weapon M
● second or subsequent offense F: 1-5 yrs.

16-11-128* Carrying pistol without license M
● second or subsequent offense F: 1-5 yrs.

16-11-129 License to carry pistol or revolver; temporary renewal permit; alteration or counterfeiting of license; penalty F: 1-5 yrs.

OFFENSES RELATED TO JUDICIAL AND OTHER PROCEEDINGS

16-10-90 Compounding a crime 1-5 yrs.

16-10-91 Embracery 1-5 yrs.

16-10-92 Acceptance of benefit, reward, or consideration by witness for changing testimony or being absent from trial, hearing, or other proceeding 1-5 yrs.

16-10-93 Influencing witness 1-5 yrs.

16-10-95 Exciting or stirring up of groundless actions, etc.; instituting legal proceedings without authorization; soliciting or encouraging legal proceedings, etc. 1-5 yrs.

16-10-96 Impersonating another in the course of an action, proceeding, etc. 1-5 yrs.

16-11-131 Possession of firearms by convicted felons prohibited; exception F: 1-5 yrs.

Offenses Against Public Health and Morals

GENERAL PROVISIONS

16-12-1* Contributing to the delinquency, unruliness, or deprivation of a minor M: 1-5 mos.
● second offense M: 3-12 mos.
● third or subsequent offense F: 1-3 yrs.

GAMBLING AND RELATED OFFENSES

16-12-22 Commercial gambling F: 1-5 yrs.

16-12-25 Solicitation of another to gamble with intent to defraud or deceive F: 1-5 yrs.

16-12-28 Communicating gambling information 1-5 yrs.

Offenses Against Public Order and Safety

TREASON AND OTHER SUBVERSIVE ACTIVITIES

16-11-1 Treason Death

16-11-2 Insurrection 1-10 yrs.

16-11-3 Inciting to insurrection 1-10 yrs.

16-11-4 Advocating overthrow of government 1-20 yrs.

16-12-33 Bribery of a contestant 1-5 yrs.

16-12-34 Soliciting or accepting a bribe to influence the outcome of athletic contests, sporting events, or exhibitions 1-5 yrs.

16-12-37 Dogfighting 1-5 yrs.

16-12-62* Bingo; penalties AGM
● second offense F: 1-5 yrs.

SEDITION AND SUBVERSIVE ACTIVITIES

OFFENSES AGAINST PUBLIC ORDER

16-11-37 Terroristic threats and acts 1-5 yrs.

OBSCENITY AND RELATED OFFENSES

16-12-81 Distribution of material depicting nudity or sexual conduct 1-3 yrs.

16-12-100 Sexual exploitation of children F: 3-20 yrs.

INVASION OF PRIVACY

16-11-69 Invasion of privacy; Penalty for violations of this section F: 1-5 yrs.

OFFENSES AGAINST PUBLIC TRANSPORTATION

16-12-123 Bus hijacking; boarding bus with concealed weapon; bus company use of detection devices F: life/1-20 yrs.
F: 1-10 yrs.

DANGEROUS INSTRUMENTALITIES AND PRACTICES

16-11-106 Possession of a firearm or knife during commission of or attempt to commit certain crimes F: 5 yrs. (MIN.)/
F: 10 yrs. (MIN.)

16-12-124 Removal of baggage, cargo, or other items transported by bus or stored in a terminal F: 1-5 yrs.

| | | | |
|--|--|---|--|
| ABORTION | | 16-13-33 Attempt or conspiracy to commit offense under this article | Not to exceed max. for attempted offense |
| 16-12-140 Criminal abortion | 1-10 yrs. | | |
| HUMAN BODY TRAFFIC | | | |
| 16-12-160 Buying or selling or offering to buy or sell human body or parts | F: 1-5 yrs. | 16-13-42 Unauthorized distribution and dispensation; refusal or failure to keep records; refusal to permit inspection; unlawful maintaining of structure or place | F: 5 yrs. |
| Controlled Substances (inclusive) | | | |
| GENERAL PROVISIONS | | | |
| 16-13-1* Drug related objects; penalties | See below | 16-13-43 Unauthorized distribution; use of fictitious registration number; furnishing of false information, material omissions, etc.; possession, etc., of devices for counterfeiting of trademarks, etc. | F: 8 yrs. |
| (b) Sell or provide to minor, first offense | M | | |
| • second or subsequent offense | F: 1-5 yrs. | | |
| 1(c) False representation of age | M | 16-13-56 Penalty for violation of article, unless otherwise specified | M |
| 16-13-2 Conditional discharge for possession of controlled substances as first offense, dismissal of charges | M: 12 mos./M | DANGEROUS DRUGS (inclusive) | |
| 16-13-3 Penalty for abandonment of dangerous drugs, poisons, or controlled substances | M | 16-13-73 Labeling of containers concerning dangerous drugs by pharmacist | M |
| 16-13-4 Approval by Food and Drug Administration as prerequisite to sale of controlled substances and dangerous drugs; violations; penalty | F: 1-5 yrs. | 16-13-74 Written prescriptions for dangerous drugs, content, signature, preparation of prescription by secretary | M |
| 16-13-30 Possession, manufacture, distribution, etc., of controlled substances or marijuana; penalty | F: 2-15 yrs. /5-30 yrs. /life /5-30 yrs. /1-5 yrs. /1-10 yrs. | 16-13-78 Obtaining or attempting to obtain dangerous drugs by fraud, forgery, concealment of material fact | M |
| .1 Unlawful manufacture, delivery, distribution, etc., of non-controlled substances | F: 1-10 yrs. | 16-13-78.1 Prescribing or ordering dangerous drugs | M |
| 16-13-31 Trafficking in cocaine, illegal drugs, or marijuana, penalties | F: 10 yrs. (MIN.)/15 yrs. (MIN.)/25 yrs. (MIN.)/5 yrs. (MIN.)/7 yrs. (MIN.) | 16-13-78.2 Possession, delivery, distribution, etc., of counterfeit substances | M |
| 16-13-32* Transactions in drug-related objects; forfeitures and penalties; specified offense | See below | 16-13-79 Penalty for violation of this article; dangerous drugs, specified offense | M |
| (a)(2)(d) First offense | M | SALE, POSSESSION, ETC., OF MODEL GLUE (inclusive) | |
| (a)(2)(d) Second offense | AGM | | |
| (a)(2)(d) Third or subsequent offense | F: 1-5 yrs. | 16-13-96 Penalty for violation of article; separate offenses | M |
| .1* Transactions in drug-related objects; evidence as to whether object is drug related; forfeitures and penalties; specified offense | See below | Racketeer Influenced and Corrupt Organizations | |
| (d) First offense | M | RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS | |
| (d) Second offense | AGM | | |
| (d) Third or subsequent offense | F: 1-5 yrs. | 16-14-4 Prohibited activities | |
| .2 Possession and use of drug-related objects | M | 16-14-5 Criminal penalties for violation of Code Section 16-14-4; racketeer influenced and corrupt organizations | F: 5-20 yrs. |
| .3 Use of communication facility in committing or facilitating commission of act which constitutes felony under chapter; penalty | 1-4 yrs. | | |

HAW. REV. STAT. §x (1976, 1985 & Supp. 1984).
 For Drugs: HAW. REV. STAT. §x (1985)

Criminal Classification Information

§701-107. Grades and classes of offenses

- (1) An offense defined by this Code or by any other statute of this State for which a sentence of imprisonment is authorized constitutes a crime. Crimes are of three grades: felonies, misdemeanors, and petty misdemeanors. Felonies are of three classes: class A, class B, and class C.
- (2) A crime is a felony if it is so designated in this Code or if persons convicted thereof may be sentenced to imprisonment for a term which is in excess of one year.
- (3) A crime is a misdemeanor if it is so designated in this Code or in a statute other than this Code enacted subsequent thereto, or if it is defined in a statute other than this Code which provides for a term of imprisonment the maximum of which is one year.
- (4) A crime is a petty misdemeanor if it is so designated in this Code or in a statute other than this Code enacted subsequent thereto, or if it is defined by a statute other than this Code which provides that persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is less than one year.
- (5) An offense defined by this Code or by any other statute of this State constitutes a violation if it is so designated in this Code or in the law defining the offense or if no other sentence than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction or if it is defined by a statute other than this Code which provides that the offense shall not constitute a crime. A violation does not constitute a crime, and conviction of a violation shall not give rise to any civil disability based on conviction of a criminal offense.
- (6) Any offense declared by law to constitute a crime, without specification of the grade thereof or of the sentence authorized upon conviction, is a misdemeanor.
- (7) An offense defined by any statute of this State other than this Code shall be classified as provided in this section and the sentence that may be imposed upon conviction thereof shall hereafter be governed by this Code.

§706-606. Sentence for offense of murder

The court shall sentence a person who has been convicted of murder to an indeterminate term of imprisonment. In such cases the court shall impose the maximum length of imprisonment as follows:

- (a) Life imprisonment without possibility of parole in the murder of:
 - (i) A peace officer while in the performance of his duties, or
 - (ii) A person known by the defendant to be a witness in a murder prosecution, or
 - (iii) A person by a hired killer, in which event both the person hired and the person responsible for hiring the killer shall be punished under this subsection, or
 - (iv) A person while the defendant was imprisoned.

As part of this sentence the court shall order the director of the department of social services and housing and the Hawaii paroling authority to prepare an application for the governor to commute the sentence to life with parole at the end of twenty years of imprisonment.

- (b) Life imprisonment with possibility of parole in all other cases. The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.

§706-606.1. Sentence for offense of attempted murder

The court shall sentence a person who has been convicted of attempted murder to an indeterminate term of imprisonment. In such cases the court shall impose the maximum length of imprisonment as follows:

- (1) Life imprisonment without possibility of parole in the attempted murder of:
 - (a) A peace officer while in the performance of his duties, or
 - (b) A person known by the defendant to be a witness in a murder prosecution, or
 - (c) A person by a hired killer, in which event both the person hired and the person responsible shall be punished under this subsection, or
 - (d) A person while the defendant was imprisoned.
 As part of such sentence, the court shall order the director of the department of social services and housing and the Hawaii paroling authority to prepare an application for the government to commute the sentence to life with parole at the end of twenty years of imprisonment.
- (2) Life imprisonment with possibility of parole in all other cases of attempted murder. The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.
 - (a) Second conviction - 5 years;
 - (b) Third conviction - 10 years.

§706-610. Classes of felonies

- (1) Felonies defined by this Code are classified, for the purpose of sentence, into three classes, as follows:
 - (a) Class A felonies;
 - (b) Class B felonies; and
 - (c) Class C felonies.

A felony is a class A, class B, or class C felony when it is so designated by this Code. A crime declared to be a felony, without specification of class, is a class C felony.

- (2) Notwithstanding any other provision of law, a felony defined by any statute of this State other than this Code shall constitute for the purpose of sentence a class C felony.

§706-659. Sentence of imprisonment for class A felony

Notwithstanding sections 706-620 to 706-631, suspension of sentence and probation, and sections 706-605, 706-606, 706-606.5, 706-660.1, 706-661, 706-662, and any other law to the contrary, a person who has been convicted of a class A felony shall be sentenced to an indeterminate term of imprisonment of twenty years without possibility of suspension or probation. The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.

§706-660. Sentence of imprisonment for class B and C felonies; ordinary terms

A person who has been convicted of a class B or class C felony may be sentenced to an indeterminate term of imprisonment except as provided for in section 706-660.1 relating to the use of firearms in certain felony offenses. When ordering such a sentence, the court shall impose the maximum length of imprisonment which shall be as follows:

- (1) For a class B felony - 10 years; and
- (2) For a class C felony - 5 years.

The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.

§706-660.1. Sentence of imprisonment for use of a firearm in a felony

(a) A person convicted of a felony, where the person had a firearm in his possession and threatened its use or used the firearm while engaged in the commission of the felony, may be sentenced to a mandatory term of imprisonment the length of which shall be as follows:

- (1) For a class A felony - up to 10 years; and
- (2) For a class B felony - up to 5 years.

The sentence of imprisonment for a felony involving the use of a firearm as provided in this subsection shall not be subject to the procedure for determining minimum term of imprisonment prescribed under section 706-669, provided further that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon the expiration of the term of mandatory imprisonment fixed under (a)(1) or (2), herein.

(b) A person convicted of a second firearm felony offense as provided in section (a), herein, where the person had a firearm in his possession and threatened its use or used the firearm while engaged in the commission of the felony, shall be sentenced to a mandatory term of imprisonment the length of which shall be as follows:

- (1) For a class A felony - 10 years; and
- (2) For a class B felony - 10 years.

The sentence of imprisonment for a second felony offense involving the use of a firearm as provided in this subsection shall be exempted from the procedure for determining minimum term of imprisonment prescribed under section 706-669, provided further that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only under the expiration of the term of mandatory imprisonment fixed under (b)(1) or (2), herein.

As used in this subsection, "firearm" has the meaning defined in section 134-1.

§706-661. Sentence of imprisonment for felony; extended terms

In the cases designated in section 706-662, a person who has been convicted of a felony may be sentenced to an extended indeterminate term of imprisonment. When ordering such a sentence, the court shall impose the maximum length of imprisonment which shall be as follows:

- (1) For a class A felony - life;
- (2) For a class B felony - twenty years; and
- (3) For a class C felony - ten years.

The minimum length of imprisonment shall be determined by the board of paroles and pardons in accordance with section 706-669.

§706-663. Sentence of imprisonment for misdemeanor and petty misdemeanor

A person who has been convicted of a misdemeanor or a petty misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall not exceed one year in the case of a misdemeanor or thirty days in the case of a petty misdemeanor.

INCHOATE OFFENSES

§705-502. Grading of criminal attempt

An attempt to commit a crime is an offense of the same class and grade as the most serious offense which is attempted.

§705-512. Grading of criminal solicitation

Criminal solicitation is an offense one class or grade, as the case may be, less than the offense solicited.

§705-526. Grading of criminal conspiracy

(1) A conspiracy to commit a class A felony is a class B felony.

(2) Except as provided in subsection (1), conspiracy to commit a crime is an offense of the same class and grade as the most serious offense which is an object of the conspiracy.

HAWAII CRIMINAL STATUTES

HAW. REV. STAT. Sx (1976, 1985 & Supp. 1984).

KEY

- F = Felony
- A, B, C = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = greater than, less than
- ≥ , ≤ = greater than or equal to, less than or equal to

Statute No. and Title Class/Time

INCHOATE CRIMES

CRIMINAL ATTEMPT

CRIMINAL SOLICITATION

CRIMINAL CONSPIRACY

Offenses Against the Person

CRIMINAL HOMICIDE (inclusive)

| | | |
|---------|---|-------------|
| 707-701 | Murder | FA |
| 707-702 | Manslaughter | FB |
| 707-703 | Negligent homicide in the first degree | FC |
| 707-704 | Negligent homicide in the second degree | Misdemeanor |

CRIMINAL ASSAULTS AND RELATED OFFENSES (inclusive)

| | | |
|---------|---|--------------------|
| 707-710 | Assault in the first degree | FB |
| 707-711 | Assault in the second degree | FC |
| 707-712 | Assault in the third degree | Misdemeanor /petty |
| 707-713 | Reckless endangering in the first degree | FC |
| 707-714 | Reckless endangering in the second degree | Misdemeanor |
| 707-715 | Terroristic threatening in the first degree | FC |

KIDNAPPING AND RELATED OFFENSES; CRIMINAL COERCION

| | | |
|---------|--|-------|
| 707-720 | Kidnapping | FA/FB |
| 707-721 | Unlawful imprisonment in the first degree | FC |
| 707-726 | Custodial interference in the first degree | FC |

SEXUAL OFFENSES (inclusive)

| | | |
|---------|---------------------------|----|
| 707-730 | Rape in the first degree | FA |
| 707-731 | Rape in the second degree | FB |

| | | |
|---------|-----------------------------------|-------------|
| 707-732 | Rape in the third degree | FC |
| 707-733 | Sodomy in the first degree | FA |
| 707-734 | Sodomy in the second degree | FB |
| 707-735 | Sodomy in the third degree | FC |
| 707-736 | Sexual abuse in the first degree | FC |
| 707-737 | Sexual abuse in the second degree | Misdemeanor |

707-738 Indecent exposure Petty misdemeanor

707-741 Incest FC

CHILD ABUSE

707-750 Promoting child abuse in the first degree FB

707-751 Promoting child abuse in the second degree FC

EXTORTION

707-765 Extortion in the first degree FB

707-766 Extortion in the second degree FC

707-768 Firearms, explosives and dangerous weapons (when used in extortion) FA

Offenses Against Property Rights

BURGLARY AND OTHER OFFENSES OF INTRUSION (inclusive)

| | | |
|---------|--|-------------------|
| 708-810 | Burglary in the first degree | FB |
| 708-811 | Burglary in the second degree | FC |
| 708-812 | Possession of burglary tools | Misdemeanor |
| 708-813 | Criminal trespass in the first degree | Misdemeanor |
| 708-814 | Criminal trespass in the second degree | Petty misdemeanor |
| 708-815 | Simple trespass | Violation |

CRIMINAL DAMAGE TO PROPERTY

| | | |
|---------|---|----|
| 708-820 | Criminal property damage in the first degree | FB |
| 708-821 | Criminal property damage in the second degree | FC |

THEFT AND RELATED OFFENSES (inclusive)

708-831 Theft in the first degree FC

| | | | |
|---|--|--|-------------------|
| 708-832 Theft in the second degree | Misdemeanor | 710-1018* Securing the proceeds of an offense ● if person assisted/committed FA or FB | Misdemeanor FC |
| 708-833 Theft in the third degree | Petty misdemeanor | | |
| 708-833.5* Shoplifting ● value > \$200 ● value > \$50 ● value < \$50 | FC Misdemeanor Petty misdemeanor | ESCAPE AND OTHER OFFENSES RELATED TO CUSTODY 710-1020 Escape in the first degree | FB |
| 708-836 Unauthorized control of propelled vehicle | FC | 710-1021 Escape in the second degree | FC |
| 708-837 Failure to return a rental motor vehicle; penalty | Misdemeanor | 710-1022 Promoting prison contraband in the first degree | FB |
| 708-837.5 Failure to return leased or rented personal property | Petty misdemeanor | 710-1023 Promoting prison contraband in the second degree | FC |
| 708-838 Removal of identification marks | Misdemeanor | 710-1024 Bail jumping in the first degree | FC |
| 708-839 Unlawful possession | Misdemeanor | 710-1029 Hindering prosecution in the first degree | FC |
| ROBBERY (inclusive) | | 710-1031 Intimidating a correctional worker | FB |
| 708-840 Robbery in the first degree | FA | BRIBERY | |
| 708-841 Robbery in the second degree | FB | 710-1040 Bribery | FC |
| FORGERY AND RELATED OFFENSES | | PERJURY AND RELATED OFFENSES | |
| 708-851 Forgery in the first degree | FB | 710-1060 Perjury | FC |
| 708-852 Forgery in the second degree | FC | OFFENSES RELATED TO JUDICIAL AND OTHER PROCEEDINGS | |
| 708-854 Criminal possession of a forgery device | FC | 710-1070 Bribery of or by a witness | FC |
| 708-858 Suppressing a testamentary or recordable instrument | FC | 710-1071 Intimidating a witness | FC |
| BUSINESS AND COMMERCIAL FRAUD | | 710-1072.2 Retaliating against a witness | FC |
| OFFENSES AFFECTING OCCUPATIONS | | 710-1072.5 Obstructing of justice | FC |
| 708-880* Commercial bribery ● when value ≥ \$1,000 | Misdemeanor FC | 710-1073 Bribery of or by a juror | FC |
| COMPUTER CRIMES | | 710-1074 Intimidating a juror | FB |
| 708-891 Computer fraud in the first degree | FC | 710-1075 Jury tampering | FC |
| 708-894 Unauthorized computer use in the first degree | FC | 710-1075.5 Retaliating against a juror | FC |
| OFFENSES AGAINST THE FAMILY AND AGAINST INCOMPETENTS | | OFFENSES AGAINST PUBLIC ORDER | |
| Offenses Against Public Administration | | 711-1103 Riot | FC |
| OBSTRUCTION OF PUBLIC ADMINISTRATION | | 711-1109 Cruelty to animals; fighting dogs | FC |
| 710-1016.5 Impersonating a peace officer | FC | Offenses Against Public Health and Morals | |
| | | PROSTITUTION AND PROMOTING PROSTITUTION | |
| | | 712-1202 Promoting prostitution in the first degree | FB |
| | | 712-1203 Promoting prostitution in the second degree | FC |

OFFENSES RELATING TO OBSCENITY

GAMBLING OFFENSES

- 712-1221 Promoting gambling in the first degree FC
- 712-1224 Possession of gambling records in the first degree FC

OFFENSES RELATED TO DRUGS AND INTOXICATING COMPOUNDS (inclusive)

- 712-1241 Promoting a dangerous drug in the first degree FA
- 712-1242 Promoting a dangerous drug in the second degree FB
- 712-1243 Promoting a dangerous drug in the third degree FC
- 712-1244 Promoting a harmful drug in the first degree FA
- 712-1245 Promoting a harmful drug in the second degree FB
- 712-1246 Promoting a harmful drug in the third degree Misdemeanor
- 712-1247 Promoting a detrimental drug in the first degree FC
- 712-1248 Promoting a detrimental drug in the second degree Misdemeanor
- 712-1249 Promoting a detrimental drug in themisdemeanor third degree Petty
- 712-1250 Promoting intoxicating compounds Misdemeanor

Controlled Substances (inclusive)

OFFENSES AND PENALTIES

- 329-41 Prohibited acts B - penalties Crime: 5 yrs.
- (1-3) ● prescription violations
- (4) ● refuse entry
- (5) ● maintain drug haven
- 329-42 Prohibited acts C - penalties Crime: 5 yrs.
- (1) ● distribute controlled substance
- (2-5) ● fraud or forgery

IMITATION CONTROLLED SUBSTANCES

- 329C-2* Offenses
- (a) manufacture, distribute Misdemeanor
- (b) over 18 distributes to FC
- under 18
- (c) possess with intent Petty
- to use misdemeanor
- (d) advertise Misdemeanor

IDAHO CODE §x (1977, 1979 & Supp. 1986).

Criminal Classification Information**18-109. Definition of crime.**

A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments:

1. Death;
2. Imprisonment;
3. Fine;
4. Removal from office; or
5. Disqualification to hold and enjoy any office of honor, trust or profit in this state.

18-110. Grades of crime.

Crimes are divided into:

1. Felonies; and
2. Misdemeanors.

18-111. Felony, misdemeanor and infraction defined.

A felony is a crime which is punishable with death or by imprisonment in the state prison. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars (\$100) and for which no period of incarceration may be imposed. Every other crime is a misdemeanor. When a crime punishable by imprisonment in the state prison is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the state prison.

18-111A. Felony defined further.

Wherever the words felony, felony in the first degree, felony in the second degree, or felony in the third degree are used in the entire Idaho Code as well as the 1972 Session Law amendments thereto, the same shall be defined as a felony and shall be punishable, unless otherwise provided in a specific act, according to the General Felony Statute in the state of Idaho contained in section 18-112, Idaho Code.

18-111B. Misdemeanor defined further.

Wherever the words misdemeanor, petty misdemeanor or violation are used in the entire Idaho Code as well as the 1972 Session Law amendments thereto, these terms or any of them shall be construed to mean misdemeanor and shall be punished, unless otherwise provided for in a specific act, as provided under the General Misdemeanor Statute contained in section 18-113, Idaho Code.

18-112. Punishment for felony.

Except in cases where a different punishment is prescribed by this code, every offense declared to be a felony, is punishable by imprisonment in the state prison not exceeding five (5) years, or by fine not exceeding \$5,000, or by both such fine and imprisonment.

18-112A. Fine authorized.

In addition to any other punishment for a felony, a fine up to \$5,000 may be imposed.

18-113. Punishment for misdemeanor.

Except in cases where a different punishment is prescribed by this code, every offense declared to be a misdemeanor, is punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding \$300, or by both.

18-113A. Punishment for infraction.

Every offense declared to be an infraction is punishable only by a penalty not exceeding one hundred dollars (\$100) and no imprisonment.

18-317. Punishment of offenses for which no penalty is fixed.

When an act or omission is declared by a statute to be a public offense and no penalty for the offense is prescribed in any statute, the act or omission is punishable as a misdemeanor.

INCHOATE OFFENSES**18-306. Punishment for attempts.**

Every person who attempts to commit any crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempts, as follows:

1. If the offense so attempted is punishable by imprisonment in the state prison for five (5) years or more, or by imprisonment in the county jail, the person guilty of such an attempt is punishable by imprisonment in the state prison, or in the county jail, as the case may be, for a term not exceeding one-half ($\frac{1}{2}$) the longest term of imprisonment prescribed upon a conviction of the offense so attempted.
2. If the offense so attempted is punishable by imprisonment in the state prison for any term less than five (5) years, the person guilty of such attempt is punishable by imprisonment in the county jail for not more than one (1) year.
3. If the offense so attempted is punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half ($\frac{1}{2}$) the largest fine which may be imposed upon a conviction of the offense so attempted.
4. If the offense so attempted is punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half ($\frac{1}{2}$) the longest term of imprisonment and one-half ($\frac{1}{2}$) the largest fine which may be imposed upon a conviction for the offense so attempted.

18-1701. Criminal conspiracy defined.

If two (2) or more persons combine or conspire to commit any crime or offense prescribed by the laws of the state of Idaho, and one (1) or more of such persons does any act to effect the object of the combination or conspiracy, each shall be punishable upon conviction in the same manner and to the same extent as is provided under the laws of the state of Idaho for the punishment of the crime or offenses that each combined to commit.

18-2004. Punishment for criminal solicitation.

Every person who is found guilty of criminal solicitation to commit a crime is punishable in the same manner and to the same extent as for an attempt to commit such crime.

IDAHO CRIMINAL STATUTES

IDAHO CODE Sx (1977, 1979 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- SP = State prison
- J = County jail
- ? = Place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = Greater than, less than
- ≥, ≤ = Greater than or equal, less than or equal

NOTE: Maximum term is recorded unless a range of sentence or minimum (MIN.) is specified. All felony sentences are served in the state prison.

Statute No. and Title Class/Time

ABANDONMENT OR NONSUPPORT OF WIFE OR CHILDREN

18-401 Desertion and nonsupport of children or wife SP: 14 yrs.

ABORTION AND CONTRACEPTIVES

18-603 Advertising medicines or other means for preventing conception, or facilitating miscarriage or abortion SP: 5 yrs.

18-605 Unlawful abortions - procurement of - penalty SP: 2-5 yrs.

18-606 Unlawful abortions - accomplice or accessory - submitting to - penalty F: 1-5 yrs.

ARRESTS & SEIZURES OF PERSONS OR PROPERTY -- SPECIAL OFFICERS

ARSON (inclusive)

18-801 Arson in first degree - burning a dwelling or other structure in connection therewith SP: 2-20 yrs.

18-802 Arson in the second degree - burning of building or structure other than dwelling - penalties SP: 1-10 yrs.

18-803 Arson in third degree - burning personal property - penalties SP: 1-3 yrs.

18-804 Arson in the fourth degree - attempts to burn - penalties SP: 1-2 yrs.

ASSAULT AND BATTERY (inclusive)

18-901 Assault defined

18-902 Assault - punishment J: 3 mos.

18-904 Battery - punishment J: 6 mos.

18-906 Aggravated assault - punishment SP: 5 yrs.

18-908 Aggravated battery - punishment SP: 15 yrs.

18-910 Assault with the intent to commit a serious felony - punishment SP: 10 yrs.

18-912 Battery with the intent to commit a serious felony - punishment SP: 15 yrs.

18-914 Felonious administering of drugs - punishment SP: 5 yrs.

18-915 Assault or battery upon a law enforcement officer - punishment SP: 25 yrs./5 yrs./2 x punishment

18-916 Abuse of school teachers Misdemeanor

BARRATRY AND ATTORNEYS AT LAW

BIGAMY AND POLYGAMY

18-1101 Bigamy defined

18-1103 Punishment for bigamy SP: 3 yrs.

18-1104 Marrying spouse of another SP: 3 yrs.

18-1105* Polygamy J: 6 mos. or SP: 5 yrs.

BRIBERY AND CORRUPTION

18-1301 Bribery of judicial officers SP: 5 yrs.

18-1302 Receipt of bribe by officer SP: 5 yrs.

18-1304 Attempt to influence jurors and arbitrators SP: 5 yrs.

18-1305 Misconduct of jurors and arbitrators SP: 5 yrs.

18-1309 Bribery of municipal or county officers - penalties SP: 1-14 yrs.

BRIBERY AND CORRUPT INFLUENCE

18-1352 Bribery in official and political matters SP: 5 yrs.

18-1353* Threats and other improper influence in official and political matters M; J: 6 mos.

● Actor threatened to commit a crime or made a threat with purpose to influence a judicial or administrative proceeding F; SP: 5 yrs.

18-1353A* Threats against state elected officials of the executive branch M; J: 1 yr.

● Second or subsequent conviction F: 5 yrs.

BURGLARY (inclusive)

18-1401 Burglary defined

18-1402 Degrees of burglary

18-1403 Punishment for burglary SP: 1-15 yrs./5 yrs.

18-1405 Burglary with explosives SP: 10-25 yrs.

| | | | |
|---|--|---|--|
| CHILDREN AND LUNATICS | | 18-2309 Officers attempting to change result | F; SP: 5 yrs. |
| 18-1501* Injury to children | J: 1 yr. or SP: 1-10 yrs. M; J: 6 mos. | 18-2310 Forging or counterfeiting returns | F; SP: 5 yrs. |
| • If risk great bodily harm | | 18-2311 Adding to or subtracting from votes | F; SP: 5 yrs. |
| 18-1506 Sexual abuse of a child under the age of sixteen yrs. | F; SP: 5 yrs. | 18-2312* Aiding and abetting election offenses | SP: 2 yrs. OR J: 6 mos. |
| 18-1507 Sexual exploitation of a child | F; SP: 5 yrs. | 18-2315 Election offenses not otherwise provided for | SP: 5 yrs. |
| 18-1508 Lewd conduct with minor or child under sixteen | SP: life | 18-2316 Tampering with certificates of nomination or ballots | F: 1-5 yrs. |
| 18-1509* Enticing of children | M; J: 6 mos. SP: 5 yrs. | 18-2319 Attempt to influence votes | Unlawful |
| • Second or subsequent conviction | | 18-2320 Bribery of electors | Unlawful |
| 18-1511 Sale or barter of child for adoption or other purpose penalized | SP: 14 yrs. | 18-2321 Fraudulent permission of registration | SP: 1-5 yrs. |
| 18-1517A* Hiring, employing, etc. minor to engage in certain acts | M; J: 6 mos. | THEFT (inclusive) | |
| • Previous conviction of a violation of this section | F; SP: 5 yrs. | 18-2403* Theft | See below |
| COMPOUNDING CRIMES | | 18-2407* Grading of theft | See below |
| 18-1601* Compounding felony or misdemeanor | | 18-2408* Punishment for theft | SP: 1-20 yrs./ 1-14 yrs. M: 1 yr./30 days-1 yr. |
| • If penalty life or death | SP: 5 yrs. or J: 1 year | • Grand theft | |
| • If term of years | SP: 3 yrs. or J: 6 mos. | • Petit theft | |
| • If misdemeanor | J: 6 mos. | 18-2410 Prohibiting defacing, altering or obliterating numbers - sales prohibited - penalty | SP: 5 yrs. |
| CONSPIRACIES | | ESCAPE OR RESCUE OF PRISONERS | |
| 18-1701 Criminal conspiracy defined | Same as crime committed | 18-2501* Rescuing prisoners | SP: 1-14 yrs./ 6 mos.-5 yrs. J: 1 yr. |
| CORPORATIONS | | • Prisoner was in custody upon a charge of felony | J: 6 mos. |
| 18-1905* Falsification of corporate books | SP: 3-10 yrs. OR J: 1 yr. | • Prisoner was in custody, otherwise than upon a charge or conviction of felony | |
| CRIMINAL SOLICITATION | | 18-2502* Officers assisting in escape | SP: 10 yrs. |
| 18-2004 Punishment for criminal solicitation | Same as attempt to commit such crime | • Officer negligently suffers such escape | Misdemeanor |
| CRUELTY TO ANIMALS | | 18-2503 Carrying prisoner things to aid escape | F; SP: 5 yrs. |
| 18-2101* Poisoning animals | SP: 3 yrs. OR J: 1 yr. | 18-2504 Private persons assisting in escape | F; SP: 5 yrs. |
| COMPUTER CRIME | | 18-2505 Escape by one charged with or convicted of felony | F; SP: 5 yrs. |
| 18-2202* Computer crime | F; SP: 5 yrs. M; J: 6 mos. | 18-2506* Escape by one charged with or convicted of a misdemeanor | M; J: 6 mos. |
| • Violation of the provisions of subsection (3) | | • Use of threat, intimidation, force, etc. in escape or attempt | F; SP: 5 yrs. |
| ELECTIONS | | 18-2511* Possession of a controlled substance or dangerous weapon | J: 1 year OR SP: 5 yrs. |
| 18-2301 Official neglect or malfeasance | SP: 5 yrs. | 18-2306 Illegal voting or interference with election | F; SP: 5 yrs. |
| 18-2302 False swearing as to qualifications as voter | SP: 1-14 yrs. | | |

| | | | |
|---|---|---|---|
| EVIDENCE FALSIFIED OR CONCEALED AND WITNESSES INTIMIDATED OR BRIBED | | 18-3126* Receiving or possessing fraudulently obtained goods or services ● Value > \$150 | M: 1 yr. SP: 5 yrs. |
| 18-2601 Falsifying evidence - offering forged or fraudulent documents in evidence | F; SP: 5 yrs. | 18-3127* Penalty for violation | See above |
| 18-2602 Preparing false evidence | F; SP: 5 yrs. | FALSIFYING, MUTILATING OR CONCEALING PUBLIC RECORDS OR WRITTEN INSTRUMENTS | |
| 18-2603 Destruction, alteration or concealment of evidence | F: 5 yrs. | 18-3201 Officer stealing, mutilating or falsifying public records | SP: 14 yrs. |
| 18-2604* Intimidating, impeding, influencing or preventing the attendance of a witness ● Impedes witness testifying in a civil proceeding | F; SP: 5 yrs. M; J: 6 mos. | 18-3202* Private person stealing, mutilating or falsifying public records | SP: 5 yrs. OR J: 1 yr. |
| EXECUTIVE POWER | | 18-3203 Offering false or forged instrument for record | F; SP: 5 yrs. |
| 18-2701 Bribery of executive officers | F; SP: 5 yrs. | 18-3206 Mutilating written instruments | SP: 1-5 yrs. |
| 18-2702 Asking or receiving bribes | F; SP: 5 yrs. | FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS | |
| 18-2705 Officers not to purchase script | SP: 5 yrs. | 18-3306* Injuring another by discharge of aimed firearms ● Death ensues from such wounding | M: 1 year SP: 15 yrs./ 10 yrs./ 7 yrs./1 yr. |
| 18-2706 Presentation of fraudulent accounts | F; SP: 5 yrs. | 18-3313 False reports of explosives in public or private places a felony - penalty | SP: 5 yrs. |
| 18-2710 Withholding books and records from successor | F; SP: 5 yrs. | FLAGS AND EMBLEMS | |
| FALSE IMPRISONMENT | | 18-3402 Display of red flag or banner of disloyalty prohibited | SP: 1-10 yrs. |
| FALSE PERSONATION - FRAUDULENT MARRIAGES | | FORCIBLE ENTRY AND DETAINER | |
| 18-3002* Receiving money or property under false personation ● Grand theft ● Petit theft | SP: 1-20 yrs./ 1-14 yrs. M: 1 yr./ 30 days-1 yr. | FORGERY AND COUNTERFEITING | |
| 18-3003 Marriage under false personation | F; SP: 5 yrs. | 18-3602 False entries in books of record | SP: 1-14 yrs. |
| FALSE PRETENSES, CHEATS AND MISREPRESENTATIONS | | 18-3603 Public seals - forging or counterfeiting | SP: 1-14 yrs. |
| 18-3101 Chain or pyramid distributor schemes prohibited - penalties - sale of interest voidable - scope of remedy | F; SP: 5 yrs. | 18-3604 Punishment for forgery | See above |
| 18-3106* Drawing check without funds - drawing check with insufficient funds - prima facie evidence of intent - standing of person having acquired rights - probation conditions ● Sum < \$50, 1st offense ● Sum < \$50, 2nd offense ● Sum < \$50, 3rd or subsequent offense | SP: 3 yrs. J: 6 mos. J: 1 yr. SP: 3 yrs. | 18-3605 Possession of forged notes or bank bills or check or checks | SP: 1-14 yrs. |
| 18-3123 Forgery of a financial transaction card | SP: 1-14 yrs. | 18-3606 Fictitious bills, notes, and checks - making, passing, uttering, or publishing | SP: 1-14 yrs. |
| 18-3124* Fraudulent use of a financial transaction card ● Value > \$150 | M: 1 yr. SP: 5 yrs. | 18-3607 Counterfeiting coin or bullion | SP: 1-14 yrs. |
| | | 18-3608 Punishment for counterfeiting | See above |
| | | 18-3609 Possession of counterfeit coin | SP: 1-14 yrs. |
| | | 18-3610 Possession of counterfeiting apparatus | SP: 1-14 yrs. |
| | | 18-3611 Counterfeiting railroad ticket | SP: 1 yr. or J: 1 yr. |
| | | 18-3618* Circulating illegal money ● Each and every subsequent offense | M; J: 6 mos. F; SP: 5 yrs. |

FRAUDULENT CONVEYANCES OR REMOVALS

GAMING

HIGHWAYS AND BRIDGES

HOMICIDE (inclusive)

18-4003 Degrees of murder

18-4004 Punishment for murder

• Murder I

• Murder II

18-4006* Manslaughter defined

18-4007* Punishment for manslaughter

(1) Voluntary

(2) Involuntary

(3) Vehicular

(a) Unlawful act, not felony, with gross negligence

(b) Violate 18-8004 or 18-8006

(c) Unlawful act, not felony, without gross negligence

18-4014 Administering poison with intent to kill

18-4015 Assault with intent to murder

INDECENCY AND OBSCENITY

18-4103* General sale or distribution, etc., of obscene matter--Penalty

• Twice concluded in preceding 2 yrs. for any Ch. 41 offense, title 18 offense and convictions 10 days or more apart

18-4104 Participation in, or production or presentation of, obscene live conduct in public place--Penalty

18-4105 Public display of offensive sexual material--Penalty

18-4107 Conspiracy - penalty

18-4109* Punishment for violations

INTOXICANTS AND INTOXICATION

IRRIGATION WORKS

JURIES AND JURORS

18-4404 Tampering with jury list

18-4405 Certifying to false jury lists

KIDNAPPING

18-4504 Punishment - liberation of kidnapped person

LARCENY AND RECEIVING STOLEN GOODS (inclusive)

18-4616 Defacing marks on logs or lumber

18-4617 Stealing rides on trains

18-4620 Stealing rides - punishment

18-4621 Stealing electric current - tampering with meters

18-4622 Stealing electric current - accessories liable as principals

18-4624* Token or converted merchandise as theft

• Grand theft

• Petit theft

18-4626 Wilful concealment of goods, wares or merchandise - defense for detention

18-4627 Transportation of coniferous trees - proof of ownership required

18-4628 Transportation of forest products - proof of ownership required - exceptions

A Penalty for purchase without proof of ownership

18-4629 Penalty for transportation of forest products without a permit, contract, bill of sale, or product load receipt

18-4630 Illegal use of documents

LEGISLATIVE POWER

18-4701 Alteration of bills

18-4702 Alteration of enrolled copies

18-4703 Offering bribes to legislators

18-4704 Legislators receiving bribes

LIBEL

LOTTERIES

MAYHEM

18-5002 Punishment for mayhem

MONOPOLIES AND COMBINATIONS

PERJURY AND SUBORNATION OF PERJURY

18-5401 Perjury defined

18-5409 Punishment for perjury

18-5410 Subornation of perjury

M; J: 6 mos.

Misdemeanor

M; J: 30 days

M; J: 6 mos.

M; J: 6 mos.

SP: 1-20 yrs./1-14 yrs.
J: 1 yr./30 days-1 yr.

M; J: 6 mos.

Unlawful

M; J: 6 mos.

M; J: 6 mos.

M; J: 6 mos.

F; SP: 5 yrs.

F; SP: 5 yrs.

F; SP: 5 yrs.

F; SP: 5 yrs.

F; SP: 5 yrs.

SP: 14 yrs.

SP: 1-14 yrs.

See above

SP: 1-14 yrs.

Death/SP:
life
SP: 10 yrs.-
life

SP: 15 yrs
SP: 10 yrs.
SP: 7 yrs.

SP: 7 yrs.
J: 2 yrs.

SP: 10 yrs.-
life

SP: 1 yr.-
14 yrs.

J: 6 mos.
SP: 5 yrs.

J: 6 mos.

J: 6 mos.

SP: 5 yrs.

See above

SP: 5 yrs.

SP: 5 yrs.

Death/SP:
life 1-25 yrs.

| | | | |
|---|----------------------------------|---|--|
| 18-5411 Perjury resulting in execution of innocent person | Death | 18-6009* Placing obstructions on tracks | SP: 5 yrs. OR J: \geq 6 mos. |
| POISONINGS - DENATURED ALCOHOL | | | |
| 18-5501 Poisoning food, medicine or wells | SP: 1-10 yrs. | 18-6010 Obstruction or interference with railroad | SP: 5-20 yrs. |
| PROSTITUTION | | | |
| 18-5601 Interstate white slave traffic | SP: 2-20 yrs. | 18-6011 Obstruction or interference with railroad - act causing death | SP: 5 yrs.-life |
| 18-5602 Procurement - definition and penalty | SP: 2-20 yrs. | RAPE (inclusive) | |
| 18-5603 Receiving pay for procurement | SP: 2-20 yrs. | 18-6104 Punishment for rape | SP: 1 yr.-life |
| 18-5604 Paying for procurement | SP: 2-20 yrs. | RELIGIOUS MEETINGS - SUNDAY REST | |
| 18-5605 Peonage for prostitution | SP: 2-20 yrs. | REVENUE AND TAXATION | |
| 18-5606 Accepting earnings of a prostitute | SP: 2-20 yrs. | 18-6303 Unlawful possession of blank licenses or poll tax receipts | F; SP: 5 yrs. |
| 18-5607 Living with or on earnings of prostitute | SP: 1-20 yrs. | 18-6306 Tax collector - neglect of duty | J: 1 yr. |
| 18-5608 Harboring prostitutes | SP: 2-20 yrs. | 18-6307 Auditor - neglect of duty | SP: 1 yr. |
| 18-5609* Enticing unmarried person of character under eighteen yrs. of age into prostitution or illicit sexual connection - penalties | SP: 5 yrs. or J: 1 yr. | 18-6308 Violation of revenue laws | SP: 1 yr. |
| 18-5610 Abduction of person under eighteen yrs. of age for prostitution - penalties | SP: 5 yrs. | 18-6309 Impersonation of revenue officer | F: 5 yrs. |
| 18-5613* Prostitution ● Third or subsequent conviction | M; J: 6 mos. F; SP: 5 yrs. | RIOT, ROUT, UNLAWFUL ASSEMBLY, PRIZE FIGHTING, DISTURBING PEACE | |
| PUBLIC FUNDS AND SECURITIES | | | |
| 18-5701 Misuse of public money by officers | SP: 1-10 yrs. | 18-6402* Riot - felony - misdemeanor - punishment ● It occurs on or about any penal facility in state ● Destruction or damage to property exceeds \$500 | M; J: 1 yr. SP: 5-20 yrs. SP: 5 yrs. |
| 18-5702 Failure to keep and pay over money | F; SP: 5 yrs. | ROBBERY (inclusive) | |
| PUBLIC HEALTH AND SAFETY | | | |
| 18-5808 Permitting mischievous animal at large | F; SP: 5 yrs. | 18-6503 Punishment for robbery | SP: 5 yrs.-life |
| 18-5816 Abandonment of airtight containers without removing door locks prohibited | Unlawful | SEX CRIMES (inclusive) | |
| PUBLIC NUISANCES | | | |
| RAILROADS | | | |
| 18-6001 Permitting collision causing death | SP: 1-10 yrs. | 18-6601* Adultery | J: 3 mos. OR SP: 3 yrs. OR J: 1 yr. |
| 18-6006 Injuring railroad property | SP: 10 yrs. | 18-6602 Incest | SP: 10 yrs. |
| 18-6007 Larceny of car parts - murder by wrecking | SP: 1-5 yrs./or punish as murder | 18-6603 Fornication | ?: 6 mos. |
| 18-6008 Receiving stolen car parts | F; SP: 1-5 yrs. | 18-6604 Lewd cohabitation | M; J: 6 mos. |
| COMMUNICATIONS SECURITY | | | |
| | | 18-6605 Crime against nature - punishment | SP: 5 yrs. (MIN.) |
| | | 18-6608 Forcible sexual penetration by use of foreign object | SP: life |
| | | 18-6702 Interception and disclosure of wire or oral communications prohibited | SP: 5 yrs. |
| | | 18-6703 Manufacture, distribution, possession, and advertising of wire or oral communication intercepting devices prohibited | SP: 5 yrs. |

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|--|-----------------------------------|--|--|
| 18-6710* Use of telephone to annoy, terrify, threaten, intimidate, harass or offend by lewd or profane language, requests, suggestions or proposals - threats of physical harm - disturbing the peace by repeated calls - penalties ● Second or subsequent conviction | J: 1 yr. SP: 5 yrs. | 18-7503 Weapons aboard aircraft - penalty | SP: 5 yrs. |
| 18-6711* Use of telephone to terrify, intimidate, harass or annoy by false statements - penalties ● Second or subsequent conviction | J: 1 yr. SP: 5 yrs. | 18-7504 Threats made against airline passengers, other persons, commercial airline companies, or aircraft - penalty | F; SP: 5 yrs. |
| 18-6715 Forgery of telegraphic messages | SP: 5 yrs. | TAPE PIRACY ACT | |
| 18-6716 Opening telegrams | SP: 5 yrs. | 18-7603 Unlawful transfer, sale, distribution, advertisement | SP: 4 yrs. |
| TELEGRAPH, TELEPHONE AND ELECTRIC LINES | | 18-7604 Penalties | See above |
| 18-6805 Punishment for removal, destruction or burning of electric lines or plants | SP: 10 yrs. | MOTION PICTURE FAIR BIDDING ACT | |
| TRESPASS AND MALICIOUS INJURIES TO PROPERTY | | RACKETEERING ACT | |
| 18-7001* Malicious injury to property ● Damages caused by violation exceed \$1,000 in value | M; J: 6 mos. SP: 1-5 yrs. | 18-7804 Prohibited activities - penalties | SP: 14 yrs. |
| 18-7007 Bombing of buildings or works - penalty | SP: 1-20 yrs. | MALICIOUS HARASSMENT | |
| 18-7010 Cutting state timber for shipment | F; SP: 5 yrs. | 18-7902 Malicious harassment defined - prohibited | SP: 5 yrs. |
| 18-7018 Injuring jails | SP: 5 yrs. | 18-7903 Penalties - criminal | See above |
| 18-7019 Injuring dams, canals, and other structures - penalty | SP: 2 yrs. | MOTOR VEHICLES | |
| 18-7024 Underground workings of mines - setting fire to | F: 5-20 yrs. | 18-8001* Driving without privileges ● Pleads/found guilty 2nd offense in 5 yrs. ● Pleads/ found guilty of more than two (2) violations of the provisions of subsection (1) of this section within five yrs. | M; J: 2 days-6 mos. M; J: 20 days-1 yr. SP: 3 yrs. OR J: 30 days-3 yrs. |
| 18-7025 Punishment for violation of preceding section | See above | 18-8004* Persons under the influence of alcohol, drugs or any other intoxicating substances | See below |
| 18-7026* Sabotage | SP: 5 yrs. OR J: 6 mos. | 18-8005* Penalties ● Pleads/found guilty 2nd offense in 5 yrs. ● Pleads/found guilty of three (3) or more violations of the provisions of section 18-8004 Idaho Code within 5 yrs. | M; J: 6 mos. M; J: 10 days-1 yr. SP: 5 yrs. OR J: 30 days-5 yrs. |
| 18-7028 Unlawful removal of human remains - malice - intent to sell | F: 5 yrs. | 18-8006* Aggravated driving while under the influence of alcohol, drugs or any other intoxicating substances | SP: 5 yrs. OR J: 30 days-5 yrs. |
| WEIGHTS AND MEASURES | | UNIFORM CONTROLLED SUBSTANCES (inclusive) | |
| CIVIL RIGHTS | | 37-2725 Prescription blanks - possession - cost of blanks - report when lost or stolen | M; J: 6 mos. |
| BAIL JUMPING | | 37-2732* Prohibited acts A - penalties (a) Unlawful to manufacture or deliver, or possess with intent to manufacture or deliver a controlled substance: (1)(A) Classified in Schedule I which is a narcotic drug or a controlled substance classified in Schedule II | See below See below SP: life |
| 18-7401* Bail jumping - default in required appearance ● Where the required appearance was to answer to a charge of felony | M; J: 6 mos. F; SP: 5 yrs. | | |
| AIRCRAFT HIJACKING | | | |
| 18-7501 Aircraft hijacking defined - penalty | ? : life | | |
| 18-7502 Assault with intent to commit aircraft hijacking defined - penalty | ? : life | | |

(B) Any other controlled substance which is a nonnarcotic drug classified in Schedule I or a controlled substance classified in Schedule III

(1)(C) Classified in Schedule IV

(D) Classified in Schedule V

(b)(1)(A)-(C) Unlawful to create, deliver, or possess with intent to deliver, a counterfeit substance

(D) Classified in Schedule V or a non-controlled counterfeit substance

(e) Unlawful to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter

(c)(1)(A) Classified in Schedule I which is a narcotic drug or a controlled substance classified in Schedule II

(c)(1)(B) Non-narcotic drug classified in Schedule I or a controlled substance classified in Schedules III, IV, and V

(d) Unlawful to be present at or on premises of any place where he knows illegal controlled substances are being manufactured, cultivated, etc.

(e) Possession of marijuana and not a derivative or an extract thereof, in an amount greater than three ounces net weight

(f) Two or more persons conspire to commit any offense defined in this act

(g) Unlawful to manufacture or distribute a simulated controlled substance, or to possess with intent to distribute a simulated controlled substance unlawful to possess a simulated controlled substance

(h) Unlawful to cause to be placed in any newspaper, etc. any advertisement or solicitation offering for sale simulated controlled substances

37-2733 Prohibited acts B - penalties

(a1-3) ● Prescription violations

(a4) ● Refuse entry

(a5) ● Maintain drug haven

37-2734 Prohibited acts C - penalties

(1) ● Prescription violation

(2) ● Forgery/fraud

SP: 5 yrs.

37-234 A Prohibited acts D - penalties

J: 1 yr.

- A(1) ● Use drug paraphernalia
- (2) ● Place ad for paraphernalia
- (3) ● Penalty
- (4) ● Over 18 delivers to under 18 and \geq 3 yrs. younger

SP: 3 yrs.

J: 1 yr.

SP: 15 yrs./5 yrs./3 yrs.

37-234 B Prohibited acts E - penalties

F: 9 yrs.

● unlawful to deliver drug paraphernalia

J: 1 yr.

37-2737 Distribution to persons under age 18

2 x penalty

See below

37-2739 Second or subsequent offense

2 x penalty

A Mandatory minimum penalty prior conviction within past 10 years of a violation of the felony provisions of section 37-2732(A) and/or any dealing, selling or trafficking in controlled substances in any court of the United States

SP: 3 yrs.-life

SP: 3 yrs.

J: 1 yr.

J: 90 days

SP: 5 yrs.

Maximum punishment prescribed for the offense
J: 1 yr./
6 mos.

Punished in same manner as prescribed in sub-section (g) of this section

J: 1 yr.

SP: 4 yrs.

ILLINOIS

ILL. ANN. STAT. ch. 38, para. x (Smith-Hurd 1972, 1977, 1979 & Supp. 1986).
 For drugs: ILL. ANN. STAT. ch. 56^{1/2}, para. x (Smith-Hurd 1985 & Supp 1986).

Criminal Classification Information

TABLE 3

CLASSIFICATION OF OFFENSES AND SENTENCES UNDER THE UNIFIED CODE OF CORRECTIONS

| Classification | Sentence |
|---------------------|--|
| Murder | Death/imprisonment Minimum: 20 years Maximum: Life Parole term: 3 years Fine: \$10,000 or greater amount stated in offense (where death penalty not imposed) |
| Class X Felony | Imprisonment Minimum: 6 years Maximum: 30 years Parole term: 3 years Fine: \$10,000 or greater amount stated in offense |
| Class 1 Felony | Imprisonment Minimum: 4 years Maximum: 15 years Parole term: 2 years Fine: \$10,000 or greater amount stated in offense |
| Class 2 Felony | Imprisonment Minimum: 3 years Maximum: 7 years Parole term: 2 years Fine: \$10,000 or greater amount stated in offense |
| Class 3 Felony | Imprisonment Minimum: 2 years Maximum: 5 years Parole term: 1 year Fine: \$10,000 or greater amount stated in offense |
| Class 4 Felony | Imprisonment Minimum: 1 year Maximum: 3 years Parole term: 1 year Fine: \$10,000 or greater amount stated in offense |
| Class A Misdemeanor | Imprisonment For any term less than 1 year Fine: Not to exceed \$1,000 |
| Class B Misdemeanor | Imprisonment Up to 6 months Fine: Not to exceed \$500 |
| Class C Misdemeanor | Imprisonment Up to 30 days Fine: Not to exceed \$500 |

Petty Offense Imprisonment: None
 Fine: Not to exceed \$500 (or lesser amount stated in the statute)

Business Offense Imprisonment: None
 Fine: Amount stated in offense.

Probation Class 1/2 felony: Up to 4 years
 Class 3/4 felony: Up to 30 mos.
 Misdemeanor: Up to 1 year
 Petty or Business Offense: Up to 6 mos.

38 paras. 1001-1-1 to 1005-6 Ill. Stats. Anno.

§1005-1-9. Felony

"Felony" means an offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided.

INCHOATE OFFENSES

§8-1. Solicitation

(b) Penalty. A person convicted of solicitation may be fined or imprisoned or both not to exceed the maximum provided for the offense solicited: Provided, however, the penalty shall not exceed the corresponding maximum limit provided by subparagraph (c) of Section 8-4 of this Act, as heretofore and hereafter amended.

§8-2. Conspiracy

(c) Sentence. A person convicted of conspiracy may be fined or imprisoned or both not to exceed the maximum provided for the offense which is the object of the conspiracy, except that if the object is an offense prohibited by Sections 11-15, 11-16, 11-17, 11-19, 24-1(a)(1), 24-1(a)(7), 28-1, 28-3 and 28-4 of the "Criminal Code of 1961", approved July 28, 1961, as amended or prohibited by Sections 401, 402, 403, 404, 406(b) or 407 of the "Illinois Controlled Substances Act", enacted by the 77th General Assembly, or an inchoate offense related to any of the aforesaid principal offenses the person convicted may be sentenced for a Class 3 felony, however, conspiracy to commit treason, murder, or aggravated kidnapping shall not be sentenced in excess of a Class 2 felony, and conspiracy to commit any offense other than those specified in this subsection shall not be sentenced in excess of a Class 4 felony.

§8.4. Attempt

(c) Sentence. A person convicted of an attempt may be fined or imprisoned or both not to exceed the maximum provided for the offense attempted but, except for an attempt to commit the offense defined in Section 33A-2 of this Act,

- (1) the sentence for attempt to commit murder is the sentence for a Class X felony;
- (2) the sentence for attempt to commit a Class X felony is the sentence for a Class 1 felony;
- (3) the sentence for attempt to commit a Class 1 felony is the sentence for a Class 2 felony;
- (4) the sentence for attempt to commit a Class 2 felony is the sentence for a Class 3 felony; and
- (5) the sentence for attempt to commit any felony other than those specified in Subsections (1), (2), (3) and (4) hereof is the sentence for a Class A misdemeanor.

ILLINOIS CRIMINAL STATUTES

ILL. ANN. STAT. ch. 38, para. x (Smith-Hurd 1972, 1977, 1979 & Supp. 1986).
 For drugs: ILL. ANN. STAT. ch. 56 1/2 para. x (Smith-Hurd 1985 & Supp 1986).

KEY

- F = Felony
- M = Misdemeanor
- X,A,B, C,D = Crime subclass
- 1,2, 3,4 = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

Statute No. and Title Class

DIVISION I. CRIMINAL CODE OF 1961

TITLE III. SPECIFIC OFFENSES

Part B: Offenses Directed Against the Person

HOMICIDE (inclusive)

| | |
|--|--------------------------|
| 38:9-1 Murder--Death penalties-- Exceptions--Separate hearings-- proof--findings--Appellate procedures--Reversals | Murder |
| 38:9-1.2 Intentional homicide of an unborn child | Murder (but no death) |
| 38:9-2 Voluntary manslaughter | F1 |
| 38:9-2.1 Voluntary manslaughter of an unborn child | F1 |
| 38:9-3 Involuntary manslaughter and reckless homicide | F3 |
| 38:9-3.1 Concealment of homicidal death | F3 |
| 38:9-3.2 Involuntary manslaughter and reckless homicide of an unborn child | F3 |
| 38:9-4 Concealing death of bastard | MA |

KIDNAPING

| | |
|--|----------|
| 38:10-1 Kidnaping | F2 |
| 38:10-2 Aggravated Kidnaping ● for ransom ● other aggravated | FX F1 |
| 38:10-3 Unlawful Restraint | F4 |
| 38:10-3.1 Aggravated Unlawful Restraint | F3 |
| 38:10-4 Forcible Detention | F2 |
| 38:10-5 Child Abduction | F4 |
| 38:10-7 Aiding and abetting child abduction | F4 |

SEX OFFENSES (inclusive)

| | |
|---|---------------------|
| 38:11-6* Indecent solicitation of a child ● if criminal sexual abuse ● if criminal sexual assault, agg. criminal sexual assault, or agg. criminal sexual abuse | MA F4 |
| 38:11-7 Adultery | MA |
| 38:11-8 Fornication | MB |
| 38:11-9 Public Indecency | MA |
| 38:11-11 Sexual relations within families | F3 |
| 38:11-12 Bigamy | F4 |
| 38:11-13 Marrying a Bigamist | MA |
| 38:11-14* Prostitution ● 2 or more prior convictions | MA F4 |
| 38:11-15* Soliciting for a prostitute ● 2 or more prior convictions | MA F4 |
| 38:11-15.1 Soliciting for a juvenile prostitute | F1 |
| 38:11-16 Pandering | F4 |
| 38:11-17* Keeping a place of prostitution ● 2 or more prior convictions | MA F4 |
| 38:11-18* Patronizing a pro- stitute ● 2 or more prior convictions | MB F4 |
| 38:11-19* Pimping ● 2 or more prior convictions | MA F4 |
| 38:11-19.1 Juvenile pimping | F1 |
| 38:11-19.2 Exploitation of a child | FX |
| 38:11-20* Obscenity ● if 2nd offense | MA F4 |
| 38:11-20.1 Child pornography | F1/F2/F4 |
| 38:11-20.2 Failure of commercial film and photographic print processor to report child sex acts on film | Business offense |
| 38:11-21* Harmful material ● distribution ● 2nd offense ● minor lies about age | MA F4 MB |
| 38:11-22 Tie-in sales obscene publications | Petty |

BODILY HARM (inclusive)

| | |
|----------------------------|----|
| 38:12-1 Assault | MC |
| 38:12-2 Aggravated Assault | MA |
| 38:12-3 Battery | MA |

| | | | |
|--|-------|---|-------|
| 38:12-3.1 Battery of an unborn child | MA | 38:16-3* Theft of labor or services or use of property | |
| | | ● if labor | MA |
| 38:12-4 Aggravated Battery | F3 | ● if rental car | F4 |
| 38:12-4.1 Heinous battery | FX | 38:16-3.1* False report of theft and other losses | MA |
| 38:12-4.3 Aggravated battery of a child | F2 | ● 2nd conviction | F4 |
| 38:12-4.4 Aggravated battery of an unborn child | F2 | 38:16-5* Theft from coin-operated machines | MA |
| | | ● 2nd conviction | F4 |
| 38:12-4.5 Tampering with food, drugs or cosmetics | F2 | 38:16-6 Coin-operated machines--possession of a key or device | MA |
| 38:12-5 Reckless conduct | MA | 38:16-7 Unlawful use of recorded sounds | F4 |
| 38:12-5.1 Criminal housing management | MA | 38:16-8 Unlawful use of unidentified sound recordings | MB |
| 38:12-6 Intimidation | F3 | 38:16-9* Unlawful use of a computer | |
| 38:12-6.1 Compelling organization membership of persons | F3/F2 | ● if use damage ≤ \$1,000 | Petty |
| | | ● if use damage > \$1,000 | MA |
| 38:12-7 Compelling confession or information by force or threat | F4 | ● if defraud ≤ \$1,000 | MA |
| | | ● if defraud > \$1,000 | F4 |
| 38:12-7.1* Ethnic intimidation | MA | 38:16-10 Cable television service offenses | MA |
| ● if violent injury | F3 | | |
| 38:12-8 Dueling | MA | 38:16-11 Unauthorized use of television interception or decoding device | MA/MB |
| 38:12-9 Threatening public officials | F4 | 38:16-12 Contributing to unauthorized use of television interception or decoding device | MA |
| 38:12-10 Tattooing body of a minor | MC | 38:16-14 Unlawful interference with public utility service | MA |
| 38:12-11 Home invasion | FX | 38:16-15* Unlawful use of theft detection shielding device | MA |
| 38:12-13 Criminal sexual assault | F1 | ● 2nd conviction | F4 |
| 38:12-14 Aggravated criminal sexual assault | FX | RETAIL THEFT (inclusive) | |
| 38:12-15* Criminal sexual abuse | MA | 38:16A-10* Sentence | |
| ● if 2nd offense | F2 | ● if < \$150 | MA |
| 38:12-16 Aggravated criminal sexual abuse | F2 | ● 2nd offense + ≤ \$150 | F4 |
| | | ● if > \$150 | F3 |
| 38:12-19 Abuse and gross neglect of a long term care facility resident | F3/F4 | PROTECTION LIBRARY MATERIALS | |
| VIOLETION OF CIVIL RIGHTS [Repealed] | | 38:16B-5* Library theft | |
| EAVESDROPPING | | ● if < \$300 in theft or mutilation | MA |
| | | ● if > \$300 in theft or mutilation | F3 |
| 38:14-4 Sentence | F4/F3 | ● if fail to return materials | petty |
| Part C: Offenses Directed Against Property | | UNLAWFUL SALE OF HOUSEHOLD APPLIANCES | |
| THEFT AND RELATED OFFENSES (inclusive) | | 38:16C-2* Offense of unlawful sale of household appliances | |
| 38:16-1* Theft | | ● if < \$1,000 | MB |
| ● if < \$300 | MA | ● if > \$1,000 | F4 |
| ● if 2nd conviction | F4 | DECEPTION | |
| ● if firearm | F4 | 38:17-1* Deceptive practices | MA |
| ● if 2nd conviction - firearm | F3 | ● if 2nd conviction (bad tax check) | F4 |
| ● if > \$300 or from person | F3 | ● if tax evasion > \$150 | F4 |
| 38:16-2 Theft of lost or mislaid property | Petty | ● if 3 offenses (check/money orders, implements of check fraud, fake I.D.) | |

| | | | |
|---|-----------|---|----------------------------------|
| 38:17-2* Impersonating member of police fraternal or veterans organization or representative of charitable organization | MA/MC | NARCOTIC DRUGS, HYPODERMIC SYRINGES & NEEDLES ACT (inclusive) | |
| ● 2nd violation of subsection (c) | F4 | 38:22-53* Violation of Act-Punishment | MA |
| 38:17-3 Forgery | F3 | ● if second offense | F4 |
| 38:17-6 State benefits fraud | F4/F3 | DEADLY WEAPONS | |
| 38:17-11* Odometer fraud | MA | 38:24-1* Unlawful use of weapons | MA |
| ● 2nd conviction | F4 | ● violate section (1-5), (8), (10), (11) | F3 |
| DISQUALIFICATION FOR STATE BENEFITS | | ● violate section (6-7) | F2 |
| 17A-1* Persons subject to disqualification benefits affected | See below | ● violate section (6-7) on school grounds | F4 |
| 17A-3* Penalties | | ● violate section (9), (12) | F3 |
| ● value < \$150 | MA | ● violate section (9) on school grounds | F4 |
| ● subsequent violation | F4 | ● subsequent violation of (4) | F4 |
| ● amount ≥ 150 but < \$1,000 | F4 | 38:24-1.1 Unlawful use of firearms by felons | F3/F1/FX |
| ● subsequent violation | F3 | 38:24-2.1 Unlawful use of metal piercing bullets | F3 |
| ● amount ≥ \$1,000 but < \$5,000 | F3 | 38:24-2.2 Manufacture, sale or transfer of bullets represented to be metal piercing bullets | F4 |
| ● subsequent violation | F2 | 38:24-3* Unlawful sale of firearms | MA |
| ● amount ≥ \$5,000 but < \$10,000 | F2 | ● if to a minor | F4 |
| ● subsequent violation | F1 | 38:24-3.2 Unlawful discharge of metal piercing bullets | FX |
| ● amount ≥ \$10,000 | F1 | 38:24-3.3 Unlawful sale or delivery of firearms on the premises of any school | F3 |
| ROBBERY (inclusive) | | MOB ACTION AND RELATED OFFENSES | |
| 38:18-1 Robbery | F2 | 38:25-1* Mob action | MC/MA |
| 38:18-2 Armed robbery | FX | ● if violence inflicts injury | F4 |
| BURGLARY (inclusive) | | DISORDERLY CONDUCT | |
| 38:19-1 Burglary | F2 | 38:26-1* Disorderly conduct | MA/MB/MC/ Business offense |
| 38:19-2 Possession of burglary tools | F4 | ● false fire alarm | F4 |
| 38:19-3 Residential burglary | F1 | CRIMINAL DEFAMATION | |
| 38:19-4 Criminal trespass to residence | MA | GAMBLING | |
| ARSON (inclusive) | | 38:28-1* Gambling | MA |
| 38:20-1 Arson | F2 | ● if second conviction | F4 |
| 38:20-2 Possession of explosives or explosive or incendiary devices | F2 | 38:28-1.1 Syndicated gambling | F3 |
| DAMAGE AND TRESPASS TO PROPERTY | | 38:28-3* Keeping a gambling place | MA |
| 38:21-1* Criminal damage to property | MA | ● subsequent offense | F4 |
| ● if > \$300 | F4 | BRIBERY IN CONTESTS | |
| ● shoot at train | F4 | 38:29-1 Offering a bribe | F4 |
| 38:21-1.2 Institutional vandalism | F3 | 38:29-2 Accepting a bribe | F4 |
| 38:21-4* Criminal damage to state supported property | MA | | |
| ● if > \$500 | F4 | INTERFERENCE WITH A PUBLIC INSTITUTION OF HIGHER EDUCATION | |
| RESIDENTIAL PICKETING | | | |

COMMERCIAL BRIBERY

Part E. Offenses Affecting Governmental Functions

TREASON AND RELATED OFFENSES

| | | |
|---------|------------------------------------|---------------------|
| 38:30-1 | Treason | FX (possible death) |
| 38:30-2 | Misprision of Treason | F4 |
| 38:30-3 | Advocating overthrow of government | F3 |

INTERFERENCE WITH PUBLIC OFFICIALS

| | | |
|----------|---|-------|
| 38:31-1a | Disarming a peace officer | F2 |
| 38:31-4 | Obstructing justice | F4 |
| 38:31-5 | Concealing or aiding a fugitive | F4 |
| 38:31-6* | Escape--failure to report to a penal institution or to report for periodic imprisonment | F2/F3 |
| | ● if misdemeanor | MA/MB |
| | ● unarmed escape | MA |
| 38:31-7* | Aiding escape | MA/MB |
| | ● if convicted felon | F2/F3 |
| | ● if armed | F2 |

INTERFERENCE WITH PENAL INSTITUTION

| | | |
|------------|--|----------|
| 38:31A-1 | Bringing contraband into a non-state penal institution | F4 |
| 38:31A-1.1 | Bringing contraband into a state penal institution | F4/F1/FX |

INTERFERENCE WITH JUDICIAL PROCEDURE

| | | |
|-----------|---|-------------------------------|
| 38:32-2 | Perjury | F3 |
| 38:32-3 | Subornation of perjury | F4 |
| 38:32-4 | Communicating with jurors and witnesses | F4 |
| 38:32-4a | Harassment of jurors and witnesses | F4 |
| 38:32-6 | Performance of unauthorized acts | F4 |
| 38:32-8 | Tampering with public records | F4 |
| 38:32-10* | Violation of bail bond | Downgrade 1 class from charge |

OFFICIAL MISCONDUCT

| | | |
|---------|---------------------|----|
| 38:33-1 | Bribery | F2 |
| 38:33-3 | Official misconduct | F3 |

Part F: Certain Aggravated Offenses

ARMED VIOLENCE

| | | |
|----------|---|-------|
| 38:33A-2 | Armed violence--elements of the offense | |
| 38:33A-3 | Sentence | FX/F1 |

MANDATORY LIFE SENTENCE A THIRD OR SUBSEQUENT FORCIBLE OFFENSE

| | | |
|----------|---|---|
| 38:33B-1 | Habitual criminals--determination--application of article | Life, except where death penalty is imposed |
|----------|---|---|

DECEPTION RELATING TO CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES

| | | |
|----------|--|----|
| 38:33C-1 | Fraudulently obtaining or retaining certification | F2 |
| 2 | Willfully making a false statement | F2 |
| 3 | Willfully obstructing or impeding an official or employee of any agency in his investigation | F2 |
| 4 | Fraudulently obtaining public monies reserved for disadvantaged business enterprises | F2 |

TITLE V: ADDED ARTICLES

PROPERTY FORFEITURE

| | | |
|----------|-----------------------------|----|
| 38:37-1* | Maintaining public nuisance | MA |
| o | subsequent offense | F4 |

CRIMINALLY OPERATED BUSINESSES

CRIMINAL USURY

| | | |
|---------|----------------|----|
| 38:39-1 | Criminal Usury | |
| 38:39-2 | Sentence | F4 |

LOOTING

| | | |
|---------|-----------------------|----|
| 38:42-1 | Looting by individual | |
| 38:42-2 | Sentence | F4 |

DIVISION II: MISCELLANEOUS PENAL PROVISIONS

A: General Provisions

AERIAL EXHIBITIONS

CONTAINERS

B: Solicitation, Conspiracy and Attempts

ANTITRUST ACT

| | | |
|---------|---------------------------------------|----|
| 38:60-6 | Violations--Punishments--Prosecutions | F4 |
|---------|---------------------------------------|----|

C: Offenses Against Persons

BLIND OR HEARING IMPAIRED PERSONS

INFORMATION OBTAINED IN BUSINESS OF PREPARING INCOME TAX RETURNS

D: Offenses Against Property

OFFICIAL STATIONERY OR SEAL OF INSTITUTION OF HIGHER LEARNING

SALE OF REALTY

38:70-51 Inducements to sale or purchase on race, color, etc.

38:70-52 Sentence F4

E: Public Health, Safety and Decency

INTOXICATING COMPOUNDS

ABORTION LAW OF 1975

38:81-23.1 Medical judgment F2

38:81-25 Preservation of life and health of mother--viability of fetus F2

38:81-26* Preservation of life and health of fetus--Intentionally taking life of fetus--Experimentation with fetus F3

• fail to inform mother of existence of anesthetic MB
• if sale or experiment upon fetus MA

38:81-31* Violations--Penalties--Unprofessional conduct MA/MB/MC
• reckless abortion woman not pregnant F2

1 Abortion referral F4
fee--Payment or receipt prohibited--Penalty--Referral fee defined

ABORTION PARENTAL CONSENT ACT

PARENTAL NOTICE OF ABORTION ACT OF 1983

AIR RIFLES

FIREARMS AND AMMUNITION

BOARDING AIRCRAFT WITH FIREARM, EXPLOSIVE, OR LETHAL WEAPON

PUBLIC DEMONSTRATIONS LAW (held unconstitutional in 1985)

LITTER CONTROL ACT

THE COMMUNICATIONS CONSUMER PRIVACY ACT

F: Offenses Affecting Government

LEGISLATIVE MISCONDUCT

38:90-1 Acceptance of money, etc.

38:90-2 Sentence F3

DRAFT CARDS--DESTRUCTION OR MUTILATION

38:90-11 Sentence F4

DRUGS (inclusive)

CANNABIS CONTROL ACT

56¹/₂:704* Possession of cannabis--violations--punishment See below

(a) possess ≤ 2.5 gms MC
(b) possess 2.5 - 10 gms MB
(c) possess 10 - 30 gms MA
• subsequent offense F4
(d) possess 30 - 500 gms F3/F4
(e) possess > 500 gms F3

56¹/₂:705* Manufacture or delivery of cannabis--violations--punishment See below

(a) < 2.5 gms MB
(b) 2.5 - 10 gms MA
(c) 10 - 30 gms F4
(d) 30 - 500 gms F3
(e) > 500 gms F2

56¹/₂:707 Persons under 18 years of age--delivery--enhancement of penalty Twice maximum term

56¹/₂:708 Production of cannabis sativa plant--punishment MA

56¹/₂:709 Calculated criminal cannabis conspiracy--punishment F3/F1

CONTROLLED SUBSTANCES ACT

56¹/₂:1401 Manufacture or delivery unauthorized by Act--Penalties FX/F1/F2/F3

56¹/₂:1402 Possession unauthorized by this Act--Penalty F1/F4

56¹/₂:1404* Look-alike substances--manufacture, distribution, advertisement or possession--penalty See below

(b) mfg, deliver, possess with intent F3

(c) possess Petty
• if subsequent offense MC

56¹/₂:1405 Calculated criminal drug conspiracy--penalty FX

56¹/₂:1406* Miscellaneous violations--penalty MA

• if subsequent offense F4

56¹/₂:1407 Manufacture, delivery, sales--Persons under 18--school property--enhancement of penalties FX/F1/F2

56¹/₂:1408 Second or subsequent offenses--enhancement of penalties Twice the maximum term

NARCOTICS PROFIT FORFEITURE ACT

56¹/₂:1655 Narcotics racketeering F1

DRUG PARAPHERNALIA CONTROL ACT

56¹/₂:2103 Sale or delivery--Penalty--Public nuisance Business offense (fine)

IN. CODE ANN. §x (1986)

Criminal Classification Information**Chapter 5. Offenses of General Applicability****35-41-5-1. Attempt**

Sec. 1(a) A person attempts to commit a crime when, acting with the culpability required for commission of the crime, he engages in conduct that constitutes a substantial step toward commission of the crime. An attempt to commit a crime is a felony or misdemeanor of the same class as the crime attempted. However, an attempt to commit murder is a Class A felony.

(b) It is no defense that, because of misapprehension of the circumstances, it would have been impossible for the accused person to commit the crime attempted.

35-41-5-2. Conspiracy

Sec. 2(a) A person conspires to commit a felony when, with intent to commit the felony, he agrees with another person to commit the felony. A conspiracy to commit a felony is a felony of the same class as the underlying felony. However, a conspiracy to commit murder is a Class A felony.

(b) The state must allege and prove that either the person or the persons with whom he agreed performed an overt act in furtherance of the agreement.

(c) It is no defense that the person with whom the accused person is alleged to have conspired:

- (1) Has not been prosecuted;
- (2) Has not been convicted;
- (3) Has been acquitted;
- (4) Has been convicted of a different crime;
- (5) Cannot be prosecuted for any reason; or
- (6) Lacked the capacity to commit the time.

35-50-2-1. Definitions

Sec. 1. As used in this chapter: "Felony conviction" means a conviction, in any jurisdiction at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year; but it does not include a conviction with respect to which the person has been pardoned, or a conviction of a Class A misdemeanor or under Section 7(b) of this chapter.

"Minimum sentence" means:

- (1) For murder, thirty [30] years;
- (2) For a Class A felony, twenty [20] years;
- (3) For a Class B felony, six [6] years;
- (4) For a Class C felony, two [2] years; and
- (5) For a Class D felony, one [1] year.

35-50-2-4. Class A felony

Sec. 4. A person who commits a Class A felony shall be imprisoned for a fixed term of thirty [30] years, with not more than twenty [20] years added for aggravating circumstances or not more than ten [10] years subtracted for mitigating circumstances; in addition, he may be fined not more than ten thousand dollars [\$10,000].

35-50-2-5. Class B felony

Sec. 5. A person who commits a Class B felony shall be imprisoned for a fixed term of ten [10] years added for aggravating circumstances or not more than four [4] years subtracted for mitigating circumstances; in addition, he may be fined not more than ten thousand dollars [\$10,000].

35-50-2-6. Class C felony

Sec. 6. A person who commits a Class C felony shall be imprisoned for a fixed term of five [5] years, with not more than three [3] years added for aggravating circumstances or not more than three [3] years subtracted for mitigating circumstances; in addition, he may be fined not more than ten thousand dollars [\$10,000].

35-50-2-7. Class D felony

Sec. 7(a) A person who commits a Class D felony shall be imprisoned for a fixed term of two [2] years, with not more than two [2] years added for aggravating circumstances or not more than one [1] year subtracted for mitigating circumstances; in addition, he may be fined not more than ten thousand dollars [\$10,000].

(b) Notwithstanding subsection (a), if a person has committed a Class D felony, the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony if:

(1) The person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and

(2) The prior felony was committed less than three [3] years before the second felony was committed. The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

35-50-3-2. Class A misdemeanor

Sec. 2. A person who commits a Class A misdemeanor shall be imprisoned for a fixed term of not more than one [1] year; in addition, he may be fined not more than five thousand dollars [\$5,000].

35-50-3-3. Class B misdemeanor

Sec. 3. A person who commits a Class B misdemeanor shall be imprisoned for a fixed term of not more than one hundred eighty [180] days; in addition, he may be fined not more than one thousand dollars [\$1,000].

35-50-3-4. Class C misdemeanor

Sec. 4. A person who commits a Class C misdemeanor shall be imprisoned for a fixed term of not more than sixty [60] days, in addition, he may be fined not more than five hundred dollars [\$500].

INDIANA CRIMINAL STATUTES

IN. CODE ANN. § X (1986)

KEY

- F = Felony
- M = Misdemeanor
- A, B, C, D = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = more than, less than
- ≥, ≤ = more than or equal, less than or equal

Statute No. and Title Class/Time

ARTICLE 42. OFFENSES AGAINST THE PERSON

Chapter 1. Homicide (inclusive)

- 35-42-1-1 Murder 40 years MIN./death
- 35-42-1-2 Causing suicide FB
- 35-42-1-3 Voluntary manslaughter FB
- 35-42-1-4 Involuntary manslaughter FC/FD
- 35-42-1-5 Reckless homicide FC
- 35-42-1-6 Feticide FC

Chapter 2. Battery and Related Offenses (inclusive)

- 35-42-2-1* Battery MB/MA
 - If results in injury to police; < 13 years old committed by person at least 18; mentally/physically disabled committed by guardian; spouse committed by spouse previously convicted of same; an "endangered adult;" corrections employee while on duty
 - If results in serious bodily injury or committed by means of deadly weapon
- 35-42-2-2* Criminal recklessness MB/MA
 - If armed with a deadly weapon or serious bodily injury involved
 - If serious injury by means of deadly weapon
- 35-42-2-3 Provocation Infraction

Chapter 3. Kidnapping; Confinement

- 35-42-3-2 Kidnapping FA
- 35-42-3-3 Criminal confinement FD/FC/FB

Chapter 4. Sex Crimes (inclusive)

- 35-42-4-1 Rape FB/FA
- 35-42-4-2 Criminal deviate conduct FB/FA
- 35-42-4-3 Child molesting FC/FB/FA
- 35-42-4-4 Child exploitation FD

35-42-4-5 Vicarious sexual gratification FD/FC/FB/FA

35-42-4-6 Child solicitation MA

Chapter 5. Robbery (inclusive)

35-42-5-1 Robbery FC/FB/FA

ARTICLE 43. OFFENSES AGAINST PROPERTY

Chapter 1. Arson; Mischief (inclusive)

35-43-1-1 Arson FB/FA/FC/FD

35-43-1-2* Mischief MB/MA
 ● If loss ≥ \$2,500, damage causes substantial interruption/impairment of utility service, or damage is to a public record

- If religious structure, cemetery, or school, and loss is ≥ \$250
- If same circumstances and loss ≥ \$2,500

35-43-1-3 Unlawful acts relating to caves, offense MA

35-43-1-4 Computer tampering FD

Chapter 2. Burglary; Trespass (inclusive)

35-43-2-1 Burglary FC/FB/FA

35-43-2-2 Trespass MA

35-43-2-3 Computer Trespass MA

Chapter 3. Robbery--repealed

Chapter 4. Theft; Conversion (inclusive)

35-43-4-2 Theft; receiving stolen property FD/FC

35-43-4-2.5 Auto theft; receiving stolen auto parts FD/FC

35-43-4-3 Conversion MA

35-43-4-3.5 Failure to return or pay for articles borrowed from library, gallery, museum, collection, or exhibition Infraction

Chapter 5. Forgery and Other Deceptions

35-43-5-2 Forgery FC

35-43-5-4 Fraud FD

35-43-5-7* Welfare fraud MA
 ● If amount is > \$250 but < \$2,500 or violator has previous offense and amount < \$250

● If amount ≥ \$2,500 FC

35-43-5-8 Fraud on financial institutions FC

ARTICLE 44. OFFENSES AGAINST PUBLIC ADMINISTRATION

Chapter 1. Bribery and other Official Misconduct

35-44-1-1 Bribery FC
 35-44-1-3 Conflict of interest FD

Chapter 2. Perjury and Other Falsifications

35-44-2-1 Perjury FD
 35-44-2-2* False reporting or informing MB/MA
 ● If with regard to placement of an explosive FD
 35-44-2-4 Ghost employment FD

Chapter 3. Interference with Governmental Operations

35-44-3-2 Assisting a criminal FD/FC
 35-44-3-3* Resisting law enforcement MA
 ● If draws/uses deadly weapon, inflicts bodily injury on another, or operates a vehicle in a way that creates substantial risk of injury to another FD
 35-44-3-4 Obstruction of justice; exception FD
 35-44-3-5 Escape FC/FB/FD
 35-44-3-6* Failure to appear MA
 ● If charge was felony FD
 33-44-3-9* Trafficking with an inmate MA
 ● If article is a controlled substance FD
 ● If article is a deadly weapon FC

ARTICLE 45. OFFENSES AGAINST PUBLIC HEALTH, ORDER, AND DECENCY

Chapter 1. Offense Against Public Order

35-45-1-2* Rioting MA
 ● If while armed with a deadly weapon FD

Chapter 2. Offenses Relating to Communications

35-45-2-1* Intimidation MA
 ● If threat to commit forcible felony or person threatened is officer, judge, bailiff, or witness in pending criminal action FD
 ● If person draws/uses a deadly weapon FC

Chapter 3. Pollution

35-45-3-1 Poisoning public water FD

Chapter 4. Public Indecency; Prostitution

35-45-4-2* Prostitution MA
 ● If two prior convictions FD
 35-45-4-3* Patronizing a prostitute MA
 ● If two prior convictions FD

35-45-4-4 Promoting prostitution FC/FB

Chapter 5. Gambling

35-45-5-3 Professional gambling FD
 35-45-5-4 Promoting professional gambling FD

Chapter 6. Racketeer Influenced and Corrupt Organizations

35-45-6-2 Corrupt business influence FC

Chapter 7. Loansharking

35-45-7-2 Loansharking FD/FC

ARTICLE 46. MISCELLANEOUS OFFENSES

Chapter 1. Offenses Against the Family

35-46-1-2 Bigamy FD
 35-46-1-3 Incest FD
 35-46-1-4 Neglect of a dependent; child selling FD/FB
 35-46-1-5 Nonsupport of a dependent child FD
 35-46-1-6 Nonsupport of a spouse FD
 35-46-1-9 Profiting from an adoption FD

Chapter 2. Offenses Relating to Civil Rights

Chapter 3. Offenses Relating to Animals

ARTICLE 47. REGULATION OF WEAPONS AND INSTRUMENTS OF VIOLENCE

Chapter 1. Definitions

Chapter 2. Handguns

35-47-2-1* Carrying of handgun prohibited; exceptions MA
 ● If prior conviction for section offense or if convicted of felony within fifteen years of offense date FD
 35-47-2-7 Prohibited sales or transfers ownership FC
 35-47-2-17 Giving false information or offering false evidence of identity; violation of section FC
 35-47-2-18 Obliterating identification marks on handgun or possession of such handguns prohibited FC

| | | | |
|--|-------------|--|-----------------------|
| 35-47-2-22* Use of unlawful handgun--carrying license to obtain handgun prohibited ● If prior conviction for section offense or if convicted of felony within fifteen years of offense date | MA FD | 35-48-4-4 Dealing in a Schedule V controlled substance | FD/FB FD |
| 35-47-2-23 Violation of Chapter (Penalties) Chapter 3. Disposal of Confiscated Weapons | See above | 35-48-4-4.5 Dealing in a substance represented to be a controlled substance 35-48-4-4.6* Dealing--possessing look-a-like substance (a) If intentionally manufacture, advertise, distribute, or possess with intent to do same (b) If knowingly possess | FD FC MA/MC |
| 35-47-3-4 Unlawful delivery of confiscated firearm | FD | 35-48-4-5 Dealing in a counterfeit substance | FD |
| Chapter 4. Miscellaneous Provisions | | | |
| Chapter 5. Prohibited Weapons and Other Instruments of Violence | | 35-48-4-6 Possession of cocaine or narcotic drug | FD/FC |
| 35-47-5-1 Explosive or inflammable substances | FC | 35-48-4-7 Possession of a controlled substance | FD |
| 35-47-5-4 Sawed-off shotgun | FD | 35-48-4-8.1 Manufacture of paraphernalia | FD |
| 35-47-5-8 Machine gun or bomb loaded with explosives or dangerous gases | FC | 35-48-4-8.2 Dealing in paraphernalia | FD |
| 35-47-5-9 Operating loaded machine gun or hurling bomb loaded with explosives or dangerous gases | FB | 35-48-4-8.3* Possession of paraphernalia (a) If used to introduce to body, test strength of substance, or to enhance strength of substance (b) If to be used in connection with marijuana, hashish, or hash oil or has not had a prior conviction relating to marijuana or hashish/oil | See below FD MA |
| 35-47-5-11 "Armor-piercing handgun ammunition" defined, related offenses | FC | | |
| Chapter 6. Weapons on Aircraft | | | |
| 35-47-6-1 Firearm, explosive or deadly weapon; possession in commercial or chartered aircraft | FC | 35-48-4-10* Dealing in marijuana, hash oil, or hashish (a1-2) If recipient/intended recipient is < 18 years old; amount is > thirty grams but < ten pounds of marijuana; or two grams but < three hundred grams of hash/oil (b1-2) If > ten pounds of marijuana or > three hundred grams of hash/oil | MA FD FC |
| Chapter 7. Reports of Wounds Inflicted by Weapons | | | |
| Chapter 8. Electric Stun Weapons, Tasers and Stun Guns | | | |
| 35-47-8-5* Stun guns; purchase; possession and sale; use in commission of crime; use on law enforcement officer ● Use of stun gun on on-duty law officer | MB/MA FD | 35-48-4-11* Possession of marijuana, hash oil, or hashish ● If > thirty grams of marijuana or two grams of hash/oil or if person has prior conviction for marijuana or hash/oil offense | MA FD |
| ARTICLE 48. CONTROLLED SUBSTANCES (inclusive) | | | |
| Chapter 1. Definitions | | 38-48-4-13* Common nuisance ● Knowingly maintain building, etc. unlawfully used for unlawful intake of controlled substances or for unlawfully keeping, offering for sale, selling, etc., items of drug paraphernalia | MB FD |
| Chapter 2. Classification of Drugs | | | |
| Chapter 3. Registration and Control | | | |
| Chapter 4. Offenses Relating to Controlled Substances | | 35-48-4-14 Offenses relating to registration | FD/FC |
| 35-48-4-1 Dealing in cocaine or narcotic drug | FB/FA | | |
| 35-48-4-2 Dealing in a schedule I, II, or III controlled substance | FB/FA | | |
| 35-48-4-3 Dealing in a Schedule IV controlled substance | FC/FB | | |

ARTICLE 49. OBSCENITY AND PORNOGRAPHY

Chapter 1. Definitions

Chapter 2. General Provisions

Chapter 3. Crimes

35-49-3-1* Sale or distribution MA
or exhibition of obscene matter FD

● If involves person who appears to
be or is < sixteen years of age

35-49-3-2* Obscene performance MA
● If depicts or describes sexual FD
conduct involving one < 16 years
of age

IOWA CODE ANN. §x (West 1969, 1979 & Supp. 1986)

Criminal Classification Information

701.7. Felony defined and classified.

A public offense is a felony of a particular class when the statute defining the crime declares it to be a felony. Felonies are class "A" felonies, class "B" felonies, class "C" felonies and class "D" felonies. Where the statute defining the offense declares it to be a felony but does not state what class of felony it is or provide for a specific penalty, that felony shall be a class "D" felony.

701.8. Misdemeanor defined and classified.

All public offenses which are not felonies are misdemeanors. Misdemeanors are aggravated misdemeanors, serious misdemeanors, or simple misdemeanors. Where an act is declared to be a public offense, crime or misdemeanor, but no other designation is given, such act shall be a simple misdemeanor.

902.1. Class "A" felony.

Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a class "A" felony may be rendered, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections for the rest of the defendant's life. Nothing in the Iowa corrections code pertaining to deferred judgment, deferred sentence, suspended sentence, or reconsideration of sentence applies to a class "A" felony, and a person convicted of a class "A" felony shall not be released on parole unless the governor commutes the sentence to a term of years.

902.3. Indeterminate sentence.

When a judgment of conviction of a felony, other than a class "A" felony is entered against a person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the Iowa department of corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 707.3 or section 902.9 nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided. However, the court may sentence a person convicted of a class "D" felony for a violation of section 321J.2 to imprisonment for up to one year in a county jail under section 902.9, subsection 4, and the person shall not be under custody of the Iowa department of corrections.

902.8. Minimum sentence - habitual offender.

An habitual offender is any person convicted of a class "C" or a class "D" felony, who has twice before been convicted of any felony in a court of this or any other state, or of the United States. An offense is a felony if, by the law under which the person is convicted, it is so classified at the time of his or her conviction. A person sentenced as an habitual offender shall not be eligible for parole until he or she has served the minimum sentence of confinement of three years.

902.9. Maximum sentence for felons.

The maximum sentence for any person convicted of felony shall be that prescribed by statute or, if not prescribed by statute, if other than a class "A" felony shall be determined as follows:

1. A class "B" felon shall be confined for no more than twenty-five years.
2. An habitual offender shall be confined for no more than fifteen years.
3. A class "C" felon, not an habitual offender, shall be confined for no more than ten years, and in addition may be sentenced to a fine of not more than ten thousand dollars.
4. A class "D" felon, such felony being for a violation of section 321J.2, may be sentenced to imprisonment for up to one year in the county jail.

The criminal penalty surcharge required by section 911.2 shall be added to a fine imposed on a class "C" or class "D" felon, and is not a part of or subject to the maximums set in this section.

903.1. Maximum sentence for misdemeanants.

1. When a person is convicted of a simple or serious misdemeanor and a specific penalty is not provided for, the court shall determine the sentence, and shall fix the period of confinement or the amount of fine, if such be the sentence, within the following limits:
 - a. For a simple misdemeanor, imprisonment not to exceed thirty days, or a fine not to exceed one hundred dollars.
 - b. For a serious misdemeanor, imprisonment not to exceed one year, or a fine not to exceed one thousand dollars, or both.
2. When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years, or a fine not to exceed five thousand dollars, or both. When a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term.

The criminal penalty surcharge required by section 911.2 shall be added to a fine imposed on a misdemeanant, and is not a part of or subject to the maximums set in this section.

INCHOATE OFFENSES

705.1. Solicitation.

Any person who commands, entreats, or otherwise attempts to persuade another to commit a particular felony or aggravated misdemeanor, with the intent that such act be done and under circumstances which corroborates that intent by clear and convincing evidence, solicits such other to commit that felony or aggravated misdemeanor. One who solicits another to commit a felony of any class commits a class "D" felony. One who solicits another to commit an aggravated misdemeanor commits an aggravated misdemeanor.

706.3. Penalties.

A person who commits a conspiracy to commit a forcible felony is guilty of a class "C" felony. A person who commits a conspiracy to commit a felony, other than a forcible felony, is guilty of a class "D" felony. A person who commits a conspiracy to commit a misdemeanor is guilty of a misdemeanor of the same class.

IOWA CRIMINAL STATUTES

IOWA CODE ANN. Sx (West 1969, 1979 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- A,B,C,D = Crime subclass
- AM = Aggravated misdemeanor
- SM = Serious misdemeanor
- SPM = Simple misdemeanor
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

| Statute No. and Title | Class/Time |
|---|----------------------|
| MURDER (inclusive) | |
| 707.1 Murder defined | |
| 707.2 Murder in the first degree | FA |
| 707.3 Murder in the second degree | FB (max. 50 yrs.) |
| 707.4 Voluntary manslaughter | FC |
| 707.5* Involuntary manslaughter | |
| ● when committing offense other than FD forcible felony or escape | |
| ● when committing act in manner likely to cause death or serious injury | AM |
| 707.6A Homicide by vehicle | FD |
| 707.7 Feticide | FC/FD |
| 707.8 Non consensual termination | FB/FC |
| 707.9 Murder of fetus aborted alive | FB |
| 707.10 Duty to preserve life of the fetus | SM |
| 707.11 Attempt to commit murder | FB |
| ASSAULT (inclusive) | |
| 708.1 Assault-defined | |
| 708.2 Penalties for assault | SPM/AM/SM |
| 708.3 Assault while participating in a felony | FC/FD |
| 708.4 Willful injury | FC |
| 708.5 Administering harmful substances | FD |
| 708.6 Terrorism | FD |
| 708.7 Harassment | SPM |
| 708.8 Going armed with intent | FD |
| 708.9 Spring guns and traps | AM |

SEXUAL ABUSE (inclusive)

| | |
|--|----------|
| 709.1 Sexual abuse defined | |
| 709.2 Sexual abuse in the first degree | FA |
| 709.3 Sexual abuse in the second degree | FB |
| 709.4 Sexual abuse in the third degree | FC |
| 709.7 Detention in brothel | FC |
| 709.8 Lascivious acts with a child | FD |
| 709.9 Indecent exposure | SM |
| 709.11 Assault with intent to commit sexual abuse | FC/FD |
| 709.12 Indecent contact with a child | AM |
| KIDNAPPING AND RELATED OFFENSES | |
| 710.1 Kidnapping defined | |
| 710.2 Kidnapping in the first degree | FA |
| 710.3 Kidnapping in the second degree | FB |
| 710.4 Kidnapping in the third degree | FC |
| 710.5 Child stealing | FC |
| 710.6* Violating custodial order | |
| ● remove child from state and conceals | FD |
| ● remove child within state and conceals | FD |
| ● conceal child (in violation of visitation order) | SM |
| 710.10* Enticing away a child | FD or AM |
| ROBBERY AND EXTORTION (inclusive) | |
| 711.1 Robbery defined | |
| 711.2 Robbery in the first degree | FB |
| 711.3 Robbery in the second degree | FC |
| 711.4 Extortion | FD |
| ARSON (inclusive) | |
| 712.1 Arson defined | |
| 712.2 Arson in the first degree | FB |
| 712.3 Arson in the second degree | FC |
| 712.4 Arson in the third degree | AM |
| 712.5 Reckless use of fire or explosives | SM |

| | | | |
|---|-----|---|-------|
| 712.6 Possession of explosive or incendiary materials or devices | FC | FALSE USE OF A FINANCIAL INSTRUMENT | |
| 712.7 False reports | FD | 715.1 Financial instrument defined | |
| 712.8 Threats | FD | 715.6* False use of financial instrument--penalties | |
| BURGLARY (inclusive) | | ● ≥ \$100 value | FD |
| | | ● < \$100 value | AM |
| 713.1 Burglary defined | | DAMAGE AND TRESPASS TO PROPERTY | |
| 713.2 Attempted burglary defined | | 716.1 Criminal mischief defined | |
| 713.3 Burglary in the first degree | FB | 716.3 Criminal mischief in the first degree | FC |
| 713.4 Attempted burglary in the first degree | FC | 716.4 Criminal mischief in the second degree | FD |
| 713.5 Burglary in the second degree | FC | COMPUTER CRIME | |
| 713.6 Attempted burglary in the second degree | FD | 716A.4 Computer damage in the first degree | FC |
| 713.7 Possession of burglar's tools | FC | 716A.5 Computer damage in the second degree | FD |
| THEFT, FRAUD, AND RELATED OFFENSES (inclusive) | | 716A.10 Computer theft in the first degree | FC |
| 714.1 Theft defined | | 716A.11 Computer theft in the second degree | FD |
| 714.2* Degrees of theft | | INJURY TO ANIMALS | |
| ● property value > \$5,000/theft from person/looting | FC | OFFENSES AGAINST THE GOVERNMENT | |
| ● property value > \$500 but < \$5,000/theft of motor vehicle | FD | 718.1 Insurrection | FC |
| ● property value > \$100 but < \$500/\$100 by twice-convicted thief | AM | 718.5 Falsifying public documents | FD |
| ● property value > \$50 but < \$100 | SM | OBSTRUCTING JUSTICE | |
| ● property value < \$50 | SPM | 719.4* Escape from custody | |
| 714.7 Operating vehicle without owner's consent | AM | ● convicted of felony/flee state | FD |
| 714.8 Fraudulent practice defined | | ● convicted of misdemeanor | SM |
| 714.9 Fraudulent practice in the first degree | FC | ● not in place of assignment | SM |
| 714.10 Fraudulent practice in the second degree | FD | 719.5 Permitting prisoner to escape | FC/FD |
| 714.11 Fraudulent practice in the third degree | AM | 719.6 Assisting prisoner to escape | FC/FD |
| 714.12 Fraudulent practice in the fourth degree | SM | 719.7 Furnishing intoxicant to inmates | FD |
| 714.13 Fraudulent practice in the fifth degree | SPM | 719.8 Furnishing controlled substances to inmates | FD |
| 714.15* Reproduction of sound recordings | | INTERFERENCE WITH JUDICIAL PROCESS | |
| ● property value > \$5,000 | FC | 720.2 Perjury, contradictory statements, and retraction | FD |
| ● property value > \$500 but < \$5,000 | FD | 720.3 Suborning perjury | FD |
| ● property value > \$100 but < \$500 | AM | OFFICIAL MISCONDUCT | |
| ● property value > \$50 but < \$100 | SM | 721.1 Felonious, misconduct in office | FD |
| ● property value < \$50 | SPM | BRIBERY AND CORRUPTION | |
| | | 722.1 Bribery | FD |

| | | | |
|--|-----------|---|-------------|
| 722.2 Accepting bribe | FC | 204.406* Distribution to person under age eighteen | See below |
| 722.10 Commercial bribery | FD | (1) Schedule I, II, III | FB/FC |
| PUBLIC DISORDER | | • Schedule IV or V | AM |
| WEAPONS | | (2) counterfeit Schedule I, II, III | FB/FC |
| | | • counterfeit Schedule IV or V | AM |
| 724.3 Unauthorized possession of offensive weapons | FD | 204.407* Gathering where controlled substances unlawfully used - penalties | FD |
| VICE | | • marijuana | SM |
| 725.2 Pimping | FD | 204.410 Accommodation offense (violation 204.401(1)(b) for < 1 oz. marijuana sentence under 204.401(3)) | SM |
| 725.3 Pandering | FD/FC | | |
| 725.7* Gaming and abetting penalty | | | |
| • 4th degree | SM | 204.411 Second or subsequent offenses | 3x term |
| • 3rd degree | AM | | |
| • 2nd degree | FD | 204.413 Mandatory minimum sentence penalty | 1/3 maximum |
| • 1st degree | FC | | |
| PROTECTION OF THE FAMILY | | IOWA IMITATION CONTROLLED SUBSTANCES ACT (inclusive) | |
| 726.2 Incest | FD | | |
| 726.3 Abandonment of dependent person | FC | 204A.4* Offenses and penalties | See below |
| 726.5 Nonsupport | FD | (1) sale | AM |
| | | (2) advertise | SM |
| | | (3) sale to minor | FD |
| 726.6* Child endangerment | | | |
| • serious injury | FC | | |
| • no serious injury | AM | | |
| HEALTH SAFETY AND WELFARE | | | |
| OBSCENITY | | | |
| 728.12 Sexual exploitation of children | FC/FD | | |
| INFRINGEMENT OF CIVIL RIGHTS | | | |
| BLACKLISTING EMPLOYEES | | | |
| LABOR UNION MEMBERSHIP | | | |
| LABOR BOYCOTTS AND STRIKES | | | |
| UNIFORM CONTROLLED SUBSTANCES ACT (inclusive) | | | |
| 204.401* Prohibited acts - manufacturers - possessors - counterfeit substances - simulated controlled substances - penalties | See below | | |
| (1)(a) mfg., deliver | FC | | |
| (1)(b) mfg., deliver | FD | | |
| (1)(c) mfg., deliver | SM | | |
| (2)(a) mfg., deliver | FC | | |
| (2)(b) mfg., deliver | FD | | |
| (2)(c) mfg., deliver | SM | | |
| (2)(d) mfg., deliver | SPM | | |
| (3) Possess | SM | | |
| 204.402 Prohibited acts - distributors - registrants - proprietors - penalties | AM/SM | | |
| 204.403 Prohibited acts - controlled substances, distribution, use, possession - records and information - penalties | SM | | |

KAN. STAT. ANN. Sx (1981, 1985 & Supp. 1986)

Criminal Classification Information

21-3105 Crimes defined; classes of crimes.

A crime is an act or omission defined by law and for which, upon conviction, a sentence of death, imprisonment or fine, or both imprisonment and fine, is authorized. Crimes are classified as felonies and misdemeanors.

- (1) A felony is a crime punishable by death or by imprisonment in any state penal institution.
- (2) All other crimes are misdemeanors.

21-4501 Classification of felonies and terms of imprisonment.

For the purpose of sentencing, the following classes of felonies and terms of imprisonment authorized for each class are established:

- (a) Class A, the sentence for which shall be imprisonment for life;
- (b) Class B, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be fixed by the court at not less than five (5) years nor more than fifteen (15) years and the maximum of which shall be fixed by the court at not less than twenty (20) years nor more than life;
- (c) Class C, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be fixed by the court at not less than one (1) year nor more than five (5) years and the maximum of which shall be fixed by the court at not less than ten (10) years nor more than twenty (20) years;
- (d) Class D, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be fixed by the court at not less than one (1) year nor more than three (3) years and the maximum of which shall be fixed by the court at not less than five (5) years nor more than ten (10) years;
- (e) Class E, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be one (1) year and the maximum of which shall be fixed by the court at not less than two (2) years nor more than five (5) years;
- (f) Unclassified felonies, which shall include all crimes declared to be felonies without specification as to class, the sentence for which shall be in accordance with the sentence specified in the statute that defines the crime; if no sentence is provided in such law, the offender shall be sentenced as for a class E felony.

21-4502 Classification of misdemeanors and terms of confinement; possible disposition.

- (1) For the purpose of sentencing, the following classes of misdemeanors and the punishment and the terms of confinement authorized for each class are established:
 - (a) Class A, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one (1) year;
 - (b) Class B, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed six (6) months;
 - (c) Class C, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one (1) month;

- (d) Unclassified misdemeanors, which shall include all crimes declared to be misdemeanors without specification as to class, the sentence for which shall be in accordance with the sentence specified in the statute that defines the crime if no penalty is provided in such law, the sentence shall be the same penalty as provided herein for a class C misdemeanor.
- (2) Upon conviction of a misdemeanor, a person may be punished by a fine, as provided in K.S.A. 21-4503, instead of or in addition to confinement, as provided in this section.

* * *

INCHOATE OFFENSES

21-3301 Attempt.

* * *

- (3) An attempt to commit a class A felony is a class B felony. An attempt to commit a class B felony is a class C felony. An attempt to commit a class C felony is a class D felony. An attempt to commit a class D or E felony is a class E felony.
- (4) An attempt to commit a class A misdemeanor is a class B misdemeanor. An attempt to commit a class B or C misdemeanor is a class C misdemeanor.

21-3302 Conspiracy.

* * *

- (3) Conspiracy to commit a class A felony is a class C felony. Conspiracy to commit a felony other than a class A felony is a class E felony. A conspiracy to commit a misdemeanor is a class C misdemeanor.

KANSAS CRIMINAL STATUTES

KAN. STAT. ANN. § (1981, 1985 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- A,B,C,D,E = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

Statute No. and Title

Class/Time

ANIMALS AND NUISANCES

PRIZE FIGHTS AND WRESTLING MATCHES

TRADING STAMPS

CRIMES AGAINST PERSONS (inclusive)

| | | |
|----------|--|----|
| 21-3401 | Murder in the first degree | FA |
| 21-3402 | Murder in the second degree | FB |
| 21-3403 | Voluntary manslaughter | FC |
| 21-3404 | Involuntary manslaughter | FD |
| 21-3405 | Vehicular homicide | MA |
| 21-3405A | Aggravated vehicular homicide | FE |
| 21-3406 | Assisting suicide | FE |
| 21-3407 | Criminal abortion | FD |
| 21-3408 | Assault | MC |
| 21-3409 | Assault of a law enforcement officer | MA |
| 21-3410 | Aggravated assault | FD |
| 21-3411 | Aggravated assault on a law enforcement officer | FC |
| 21-3412 | Battery | MB |
| 21-3413 | Battery against a law enforcement officer | MA |
| 21-3414 | Aggravated battery | FC |
| 21-3415 | Aggravated battery against a law enforcement officer | FB |
| 21-3416 | Unlawful interference with a firearm or firefighter | MB |
| 21-3417 | Attempted poisoning | FC |
| 21-3418 | Permitting dangerous animal to be at large | MB |
| 21-3419 | Terroristic threat | FE |
| 21-3420 | Kidnapping | FB |

| | | |
|---|---|----|
| 21-3421 | Aggravated Kidnapping | FA |
| 21-3422 | Interference with parental custody | MA |
| 21-3422A | Aggravated interference with parental custody | FE |
| 21-3423 | Interference with custody of a committed person | MA |
| 21-3424 | Unlawful restraint | MA |
| 21-3425 | Mistreatment of a confined person | MA |
| 21-3426 | Robbery | FC |
| 21-3427 | Aggravated robbery | FB |
| 21-3428 | Blackmail | FE |
| 21-3430 | Income tax returns; disclosure of information obtained in preparing | MA |
| 21-3433 | Aircraft piracy | FA |
| SEX OFFENSES (inclusive) | | |
| 21-3502 | Rape | FB |
| 21-3503 | Indecent liberties with a child | FC |
| 21-3504 | Aggravated indecent liberties with a child | FB |
| 21-3505 | Criminal sodomy | MB |
| 21-3506 | Aggravated criminal sodomy | FB |
| 21-3507 | Adultery | MC |
| 21-3508 | Lewd and lascivious behavior | MB |
| 21-3509 | Enticement of a child | FD |
| 21-3510 | Indecent solicitation of a child | MA |
| 21-3512 | Prostitution | MB |
| 21-3513 | Promoting prostitution | MA |
| 21-3514 | Habitually promoting prostitution | FE |
| 21-3515 | Patronizing a prostitute | MC |
| 21-3516 | Sexual exploitation of a child | FE |
| 21-3517 | Sexual battery | MA |
| 21-3518 | Aggravated sexual battery | FD |
| CRIMES AFFECTING FAMILY RELATIONSHIPS AND CHILDREN | | |
| 21-3601 | Bigamy | FE |
| 21-3602 | Incest | FE |

| | | | | | |
|-------------------------------------|---|----|----------|--|---------|
| 21-3603 | Aggravated incest | FD | 21-3721 | Criminal trespass | MB |
| 21-3604 | Abandonment of a child | FE | 21-3722 | Littering | M: fine |
| 21-3605 | Nonsupport of a child | FE | 21-3724 | Tampering with a landmark | MC |
| 21-3606 | Criminal desertion | FE | 21-3725 | Tampering with a traffic signal | MC |
| 21-3609 | Abuse of a child | FE | 21-3726 | Aggravated tampering with a traffic signal | FE |
| 21-3611 | Aggravated juvenile delinquency | FE | 21-3727 | Injury to a domestic animal | MA |
| 21-3612* | Contributing to a child's misconduct or deprivation | MA | 21-3728 | Unlawful hunting | MC |
| | ● caused child to commit an act which would be a felony | FE | 21-3729* | Unlawful use of financial card | |
| | | | | ● if value in 7 days is \geq \$150 | FE |
| | | | | ● if value < \$150 | MA |
| CRIMES AGAINST PROPERTY (inclusive) | | | | | |
| 21-3701* | Theft | | 21-3730 | Unlawful manufacture or disposal of false tokens | MB |
| | ● \geq \$150 | FE | 21-3731 | Criminal use of explosives | FE |
| | ● < \$150 | MA | 21-3732 | Possession or transportation of incendiary or explosive device | MA |
| 21-3703 | Theft of lost or mislaid property | MA | 21-3733 | Criminal use of noxious material | MA |
| 21-3704* | Theft of services | | 21-3734* | Impairing a security interest | |
| | ● \geq \$150 | FE | | ● value \geq \$50 | FE |
| | ● < \$150 | MA | | ● value < \$50 | MA |
| 21-3705 | Unlawful deprivation of property | MA | 21-3735 | Fraudulent release of security agreement | FE |
| 21-3706 | Fraudulently obtaining execution of a document | MA | 21-3736 | Warehouse receipt fraud | FE |
| 21-3707* | Giving a worthless check | | 21-3737 | Unauthorized delivery of stored goods | MA |
| | ● \geq \$150 | FE | 21-3738 | Automobile master key violation | MC |
| | ● < \$150 | MA | 21-3739 | Posting of political pictures and political advertisements | MC |
| 21-3708 | Habitually giving a worthless check | FE | 21-3740 | Opening, damaging or removing coin operated machines | MA |
| 21-3709 | Causing an unlawful prosecution for worthless check | MA | 21-3741 | Possession of tools for opening damaging or removing coin-operated machines | MA |
| 21-3710 | Forgery | FD | 21-3742* | Throwing or otherwise casting rocks or other objects from a bridge or overpass onto a street, highway or railroad right-of-way | MB |
| 21-3711 | Making a false writing | FD | | ● damage done to vehicle | MA |
| 21-3712 | Destroying a written instrument | FE | | ● injury done to person | FE |
| 21-3713 | Altering a legislative document | FE | | ● damage and injury | FD |
| 21-3714 | Possession of a forgery device | FE | 21-3743 | Sale of recut or regrooved tires | MB |
| 21-3715 | Burglary | FD | | | |
| 21-3716 | Aggravated burglary | FC | | | |
| 21-3717 | Possession of burglary tools | FE | | | |
| 21-3718 | Arson | FC | | | |
| 21-3719 | Aggravated arson | FB | | | |
| 21-3720* | Criminal damage to property | | | | |
| | ● damage \geq \$150 | FE | | | |
| | ● damage < \$150 | MA | | | |

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|--|----------------|---|----------------|
| 21-3745* Theft of telecommunication ● if value \geq \$50 | MA FE | 21-3830 Dealing in false identification | FE |
| 21-3748 Privacy of sound recordings | FE | 21-3833 Crime of aggravated intimidation of a witness or victim | FE |
| 21-3749 Dealing in pirated sound recordings | MA | CRIMES AFFECTING PUBLIC TRUSTS | |
| 21-3750 Non-disclosure of sound recordings | MA | 21-3901 Bribery | FD |
| 21-3752 Theft of cable television services | MC | 21-3904* Presenting a false claim ● claim is \geq \$50 ● claim is $<$ \$50 | FE MA |
| 21-3753 Grain embezzlement | FC | 21-3905* Permitting a false claim ● claim is \geq \$50 ● claim is $<$ \$50 | FE MA |
| 21-3754 False warehouse records or reports | FD | 21-3910 Misuse of public funds | FD |
| 21-3755* Computer crime ● loss value $<$ \$150 ● loss value \geq \$150 ● unlawful computer access | MA FE MA | CRIMES INVOLVING VIOLATIONS OF PERSONAL RIGHTS | |
| CRIMES AFFECTING GOVERNMENT FUNCTIONS | | CRIMES AGAINST THE PUBLIC PEACE | |
| 21-3801 Treason | FA | 21-4105 Incitement to riot | FD |
| 21-3802 Sedition | FD | CRIMES AGAINST THE PUBLIC SAFETY | |
| 21-3803 Practicing criminal syndication | FE | 21-4201* Unlawful use of weapons ● barrel $<$ 18 inches; capable of firing more than once with single function of trigger; cartridge has plastic coated bullet | MB FE |
| 21-3805 Perjury | FD/FE | 21-4202 Aggravated weapons violation | FE |
| 21-3806 Corruptly influencing a witness | FE | 21-4204* Unlawful possession of a firearm ● barrel less than 12 inches, convicted of a felony within the last 5 years | MB FD |
| 21-3807* Compounding a crime ● if felony ● if misdemeanor | FE MA | 21-4209a Unlawful possession of explosives | FD |
| 21-3810 Aggravated escape from custody | FE | ADDITIONAL CRIMES AFFECTING PUBLIC SAFETY | |
| 21-3811 Aiding escape | FE | 21-4214* Obtaining prescription-only drug by fraudulent means ● first offense ● second or subsequent offense | MA FE |
| 21-3812* Aiding a felon or person charged as felon ● aiding a felon ● aiding a person charged with a felony ● aiding person convicted or charged with a misdemeanor | FE FE MC | 21-4215 Obtaining a prescription-only drug by fraudulent means for resale | FC |
| 21-3814 Aggravated failure to appear | FE | CRIMES AGAINST THE PUBLIC MORALS | |
| 21-3815 Attempting to influence a judicial officer | FE | 21-4301* Promoting obscenity ● first or second offense ● third or subsequent offense | MA FE |
| 21-3817 Corrupt conduct by juror | FE | 21-4301A* Promoting obscenity to minors ● first offense ● second offense ● third and subsequent | MA FE FD |
| 21-3825 Aggravated false impersonation | FE | 21-4304 Commercial gambling | FE |
| 21-3826 Traffic in or unauthorized possession or distribution of contraband in penal institutions | FE | 21-4306 Dealing in gambling devices | FE |
| 21-3829 Aggravated interference with conduct of public business | FD | | |

21-4308 Installing communication facilities for gamblers FE

21-4315* Dogfighting
● conduct of FE
● attending MB

CRIMES AFFECTING BUSINESS

21-4401 Racketeering FD

21-4405 Commercial bribery FE

21-4406 Sports bribery FE

21-4408 Tampering with a sports contest FE

CONTROLLED SUBSTANCES (inclusive)

65-4127a Possession and distribution of opiates, opium or narcotic drugs; penalties FC
● second offense FB
● third or subsequent offense FA
 b* Unlawful acts; penalties
● violate (a)(1-4) MA
● second or subsequent offense and substance given, etc. to one < 18 FD
● violate (b)(1-4) FC
● violate (c) MA
● if given, etc. to one < 18 FD
 c General penalties; criminal penalties not applicable to violation of regulations (any other violations of act) MA

DRUG PARAPHERNALIA (inclusive)

65-4152 Simulated controlled substances and drug paraphernalia; use or possession prohibited, penalties MA

65-4153* Same; delivery, possession or manufacture prohibited; penalties MA
● if involves one < 18 FE

65-4154 Same; promotion prohibited; penalties MA

65-4155* Representation that non-controlled substance is controlled substance; prohibitions; penalties MA
● if involves one < 18 by one ≥ 3 yrs. senior FE

KY. REV. STAT. ANN. § x (Michie/Bobbs-Merrill 1973 & Supp. 1986)

Criminal Classification Information

431.060. Felonies, misdemeanors and violations defined.—Offenses are either felonies, misdemeanors, or violations:

- (1) Offenses punishable by death or confinement in the penitentiary, whether or not a fine or other penalty may also be assessed, are felonies.
- (2) Offenses punishable by confinement other than in the penitentiary, whether or not a fine or other penalty may also be assessed, are misdemeanors.
- (3) Offenses punishable by a fine only or by any other penalty not cited herein, whether in combination with a fine or not, are violations.

506.010. Criminal attempt.

- (1) A person is guilty of criminal attempt to commit a crime when, acting with the kind of culpability otherwise required for commission of the crime, he:
 - (a) Intentionally engages in conduct which would constitute the crime if the attendant circumstances were as he believes them to be; or
 - (b) Intentionally does or omits to do anything which, under the circumstances as he believes them to be, is a substantial step in a course of conduct planned to culminate in his commission of the crime.
- (2) Conduct shall not be held to constitute a substantial step under subsection (1)(b) unless it is an act or omission which leaves no reasonable doubt as to the defendant's intention to commit the crime which he is charged with attempting.
- (3) A person is guilty of criminal attempt to commit a crime when he engages in conduct intended to aid another person to commit that crime, although the crime is not committed or attempted by the other person, provided that his conduct would establish complicity under KRS 502.020 if the crime were committed by the other person.
- (4) A criminal attempt is a:
 - (a) Class B felony when the crime attempted is a Class A felony or capital offense;
 - (b) Class C felony when the crime attempted is a Class B felony;
 - (c) Class A misdemeanor when the crime attempted is a Class C or D felony;
 - (d) Class B misdemeanor when the crime attempted is a misdemeanor.

506.030. Criminal solicitation.

- (1) A person is guilty of criminal solicitation when, with the intent of promoting or facilitating the commission of a crime, he commands or encourages another person to engage in specific conduct which would constitute that crime or an attempt to commit that crime or which would establish the other's complicity in its commission or attempted commission.
- (2) A criminal solicitation is a:
 - (a) Class B felony when the crime solicited is a Class A felony or capital offense;
 - (b) Class C felony when the crime solicited is a Class B felony;
 - (c) Class A misdemeanor when the crime solicited is a Class C or D felony;
 - (d) Class B misdemeanor when the crime solicited is a misdemeanor.

506.040. Criminal conspiracy.

- (1) A person having the intention of promoting or facilitating the commission of a crime is guilty of criminal conspiracy when he:
 - (a) Agrees with one or more persons that at least one of them will engage in conduct constituting that crime or an attempt or solicitation to commit such a crime; or
 - (b) Agrees to aid one or more persons in the planning or commission of that crime or an attempt or solicitation to commit such a crime.
- (2) A criminal conspiracy is a:
 - (1) Class B felony when the object of the conspiratorial agreement is a Class A felony or capital offense;
 - (2) Class C felony when the object of the conspiratorial agreement is a Class B felony;
 - (3) Class A misdemeanor when the object of the conspiratorial agreement is a Class C or D felony;
 - (4) Class B misdemeanor when the object of the conspiratorial agreement is a misdemeanor.

506.080. Criminal facilitation.

- (1) A person is guilty of criminal facilitation when, acting with knowledge that another person is committing or intends to commit a crime, he engages in conduct which knowingly provides such person with means or opportunity for the commission of the crime and which in fact aids such person to commit the crime.
- (2) Criminal facilitation is a:
 - (a) Class D felony when the crime facilitated is a Class A or Class B felony or capital offense;
 - (b) Class A misdemeanor when the crime facilitated is a Class C or Class D felony;
 - (c) Class B misdemeanor when the crime facilitated is a misdemeanor.

532.010. Classification of offenses.

- Felonies are classified, for the purpose of sentencing, into five (5) categories:
 - (1) Capital offenses;
 - (2) Class A felonies;
 - (3) Class B felonies;
 - (4) Class C felonies; and
 - (5) Class D felonies.

532.020. Designation of offenses.

- (1) Any offense defined outside this code for which a law outside this code provides a sentence to a term of imprisonment in the state penitentiary or reformatory for:
 - (a) At least one (1) but not more than five (5) years shall be deemed a Class D felony;
 - (b) At least five (5) but not more than ten (10) years shall be deemed a Class C felony;
 - (c) At least ten (10) years but not more than twenty (20) years shall be deemed a Class B felony;
 - (d) For twenty (20) or more years shall be deemed a Class A felony.
- (2) Any offense defined outside this code for which a law outside this code provides a sentence to a definite term of imprisonment with a maximum which falls between ninety (90) days and twelve (12) months shall be deemed a Class A misdemeanor.
- (3) Any offense defined outside this code for which a law outside this code provides a sentence to a definite term of imprisonment with a maximum of less than ninety (90) days shall be deemed a Class B misdemeanor.
- (4) Any offense defined outside this code for which a law outside this code provides a sentence to a fine only or to any other punishment, whether in combination with a fine or not, other than death or imprisonment shall be deemed a violation.

532.060. Sentence of imprisonment for felony.

(1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2), and subject to modification by the trial judge pursuant to KRS 532.070.

(2) The authorized maximum terms of imprisonment for felonies are:

- (a) For a Class A felony, not less than twenty (20) years nor more than life imprisonment;
- (b) For a Class B felony, not less than ten (10) years nor more than twenty (20) years;
- (c) For a Class C felony, not less than five (5) years nor more than ten (10) years; and
- (d) For a Class D felony, not less than one (1) year nor more than five (5) years.

(3) The actual time of release within the maximum established by subsection (1), or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

532.090. Sentence of imprisonment for misdemeanor.

--A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:

- (1) For a Class A misdemeanor, the term shall not exceed twelve (12) months; and
- (2) For a Class B misdemeanor, the term shall not exceed ninety (90) days.

KENTUCKY CRIMINAL STATUTES

KY. REV. STAT. ANN. § x (Michie/Bobbs-Merrill 1973 & Supp. 1986)

KEY

- F = Felony
- M = Misdemeanor
- A,B,C... = Crime subclasses
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = more than, less than
- ≥, ≤ = more than or equal, less than or equal

Statute No. and Title Class/Time

CHAPTER 506. INCOHATE OFFENSES

506.120 Engaging in organized crime FB

CHAPTER 507. CRIMINAL HOMICIDE (inclusive)

507.020 Murder Capital

507.030 Manslaughter in the first degree FB

507.040 Manslaughter in the second degree FC

507.050 Reckless homicide FD

CHAPTER 508. ASSAULT AND RELATED OFFENSES (inclusive)

508.010 Assault in the first degree FB

508.020 Assault in the second degree FC

508.025 Assault in the third degree FD

508.030 Assault in the fourth degree MA

508.040* Assault under extreme emotional disturbance
● first/second degree under influence of disturbance FD
● fourth degree under influence of disturbance MB

508.050 Menacing MB

508.060 Wanton endangerment in the first degree FD

508.070 Wanton endangerment in the second degree MA

508.080 Terroristic threatening MA

508.100 Criminal abuse in the first degree FC

508.110 Criminal abuse in the second degree FD

508.120 Criminal abuse in the third degree MA

CHAPTER 509. KIDNAPPING AND RELATED OFFENSES

509.020 Unlawful imprisonment in the first degree FD
 509.040 Kidnapping FB/FA/capital
 509.070 Custodial interference FD

CHAPTER 510. SEXUAL OFFENSES (inclusive)

510.040 Rape in the first degree FB/FA
 510.050 Rape in the second degree FC
 510.060 Rape in the third degree FD
 510.070 Sodomy in the first degree FB/FA
 510.080 Sodomy in the second degree FC
 510.090 Sodomy in the third degree FD
 510.100 Sodomy in the fourth degree MA
 510.110 Sexual abuse in the first degree FD
 510.120 Sexual abuse in the second degree MA
 510.130 Sexual abuse in the third degree MB
 510.140 Sexual misconduct MA
 510.150 Indecent exposure MB

CHAPTER 511. BURGLARY AND RELATED OFFENSES (inclusive)

511.020 Burglary in the first degree FB
 511.030 Burglary in the second degree FC
 511.040 Burglary in the third degree FD
 511.050 Possession of burglar's tools MA
 511.060 Criminal trespass in the first degree MA
 511.070 Criminal trespass in the second degree MB
 511.080 Criminal trespass in the third degree Violation

CHAPTER 512. CRIMINAL DAMAGE TO PROPERTY

512.020 Criminal mischief in the first degree FD

CHAPTER 513. ARSON AND RELATED OFFENSES (inclusive)

513.020 Arson in the first degree FA
 513.030 Arson in the second degree FB
 513.040 Arson in the third degree FD
 513.060 Burning personal property to defraud insurer FD

CHAPTER 514. THEFT AND RELATED OFFENSES (inclusive)

514.030* Theft by unlawful taking or disposition
 • if \geq \$100 MA
 FD
 514.040* Theft by deception
 • if \geq \$100 MA
 FD
 514.050* Theft of property lost, mislaid, or delivered by mistake
 • if \geq \$100 MA
 FD
 514.060* Theft of services
 • if \geq \$100 MA
 FD
 514.065* Possession, use, or transfer of device for theft of services
 • if prior conviction MA
 FD
 514.070* Theft by failure to make required disposition of property
 • if \geq \$100 MA
 FD
 514.080* Theft by extortion
 • if \geq \$100 MA
 FD
 514.090* Theft of labor already rendered
 • if \geq \$100 MA
 FD
 514.100* Unauthorized use of an automobile or other propelled vehicle
 • if prior conviction MA
 FD
 514.110* Receiving stolen property
 • if \geq \$100 MA
 FD
 514.120* Obscuring the identity of of a machine or other property
 • if \geq \$100 MA
 FD
 514.140 Theft of mail matter FD
 514.150 Possession of stolen mail FD

CHAPTER 515. ROBBERY (inclusive)

515.020 Robbery in the first degree FB
 515.030 Robbery in the second degree FC

CHAPTER 516. FORGERY AND RELATED OFFENSES

516.020 Forgery in the first degree FC
 516.030 Forgery in the second degree FD

| | | | |
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| 516.050 Criminal possession of forged instrument in the first degree | FC | 524.030 Bribe receiving by witness | FD |
| 516.060 Criminal possession of forged instrument in the second degree | FD | 524.040 Intimidating a witness | FD |
| 516.090 Possession of forgery device | FD | 524.055 Retaliating against a witness | FD |
| 516.120 Using slugs in the first degree | FD | 524.060 Bribing a juror | FD |
| CHAPTER 517. BUSINESS AND COMMERCIAL FRAUDS | | 524.070 Bribe receiving by a juror | FD |
| 517.060* Defrauding secured creditors | MA | 524.080 Intimidating a juror | FD |
| • if \geq \$100 | FD | 524.100 Tampering with physical evidence | FD |
| 517.100 Receiving deposits in failing financial institutions | FD | 524.120 Intimidating a judicial officer | FD |
| CHAPTER 518. MISCELLANEOUS CRIMES AFFECTING BUSINESSES, OCCUPATIONS, AND PROFESSIONS | | CHAPTER 525. RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES | |
| 518.040 Sports bribery | FD | 525.020 Riot in the first degree | FD |
| 518.050 Receiving sports bribe | FD | 525.125 Cruelty to animals in the first degree | FD |
| CHAPTER 519. OBSTRUCTION OF PUBLIC ADMINISTRATION | | CHAPTER 526. EAVESDROPPING AND RELATED OFFENSES | |
| CHAPTER 520. ESCAPE AND OTHER OFFENSES RELATING TO CUSTODY | | 526.020 Eavesdropping | FD |
| 520.015 Attempting to escape from penitentiary | FD | 526.030 Installing eavesdropping device | FD |
| 520.020 Escape in the first degree | FC | CHAPTER 527. OFFENSES RELATING TO FIREARMS AND WEAPONS | |
| 520.030 Escape in the second degree | FD | 527.020* Carrying concealed deadly weapon | MA |
| 520.050 Promoting contraband in the first degree | FD | • if prior conviction of felony with weapon | FD |
| 520.070 Bail jumping in the first degree | FD | 527.040 Possession of handgun by convicted felon--Exceptions | FD |
| 520.120 Hindering prosecution or apprehension in the first degree | FD | CHAPTER 528. GAMBLING | |
| CHAPTER 521. BRIBERY AND CORRUPT INFLUENCES | | 528.020 Promoting gambling in the first degree | FD |
| 521.020 Bribery of public servant | FD | 528.040 Conspiracy to promote gambling | FD |
| CHAPTER 522. ABUSE OF PUBLIC OFFICE | | 528.050 Possession of gambling records in the first degree | FD |
| 522.040 Misuse of confidential information | FD | CHAPTER 529. PROSTITUTION OFFENSES | |
| CHAPTER 523. PERJURY AND RELATED OFFENSES | | 529.030 Promoting prostitution in the first degree | FC/FB/FA |
| 523.020 Perjury in the first degree | FD | 529.040 Promoting prostitution in the second degree | FD |
| CHAPTER 524. INTERFERENCE WITH JUDICIAL ADMINISTRATION | | CHAPTER 530. FAMILY OFFENSES | |
| 524.020 Bribing a witness | FD | 530.010 Bigamy--Defense | FD |
| | | 530.020 Incest | FC |
| | | 530.040 Abandonment of minor | FD |

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| 530.050* Nonsupport and flagrant nonsupport ● nonsupport ● flagrant nonsupport | MA FD | ● Manufacturing, selling LSD, PCP -first offense | Prison: not less than 5 nor more than 10 yrs. Prison: not less than 10 nor more than 20 yrs. |
| 530.064 Unlawful transaction with a minor in the first degree | FC/FB/FA | -subsequent offenses | |
| 530.065 Unlawful transaction with a minor in the second degree | FD | ● Trafficking Schedule IV, V and certain controlled substances -first offense | Jail: not more than 1 yr. Prison: not less than 1 nor more than 5 yrs. Jail: not more than 1 yr. FD |
| CHAPTER 531. PORNOGRAPHY | | | |
| 531.030* Distribution of obscene matter to minors ● if previously convicted of distribution | MA FD | -subsequent offenses | |
| 531.040* Using minors to distribute obscene material o if previously convicted of this section or section 531.030 | MA FD | ● Manufacturing, selling less than 8 ounces marijuana ● Manufacturing, selling more than 8 ounces, but less than 5 pounds ● Manufacturing, selling more than 5 pounds | Jail: not more than 1 yr. FD |
| 531.060* Promoting sale of obscenity ● more than 2 such convictions | MB/MA FD | | Prison: not less than 5 nor more than 10 yrs. |
| Sexual Exploitation of Minors | | | |
| 531.310 Use of a minor in a sexual performance | FC/FB/FA | ● Marijuana seller at least 18 years old and buyer less than 18 years old -first offense -subsequent offenses | FD FC Prison: not less than 1 nor more than 5 yrs. |
| 531.320 Promoting a sexual performance by a minor | FC/FB/FA | ● Cultivating marijuana for sale | |
| 531.340* Distribution of matter portraying a sexual performance by a minor ● if has in possession more than oneFD unit of matter | MA FD | (2)No drug possession ● Schedule I or II narcotic -first offense | Prison: not less than 1 nor more than 5 yrs. Prison: not less than 5 nor more than 10 yrs. Jail: not more than 1 yr. Jail: not more than 90 days |
| 531.350* Promoting sale of obscene material portraying a sexual performance of a minor ● second offense ● more than second offense | MA FD FC | -subsequent offenses | |
| 531.370 Using minors to distribute material portraying a sexual performance by a minor | FD/FC | ● Schedule I-V, not marijuana, not narcotic ● Less than 8 ounces marijuana | |
| CHAPTER 218A. CONTROLLED SUBSTANCES (inclusive) | | | |
| 218A.140* Prohibited Acts (1)No drug trafficking ● Schedule I or II narcotic -first offense | | (3) No drug administer, dispense, distribute ● Schedule I-III | Prison: not less than 1 nor more than 5 yrs. Prison: not less than 1 nor more than 3 yrs. |
| -subsequent offenses | Prison: not less than 5 nor more than 10 yrs. Prison: not less than 10 nor more than 20 yrs. | ● Schedule IV, V (4a-e) No procurement of drugs by fraud or forgery ● Schedule I-III | |
| ● Schedule I or II not narcotic; Schedule III controlled substance, marijuana, LSD, PCP - first offense | Prison: not less than 1 nor more than 5 yrs. Prison: not less than 5 nor more than 10 yrs. | ● Schedule IV, V | Prison: not less than 1 nor more than 5 yrs. Prison: not less than 1 nor more than 3 yrs. |
| -subsequent offenses | | | |

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| (5) No possession, manufacturing, selling of counterfeit drugs | |
| ● Schedule I-III | Prison: not less than 1 nor more than 5 yrs. |
| ● Schedule IV, V | Prison: not less than 1 nor more than 3 yrs. |
| (6) No advertising | M; not more than 90 days |
| 218A.150 License required to manufacture controlled substances | Fine |
| 218A.160 Criteria for issuance of license | Fine |
| 218A.170 Distribution of controlled substances by licensed manufacturers or wholesaler | Fine |
| 218A.180 Distribution by practitioner or pharmacist--Prescription requirements | Fine |
| 218A.190 Exempt codeine preparations | Fine |
| 218A.200 Record-keeping requirements | Fine |
| 218A.210 Controlled substances may be possessed only in original container | Fine |
| 218A.290 Administrative fines | Fine |
| 218A.350* Prohibited practices concerning substances that simulate controlled substances | |
| ● first offense | MA |
| ● subsequent offenses | FD |
| Drug Paraphernalia | |
| 218A.500 Definitions--Unlawful practices | MA |
| Penalties | |
| 218A.990 Penalties | See above |

LA. REV. STAT. ANN. §14:x (West 1986).
 For drugs: LA. REV. STAT. ANN. §40: x (West 1977
 & Supp. 1986).

Criminal Classification Information

§2. Definitions

In this Code the terms enumerated shall have the designated meanings:

* * *

(4) "Felony" is any crime for which an offender may be sentenced to death or imprisonment at hard labor.

* * *

(6) "Misdemeanor" is any crime other than a felony.

* * *

Annotations explaining felony classification:

Term "felony" denotes crime for which punishment may be death or imprisonment at hard labor in state penitentiary. *State v. Brown*, 1937, 185 La. 855, 171 So. 55.

Imposition of jail sentence as punishment for crime punishable by imprisonment with or without hard labor at court's discretion does not reduce crime from felony to misdemeanor; test being punishment which might have been inflicted. *Id.*

The word "felony" is a generic term, going to distinguish certain crimes, as murder, robbery, and larceny, from other minor offenses, known as misdemeanors. *State v. Celestin*, 1916, 138 La. 407, 70 So. 342.

Where the Legislature denounces an act as a felony, there is nothing in the Constitution requiring it to fix the punishment in the penitentiary in order to create a felony. *State v. Harwick*, 1913, 133 La. 545, 63 So. 166.

The General Assembly had no power to grade felonies. *State v. Evans*, 1908, 122 La. 273, 47 So. 603.

The term "felony" has no precise meaning in our laws, the forfeiture of lands and goods, which characterizes it in England, being abolished. It denotes here a crime of great magnitude, and subject to an infamous punishment--death, or imprisonment at hard labor in the penitentiary. *State v. Charlot*, 1844, 8 Rob. 529.

A felony is any offense punishable by death or imprisonment, with or without hard labor. *Op. Atty. Gen.*, 1938-40, p. 139.

INCHOATE OFFENSES

§26. Criminal conspiracy

A. Criminal conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any crime; provided that an agreement or combination to commit a crime shall not amount to a criminal conspiracy unless, in addition to such agreement or combination, one or more of such parties does an act in furtherance of the object of the agreement or combination.

If the intended basic crime has been consummated, the conspirators may be tried for either the conspiracy or the completed offense, and a conviction for one shall not bar prosecution for the other.

B. Whoever is a party to a criminal conspiracy to commit any crime shall be fined or imprisoned, or both, in the same manner as for the offense contemplated by the conspirators; provided, however, whoever is a party to a criminal conspiracy to commit a crime punishable by death or life imprisonment shall be imprisoned at hard labor for not more than thirty years.

C. Whoever is a party to a criminal conspiracy to commit any other crime shall be fined or imprisoned, or both, in the same manner as for the offense contemplated by the conspirators; but such fine or imprisonment shall not exceed one-half of the largest fine, or one-half the longest term of imprisonment prescribed for such offense, or both.

§27. Attempt

* * *

D. Whoever attempts to commit any crime shall be punished as follows:

(1) If the offense so attempted is punishable by death or life imprisonment, he shall be imprisoned at hard labor for not more than fifty years;

(2) If the offense so attempted is theft or receiving stolen things, and is not punishable as a felony, he shall be fined not more than two hundred dollars, or imprisoned for not more than six months, or both. If the offense so attempted is theft or receiving stolen things, and is punishable as a felony, he shall be fined not more than two hundred dollars, or imprisoned not more than one year, or both;

(3) In all other cases he shall be fined or imprisoned or both, in the same manner as for the offense attempted; such fine or imprisonment shall not exceed one-half of the largest fine, or one-half of the longest term of imprisonment prescribed for the offense so attempted, or both.

§28. Inciting a felony

Inciting a felony is the endeavor by one person to incite or procure another person to commit a felony. Whoever commits the crime of inciting a felony shall be fined not more than one thousand dollars, or imprisoned, with or without hard labor, for not more than two years, or both.

§28.1 Solicitation for murder

A. Solicitation for murder is the intentional solicitation by one person of another to commit or cause to be committed a first or second degree murder.

B. Whoever commits the crime of solicitation for murder shall be imprisoned at hard labor for not less than five years nor more than ten years.

LOUISIANA CRIMINAL STATUTES
LA. REV. STAT. ANN. §14:x (West 1986).

For drugs: LA. REV. STAT. ANN. §40: x (West 1977 & Supp. 1986).

KEY

HL = Imprisonment at hard labor
HL/no HL = Imprisonment with or without hard labor
* = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
>, < = More than, less than
≥, ≤ = More than or equal, less than or equal

NOTE: Maximum term is recorded, except where a range is given. For classifications that are NOT inclusive, crimes with penalties of 6 months or less are NOT recorded.

| Statute No. and Title | Class/Time |
|--|-------------------|
| Offenses Against the Person | |
| HOMICIDE (inclusive) | |
| 14:30 First degree murder | Death/life HL |
| 14:30.1 Second degree murder | Life HL |
| 14:31 Manslaughter | 21 yrs. HL |
| 14:32 Negligent homicide | 5 yrs. HL/no HL |
| 14:32.1 Vehicular homicide | 2-5 yrs. HL/no HL |
| ASSAULT AND BATTERY (WITH RELATED OFFENSES) (inclusive) | |
| 14:34 Aggravated battery | 10 yrs. HL/no HL |
| 14:34.1 Second degree battery | 5 yrs. HL/no HL |
| 14:34.2 Battery of a police officer | 15 days - 6 mos. |
| 14:35 Simple battery | 6 mos. |
| 14:37 Aggravated assault | 6 mos. |
| 14:38 Simple assault | 90 days |
| 14:38.1 Mingling harmful substances | 2 yrs. HL/no HL |
| 14:39 Negligent injuring | 6 mos. |
| 14:39.1 Vehicular negligent injuring | 6 mos. |
| 14:40 Intimidation by officers | 6 mos. |
| 14:40.1 Terrorizing | 5 yrs. HL/no HL |
| RAPE AND SEXUAL BATTERY (inclusive) | |
| 14:41 Rape; defined | |
| 14:42 Aggravated rape | Life HL |

| | |
|--|------------------|
| 14:42.1 Forcible rape | 5-40 yrs. HL |
| 14:43 Simple rape | 25 yrs. HL/no HL |
| 14:43.1 Sexual battery | 10 yrs. HL/no HL |
| 14:43.2 Aggravated sexual battery | 15 yrs. HL/no HL |
| 14:43.3 Oral sexual battery | 15 yrs. HL/no HL |
| 14:43.4 Aggravated oral sexual battery | 20 yrs. HL/no HL |

KIDNAPPING AND FALSE IMPRISONMENT

| | |
|--|------------------|
| 14:44 Aggravated kidnapping | Life HL |
| 14:45 Simple kidnapping | 5 yrs. HL/no HL |
| 14:46.1 False imprisonment: offender armed with dangerous weapon | 10 yrs. HL/no HL |

DEFAMATION

NO TITLE

Offenses Against Property

BY VIOLENCE TO BUILDINGS AND OTHER PROPERTY (inclusive)

| | |
|---|--------------------|
| 14:51 Aggravated arson | 6-20 yrs. HL |
| 14:52 Simple arson | 5 yrs. HL/no HL |
| 14:53 Arson with intent to defraud | 5 yrs. HL/no HL |
| 14:54 P.acing combustible materials | attempted arson |
| 14:54.1 Communicating of false information of planned arson | 20 yrs. HL |
| 14:54.2 Manufacture and possession of delayed HL action incendiary devices; penalty | 20 yrs. HL |
| 14:54.3 Manufacture and possession of a bomb | 20 yrs. HL |
| 14:55 Aggravated criminal damage to property | 1-15 yrs. HL/no HL |
| 14:56 Simple criminal damage to property | 1-10 yrs. HL/no HL |
| 14:56.1* Criminal damage to coin-operated devices ● < \$100 | 2 yrs. 6 mos. |
| 14:57 Damage to property with intent to defraud | 4 yrs. HL/no HL |
| 14:58 Contaminating water supplies | 5 yrs. HL/no HL |
| 14:59 Criminal mischief | 6 mos. jail |

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|---|-----------------------------|--|-----------------------|
| 14:60 Aggravated burglary | 1-30 yrs. HL | ● 2nd offense | 2 yrs. HL/ no HL |
| 14:62 Simple burglary | 12 yrs. HL/ no HL | 14:67.4* Theft of domesticated fish from fish farm, penalty | |
| 14:62.1 Simple burglary of a pharmacy | 1-9 yrs. HL | ● ≥ \$500 | 10 yrs. HL/ no HL |
| ● 2nd conviction | 2-10 yrs. HL | ● ≥ \$100, < \$500 | 2 yrs. HL/ no HL |
| 14:62.2 Simple burglary of an inhabited dwelling | 1-12 yrs. HL | ● < \$100 | 6 mos. |
| | | ● 2nd offense | 2 yrs. HL/ no HL |
| 14:62.3 Unauthorized entry of an inhabited dwelling | 6 yrs. HL/ no HL | 14:67.5* Theft of crawfish, penalty | |
| 14:63 Criminal trespass | 91 days | ● ≥ \$500 | 10 yrs. HL/ no HL |
| ● 2nd conviction | 6 mos. | ● ≥ \$100, < \$500 | 2 yrs. HL/ no HL |
| 14:63.1 Illegal posting | 60 days | ● < \$100 | 6 mos. |
| 14:63.2 Destruction, defacing or removal of posted signs | 60 days | ● 2nd offense | 2 yrs. HL/ no HL |
| 14:63.3 Entry on or remaining in places or on land after being forbidden | 6 mos. jail | 14:67.6* Theft of utility service; interference of commission of theft; penalties | 6 mos. |
| | | ● 2nd offense | 2 yrs. HL/ no HL |
| 14:63.4 Aiding and abetting others to enter or remain on premises where forbidden | Misdemeanor; 6 mos. jail | 14:67.7 Theft of petroleum products; penalties | 1-10 yrs. HL/no HL |
| 14:63.12 Criminal trespass upon marshlands | 91 days | 14:67.8 Theft of oilfield geological survey, seismograph, and production maps; penalties | 1-10 yrs. HL/no HL |
| ● 2nd conviction | 6 mos. | | |
| BY MISAPPROPRIATION WITH VIOLENCE TO THE PERSON (inclusive) | | | |
| 14:64 Armed robbery | 5-99 yrs. HL | 14:67.9* Theft of oil and gas equipment; penalties | 1-10 yrs. HL/no HL |
| 14:64.1 First degree robbery | 3-40 yrs. HL | ● ≥ \$500 | 2 yrs. HL/ no HL |
| 14:65 Simple robbery | 7 yrs. HL/ no HL | ● < \$100 | 6 mos. |
| 14:65.1 Purse snatching | 2-20 yrs. HL/no HL | 14:68* Unauthorized use of a movable | |
| | | ● < \$1,000 | 6 mos. |
| | | ● > \$1,000 | 3 yrs. HL/ no HL |
| 14:66 Extortion | 1-15 yrs. HL | | |
| BY MISAPPROPRIATION WITHOUT VIOLENCE (inclusive) | | | |
| 14:67* Theft | | 14:68.1 Unauthorized removal of shopping carts or baskets | 6 mos. |
| ● ≥ \$500 | 10 HL | 14:69* Illegal possession of stolen things | |
| ● ≥ \$100, < \$500 | 2 yrs. HL/ no HL | ● ≥ \$500 | 10 yrs. HL/ no HL |
| ● < \$100 | 6 mos. | ● ≥ \$100, < \$500 | 2 yrs. HL/ no HL |
| ● 2nd offense | 2 yrs. HL/ no HL | ● < \$100 | 6 mos. |
| | | ● 3rd offense | 2 yrs. HL/ no HL |
| 14:67.1 Theft of livestock | 10 yrs. HL/ no HL | 14:70 False accounting | 6 mos. |
| 14:67.2 Theft of dogs | 3-6 mos. | 14:70.1 Medicaid fraud | 5 yrs. HL/ no HL |
| ● 2nd conviction [note: 2nd conviction less jail time but higher fine] | 30-60 days | 14:70.2 Refund or access device application | 6 mos. |
| 14:67.3* Unauthorized use of "Access Card" as theft; definitions | | 14:70.3 Fraud in selling agricultural equipment | 6 mos. |
| ● ≥ \$500 | 10 yrs. HL/ no HL | 14:70.4 Access device fraud | 2 yrs. HL/ no HL |
| ● ≥ \$100, < \$500 | 2 yrs. HL/ no HL | | |
| ● < \$100 | 6 mos. | | |

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| 14:71* Issuing worthless checks ● ≥\$500 | 10 yrs. HL/ no HL | 14:83.2 Promoting prostitution | 2 yrs. HL/ no HL |
| ● ≥\$100, < \$500 | 2 yrs. HL/ no HL | 14:84 Pandering | 5 yrs. HL/ no HL |
| ● < \$100 | 6 mos. | 14:86 Enticing persons into prostitution | 2 yrs. HL/ no HL |
| ● 3rd offense | 2 yrs. HL/ no HL | 14:87 Abortion | 1-10 yrs. HL |
| 14:72 Forgery | 10 yrs. HL/ no HL | 14:87.1 Killing a child during delivery | Life HL |
| 14:73 Commercial bribery | 6 mos. | 14:87.2 Human experimentation | 5-20 yrs. HL |
| COMPUTER RELATED CRIME | | 14:87.4 Abortion advertising | 1 yr. HL/ no HL |
| 14:73.2* Offenses against intel- lectual property | 6 mos. | 14:87.5 Intentional failure to sustain life and health of aborted viable infant | 21 yrs. HL |
| ● if loss ≥\$500 | 5 yrs. HL/ no HL | 14:89 Crime against nature | 5 yrs. HL/ no HL |
| 14:73.3* Offenses against computer equipment and supplies | 6 mos. | 14:89.1 Aggravated crime against nature | 3-15 yrs. HL |
| ● if loss ≥\$500 | 5 yrs. HL/ no HL | OFFENSES AFFECTING GENERAL MORALITY | |
| 14:73.4* Offenses against computer user | 6 mos. | 14:91.1 Sale, exhibition, or distribution of materials harmful to minors | 1 yr. |
| ● if loss ≥\$500 | 5 yrs. HL/ no HL | 14:92 Contributing to the de- linquency of juveniles | 2 yrs. HL/ no HL |
| 14:73.5 Computer fraud | 5 yrs. HL/ no HL | 14:92.1 Encouraging or contri- buting to child delinquency, dependency, or neglect; penalty; suspension of sentence; definitions | 2 yrs. HL/ no HL |
| Offenses Affecting the Family | | 14:93 Cruelty to juveniles | 10 yrs. HL/ no HL |
| CRIMINAL NEGLECT OF FAMILY | | 14:93.2.1 Child desertion | 6 mos. - 1 yr. |
| SEX OFFENSES AFFECTING THE FAMILY | | 14:93.3 Cruelty to the infirm | 1 yr. |
| 14:76 Bigamy | 5 yrs. HL/ no HL | Offenses Affecting the Public Generally | |
| 14:77 Abetting in bigamy | 5 yrs. HL/ no HL | OFFENSES AFFECTING THE PUBLIC SAFETY | |
| 14:78 Incest | 5 yrs./15 yrs. HL/no HL | 14:94 Illegal use of weapons or dangerous instrumentalities | 2 yrs. HL/ no HL |
| 14:79.1 Criminal abandonment | 1 yr. | ● 2nd conviction | 5 yrs. HL/ no HL |
| DOMESTIC VIOLENCE OFFENSES | | ● 3d conviction [note: may be mistake in 3rd conviction see, 14:95] | 5 yrs. HL/ no HL |
| Offenses Affecting Public Morals | | 14:95* Illegal carrying of weapons | 6 mos. |
| OFFENSES AFFECTING SEXUAL IMMORALITY | | ● 2nd conviction | 5 yrs. HL/ no HL |
| 14:80 Carnal knowledge of a juvenile | 10 yrs. HL/ no HL | ● 3d conviction | 10 yrs. HL/ no HL |
| 24:81 Indecent behavior with juveniles | 7 yrs. HL/ no HL | 14:95.1 Possession of firearm or carrying concealed weapon by a person convicted of certain felonies | 3-10 yrs. HL |
| 14:81.1 Pornography involving juveniles | 2-10 yrs. HL | | |
| 14:82* Prostitution | 6 mos. | | |
| ● 2nd conviction | 2 yrs. HL/ no HL | | |
| ● 3rd conviction | 2-4 yrs. HL/no HL | | |
| 14:82.1 Prostitution; persons under 17; additional penalties | 2-10 yrs. HL/no HL | | |
| 14:83.1 Inciting prostitution | 1 yr. | | |

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| 14:95.2 Additional penalties for possession of a fire arm or explosive device in the commission of certain crimes ● 2nd offense | 2 yrs. | 14:118.1 Bribery of sports participants | 1-5 yrs. HL/ no HL |
| 14:95.3 Unlawful use of body armor | 5 yrs. | 14:119 Bribery of voters ● 2nd offense | 2 yrs. HL/ no HL 5 yrs. HL |
| 14:96 Aggravated obstruction of a highway of commerce | 2 yrs. HL/ no HL | 14:119.1 Bribery of parents of school children | 1 yr. |
| 14:98* Operating a vehicle while intoxicated ● 1st offense | 2 yrs. HL/ no HL | 14:120 Corrupt influencing | 5 yrs. HL/ no HL |
| ● 2nd offense | 10 days- 6 mos. | 14:122 Public intimidation | 5 yrs. HL/ no HL |
| ● 3rd offense | 30 days- 6 mos. | 14:122.1 Intimidation and interference in the operation of schools | 1 yr. |
| ● 4th offense | 1-5 yrs. HL/no HL | PERJURY | |
| 14:102.5 Dogfighting | 10-30 yrs. HL | 14:123 Perjury ● felony trial ● other cases | 10 yrs. HL 5 yrs. HL/ no HL |
| ● 2nd conviction | 1 yr. HL/ no HL | 14:125 False swearing | 1 yr. |
| 14.101.1 Purchase or sale of human organ | 3 yrs. HL/ no HL | 14:126.1 False swearing for purpose of violating public health | 1-5 yrs. HL/ no HL |
| 14:102.8* Injuring or killing a police dog ● 2nd conviction | 5 yrs. HL/ no HL | 14:126.2 False statements concerning denial of constitutional rights | 1-5 yrs. HL/no HL |
| 14:106 Obscenity ● 2nd conviction | 6 mos. | MISCELLANEOUS OFFENSES AFFECTING JUDICIAL FUNCTIONS & PUBLIC RECORDS | |
| ● 3rd conviction or violation with unmarried 17 year old | 1-3 yrs. HL/no HL | 14:129 Jury tampering | 5 yrs. HL/ no HL |
| 14:106.1 Promotion or wholesale promotion of obscene devices | 6 mos.- 3 yrs. HL/ | 14:129.1 Intimidating, impeding or injuring witnesses; injuring officers; penalties | 5 yrs. HL/ no HL |
| OFFENSES AFFECTING LAW ENFORCEMENT | | 14:130.1 Obstruction of justice ● if involve sentence death/life ● if involve sentence hard labor ● if involve other sentence | 40 yrs. HL 20 yrs. HL 5 yrs. HL/ no HL |
| 14:110 Simple escape; aggravated escape ● escape work release | 6 mos.-1 yr. HL/no HL | 14:131 Compounding a felony | 2 yrs. HL/ no HL |
| ● prisoner escape | 2-5 yrs. HL/no HL | 14:132 Injuring public records | 5 yrs. HL/ no HL |
| ● aggravated | 5-10 yrs. HL | 14:133 Filing false public records | 5 yrs. HL/ no HL |
| 14:110.1* Jumping bail ● misdemeanor case ● felony case | 6 mos. 2 yrs. HL | 14:133.1 Obstruction of court orders | 1 yr. |
| 14:111 Assisting escape | 5 yrs. HL/ no HL | 14:134 Malfeasance in office | 5 yrs. HL/ no HL |
| Offenses Affecting Organized Government | | 14:134.1 Malfeasance in office; sexual conduct prohibited with person confined in correctional institutions | 10 yrs. |
| TREASON AND DISLOYAL ACTS | | 14:134.2 Malfeasance in office; tampering with evidence | 3 yrs. HL/ no HL |
| 14:113 Treason | Death | 14:135 Public salary deduction | 5 yrs. HL/ no HL |
| 14:114 Misprison of treason | 10 yrs. HL | | |
| 14:115 Criminal anarchy | 10 yrs. HL | | |
| BRIBERY AND INTIMIDATION | | | |
| 14:118 Public bribery | 5 yrs. HL/ no HL | | |

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| 14:136 Public salary extortion | 5 yrs. HL/ no HL | 14:229 Illegal use of counterfeit trademark; penalties | 5 yrs. HL/ no HL |
| 14:138 Public payroll fraud | 2 yrs. HL/ no HL | OFFENSES AFFECTING PUBLIC MORALS | |
| 14:139 Political payroll padding | 5 yrs. HL/ no HL | 14:285* Telephone communications; improper language; harassment; penalty ● 2nd offense | 6 mos. 2 yrs. HL/ no HL |
| 14:139.1 Political payroll padding by sheriff; sale of assets of sheriff's office prohibited | 5 yrs. HL/no HL | 14:313 Masks or hoods wearing in public places prohibited; penalty; exceptions; permit to conduct Mardi Gras festivities; how obtained | 6 mos. - 3 yrs. |
| 14:139.2 Transfer of capital assets of clerk of court's office prohibited | 5 yrs. HL/ no HL | 14:314 Mississippi River, making unauthorized cut-offs prohibited | 1 week - 12 mos. |
| 14:140 Public contract fraud | 2 yrs. HL/ no HL | 14:327* Obstructing a fireman ● if equivalent manslaughter ● if equivalent aggravated battery | 1-20 yrs. HL 6 mos. - 10 yrs. HL/ no HL |
| 14:141 Prohibited splitting of profits, fees or commissions; exceptions | 2 yrs. HL/ no HL | ● if equivalent simple battery | 90 days - 2 yrs. |
| Miscellaneous Crimes and Offenses | | ● if equivalent simple assault | 30-90 days |
| OFFENSES AGAINST PROPERTY | | ● other | 30 days - 1 yr. |
| 14:201 Collateral securities, unauthorized use or withdrawal prohibited; penalty; proof of intent; of personal advantage | 10 yrs. HL/ no HL | ● attempts | 1/2 penalty above |
| 14:207 Motor vehicles, alteration or removal of identifying numbers prohibited; sale, etc. of motor vehicle with altered identifying numbers prohibited; penalty | 12 mos. | 14:328 Obstruction or interference with members of staff, faculty or students of educational institutions; trespass, damage to property; felony; penalties ● [note: no reference in statute to "felony"] | 6 mos. |
| 14:209 Seals, breaking prohibited; penalty | 2 yrs. HL/ no HL | 14:329.1* Riot | See below |
| 14:212 Timber, false statement by seller prohibited; penalty | 1 yr. | 14:329.2* Inciting to riot | See below |
| 14:214 Fishing or hunting contest fraud | 1 yr. HL/ no HL | 14:329.3* Command to disperse; who may give; failure to comply | See below |
| 14:219 Removal of building or structure from immovable property subject to a conventional mortgage or vendor's privilege | 1 yr. | 14:329.4* Wrongful use of public property; permits for use of public property | See below |
| 14:220 Rented or leased motor vehicles; obtaining by false representation, etc.; failure to return; defenses; penalties | 5 yrs. HL/ no HL | 14:329.5* Prohibition of interference with education process; certain activities excepted | See below |
| 14:221* Avoiding payment for telecommunications services, or multi-point distribution system services ● 2nd conviction | 6 mos. 5 yrs. HL/ no HL | 14:329.6* Proclamation of state of emergency; conditions therefore; effect thereof | See below |
| 14:225* Institutional vandalism ● damage < \$500 ● damage ≥ \$500, < \$50,000 ● ≥ \$50,000 | 6 mos. 2 yrs. HL/ no HL 1-10 yrs. HL /no HL | 14:329.7* Punishment -for 14:329.1-14:329.8 ● wilfully riot ● serious bodily injury or property damage > \$5,000 ● if death occurs | 6 mos. 5 yrs. HL 21 yrs. HL |
| 14:227 Identification number, personal property, alteration or removal prohibited | 12 mos. | OFFENSES AFFECTING ORGANIZED GOVERNMENT | |
| | | 14:351 Bail, sale, etc. of real estate securing, prohibited | 6-12 mos. |
| | | 14:352 Bribery of withdrawn candidates for office prohibited; penalty; immunity of witnesses | 1 yr. |

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| 14:356 Sheriffs, etc. solicitation of legal business prohibited; penalty | 2 yrs. HL/ no HL | (E) Possession bulk marijuana ● 100-1,999 lbs. ● 2,000-9,999 lbs. ● ≥ 10,000 lbs. | 5-15 yrs. HL 10-40 yrs. HL 10-40 yrs. HL 25-40 yrs. HL |
| 14:368 Acts prohibited (fail to register as Communist rules) | 5 yrs. HL | 40:967 Prohibited acts--Schedule II (B) Manufacture, distribution ● narcotic ● pentazocine ● other (C) Possession ● pentazocine ● other | See below 5-30 yrs. HL 7-10 yrs. HL 10 yrs. HL 2-5 yrs. HL/ no HL 5 yrs. HL/ no HL |
| 14:369 Penalties | See above | | |
| 14:388 False statements in affidavit as perjury ● felony trial ● other cases | 10 yrs. HL 5 yrs. HL/ no HL | (F) Possession bulk cocaine ● 28-199 gms. ● 200-399 gms. ● ≥ 400 gms. | 5-30 yrs. HL 10-30 yrs. HL 15-30 yrs. HL |
| 14:390.2 Acts prohibited (disseminate/store Communist propaganda) | See below | 40:968 Prohibited acts--Schedule III (B) Manufacture; distribute (C) Possession | See below 10 yrs. HL 5 yrs. HL/ no HL |
| 14:390.7 Penalties | 6 yrs. HL | 40:969 Prohibited acts--Schedule IV (B) Manufacture; distribute (C) Possession | See below 10 yrs. HL 5 yrs. HL/ no HL |

OFFENSES AFFECTING LAW ENFORCEMENT

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| 14:401 Demonstrations in or near building housing a court or occupied as a residence by judge, juror, witness or court officer | 1 yr. | 40:970 Prohibited acts--Schedule V (B) Manufacture; distribution (C) Possession | See below 5 yrs. HL 5 yrs. HL/ no HL |
| 14:402 Contraband defined; taking to and from penal institutions prohibited; penalty; disposition of seized contraband | 5 yrs. HL/ no HL | 40:971 Prohibited acts; all schedules 40:971.1 Prohibited acts; false representations | 5 yrs. HL/ no HL 5 yrs. HL/ no HL |
| 14:402.1 Taking of contraband to state-owned hospitals unlawful | 3 yrs. HL/ no HL | 40:979 Attempt and conspiracy ● specified drugs | See below 5 yrs. HL 5 yrs. HL/ no HL 1/2 penalty 8-50 yrs. HL |
| 14:403.2* Abuse and neglect of adults; reports, investigation, etc. ● failure to report ● file false report | 6 mos. 1 yr. HL/ no HL | 40:981 Distribution to persons under age 18 ● Schedule I, II narcotic, defendant 25 years old ● Schedule I, II narcotic, defendant 18 years old ● violate other | Life HL 2 x penalty 2 x penalty |
| 14:404 Self-mutilation by a prisoner | 2 yrs. HL | 40:981.1 Distribution to a student 40:982 Second or subsequent offenses | 2 x penalty 2 x penalty |

OFFENSES AGAINST THE PERSON

LOANSHARKING

| | | | |
|---|-----------------------|--|--|
| 14:511 Loansharking; penalty | 1-5 yrs. HL/no HL | | |
| 14:512 Aggravated loansharking; penalty | 5-30 yrs. HL/no HL | | |
| 14:513 Possession of loanshark records; penalty | 1 yr. | | |

UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)

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| 40:966* Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana (B) Manufacture; distribution ● specified drugs (C) Possession ● specified drugs (D) Possession of marijuana ● 2nd conviction ● 3rd conviction | See below Life HL 10 yrs. HL 4-10 yrs. HL 10 yrs. HL 6 mos. 5 yrs. HL/ no HL 20 yrs. HL/ no HL | | |
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TRANSACTIONS IN DRUG RELATED OBJECTS PROHIBITED (inclusive)

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|---|--|--|--|
| 40:1033* Prohibited acts (regarding drug paraphernalia) | See below | | |
| 40:1035* Penalties ● 1st offense ● 2nd conviction ● 3rd conviction | 6 mos. 1 yr. 5 yrs. HL/ no HL | | |

MAINE

ME. REV. STAT. ANN. tit. x, §x (1983 & Supp. 1986).

Criminal Classification Information

17-A §4 Classification of crimes in this Code.

1. Except for murder, all crimes defined by this Code are classified for purposes of sentencing as Class A, Class B, Class C, Class D and Class E crimes.

17-A §4-A Crimes and civil violations outside the code.

1. Except as provided in section 1, subsection 2, this section becomes effective October 24, 1977.

2. Repealed. 1981, c. 324, §5.

2-A. A statute outside this code may be expressly designated as a Class A, Class B, Class C, Class D or Class E crime, in which case sentencing for violation of such a statute is governed by the provisions of this code.

3. In statutes defining crimes which are outside this code and which are not expressly designated as Class A, Class B, Class C, Class D or Class E crimes, the class depends upon the imprisonment penalty that is provided as follows. If the maximum period authorized by the statute defining the crime:

- A. Exceeds 10 years, the crime is a Class A crime;
- B. Exceeds 5 years, but does not exceed 10 years, the crime is a Class B crime;
- C. Exceeds 3 years, but does not exceed 5 years, the crime is a Class C crime;
- D. Exceeds one year, but does not exceed 3 years, the crime is a Class D crime; and
- E. Does not exceed one year, the crime is a Class E crime.

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INCHOATE OFFENSES

17-A §151 Conspiracy

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9. Conspiracy is an offense classified as one grade less serious than the classification of the most serious crime which is its object, except that conspiracy to commit murder is a Class A crime. If the most serious crime is a Class E crime, the conspiracy is a Class E crime.

17-A §152 Attempt

* * *

4. Criminal attempt is an offense classified as one grade less serious than the classification of the offense attempted, except that an attempt to commit a Class E crime is a Class E crime, and an attempt to commit murder is a Class A crime.

17-A §153 Solicitation

* * *

4. Solicitation is an offense classified as one grade less serious than the classification of the crime solicited, except that solicitation to commit murder is a Class A crime.

§ 1251. Imprisonment for murder

A person convicted of the crime of murder shall be sentenced to imprisonment for life or for any term of years that is not less than 25. The sentence of the court shall specify the length of the sentence to be served and shall commit the person to the Department of Corrections.

§ 1252. Imprisonment for crimes other than murder

1. In the case of a person convicted of a crime other than murder, the court may sentence to imprisonment for a definite term as provided for in this section, unless the statute which the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person shall be sentenced to imprisonment and required to pay the fine authorized therein. The sentence of the court relative to a Class A, Class B or Class C crime shall specify the term to be served and the place of imprisonment if that place is to be a county jail, otherwise the court shall commit the person to the Department of Corrections.

Beginning April 1, 1987, if the sentence of the court specifies the term of imprisonment to be 6 months or less, the court shall specify the place of imprisonment to be a county jail. Beginning January 1, 1989, if the sentence of the court specifies the term of imprisonment to be 9 months or less, the court shall specify the place of imprisonment to be a county jail. In the case of a Class D or Class E crime, the court shall, after the effective date of this paragraph, specify the place of imprisonment to be a county jail.

- 2. The court shall set the term of imprisonment as follows:
 - A. In the case of a Class A crime, the court shall set a definite period not to exceed 20 years;
 - B. In the case of a Class B crime, the court shall set a definite period not to exceed 10 years;
 - C. In the case of a Class C crime, the court shall set a definite period not to exceed 5 years;
 - D. In the case of a Class D crime, the court shall set a definite period of less than one year; or
 - E. In the case of a Class E crime, the court shall set a definite period not to exceed 6 months.
- 3. The court may add to the sentence of imprisonment a restitution order as is provided for in chapter 49, section 1204, subsection 2-A, paragraph B. In such cases, it shall be the responsibility of the Department of Corrections to determine whether the order has been complied with and consideration shall be given in the department's administrative decisions concerning the imprisoned person as to whether the order has been complied with.

3-A. At the request of or with the consent of a convicted person, a sentence of imprisonment under this chapter in a county jail or a sentence of probation involving imprisonment in a county jail under chapter 49 may be ordered to be served intermittently.

4. If the State pleads and proves that a Class B, C, D or E crime was committed with the use of a dangerous weapon then the sentencing class for such crime is one class higher than it would otherwise be. In the case of a Class A crime committed with the use of a dangerous weapon, such use should be given serious consideration by the court in exercising its sentencing discretion. This subsection shall not apply to a violation or an attempted violation of section 208 or to any offense for which the sentencing class is otherwise increased because the actor or an accomplice to his knowledge is armed with a firearm or other dangerous weapon.

5. Notwithstanding any other provision of this code, if the State pleads and proves that a Class A, B or C crime was committed with the use of a firearm against a person, the minimum sentence of imprisonment, which shall not be suspended, shall be as follows: When the sentencing class for such crime is Class A, the minimum term of imprisonment shall be 4 years, when the sentencing class for such crime is Class B, the minimum term of imprisonment shall be 2 years and when the sentencing class for such crime is Class C, the minimum term of imprisonment shall be one year. For purposes of this subsection, the applicable

sentencing class shall be determined in accordance with subsection 4.

Text of subsection 6 effective until January 1, 1989
 6. The court may not specify the place of imprisonment to be a county jail as to any term of imprisonment in excess of one year or as to any portion of a split sentence specified by the court to be in excess of one year. This subsection is repealed on January 1, 1989.

Text of subsection effective January 1, 1989
 6. As to any Class A, Class B or Class C crime, the court may not specify the place of imprisonment to be a county jail as to any term of imprisonment in excess of 9 months or as to any portion of a split specified by the court to be in excess of 9 months.

As to any Class D or Class E crime, the court may not specify the place of imprisonment to be a county jail as to any term of imprisonment in excess of one year or as to any portion of a split sentence specified by the court to be in excess of one year.

MAINE CRIMINAL STATUTES

ME. REV. STAT. ANN. tit. x, §x (1983 & Supp. 1986).

KEY

- C = Crime class
- A,B,C, D,E = Crime subclass
- ? = Place of incarceration not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = Greater than, less than
- ≥ , ≤ = Greater than or equal, less than or equal

NOTE: For classifications that are NOT inclusive, Class E crimes and crimes with penalties of one year or less are NOT recorded. Maximum penalties are recorded, except where a range or minimum (MIN.) appears.

| Statute No. and Title | Class/Time |
|--|------------|
| BEANO OR BINGO | |
| GAMES OF CHANCE | |
| 17§346 Violations | CD |
| BLACKLISTING | |
| 17§401 Definition; penalty | 2 yrs. |
| BUDGET PLANNING BUSINESS | |
| CRUELTY TO ANIMALS | |
| INJURING OR KILLING | |
| TRANSPORTATION | |
| ENFORCEMENT AND JURISDICTION | |
| EUTHANASIA OF CATS AND DOGS | |
| MODEL WHITE CANE LAW | |
| DUELING | |
| 17§1351 Penalty | 20 yrs. |
| FRAUD AND FALSE PRETENSES | |
| 17§1603 Uttering fraudulent receipts | 1-10 yrs. |
| COMMERCIAL FRAUDS | |
| 17§1661 Issue of bill for goods not received | ?: 5 yrs. |
| 17§1663 Issue of duplicate bills not so marked | ?: 5 yrs. |
| 17§1665 Negotiation of bill when not in carrier's possession | ?: 5 yrs. |
| 17§1666 Inducing carrier to issue bill when goods not received | ?: 5 yrs. |
| 17§1667 Issue of nonnegotiable bill not so marked | ?: 5 yrs. |
| 17§1701 Issue of receipt for goods not received | ?: 5 yrs. |

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| 17§1703 Issue of duplicate receipts not so marked | ?: 5 yrs. | OFFENSES AGAINST THE PERSON (inclusive) | |
| MARITIME FRAUDS | | 17A§201 Murder | 25 yrs.-Life |
| 17§1751 Fraudulent destruction of vessels | ?: 5 yrs. MIN./?: 20 yrs. | 17A§202 Felony murder | CA |
| 17§1752 False invoices, bills of landing or estimates of property shipped | ?: 10 yrs. | 17A§203 Manslaughter | CA/CB |
| 17§1753 False affidavits or protests | ?: 10 yrs. | 17A§204 Aiding or soliciting suicide | CD |
| INTOXICATION | | 17A§207 Assault | CD/CC |
| LITTERING AND DUMPING | | 17A§208 Aggravated assault | CB |
| LITTER CONTROL | | 17A§208-A Assault while hunting | CD |
| LOTTERIES | | 17A§209 Criminal threatening | CD |
| MALICIOUS MISCHIEFS | | 17A§210 Terrorizing | CD/CC |
| 17§2401 Tampering with railroad car | ?: 2 yrs. | 17A§211 Reckless conduct | CD |
| 17§2402 Removal of packing or bearings from journal boxes | ?: 3 yrs. | SEX OFFENSES (inclusive) | |
| NUISANCES | | 17A§252 Rape | CA/CB |
| CHILD PROTECTION ACT | | 17A§253 Gross sexual misconduct | CA/CB/CC |
| OBSCENITY | | 17A§254 Sexual abuse of minors | CD |
| 17§2911 Dissemination of obscene material to minors | CC | 17A§255 Unlawful sexual conduct | CD/CC |
| 17§2913 Exhibiting obscene motion pictures to minors at outdoor motion picture theaters | CD | KIDNAPPING AND CRIMINAL RESTRAINT | |
| SEXUAL EXPLOITATION OF MINORS | | 17A§301 Kidnapping | CA/CB |
| 17§2922 Sexual exploitation of a minor | CB - 5 yr. MIN./CA - 10 yr. MIN. | 17A§302 Criminal restraint | CD |
| 17§2923 Dissemination of sexually explicit material | CC - 2 yr. MIN./CB MIN. | 17A§303 Criminal restraint by parent | CC |
| PUBLIC OFFICES AND OFFICERS | | THEFT (inclusive) | |
| RELIGIOUS ASSEMBLIES, HOLY DAYS AND HOLIDAYS | | 17A§353* Theft by unauthorized taking or transfer | |
| DETENTION OF SHOPLIFTERS | | ● value > \$5,000, or firearm or with dangerous weapon | CB |
| STRIKES AND VIOLENCE AGAINST UTILITIES, RAILROADS AND PLANTS | | ● value > \$1,000 < \$5,000 or prior convictions or violation of section 355 | CC |
| 17§3603 Railroads - obstructions of engines or carriages; abandonment | ?: 2 yrs. | ● violation of section 360 or value > \$500 < \$1,000 | CD |
| 17§3604 Railroads - carelessness and neglect in reference to trains | ?: 3 yrs. | ● value < \$500 | CE |
| TRESPASS | | 17A§354* Theft by deception | |
| MISCELLANEOUS CRIMES | | ● value > \$5,000, or firearm or with dangerous weapon | CB |
| | | ● value > \$1,000 < \$5,000 or prior convictions or violation of section 355 | CC |
| | | ● violation of section 360 or value > \$500 < \$1,000 | CD |
| | | ● value < \$500 | CE |

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| 17A §356 Theft of lost, mislaid or mistakenly delivered property | | 17A §403 Possession of burglar's tools | CE |
| ● value > \$5,000, or firearm or with dangerous weapon | | 17A §404 Trespass by motor vehicle | CE |
| ● value > \$1,000 < \$5,000 or prior convictions or violation of section 355 | CC | FALSIFICATION IN OFFICIAL MATTERS | |
| ● violation of section 360 or value > \$500 < \$1,000 | CD | 17A §451 Perjury | CC |
| ● value < \$500 | CE | 17A §452 False swearing | CD |
| 17A §357 Theft of services | | 17A §453 Unsworn falsification | CD |
| ● value > \$5,000, or firearm or with dangerous weapon | | 17A §454 Tampering with a witness, informant or victim | CC/CB |
| ● value > \$1,000 < \$5,000 or prior convictions or violation of section 355 | CC | 17A §455 Falsifying physical evidence | CD |
| ● violation of section 360 or value > \$500 < \$1,000 | CD | 17A §456 Tampering with public records or information | CD |
| ● value < \$500 | CE | OFFENSES AGAINST PUBLIC ORDER | |
| 17A §357-A* Theft of utility services | | 17A §502* Failure to disperse | |
| ● value > \$5,000, or firearm or with dangerous weapon | | ● as participant in course of disorderly conduct | CD |
| ● value > \$1,000 < \$5,000 or prior convictions or violation of section 355 | CC | ● otherwise | CE |
| ● violation of section 360 or value > \$500 < \$1,000 | CD | 17A §503 Riot | CD |
| ● value < \$500 | CE | 17A §507 Desecration and defacement | CD |
| 17A §358* Theft by misapplication of property | | 17A §508 Abuse of corpse | CD |
| ● value > \$5,000, or firearm or with dangerous weapon | | 17A §509 False public alarm or report | CD |
| ● value > \$1,000 < \$5,000 or prior convictions or violation of section 355 | CC | 17A §510 Cruelty to animals | CD |
| ● violation of section 360 or value > \$500 < \$1,000 | CD | 17A §511 Violation of privacy | CD |
| ● value < \$500 | CE | OFFENSES AGAINST THE FAMILY | |
| 17A §359* Receiving stolen property | | 17A §553 Abandonment of child | CD |
| ● value > \$5,000, or firearm or with dangerous weapon | | 17A §554 Endangering the welfare of a child | CD |
| ● value > \$1,000 < \$5,000 or prior convictions or violation of section 355 | CC | 17A §555 Endangering welfare of an incompetent person | CD |
| ● violation of section 360 or value > \$500 < \$1,000 | CD | 17A §556 Incest | CD |
| ● value < \$500 | CE | BRIBERY AND CORRUPT PRACTICES | |
| 17A §360* Unauthorized use of property | | 17A §602 Bribery in official and political matters | CC |
| ● value > \$5,000, or firearm or with dangerous weapon | | 17A §603 Improper influence | CD |
| ● value > \$1,000 < \$5,000 or prior convictions or violation of section 355 | CC | 17A §604 Improper compensation for past action | CD |
| ● violation of section 360 or value > \$500 < \$1,000 | CD | 17A §607 Purchase of public office | CD |
| ● value < \$500 | CE | ROBBERY (inclusive) | |
| 17A §362* Classification of theft offenses | See above | 17A §651 Robbery | CB/CA |
| BURGLARY AND CRIMINAL TRESPASS (inclusive) | | FORGERY AND RELATED OFFENSES | |
| 17A §401 Burglary | CA/CB/CC | 17A §702 Aggravated forgery | CB |
| 17A §402* Criminal trespass | | | |
| ● enters dwelling place | CD | | |
| ● locked structure, enters posted area, remains in defiance | CE | | |

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| 17A \$ 703 Forgery | CC/CD | 17A \$905 Misuse of credit identification | CD |
| 17A \$ 708* Negotiating a worthless instrument | | 17A \$906 Use of slugs | CD |
| ● value > \$5,000 | CB | 17A \$907* Possession or transfer of theft of services devices | |
| ● value > \$1,000 < \$5,000 | CC | ● possession or making any device | CE |
| ● value > \$500 < \$1,000 | CD | ● transfers or possesses any device | CD |
| ● value < \$500 | CE | | |
| OFFENSES AGAINST PUBLIC ADMINISTRATION | | | |
| 17A \$751 Obstructing government administration | CD | UNLAWFUL GAMBLING | |
| 17A \$752-A Assault on an officer | CC | 17A \$953 Aggravated unlawful gambling | CB |
| 17A \$753* Hindering apprehension or prosecution | | 17A \$954 Unlawful gambling | CD |
| ● defendant knew of conduct of other which resulted in charge or liability for Class A crime or murder | CB | 17A \$955 Possession of gambling records | CD |
| ● other person knew of conduct which resulted in charge or liability for Class A crime or murder | CC | CRIMINAL USE OF EXPLOSIVES AND RELATED CRIMES | |
| ● hindering apprehension of a juvenile | CE | 17A \$1001 Criminal use of explosives | CC |
| 17A \$754 Obstructing criminal prosecution | CC | 17A \$1002 Criminal use of disabling chemicals | CD |
| 17A \$755 Escape | CB/CD/CC | WEAPONS | |
| 17A \$756 Aiding escape | CC/CB | 17A \$1051 Possession of a machine gun | CD |
| 17A \$757 Trafficking in prison contraband | CC | 17A \$1055 Trafficking in dangerous knives | CD |
| ARSON AND OTHER PROPERTY DESTRUCTION (inclusive) | | 17A \$1056 Possession of metal piercing ammunition | CD |
| 17A \$802 Arson | CA | DRUGS (inclusive) | |
| 17A \$803 Causing a catastrophe | CA | 17A \$1103 Unlawful trafficking in scheduled drugs | |
| 17A \$804 Failure to control or report a dangerous fire | CD | (2)(A) Schedule W or marijuana > 1,000 pounds | CB |
| 17A \$805 Aggravated criminal mischief | CC | (2)(B) Schedule X or marijuana > 2 lbs. | CC |
| 17A \$806 Criminal mischief | CD | (2)(C) Schedule Y or schedule Z | CD |
| PROSTITUTION AND PUBLIC INDECENCY | | 17A \$1104 Trafficking in or furnishing counterfeit drugs | CC |
| 17A \$852 Aggravated promotion of prostitution | CC | 17A \$1105 Aggravated trafficking or furnishing scheduled drugs | One class more serious than otherwise would be |
| 17A \$853 Promotion of prostitution | CC | 17A \$1106 Unlawfully furnishing scheduled drugs | See below |
| 17A \$855 Patronizing prostitution of a minor | CD | (2)(A) Schedule W | CC |
| FRAUD | | (2)(B) Schedule X, Y or Z | CD |
| 17A \$901 Deceptive business practices | CD | 17A \$1107 Unlawful possession of Schedule W, X and Y drugs | |
| 17A \$902 Defrauding a creditor | CD | (2)(A) Heroin | CC |
| 17A \$903 Misuse of entrusted property | CD | (2)(B) Schedule W other than heroin or X drug | CD |
| 17A \$904 Private bribery | CD | (2)(C) Schedule Y | CE |
| | | 17A \$1108 Acquiring drugs by deception | |
| | | (4)(A) Schedule W, X or Y | CC |
| | | (4)(B) Schedule Z | CD |

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|--|----|
| 17A §1109 Stealing drugs | CD |
| 17A §1110 Trafficking in hypodermic needles | CC |
| 17A §1111 Possession of hypodermic apparatuses | CD |
| A Sale and use of drug paraphernalia | |
| A(5) Knowingly traffic or furnish drug paraphernalia | CE |
| A(6) Advertisement of drug paraphernalia | CE |
| A(8) Knowingly traffiek or furnish drug paraphernalia to a minor | CD |
| 17A §1116 Trafficking or furnishing imitation scheduled drugs | |
| (3) Trafficking or furnishing to adults | CE |
| (3) Trafficking or furnishing to person under 18 years of age | CD |
| (4) Second or subsequent violation of Title 22, section 2383-A | CE |

MARYLAND

MD. ANN. CODE art. 27, Sx (1982 & Supp. 1986)

Criminal Classification Information

Violations in the State of Maryland are defined both by common law and statute. As a result, some violations are not codified and hence do not appear in this document.

Attempts and conspiracies are recorded with the substantive crimes with which they appear. In addition, conspiracy, in general, is punishable to the same extent as the substantive offense (see §38).

MARYLAND CRIMINAL STATUTES

MD. ANN. CODE art. 27, Sx (1982 & Supp. 1986)

KEY

- F = Felony
- M = Misdemeanor
- ? = Unspecified classification
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = more than, less than
- ≥ , ≤ = more than or equal, less than or equal

NOTE: For classifications that are NOT inclusive, misdemeanors and ? 1 year or over are recorded. Maximum terms are recorded, unless a range of sentence is specified.

| Statute No. and Title | Class/Time |
|--|--------------|
| ABDUCTION | |
| 1 Individual under 16 | M: 8 yrs. |
| 2 Child under 12 | F: 20 yrs. |
| ADULTERY | |
| ARSON & BURNING (inclusive) | |
| 6 Dwelling or adjoining building | 30 yrs. |
| 7 Barn, garage, etc.; pier, wharf, boathouse, etc.; shop, factory, etc.; church, school, etc.; public bridge | F: 20 yrs. |
| 8* Burning personal property of another | |
| ● < \$1,000 | M: 18 mos. |
| ● ≥ \$1,000 | F: 5 yrs. |
| 9 Burning goods, wares, etc.; with intent to injure insurer | ?: 5 yrs. |
| 9A Burning trash container | M: 30 days |
| 10* Attempt to burn building or property | |
| ● if §§6 or 7 | F: 10 yrs. |
| ● if §§8 or 9 | M: 2 yrs. |
| 10A Burning of a cross or other religious symbol | F: 3 yrs. |
| 11 Setting fire while perpetrating a crime | ?: 3 yrs. |
| INTERFERING WITH OR OBSTRUCTING FIREMEN | |
| 11D Interference, obstruction, or false representation | M: 3 yrs. |
| ASSAULT WITH INTENT TO MURDER, RAVISH OR ROB (inclusive) | |
| 12 Penalties | |
| ● with intent to rob | F: 2 yrs. |
| ● with intent to murder | F: 2-30 yrs. |
| ● with intent to ravish | F: 2-15 yrs. |

BARRATRY**BAWDY HOUSES AND HOUSES OF ILL FAME;
PROSTITUTION**

15 Unlawful acts See below
 17 Penalty ? : 1 yr.

BIGAMY

18 Entering into marriage ceremony while married; absence of spouse for 7 years 9 yrs.

BLASPHEMY**BOATING****BRIBERY; OBSTRUCTING JUSTICE**

23 Offering bribe to or receiving bribe by public officer; witnesses in prosecution ? : 2-12 yrs.

24 Bribery participant, etc.; in athletic contest; witness in prosecution ? : 6 mos. - 3 yrs.

25 Acceptance of bribe by athlete M : 3 yrs.

26 Embracery; acceptance of a bribe by juror ? : 18 mos. - 6 yrs.

27 Intimidating or corrupting jurors, etc.; obstructing justice ? : 3 yrs.

BURGLARY; BREAKING & ENTERING (inclusive)

29 Burglary generally; restitution F : 20 yrs.

30 Breaking dwelling with intent to steal or commit felony
 • if nighttime F : 20 yrs.
 • if daytime F : 10 yrs.

31A Breaking & entering dwelling house of another M : 3 yrs.

B Breaking & entering store house, etc., of another M : 6 mos.

32 Breaking boathouse, etc.; or into boat with intent to commit felony F : 10 yrs.

33 Breaking into shop, etc.; and stealing; restitution F : 10 yrs.
 A Breaking into building or boat with intent to steal M : 18 mos.

34 Burglary with explosives See below

35 Penalty for violation of §34 F : 40 yrs.

CHILD ABUSE

35A Causing child abuse F : 15 yrs.

CARRYING OR WEARING WEAPON

36 Carrying or wearing concealed weapon; carrying openly with intent to injure; carrying by person under 18 at night in certain counties M : 3 yrs.

CARRYING DEADLY WEAPONS ON PUBLIC SCHOOL PROPERTY

36A Carrying or possessing deadly weapon upon school property M : 3 yrs.

HANDGUNS

36B Wearing, carrying or transporting handgun; unlawful use in commission of crime
 • wear, carry, transport M : 30 days - 3 yrs.
 • concealed or unlawful use M : 1-10 yrs.
 • 2nd conviction M : 3-10 yrs.
 • if purpose to injure or kill M : 5-10 yrs.
 • use in crime of violence M : 5-20 yrs.

36E Permits M : 1 yr.

36G Restrictions on possession of firearms at demonstrations in public places M : 1 yr.

CONSPIRACY

38 Punishment for conspiracy Not to exceed maximum for offense

CLOVE CIGARETTES--SALES PROHIBITED**CONTRACEPTIVES--SALE BY VENDING MACHINES****COUNTERFEITING & FORGERY**

44 Private instruments generally F : 10 yrs.

45 Public documents generally F : 2-10 yrs.
 A False entry in public record; altering, defacing, removing, or concealing public record M : 3 yrs.

46 Public seals ? : 2-10 yrs.

47 Stamp of Comptroller ? : 2-10 yrs.

48 Orders, etc. for money or goods F : 2-10 yrs.

49 Manifest of tobacco inspector ? : 18 mos. - 7 yrs.

50 Exporting tobacco with forged mark, etc.; tampering with hogshead ? : 18 mos. - 7 yrs.

51 Defacing tobacco inspector's brand; false branding ? : 6 mos. - 2 yrs.

52 Breaking hogshead of tobacco with intent to evade inspection laws F : 2-4 yrs.

53 Certificate of State stock ? : 2-10 yrs.

54 Metallic checks, etc., used by food canners F : 1-5 yrs.

55 Physicians' prescriptions, orders, etc. M : 2 yrs.

56 Tickets, coupons, tokens M : 1 yr.

CRUELTY TO ANIMALS

59 Cruelty to animals a misdemeanor M: 90 days/3 yrs.
 61 Injuring, etc. of race horse, etc. F: 1-3 yrs.

DEBT ADJUSTING

DEFAULTERS

80 Defalcation by officer collecting revenues due state or county ?: 1-5 yrs.

DESECRATION OF THE NATIONAL OR STATE FLAG

83 Mutilation, defacing, etc. See below
 85 Penalty ?: 1 yr.

DESTROYING, INJURING, ETC., PROPERTY MALICIOUSLY

111 Destroying property of another
 ● value < \$300 M: 60 days
 ● value ≥ \$300 M: 3 yrs.
 A Opening gate to another's pasture M: 1 yr.
 B Throw missile into occupied vehicle

112 Break or enter railroad car with intent to destroy car or chattels ?: 1-5 yrs.

113 Injuring or destroying railroad locomotive, car, etc. ?: 1-10 yrs.

114 Break or enter railroad car or freight secured to railroad car with intent to steal ?: 1-10 yrs.

115 Breaking into railroad or entering by force ?: penitentiary 2-10 yrs./house of corrections 3 yrs./jail 1 yr.

119 Dynamiting, etc. property F: life or 20 yrs.

GROCERY CARTS

FOOD PACKAGES OR CONTAINERS

EXITS OF BUILDINGS

DISTURBANCE OF THE PUBLIC PEACE

CONTRABAND, ETC. IN PRISONS

122A* Delivery or receipt of alcoholic beverages, controlled dangerous substance or contraband to escape
 ● delivery F: 10 yrs.
 ● receipt M: 3 yrs.

DRUNKENNESS AND DISORDERLY CONDUCT

INTERFERENCE IN ATHLETIC EVENTS

ELECTRONIC DEVICES

EMBEZZLING PROPERTY AND WRITINGS

126 Wills, patents, deeds, records ?: 3-7 yrs.

127 Destroying or secreting will ?: 18 mos. - 15 yrs.

132 Fraudulent misappropriation by fiduciaries ?: 1-5 yrs.

135 Wrongful disposal of cargo of vessel, refusal to pay over consideration for sale of cargo M: 6-12 mos.

EMPLOYMENT BENEFITS

138A Time within payment of employee benefits and deduction of union dues made union dues made M: 1 yr.

ESCAPES FROM CONFINEMENT

139 Escaping from penitentiary, jail, reformatory, etc., or from Drug Abuse Administration; expenses incurred in return, aiding escape
 ● if juvenile F: 10 yrs.
 F: 3 yrs.

EXPLOSIVES

139A Molotov cocktail M: 5 yrs.
 B Destructive explosive devices F: 20 yrs.

BAD CHECKS

141* Obtaining property or services by bad check - acts constituting See below

143* Penalties
 ● < \$300 M: 18 mos.
 ● ≥ \$300 F: 15 yrs.

CREDIT CARD OFFENSES

145* Credit card offenses
 ● < \$300 M: 18 mos.
 ● ≥ \$300 F: 15 yrs.

146 Unauthorized access to computers prohibited M: 3 yrs.

FALSE STATEMENTS

151B False statement on state scholarship application M: 1 yr.
 C Representations of explosives M: 1 yr.

FEMALE SITTERS

152 Employment prohibited

153 Penalty ?: 2-12 mos.

| | | | |
|--|--|---|---|
| FIRE--FALSE ALARM | | 257 Carnivals in Baltimore City | ?: 1 yr. |
| 156 False alarms prohibited; false ambulance or rescue squad calls | M: 5 yrs. | 258 Carnivals in Carroll County A Carnivals in Fredrick County B Carnivals in Prince George's County | ?: 1 yr. ?: 1 yr. ?: 1 yr. |
| FORTUNE-TELLING | | SLOT MACHINES | |
| FRAUD (all subcategories grouped) | | 264B Defined; prohibited | M: 1 yr. |
| 159 Manufacture or sale of malt extract, beer not brewed as such | M: 1 yr. | GRAVEYARD DESECRATION | |
| 163 Failure or neglect to comply with terms of trust | ?: 1-10 yrs. | 265 Removing dead bodies without authority | M: 5-15 yrs. |
| 173 Conversion of partnership money | M: 10 yrs. | 267 Destroying tombs, trees in cemeteries | M: 2 yrs./3 yrs. |
| 174 Fraudulent misrepresentation by corporate officer or agent | M: 6 mos. - 3 yrs. | GUNNING | |
| 195 False advertising | M: 1 yr. | HARBORING | |
| 198 Advertisements of merchandise commodities or service as part of scheme not to sell as advertised | M: 1 yr. | 268F Harboring a fugitive G Harboring escaped prisoner | M: 1 yr. M: 1 yr. |
| 206 Abandoning or refusing to return (auto rental) | M: 1 yr. | HAZING | |
| 213 Mixing other flour with wheat flour | ?: 3-12 mos. | HEALTH (Some subcategories grouped) | |
| 214B Fraudulently obtaining representation by public defender | M: 1 yr. | HEALTH--CONTROLLED DANGEROUS SUBSTANCES (inclusive) | |
| 215 Repledge or rehypothecation of securities without consent | M: 5 yrs. | 286 Unlawful manufacture, distribution, counterfeiting, etc. (b) Mfg, distribute, have equipment (1) If Schedule I or II narcotic (2) Specified drugs (3) Other Schedule I-V | See below F: 20 yrs. F: 20 yrs. F: 5 yrs. |
| 229 Failure to deliver drafts for stored grain | M: 1-10 yrs. | 286A Bringing into state excess of certain amounts B Distribution of noncontrolled substances as controlled dangerous substance C Using minors for distribution of controlled dangerous substances | F: 25 yrs. F: 5 yrs. F: 10 yrs. |
| 230 Substituting for grain alcohol A Obtaining public assistance by fraud C* Medicaid fraud unlawful D* Penalties ● if value > \$500 ● if value < \$500 | M: 3-12 mos. M: 3 yrs. See below F: 5 yrs. M: 3 yrs. | 287 Unlawful possession or administering substance or paraphernalia by fraud, forgery, etc. ● if use/possess marijuana A Drug paraphernalia (c) Use or possession ● 2nd violation (d)(1) Delivery or sale ● 2nd violation (d)(2) Delivery to minor | M: 4 yrs. M: 1 yr. See below M: fine M: 2 yrs. M: fine M: 2 yrs. ?: 8 yrs. |
| 233C Counterfeit or altered parimutuel tickets | M: 1 yr. | | |
| GAMING | | | |
| 240 Betting, wagering, etc. | M: 6 mos. - 1 yr. | 288 Certain unlawful acts particularly applicable to registrants | M: 2 yrs. |
| 241 Keeping gaming table or place | M: 6 mos. - 1 yr. | 289 Distribution by registrants of certain substances without required order form | F: 10 yrs. |
| 242 Owner permits keeping tables | M: 6 mos. - 1 yr. | 290 Attempts, endeavors and conspiracies for offense | Maximum penalty |
| 245 Playing "thimbles," "little joker," "crap" | ?: 6 mos. - 2 yrs. | 293 Second or subsequent offenses | 2 x maximum penalty |
| 251B Gaming permits Worcester County | M: 1 yr. | | |
| 255 Carnivals or bazaars B Bingo/raffle Montgomery County | ?: 1 yr. M: 1 yr. | | |

| | | | |
|--|--------------------|--|----------------------------------|
| 300 Prescription drugs | M: 1-12 mos. | 349 Unauthorized use of livestock | M: 6 mos. - 4 yrs. |
| 301 Smelling or inhaling harmful substances | M: 6 mos. | LETTERS--WRONGFULLY OPENED | |
| A Same--minors | M: 18 mos. | LOTTERIES | |
| ● 2nd violation | M: 3 yrs. | | |
| WORKSHOPS AND FACTORIES | | | |
| 324 Registration of factories, stores, etc., employing five or more persons | ?: 10 days - 1 yr. | 358 Penalty | M: 3-12 mos. |
| 326 License required for use of tenement or dwelling for manufacturing, etc. | ?: 10 days - 1 yr. | 360 Keeping place for selling lottery tickets | ?: 1 yr. |
| 327 License required for manufacturing clothing, artificial flowers, cigars, etc. | ?: 10 days - 1 yr. | 361 Owner permits use of house | ?: 1 yr. |
| 328 Employers and manufacturers having work done outside to keep registers of employees | ?: 10 days - 1 yr. | 362 Possession of lottery tickets, records or money | ?: 1 yr. |
| 330 Use of tenement or dwelling for manufacturing clothing, artificial flowers, cigarettes, etc. | ?: 10 days - 1 yr. | 366 Second offense | ?: 5 yrs. |
| 331 Right of entry by Commissioner of Labor and Industry and assistants for purpose of inspections | ?: 10 days - 1 yr. | MACHINE GUNS | |
| 332 Deputies appointed by Commissioner; duties | ?: 10 days - 1 yr. | 373 Use of machine gun for crime | F: 20 yrs. |
| 333 Penalty | See above | 374 Use of machine gun for aggressive purposes | ?: 10 yrs. |
| INCEST | | | |
| 335 Carnal knowledge of another within degrees of consanguinity within which marriage prohibited | F: 1-10 yrs. | MAIMING | |
| INDECENT EXPOSURE | | | |
| 335A Indecent exposure | M: 3 yrs. | 384 Mayhem, tarring and feathering | ?: 18 mos. - 10 yrs. |
| INJURIES--REPORTS OF | | | |
| KEY REGULATIONS | | | |
| KIDNAPPING | | | |
| 337 Generally | F: 30 yrs. | 385 Malicious injury to tongue, nose, eye, lip, limb, etc. | F: 2-10 yrs. |
| 338 Children under 16 | F: 30 yrs. | 386 Unlawful shooting, stabbing, etc., with intent to maim, disfigure, etc. | F: 18 mos. - 10 yrs. |
| KNIVES--SWITCH BLADE | | | |
| 339 Sale unlawful; penalty | ?: 12 mos. | MANSLAUGHTER (inclusive) | |
| THEFT & LARCENY (subcategories grouped) (inclusive) | | | |
| 341* Acts constituting theft | See below | 387 Manslaughter generally | ?: prison 10-yrs. or jail 2 yrs. |
| 342* Theft | | 388 Manslaughter by auto, motorboat, etc. | M: 5 yrs. |
| ● ≥ \$300 | F: 15 yrs. | A Homicide by motor vehicle while intoxicated | M: 3 yrs. |
| ● < \$300 | M: 18 mos. | MANUFACTURED ARTICLES | |
| | | 389 Removing or defacing serial numbers | M: 1 yr. |
| | | MINORS--SALES TO MURDER (inclusive) | |
| | | 407 First degree murder - Generally | ?: death or life |
| | | 408 Same - Murder committed in perpetration or arson | ?: death or life |
| | | 409 Same - Murder committed in burning barn, tobacco house, etc. | ?: death or life |
| | | 410 Same - Murder committed in perpetration of rape, sodomy, mayhem, robbery, burglary, kidnapping, storehouse breaking, daytime house-breaking, or escape | ?: death or life |
| | | 411 Second degree murder | ?: 30 yrs. |
| | | 412 Punishment for murder | See above |

NUDITY AND SEXUAL DISPLAYS

OBSCENE MATTER

- 418 Sending or bringing into state for sale or distribution; publishing, etc., within state
B Obscene performances in Anne Arundel County See 424
- 419 Sale or display of certain items to persons under 18 See 424
 - A Child pornography F: 10 yrs.
- 420 Hiring, etc., minor under 18 to do or assist in doing acts described in § 419 See 424
- 421 Obscene advertising See 424
- 424 Penalty
 - first offense M: 1 yr.
 - subsequent offense ?: 3 yrs.

PANDERING

- 426 Pandering generally ?: 12 yrs.
- 427 Placing person for immoral purposes ?: 10 yrs.
- 428 Receiving money for procuring person for house of prostitution F: 10 yrs.
- 429 Placing spouse in house of prostitution F: 10 yrs.
- 430 Receiving earnings of a prostitute F: 10 yrs.
- 431 Detaining person in house of prostitution for debt F: 12 yrs.
- 432 Transporting person for prostitution F: 10 yrs.

PASSENGER BOATS

PERJURY

- 435 What shall be deemed perjury See below
- 438 Subornation of perjury See below
- 439 Penalty ?: 10 yrs.

PERSONATING OFFICERS

PISTOLS

- 442 Sale or transfer of pistols and revolvers ?: 2 yrs.
- 443 Pistol and revolver dealer's license ?: 2 yrs.
- 444 Obliterating, etc., identification mark or number ?: 3 yrs.
- 445 Restrictions on sale, transfer, and possession of pistols and revolvers ?: 3 yrs.

446 Sale, transfer, etc., of stolen pistol ?: 3 yrs.

448 Penalty See above

POISON

- 450 Attempting to poison person F: 2-10 yrs.
- 451 Poisoning or contaminating water, drink, food F: 20 yrs.

POSTERS

RAILROADS

- 453 Obstruct/break railroad to overthrow cars F: 10 yrs.
- 454 Same--death resulting from overthrow Punish as murder
- 457 Removal of bond-wires, nuts, bolts, etc. ?: 5 yrs.
- 458 Shooting or throwing at train or occupant M: 5 yrs.

SEXUAL OFFENSES (inclusive)

- 462 First degree rape F: life
- 463 Second degree rape F: 20 yrs.
- 464 First degree sexual offense F: life
 - A Second degree sexual offense F: 20 yrs.
 - B Third degree sexual offense F: 10 yrs.
 - C Fourth degree sexual offense M: 1 yr.

REAL ESTATE

RECORDED MATERIAL--UNAUTHORIZED COPIES

- 467A Transfer of recorded sound without consent of owner ?: 1 yr.
- 2nd offense ?: 3 yrs.

LITTER CONTROL LAW

JUNKYARDS

RELIGIOUS MEETINGS

RETURNABLE CONTAINERS

- 474 Unlawful use of registered containers, etc. M: 1 yr.

RIFLES AND SHOTGUNS

- 481C Short-barreled rifles and short-barreled shotguns M: 5 yrs.

RIVERS, HARBORS

ROBBERY (inclusive)

- 486 In general ?: 3-10 yrs.
 - A Bingo, notes, checks, wills ?: 3-10 yrs.
- 488 Robbery with deadly weapon ?: 20 yrs.

ROGUES AND VAGABONDS

490 Persons deemed rogues
& vagabonds

M: 3 yrs.

SABBATH BREAKING

SABOTAGE PREVENTION

536 Intentional injury
to or interference
with property

F: 10 yrs./
1 yr.

537 Intentionally defective
workmanship

F: 10 yrs.

538 Attempts

F: 1/2
maximum
penalty

539 Conspirators

F: same
penalty

SIT DOWN STRIKES

SODOMY

553 Sodomy generally

?: 10 yrs.

554 Unnatural or perverted
sexual practices

?: 10 yrs.

TELEPHONE MISUSE

555A Unlawful use of telephone

M: 3 yrs.

557B Publishing number
or code of telephone credit card

?: 12 mos.

THIEVES AND PICKPOCKETS

558 In Baltimore City

?: 5 yrs.

559 On railroads

?: 5 yrs.

560 In counties of state

?: 5 yrs.

THREATS AND THREATENING LETTERS

561 Sending, delivering,
threatening letters

F: 2-10 yrs.

562 Threatening verbally
B* Extortion generally

F: 2-10 yrs.

● ≥ \$300

F: 10 yrs.

● < \$300

M: 18 mos.

C* Extortion by staff or
local officer or employee

● ≥ \$300

F: 10 yrs.

● < \$300

M: 6 mos.

D Extortion by state/local
officer or employee against
another employee

F: 5 yrs.

563 Extorting by false accusation

M: 2 yrs.

TOURIST INFORMATION

TRANSPORTATION FOR IMMORAL PURPOSES

574 Transportation by public
conveyances

575 Penalty

?: 1 yr.

TRESPASS

PICKETING OF DWELLING PLACES

VESSELS

MASS. GEN. LAWS ANN. ch.x, §x (West 1959 & Supp. 1986).

Criminal Classification Information

Ch. 274, §1 Felonies and misdemeanors.

A crime punishable by death or imprisonment in the state prison is a felony. All other crimes are misdemeanors.

Ch. 279, §5 Sentence if no Punishment Is Provided by Statute; Service of Sentence in Certain Cases.

If no punishment for a crime is provided by statute, the court shall impose such sentence, according to the nature of the crime, as conforms to the common usage and practice in the commonwealth. If a person is convicted of a misdemeanor punishable by imprisonment, he may, unless otherwise expressly provided, be sentenced to imprisonment either in the jail or in the house of correction.

INCHOATE OFFENSES

Ch. 274, §6 Attempt to Commit Crime.

Whoever attempts to commit a crime by doing any act toward its commission, but fails in its perpetration, or is intercepted or prevented in its perpetration, shall, except as otherwise provided, be punished as follows:

First, by imprisonment in the state prison for not more than ten years, if he attempts to commit a crime punishable with death.

Second, by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than two and one-half years, if he attempts to commit a crime, except any larceny under section thirty of chapter two hundred and sixty-six, punishable by imprisonment in the state prison for life or for five years or more.

Third, by imprisonment in a jail or house of correction for not more than one year or by a fine of not more than three hundred dollars, if he attempts to commit a crime, except any larceny under said section thirty, punishable by imprisonment in the state prison for less than five years or by imprisonment in a jail or house of correction or by a fine.

Fourth, by imprisonment in a jail or house of correction for not more than two and one half years or by a fine, or by both such fine and imprisonment, if he attempts to commit any larceny punishable under said section thirty.

Ch.274, §7 Punishment for Commission of Crime of Conspiracy.

Any person who commits the crime of conspiracy shall be punished as follows:

First, if the purpose of the conspiracy or any of the means for achieving the purpose of the conspiracy is a felony punishable by death or imprisonment for life, by a fine of not more than ten thousand dollars or by imprisonment in the state prison for not more than twenty years or in jail for not more than two and one half years, or by both such fine and imprisonment.

Second, if clause first does not apply and the purpose of the conspiracy or any of the means for achieving the purpose of the conspiracy is a felony punishable by imprisonment in the state prison for a maximum period exceeding ten years, by a fine of not more than ten thousand dollars or by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by both such fine and imprisonment.

Third, if clauses first and second do not apply and the purpose of the conspiracy or any of the means for achieving the purpose of the conspiracy is a felony punishable by imprisonment in the state prison for not more than ten years, by a fine of not more than five thousand dollars or by imprisonment in the state prison for not more than five years or in jail for not more than two and one half years, or by both such fine and imprisonment.

Fourth, if clauses first through third do not apply and the purpose of the conspiracy or any of the means for achieving the purpose of the conspiracy is a crime, [punishable] by a fine of not more than two thousand dollars or by imprisonment in jail for not more than two and one half years, or both.

If a person is convicted of a crime of conspiracy for which crime the penalty is expressly set forth in any other section of the General laws, the provisions of this section shall not apply to said crime and the penalty therefor shall be imposed pursuant to the provisions of such other section.

MASSACHUSETTS CRIMINAL STATUTES

MASS. GEN. LAWS ANN. ch. x, §x (West 1959 & Supp. 1986).

KEY

- SP = State penitentiary
- J = Jail
- HC = House of corrections
- ? = Place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

NOTE: According to the Office of the District Attorney, Boston, any sentence to be served in prison or in excess of 2 1/2 years constitutes a felony. In practical terms, however, as prison terms are never less than 2 1/2 years in length, any term in excess of 2 1/2 years, regardless of locale, should be considered a felony. Maximum terms are recorded, except where range or minimum (MIN.) is given.

Statute No. and Title Class/Time

RIGHTS OF PERSONS ACCUSED OF CRIME

CRIMES AGAINST GOVERNMENTS

| | | |
|--------|--|-----------------------------|
| 264§1 | Treason defined | |
| 264§2 | Penalty for treason | SP: life |
| 264§3* | Misprision of treason; penalty | SP: 5 yrs. or J: 2 yrs. |
| 264§11 | Promotion of Anarchy; prohibition | SP: 3 yrs. or J: 2 1/2 yrs. |
| 264§19 | Subversive organization; knowingly becoming or remaining member; penalty | SP: 3 yrs. |
| 264§21 | Subversive organizations; destruction or concealment of books; penalty | SP: 3 yrs. or J: 2 1/2 yrs. |
| 264§23 | Subversive organizations; contribution; penalty | SP: 3 yrs. or J: 2 1/2 yrs. |

CRIMES AGAINST THE PERSON (inclusive)

| | | |
|--------|---|---|
| 265§1 | Murder defined | |
| 265§2 | Punishment for murder; parole; executive clemency | SP: life |
| 265§3 | Duel; wound without and death within state; venue | SP: life |
| 265§4 | Accessory in duel • If dies | Accessory before fact to murder---a principal |
| 265§9 | Prize fighting; engaging | SP: 10 yrs. |
| 265§10 | Prize fight; aiding or promoting; penalty | SP: 5 yrs. or J: 2 1/2 yrs. |

| | | |
|--------|---|--|
| 265§11 | Prize fight; appointment within and fight without state; penalty | SP: 5 yrs. |
| 265§12 | Boxing matches; penalty | HC: 3 mos. |
| 265§13 | Manslaughter; punishment | J or HC: 2 1/2 yrs. or SP: 20 yrs./life/any term of yrs. HC: 2 1/2 yrs. |
| | A Assault or assault and battery; punishment | |
| | B Indecent assault and battery on child under fourteen; penalties; any term of yrs. or subsequent offenses; eligibility for parole etc. | SP: 10 yrs./life/ |
| | C Assault and battery in order to collect loan; penalty | J or HC: 2 1/2 yrs. SP: 3-5 yrs./5-10 yrs. or J or HC: 2 1/2 yrs. HC: 90 days-2 1/2 yrs. SP: 5-10 yrs./10 yrs. MIN. |
| | D Assault and battery upon certain public servants | |
| | F Indecent assault and battery on mentally retarded person | |
| | G Commission of a felony for hire; additional punishment | SP: 5 yrs. |
| | H Indecent assault and battery on child of fourteen; penalties | SP: 5 yrs. or J or HC: 2 1/2 yrs. HC: 90 days-2 1/2 yrs. |
| | I Assault on emergency medical technician, ambulance operator, or ambulance attendant | |
| 265§14 | Mayhem; punishment | SP: 20 yrs. or J: 2 1/2 yrs. |
| 265§15 | Assault; intent to murder or maim; penalty | SP: 10 yrs. or J: 2 1/2 yrs. SP: 10 yrs./2-10 yrs. or J: 2 1/2 yrs./2-2 1/2 yrs. |
| | A Assault and battery with dangerous weapon; punishment; victim sixty-five or older; minimum sentence for repeat offenders | |
| | B Assault with dangerous weapon punishment; victim sixty-five or older; minimum sentence for repeat offenders | SP: 5 yrs./2-5 yrs. or J: 2 1/2 yrs./2-2 1/2 yrs. |
| 265§16 | Attempt to murder | SP: 20 yrs. or J: 2 1/2 yrs. |
| 265§17 | Armed robbery; punishment | SP: life/any term of yrs./5-life/10-life |
| 265§18 | Assault with intent to rob or murder; dangerous weapon; punishment; victim sixty-five or older; minimum sentence for repeat offenders | SP: 20 yrs./2-20 yrs. |
| | A Dangerous weapon; assault in dwelling house; punishment any term of yrs. | SP: life/5-life 10-life |
| | B Use of firearms while committing a felony; second or subsequent offenses; punishment | HC: yr. MIN. or SP: 2 1/2-5 yrs. SP: 5 yrs. |

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| 265 §19 Robbery by unarmed person; punishment; victim sixty-five or older; minimum sentence for repeat offenders | SP: life/ 2-life/ any term of yrs. | CRIMES AGAINST PROPERTY (inclusive) | |
| 265 §20 Simple assault; intent to rob or steal; punishment | SP: 10 yrs. | 266 §1 Dwelling houses; burning or aiding in burning | SP: 20 yrs. or J or HC: 2½ yrs. |
| 265 §21 Stealing by confining or putting in fear | SP: life/any term of years | 266 §2 Meeting house; burning or aiding in burning | SP: 10 yrs. or J or HC: 2½ yrs. |
| 265 §22 Rape, generally; penalties; eligibility for parole, etc. A Rape of child; use of force | SP: life/ 20 yrs./any term of years SP: life/any term of years | 266 §5 Wood and other property; burning or aiding in burning A Attempts | SP: 3 yrs. or J or HC: 1 yr. SP: 10 yrs. or J or HC: 2½ yrs. |
| 265 §23 Rape and abuse of child | SP: life/ any term of yrs./5-life or J or HC: life | 266 §7 Woods; wanton or reckless injury or destruction by fire | HC: 2 yrs. |
| 265 §24 Assault with intent commit rape; penalties; eligibility for parole, etc. B Assault of child; intent to commit rape; punishment | SP: 20 yrs./ any term of yrs./life or J or HC: 2½ yrs. SP: life/5- life/any term of years | 266 §8 Injury by fire; negligent use 266 §9 Injury by fire; negligent use in town; damages | HC: 2 yrs. J: 1 mo. |
| 265 §25 Attempted extortion; punishment | SP: 15 yrs. or HC: 2½ yrs. | 266 §10 Insured property; burning with intent to defraud | SP: 5 yrs. or J or HC: 2½ yrs. |
| 265 §26 Kidnapping; punishment | SP: 10 yrs. or J: 2 yrs. | 266 §11 Fire alarm, engine or apparatus; injury before fire | HC: 2 yrs. |
| 265 §26A Kidnapping of minor or incompetent by relative; punishment | SP: 5 yrs. or HC: 1 yr. | 266 §12 Fire alarm, engine or apparatus; injury during fire to prevent alarm or extinction of fire | SP: 7 yrs. or J: 2½ yrs. |
| 265 §28 Poison; use with intent to injure; punishment | SP: life/any term of yrs. | 266 §13 Fire engines; wanton or malicious injury A Duty of hotel manager, etc. to notify fire department and sound alarm; penalty | HC: 2 yrs. J or HC: 2½ yrs. |
| 265 §29 Assault; intent to commit felony; punishment | SP: 10 yrs. or J: 2½ yrs. | 266 §14 Burglary; armed; assault on occupants | SP: 10 yrs.- life |
| 265 §30 Gross negligence; persons having care of common carrier; penalty | J: 2½ yrs. | 266 §15 Burglary; unarmed | SP: 20 yrs./ 5-20 yrs. |
| 265 §32 Glass; throwing in public streets and beaches; penalty | HC: 1 mo. | 266 §16 Breaking and entering at night A Building, vessel, or vehicle; breaking and entering with intent to commit misdemeanor | SP: 20 yrs. or J or HC: 2½ yrs. HC: 6 mos. |
| 265 §34 Tattooing body of person by other than qualified physician; punishment | HC: 1 yr. | 266 §17 Entering without breaking at night; breaking and entering in day time | SP: 10 yrs. |
| 265 §35 Throwing or dropping objects onto public way; punishment | HC: 1 yr. | 266 §18 Dwelling house; entry at night; breaking and entering in day time | SP: 10 yrs. or J: 2 yrs. |
| 265 §36 Throwing or dropping objects at sporting events; punishment | HC: 1 yr. | 266 §19 Railroad car; breaking and entering | SP: 10 yrs. or HC: 2 yrs. |
| 265 §37* Violation of constitutional rights; punishment | SP: 10 yrs. or HC: 1 yr. | 266 §20 Stealing in building, ship, or railroad car A Breaking and entering of trucks, tractor trailers or freight containers B Stealing in trucks, tractors, trailers, or freight containers | SP: 5 yrs. or J: 2 yrs. SP: 10 yrs. or HC: 2 yrs. SP: 5 yrs. or J: 2 yrs. |
| 265 §38 Abuse of patients in long-term care facilities | J or HC: 2 yrs. | | |
| 265 §39 Assault or battery for purpose of intimidation; punishment | HC: 2½ yrs. | | |

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| 266§21 Stolen property; refusal to surrender | SP: 5 yrs. or J or HC: 2 yrs. | 266§33* Larceny; false pretenses relating to contracts, banking transactions or credit ● if firearm or value exceeds \$100 | SP: 5 yrs. or J: 2 yrs. |
| 266§22 Poultry thieves; detention by owner; penalty | SP: 3 yrs. or HC: 2 yrs. | ● if not firearm, value less than \$100 ● if stolen from common carrier/courier 18 mos. - | J: 1 yr. HC: 6 mos.- 2½yrs./HC: |
| 266§23* Embezzlement of property at fire; effect ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier | SP: 5 yrs. or J: 2 yrs. J: 1 yr. | ● steal trade secret, regardless of value | HC: 2½yrs. SP: 5 yrs. or J: 2 yrs. |
| ● steal trade secret, regardless of value | HC: 6 mos.- 2½yrs./ HC: 18 mos.- 2½yrs. | 266§34* False pretenses constitute larceny ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier | SP: 5 yrs. or J: 2 yrs. J: 1 yr. |
| 266§24 Stealing at a fire; punishment | SP: 5 yrs. or J: 2 yrs. | ● steal trade secret, regardless of value | HC: 6 mos.- HC: 18 mos.- 2½yrs. SP: 5 yrs. or J: 2 yrs. |
| 266§25* Larceny by stealing; punishment; victim sixty-five or older; minimum sentence for repeat offenders ● steal from person of another | SP: 5 yrs. or J: 2½yrs./ 2 yr. MIN. | 266§37* Drawing and uttering fraudulent checks, drafts and orders ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier | SP: 5 yrs. or J: 2 yrs. J: 1 yr. |
| 266§27 Tools of contractors, builders or mechanics; stealing; penalty A Motor vehicle or trailer; removal or concealment to defraud insurer; penalty | SP: 5 yrs. or J or HC: 1 yr. MIN. | ● steal trade secret, regardless of value B Credit card offenses: fraud and misrepresentation; larceny; unlawful sales and purchases C Credit card offenses: controlling as security for debt; forgery; failure to give value represented as given, etc. D Publishing information on how to fraudulently avoid payment for telecommunication services | HC: 6 mos.- 2½yrs./ HC: 18 mos.- 2½yrs. SP: 5 yrs. or J: 2 yrs. J or HC: 1 yr. |
| 266§28 Motor vehicle or trailer; theft or concealment; operation without owner's consent after revocation of license; penalties; revocation and reinstatement of licenses | SP: 10 yrs. or J or HC: 2½ yrs./ 1 yr. MIN./ 10 yrs. | 266§38* Wrongful detention of money by carriers and their employees ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier | SP: 5 yrs. or J: 2 yrs. J: 1 yr. |
| 266§30* Larceny; general provisions and penalties ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier | SP: 5 yrs. or J: 2 yrs. J: 1 yr. | ● steal trade secret, regardless of value A Shoplifting; penalty; arrest without warrant ● third offense | SP: 5 yrs. or J or HC: 2½yrs. HC: 12 mos. |
| 266§31 Signature; obtaining under false pretenses | HC: 6 mos.- 2½yrs./ HC: 18 mos.- 2½yrs. SP: 5 yrs. or J: 2 yrs. Fine J: 2 yrs. | 266§32* Fraudulent conversion of property by captain of vessel ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier | HC: 6 mos.- 2½yrs./ HC: 18 mos.- 2½yrs. SP: 5 yrs. or J: 2 yrs. J: 1 yr. |
| 266§32* Fraudulent conversion of property by captain of vessel ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier | SP: 10 yrs. or J: 2 yrs. | ● steal trade secret, regardless of value A Misuse of construction loans | SP: 5 yrs. or J: 2 yrs. J: 1 yr. |
| ● steal trade secret, - regardless of value | HC: 6 mos.- 2½yrs./ 18 mos.- HC: 2½yrs. J: 2 yrs. | 266§39 Larceny and destruction of wills | SP: 5 yrs. or HC: 2 yrs. |
| | | 266§40 Common and notorious thief | SP: 20 yrs. or J: 2½yrs. |
| | | 266§41 Second conviction of larceny of a bicycle | SP: 5 yrs. or J: 2 yrs. |

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| 266§42 Larceny of paper designed for bank bills, etc. | SP: life/any term of yrs. | 266§64 Fraudulent hiring of horses, carriages, autos, etc. | HC: 2 mos. |
| 266§43 Printer retaining such paper, etc. | SP: life/any term of yrs. | 266§65 Unauthorized issue of stock | SP: 10 yrs. or HC: 1 yr. |
| 266§47 Penalty for stealing, wrongfully removing collar from or poisoning a dog | HC: 1 yr./ HC: 6 mos. | 266§66 Fraudulent issue of stock | SP: 10 yrs. or HC: 1 yr. |
| 266§49 Making, holding, using burglarious instrument or motor vehicle master keys | SP: 10 yrs. or J: 2 1/2 yrs. | 266§67 False entry in book of corporation A False representations made to municipality B False, fictitious or fraudulent claims made to commonwealth or municipality C False entry on accounting statements or financial statements with respect to public projects | SP: 10 yrs. or HC: 1 yr. SP: 5 yrs. or HC: 2 1/2 yrs. SP: 5 yrs. or HC: 2 1/2 yrs. |
| 266§50 Fraud or embezzlement by employee in treasury | SP: life/any term of yrs. | 266§69 Unlawful use of registered insignia A Fraudulent display of seal | SP: 5 yrs. or HC: 2 yrs. HC: 1 mo. Fine |
| 266§51 Fraud or embezzlement by city, town or county officer | SP: 10 yrs. or J: 2 yrs. | 266§70 Unlawful use of insignia | HC: 1 mo. |
| 266§52 Fraud or embezzlement by bank officer, employee A Certain crimes related to banks and banking | SP: 15 yrs. or J: 2 1/2 yrs. SP: 10 yrs. or J or HC: 2 1/2 yrs. | 266§71 Signature, money or membership, obtaining under false pretense A Individuals and corporations, false use of names of benevolent organizations | HC: 1 mo. HC: 1 yr. |
| 266§54 Penalty for receiving deposits by insolvent banks | HC: 2 1/2 yrs. | 266§72 Fraternal names, use in publication | HC: 1 yr. |
| 266§55 Liquidating agent or receiver; embezzlement | SP: 10 yrs. or J or HC: 2 1/2 yrs. | 266§73 Obtaining goods under false pretense of carrying on business | HC: 1 yr. SP: 5 yrs. or J: 2 yrs. |
| 266§56 Brokers or agents; embezzlement | SP: 5 yrs. or J: 2 1/2 yrs. | 266§74 Fraudulent use of credit of corporation | SP: 10 yrs. |
| 266§57 Fiduciaries; embezzlement | SP: 10 yrs. or J: 2 yrs. | 266§75* Obtaining property by trick ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier ● steal trade secret, regardless of value | SP: 5 yrs. or J: 2 yrs. J: 1 yr. HC: 6 mos.- HC: 18 mos.- 2 1/2 yrs. SP: 5 yrs. or J: 2 yrs. |
| 266§58* Embezzlement from voluntary association ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier ● steal trade secret, regardless of value | SP: 5 yrs. or J: 2 yrs. J: 1 yr. | 266§76 Gross fraud at common law | SP: 5 yrs. or J: 2 yrs. |
| 266§59 Embezzlement from voluntary association ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier ● steal trade secret, regardless of value | HC: 6 mos.- 2 1/2 yrs./ HC: 18 mos.- 2 1/2 yrs. SP: 5 yrs. or J: 2 yrs. | 266§77 Sale of certain articles as sterling and coin silver | SP: 5 yrs. or J: 2 yrs. HC: 30 days HC: 1 yr. Fine |
| 266§60 Buying or receiving stolen goods A Buying, receiving, stolen trade secrets | SP: 5 yrs. or J or HC: 2 1/2 yrs. ?: 5 yrs. or J: 2 yrs. | 266§78 False marking of articles made of gold, etc. | Fine |
| 266§62 Common receiver of stolen goods | SP: 10 yrs. | 266§79 False representation of imitations of fur | Fine |
| 266§63 Unlawful taking of boats, certain vehicles and animals | HC: 6 mos. | | |

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| 266§80 Encumbered land; conveyance without notice | HC: 1 yr. | 266§102 Willful throwing or placing explosives at or near persons or property; unlawful possession | SP: 20 yrs. or HC: 2 ¹ / ₂ yrs. |
| 266§81 Selling attached land without notice | SP: 3 yrs. or J: 1 yr. | A Possession of infernal machine | SP: 10 yrs. or J: 2 ¹ / ₂ yrs. |
| 266§82 Concealment of mortgaged personalty; use of rental personalty as container for illegal sale of liquor | HC: 1 yr. | B Possession of molotov cocktail | SP: 5 yrs. or HC: 2 ¹ / ₂ yrs. |
| 266§83 Personalty; sale by mortgagor without consent | HC: 1 yr. | 266§103 Throwing oil of vitriol, coal tar | SP: 5 yrs. or J: 2 ¹ / ₂ yrs. |
| 266§84 Sale by hires of personalty without consent | HC: 1 yr. | 266§104 Injury to building | ? : 2 mos. Fine |
| 266§85 Sale of collateral security before debt due | J: 2 yrs. | A Removal or injury to goal posts | |
| 266§86 Buying hired property | HC: 1 yr. | 266§105 Pulling down stone walls or fences | Fine |
| 266§87 Larceny of leased or rental property | HC: 1 yr. | 266§106 Injury to ice taken as merchandise | Fine |
| 266§88 Consignee fraudulently depositing or pledging | SP: 5 yrs. | 266§107 Injury to bridge | SP: 5 yrs. or J: 2 yrs. |
| 266§89 Falsely pretending to hold a degree, etc. | HC: 1 yr. | 266§108 Destroying vessel to defraud owner or insurer | SP: 10 yrs. or J: 2 ¹ / ₂ yrs. |
| 266§90 Falsely claiming endorsement | HC: 1 yr. | 266§109 Fitting out vessel with intent to destroy it | SP: 20 yrs. or J: 2 ¹ / ₂ yrs. |
| 266§91 Untrue and misleading advertisements prohibited | Fine | 266§110 False invoice of cargo to defraud insurer | SP: 10 yrs. or J: 2 yrs. |
| A Advertising relative to sale of merchandise, commodities, etc. | HC: 1 yr. | 266§111 False protest | SP: 10 yrs. or J: 2 yrs. |
| 266§92 Publishing of false or exaggerated statements | SP: 10 yrs. | A Fraudulent claims under policies of insurance | SP: 5 yrs. or J: 6 mos.-2 ¹ / ₂ yrs. |
| A Sale of motor vehicles which have been submerged in water, etc. | Fine | B Fraudulent motor vehicle insurance claims | HC: 6 mos.-2 ¹ / ₂ yrs. |
| 266§93 Obtaining or giving false pedigree of animals | HC: 2 yrs. | 266§112 Malicious killing of cattle | SP: 5 yrs. or J: 1 yr. |
| 266§94 Malicious destruction of boundary monument, milestone | HC: 6 mos. | 266§113 Cutting timber, wood, shrubs on land of another | HC: 5 days-6 mos./6 mos. |
| 266§95 Malicious destruction of historical monument | HC: 2 yrs. | 266§114 Malicious injury to trees, fences | HC: 6 mos. |
| 266§96 Defacing building of the Commonwealth | HC: 2 yrs. | 266§115 Trespass in orchard, garden | HC: 6 mos. |
| 266§97 Defacing building of county | HC: 2 yrs. | 266§116A Protection of, wild azaleas wild orchids and cardinal flowers | Fine |
| 266§98 Wilful injury to schoolhouse, church or furniture | HC: 2 yrs. | 266§117 Entering orchard with intent | HC: 6 mos./5 days-6 mos. |
| A Wilful destruction of playground apparatus | Fine | 266§118 Suffering animals to trespass on land | Fine |
| 266§99 Defacement of books of libraries | HC: 6 mos. | 266§119 Transportation of insect pests | HC: 2 mos. |
| 266§100 Detention of books of libraries | Fine | 266§120 Trespass on buildings, boats improved or enclosed land, etc. | HC: 30 days |
| 266§101 Injury to building | HC: 2 mos. | A Motor vehicle; parking on private way; prosecution; evidence | "no penalty" |
| | | B Entry on abutting land for maintenance of building | "no penalty" |

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| D Removal of motor vehicle from private way or from improved or enclosed property | Fine | 266§142 Purchasers of scrap copper wire | Fine |
| | | A Records of purchase or sale of gold, silver, platinum | HC: 1 yr. |
| 266§121 Entry on land with firearms | HC: 2 mos. | 266§143 Unauthorized reproduction, transfer, sale of sound recording | HC: 1 yr. |
| A Trespass by motor vehicle or other powered devices | Fine | | |
| 266§122 Defacement of notice against trespassers | Fine | 266§144 Conversion of milk containers | Fine |
| 266§123 Trespassing upon land of certain institutions | HC: 3 mos. | FORGERY AND CRIMES AGAINST THE CURRENCY | |
| 266§124 Malicious injury to legal notice | Fine | 267§1 False or forged records, certificates, etc. | SP: 10yrs. or J: 2 yrs. |
| 266§125 Malicious injury to show bill | Fine | 267§2 Railroad or admission tickets, passes or badges | SP: 3 yrs. or J: 2 yrs. |
| 266§126 Defacing natural scenery property | Fine | 267§3 Seal of land court; stamping documents without authority | SP: 10 yrs. or J: 2 yrs. |
| 266§127* Personalty; malicious or wanton injuries | SP: 10 yrs. or J: 2 1/2 yrs. | 267§4 Forging or using w/o authority railroad company stamp | SP: 3 yrs. or J: 2 yrs. |
| • if willful and malicious | SP: 10 yrs or J: 2 1/2 yrs. | 267§5 Uttering false or forged records, deeds, or other | SP: 10 yrs. or J: 2 yrs. |
| • if wanton | J: 2 1/2 yrs. | 267§6 Uttering a forged railroad or admission ticket, pass, etc. | SP: 3 yrs. or J: 2 yrs. |
| • if < \$100 | J: 2 1/2 mos. | 267§7 False or forged note, certificate, or other bill of credit issued for debt of Commonwealth | SP: life or any term of yrs. |
| A Churches, synagogues, buildings used for purpose of burial, etc. destruction, defacement, etc. | HC: 2 1/2 yrs. or SP: 5 yrs. | 267§8 False, forged or counterfeited bank bill, note, traveller's check | SP: life or any term of yrs. |
| 266§128 Defacing milk cans | Fine | 267§9 Possession of 10 more false, forged or counterfeited notes or bills | SP: life or any term of yrs. |
| 266§129 Injury to property at correctional institutions | SP: 3 yrs. | 267§10 Uttering or passing false, forged or counterfeit note, etc. | SP: 5 yrs. or J: 1 yr. |
| 266§130 Injury to property at other penal institutions | HC: 6 mos.-2 1/2 yrs. | 267§11 Common utterers of counterfeit bills | SP: 10 yrs. |
| 266§132 Killing or frightening pigeons | HC: 1 mo. | 267§12 Possession of false, forged or counterfeit bills, etc. | SP: 5 yrs. or J: 1 yr. |
| 266§133 Injury to property of humane society | HC: 6 mos. | 267§13 Tools or material for making false, forged etc. | SP: 10 yrs. or J: 2 yrs. |
| 266§135 Mooring vessel to a buoy | HC: 3 mos. | 267§17 Counterfeiting coin | SP: life or any term of yrs. |
| 266§137 Raising water to injure mill | HC: 6 mos. | 267§18 Possession of less than 10 pieces of counterfeit coin | SP: 10 yrs. or J: 2 yrs. |
| 266§138 Injury to dam, reservoir | SP: 5 yrs. or J: 2 yrs. | 267§19 Common utterers of counterfeit coins | SP: 20 yrs. |
| A Damage to machinery, use in transmission of water for agricultural purposes | SP: 5 yrs. or J: 2 yrs. | 267§20 Tools for making counterfeit coins | SP: 10 yrs. or J: 2 yrs. |
| 266§139 Defacing ID numbers of motor vehicles | SP: 3 yrs. or HC: 2 yrs. | 267§26 Gathering or retaining bank bills or notes | HC: 2 yrs. |
| A Removing, altering machine numbers, etc. | J or HC: 1 yr. | | |
| 266§140 Sale of motor vehicle master keys for illegal use | HC: 1 yr. | | |
| 266§141A Turning back or resetting odometer with intent, etc. | J or HC: 30 days-2 yrs. | | |

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| 267§27 Possession of worthless bank bills or notes | SP: 5 yrs. or HC: 2 1/2 yrs. | CRIMES AGAINST PUBLIC PEACE | |
| 267§28 Uttering, passing or tendering worthless bank bills or notes | SP: 5 yrs. or HC: 2 1/2 yrs. | 269§2 Refusing or neglecting to depart or to assist in suppressing assembly or in arresting persons | HC: 1 yr. |
| CRIMES AGAINST PUBLIC JUSTICE | | 269§7 Injury to building or vessel by persons unlawfully ; assembled punishment; liability | SP: 5 yrs. or J: 2 yrs. |
| 268§1 Perjury | SP: 20 yrs. or J: 2 1/2 yrs. | 269§10 Carrying dangerous weapons; possession of machine gun or sawed-off shotgun; confiscation; return of firearm; colleges and universities; punishment | SP: 2 1/2 5 yrs./ 5-7 yrs./7- 10 yrs./10- 15 yrs. or J or HC: 1-2 1/2 yrs. 6 mos.- 2 1/2 yrs./ 2 1/2 yrs. SP: 5 yrs. or J or HC: 2 1/2 yrs. SP: 7 yrs. |
| 268§2 Subornation of perjury | SP: 20 yrs. or J: 2 1/2 yrs. | A Selling, giving or using silencers, confiscation and destruction | |
| 268§3 Attempt to procure another to commit perjury | SP: 5 yrs. or J: 1 yr. | C Use of tear gas, etc., in commission of crime; penalty | |
| 268§13 Corrupting masters, auditors, jurors, etc. B Intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings | SP: 5 yrs. or J: 1 yr. SP: 5 yrs. or J or HC: 2 1/2 yrs. | D Use or wearing of body armor in commission of crime | SP: 2 1/2-5 yrs. or J or HC: 1-2 1/2 yrs. |
| 268§14 Receipt of gift by juror, etc. | SP: 5 yrs. or J: 1 yr. | 269§11B Possession or control of firearm with serial or identification number removed or mutilated, while committing or attempting a felony; destruction | SP: 2 1/2-5 yrs. or J: or HC: 6 mos.- 2 1/2 yrs. |
| 268§15 Aiding escape from a correctional institution or jail | SP: 10 yrs./ 7 yrs. or J: 2 yrs. | 269§14 Explosives or other dangerous substance or continuance; false reports as to location; punishment | SP: 20 yrs. or J or HC: 2 1/2 yrs. |
| 268§16 Escape or attempt to escape or failure to return from temporary release or furlough | SP: 10 yrs. or J or HC: 2 1/2 yrs. | CRIMES AGAINST PUBLIC HEALTH | |
| 268§19 Suffering or consenting to an escape from a penal institution | SP: 20 yrs. | 270§1 Adulterating liquor; sale; forfeiture | SP: 3 yrs. |
| 268§28 Delivering drugs or articles to prisoners in correctional institutions or jails; possession | SP: 5 yrs. or J or HC: 2 yrs. | 270§4 Food, drink or drug containing wood alcohol | SP: 5 yrs. or J or HC: 2 1/2 yrs. |
| 268§31 Delivery or receipt of articles to or from inmates A Interference with fire fighting apparatus | SP: 3 yrs. or J: 2 1/2 yrs. SP: 5 yrs./ HC: 30 days - 2 1/2 yrs. | 270§8A Foods containing foreign injury causing substances; distribution or sale | SP: 5 yrs. |
| 268§36 Compounding or concealing felonies | SP: 5 yrs. or J: 1 yr./2 yrs. | CRIMES AGAINST PUBLIC POLICY | |
| 268§39 Perjury; statements alleging motor vehicle theft; penalty; subsequent offense | HC: 5 mos.-2 yrs./HC or SP: 1 yr.- 5 yrs. | 271§6A Plans under which purchasers agree to obtain more purchasers; injunction receivers B Skilo and similar games | SP: 3 yrs. or J or HC: 2 1/2 yrs. SP: 3 yrs. or J or HC: 2 1/2 yrs. |
| CONDUCT OF PUBLIC EMPLOYEES | | 271§7 Lotteries; disposal of property by chance | SP: 3 yrs. or J or HC: 2 1/2 yrs. |
| 268A§2 Corrupt gifts, offers or promises to influence official acts; corruption of witnesses | SP: 3 yrs. or J or HC: 2 1/2 yrs. | 271§12 Making, sale and possession, or receipt of money for, false lottery tickets, tokens or share in lottery | SP: 3 yrs. |
| FINANCIAL DISCLOSURE BY CERTAIN PUBLIC OFFICIALS AND EMPLOYEES | | 271§16A Organizing or promoting gambling facilities or services | SP: 15 yrs. |
| 268B§7 Penalties for violation of confidentiality and for perjury | HC: 1 yr. | | |

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| 271§17 Keeping of, presence in, or permitting a place for registering bets or dealing in pools; custodian or depository A Telephones; use for gaming purposes; penalty | SP: 3 yrs. or J or HC: 2½ yrs. HC: 1 yr. | 272§19 Procuring miscarriage | SP: 5- 20 yrs./7 yrs. |
| 271§31A Racing results or information; transmission for unlawful purposes; penalty | SP: 5 yrs. or J or HC: 2½ yrs. HC: 1 yr. | 272§20 Advertising relative to miscarriage or prevention of pregnancy | SP: 3 yrs. or J: 2½ yrs. |
| 271§36* Making contracts of bucketing; keeper of shop; dissolution of corporation; restraint from doing business • 2d offense | HC: 1 yr. ?: 5 yr. | 272§21 Instruments or other articles for self-abuse, prevention of conception or abortion, in general | SP: 5 yrs. or J or HC: 2½ yrs. |
| 271§39 Gifts to influence business affairs threats; penalty | SP: 5 yrs. or HC: 2 yrs. | 272§28 Matter harmful to minors, dissemination; possession; defenses | SP: 5 yrs. or J or HC: 2½ yrs. |
| 271§49 Criminal usury | SP: 10 yrs. or J or HC: 2½ yrs. | 272§29 Dissemination or possession of obscene matter; punishment; defense A Posing or exhibiting child in state of nudity or sexual conduct; punishment; defense B Dissemination of visual material of child in state of nudity or sexual conduct; punishment; defense, determination of child's age | SP: 5 yrs. or J or HC: 2½ yrs. SP: 10-20 yrs. SP: 10-20 yrs. |
| CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER | | | |
| 272§2 Enticing away a person for prostitution or sexual intercourse | SP: 3 yrs. or J: 1 yr. | 272§34 Crime against Nature | SP: 20 yrs. |
| 272§3 Drugging persons for sexual intercourse | SP: 3 yrs. or J or HC: 2½ yrs. | 272§35 Unnatural and lascivious acts A Unnatural and lascivious acts with child under 16 | SP: 5 yrs. or J or HC: 2½ yrs. SP: 5 yrs./ 5 yrs. MIN. or J or HC: 2½ yrs. |
| 272§4 Inducing person under 18 to have sexual intercourse | SP: 3 yrs. or J or HC: 2½ yrs. | 272§62 Third conviction of being a common nightwalking | HC: 2½ yrs. |
| 272§4A Inducing minor into prostitution; penalties | SP: 3-5 yrs. | 272§64 Punishment of tramps; entering buildings; injuries to or threats against persons or property; carrying weapons | HC: 1 yr. - 2½ yrs. |
| 272§4B Living off or sharing earnings of minor prostitute; penalties | SP: 5 yrs. MIN. | 272§71 Disinterring bodies | SP: 3 yrs. or J: 2½ yrs. |
| 272§5 Sexual intercourse with feeble minded persons | SP: 3 yrs. or J or HC: 2½ yrs. | 272§73 Tombs, graves, memorials, trees, floats; injuring, removing | SP: 5 yrs. or J or HC: 2½ yrs. |
| 272§6 One controlling a place, inducing or suffering a person to resort there for sexual intercourse | SP: 2-5 yrs. | 272§77A Willfully injuring police dogs and horses | HC: 2½ yrs. |
| 272§7 Support from, or sharing, earnings of prostitute, soliciting for prostitute | SP: 2-5 yrs. or HC: 1 yr. | 272§94 Owning, possessing, or training fighting animals; establishing or promoting exhibitions | SP: 5 yrs. or J or HC: 1 yr. |
| 272§13 Detaining, or drugging to detain person in place for prostitution | SP: 5 yrs. or HC: 1- 2½ yrs. | 272§99 Interception of wire and oral communications A Overhearing deliberations of jury by using devices | SP: 5 yrs. or J or HC: 2½ yrs. SP: 5 yrs. |
| 272§14 Adultery | SP: 3 yrs. or J: 2 yrs. | DESSERTION, NON-SUPPORT AND ILLEGITIMACY | |
| 272§15 Polygamy | SP: 5 yrs. or J: 2½ yrs. | 273§15A Abandonment and willful nonsupport; penalties; alternatives sentencing; restitution | HC: 2 yrs./ SP: 5 yrs. |
| 272§16 Lascivious cohabitation; open and gross lewdness | SP: 3 yrs. or J: 2 yrs. | | |
| 272§17 Incestuous marriage or intercourse | SP: 20 yrs. or J: 2½ yrs. | | |

FELONIES, ACCESSORIES AND ATTEMPTS TO COMMIT CRIMES

274S4 Accessories after fact; punishment; relationship as defense; cross examination; impeachment

SP: 7 yrs. or
J: 2 1/2 yrs.

E Trafficking in marihuana, cocaine, heroin, morphine, opium, etc.

SP: 2 1/2
15 yrs./
1 yr. MIN./
3-15 yrs./
5-15 yrs./
J or HC: 2-
2 1/2 yrs.

274S6* Attempts to commit crimes; punishment

SP: 10 yrs. or
J or HC: 2 1/2
yrs./1 yr.

F Unlawful manufacture, etc. of controlled substances in Classes A to C to minors

SP: 5-15 yrs./
5 yr. MIN./
3-15 yrs./
2 1/2-15 yrs.
J or HC: 2-
2 1/2 yrs. J or
HC: 1 yr.

274S7 Conspiracy; penalties

SP: 20 yrs./
10 yrs./5 yrs.
or J: 2 1/2 yrs.

G Counterfeit substances; unlawful creation, etc.

J or HC: 1-
2 yrs. SP: 3-
5 yrs.

UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)

94CS8 Regulation of Research and Study Projects involving certain drugs

HC: 1 yr.

I Drug paraphernalia; sale, possession or manufacture with intent to sell

SP: 4 yrs./
8 yrs. HC:
2 1/2 yrs. J or
HC: 2 1/2 yrs.

94CS21 Packaging and labeling by pharmacist filling prescription

?: 6 mos./
2 yrs.

94CS33 Unlawful use of registration numbers in manufacture or distribution, or fraudulently possession of controlled substances

?: 1 yr.
HC: 2 yrs./
6 mos.
SP: 2 1/2
5 yrs. J or
HC: 2 1/2 yrs.

94CS22 Contents of prescription written by practitioner

?: 6 mos./
2 yrs.

94CS34 Unlawful possession of particular controlled substances including heroin and marihuana

?: 1 yr.

94CS24 Dispensing by practitioner for narcotic drug research or treatment of drug dependent persons

?: 1 yr./2 yrs.

94CS35 Unlawful presence at a place where heroin is kept or being in company of person in possession thereof

SP: 10 yrs.
J or HC:
2 1/2 yrs.

• (a) maintain/submit record of specified substance dispensed

94CS25 Restrictions

?: 1 yr./2 yrs.

94CS37 Theft of controlled substances from persons authorized to dispense or possess

See above

94CS26 Distribution in course of business in violation of section 16 or furnishing false information in application, etc. prohibited

?: 1 yr./2 yrs.

94CS38 Violation of sections 24(a), 25, 26, or 27

See above

94CS27 Instruments for administering controlled substances by injection

?: 1 yr./2 yrs.

94CS39 Violation of sections 21 or 22

Max. penalty
for offense

94CS32 Class A controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.

SP: 10 yrs./
5-15 yrs./
5 yrs. MIN.
J or HC:
2 1/2 yrs.

94CS40 Conspiracy

A Class B controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.

SP: 10 yrs./
3-10 yrs.
3 yrs. MIN.
J or HC:
2 1/2 yrs.

B Class C controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.

SP: 5 yrs./
2 1/2-10 yrs./
2 yr. MIN.
J or HC: 2-
2 1/2 yrs./
2 yr. MIN.

C Class D controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.

J or HC:
2 yrs./1-
2 1/2 yrs.

D Class E controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.

J or HC: 9
mos./ 1-
1 1/2 yrs.

MICH. COMP. LAWS ANN. Sx (West 1968, 1980 & Supp. 1986).

Criminal Classification Information

750.503 Punishment of felonies when not fixed by statute

Sec. 503. PUNISHMENT OF FELONIES WHEN NOT FIXED BY STATUTE--A person convicted of a crime declared in this or any other act of the state of Michigan, to be a felony, for which no other punishment is specially prescribed by any statute in force at the time of the conviction and sentence, shall be punished by imprisonment in the state prison for not more than 4 years or by a fine of not more than 2,000 dollars, or by both such fine and imprisonment.

750.504 Punishment of misdemeanors when not fixed by statute

Sec. 504. PUNISHMENT OF MISDEMEANORS WHEN NOT FIXED BY STATUTE--A person convicted of a crime declared in this or any other act of the state of Michigan to be a misdemeanor, for which no other punishment is specially prescribed by any statute in force at the time of the conviction and sentence, shall be punished by imprisonment in the county jail for not more than 90 days or by a fine of not more than 100 dollars, or by both such fine and imprisonment.

750.505 Punishment of indictable common law offenses

Sec. 505. Any person who shall commit any indictable offenses at the common law, for the punishment of which no provision is expressly made by any statute of this state, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by a fine of not more than \$10,000.00 or both in the discretion of the court.

750.506 Optional jail sentence for first offenders convicted of felonies

Sec. 506. OPTIONAL JAIL SENTENCE FOR FIRST OFFENDERS CONVICTED OF FELONIES--Whenever any person shall be convicted of a first offense herein declared to be a felony, punishable by imprisonment for a term of not more than 5 years, the court may instead of imposing the sentence provided, sentence such convicted person to the county jail for a period not to exceed 6 months.

750.6 Division of crime

Sec. 6. DIVISION OF CRIME--A crime is:

- 1. A felony; or
- 2. A misdemeanor

750.7 Felony

Sec. 7. FELONY--The term "felony" when used in this act, shall be construed to mean an offense for which the offender, on conviction may be punished by death, or by imprisonment in state prison.

750.8 Misdemeanor

Sec. 8. MISDEMEANOR--When any act or omission, not a felony, is punishable according to law, by a fine, penalty or forfeiture, and imprisonment, or by such fine, penalty or forfeiture, or imprisonment, in the discretion of the court, such act or omission shall be deemed a misdemeanor.

750.9 Misdemeanor

Sec. 9. MISDEMEANOR--When the performance of any act is prohibited by this or any other statute, and no penalty for the violation of such statute is imposed, either in the same section containing such prohibition, or in any other section or statute, the doing of such act shall be deemed a misdemeanor.

INCHOATE OFFENSES

750.91 Attempt to Murder

Sec. 91. ATTEMPT TO MURDER BY POISONING, ETC.--Any person who shall attempt to commit the crime of murder by poisoning, drowning, or strangling another person, or by any means not constituting the crime of assault with intent to murder, shall be guilty of a felony, punishable by imprisonment in the state prison for life or any term of years.

750.92 Attempt to commit crime

Sec. 92. ATTEMPT TO COMMIT CRIME--Any person who shall attempt to commit an offense prohibited by law, and in such attempt shall do any act towards the commission of such offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the same, when no express provision is made by law for the punishment of such attempt, shall be punished as follows:

- 1. If the offense attempted to be committed is such as is punishable with death, the person convicted of such attempt shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years;
- 2. If the offense so attempted to be committed is punishable by imprisonment in the state prison for life, or for 5 years or more, the person convicted of such attempt shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or in the county jail not more than 1 year;
- 3. If the offense so attempted to be committed is punishable by imprisonment in the state prison for a term less than 5 years, or imprisonment in the county jail or by fine, the offender convicted of such attempt shall be guilty of a misdemeanor, punishable by imprisonment in the state prison or reformatory not more than 2 years or in any county jail not more than 1 year or by a fine not to exceed 1,000 dollars; but in no case shall the imprisonment exceed 1/2 of the greatest punishment which might have been inflicted if the offense so attempted had been committed.

761.1 Definitions

* * *

(g) "Felony" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by death or by imprisonment for more than 1 year, or an offense expressly designated by law to be a felony.

(h) "Misdemeanor" means a violation of a penal law of this state which is not a felony, or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or by a fine that is not a civil fine.

* * *

MICHIGAN CRIMINAL STATUTES

MICH. COMP. LAWS ANN. Sx (West 1968, 1980 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

NOTE: Maximum term is recorded, unless range is given. "Any term" is any term of years. Term to be served in state prison unless otherwise specified.

Statute No. and Title Class/Time

ABDUCTION

- 750.11 Taking a woman and compelling her to marry F: life or any term
- 750.12 Taking a woman with intent to compel her to marry F: 10 yrs.
- 750.13 Enticing away female under 16 F: 10 yrs.

ABORTION

- 750.14 Miscarriage, administering with intent to procure F: 15 yrs.

ADULTERATING AND MISBRANDING

ADULTERY

- 750.29 Adultery, definition
- 750.30 Same, punishment F

ADVERTISING

AIR CRAFT AND AERONAUTICS

ANARCHY AND CRIMINAL SYNDICALISM

ANIMALS

- 750.49 Animals; fighting, baiting or shooting F: 4 yrs.

ARSON AND BURNING (inclusive)

- 750.72 Burning dwelling house F: 20 yrs.
- 750.73 Burning of other real property F: 10 yrs.
- 750.74* Burning of personal property
 - if < \$50.00 M
 - if > \$50.00 F
- 750.78 Wilfully or negligently setting fire to woods, prairies or grounds F
- 750.79 Clearing of land and disposing of refuse in townships F

ASSAULTS (inclusive)

- 750.80 Setting fire to mines and mining material F: life or any term
 - 750.81 Assault and assault and battery
 - a Assault and infliction of serious injury M
 - 750.82 Felonious assault F
 - 750.83 Assault with intent to commit murder F: prison
 - 750.84 Assault with intent to do great bodily harm less than murder F: 10 yrs.
 - 750.86 Assault with intent to maim F: 10 yrs.
 - 750.87 Assault with intent to commit felony not otherwise punished F: 10 yrs.
 - 750.88 Assault with intent to rob and steal being unarmed F: 15 yrs.
 - 750.89 Assault with intent to rob and steal being armed F: life
 - 750.90 Sexual intercourse under pretext of medical treatment F: 10 yrs.
 - 750.91 Attempt to murder F: life
 - 750.92* Attempt to commit crime
 - if offense punishable with death F: 10 yrs.
 - if offense punishable by imprisonment/life F: 5 yrs.
 - if offense punishable by imprisonment 5 years M: 2 yrs.
- BANKS, DEPOSIT AND TRUST COMPANIES
- 750.93 Bankbonds in state treasury, removing or destroying F: 10 yrs.
 - 750.94 Bank bills or notes, issuing, or circulating F: 10 yrs.
 - 750.95 Spurious bank notes, issuing or circulating F: 10 yrs.
 - 750.96 Bank property, fraudulent disposal F
 - 750.97 Financial condition of bank, derogatory statement F
 - 750.98 Private banks F
 - 750.99 Certifying checks, insufficient funds F
 - 750.100 Bank insolvent, receiving deposits, conduct business F: 5 yrs.
 - 750.101 Financial Institutions Act, violations F: 5 yrs.

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|---|---------------------------|--|-------------|
| BLASPHEMY | | CONCEALING DEATH OF INFANT CHILD CREDIT CARDS | |
| BOATS AND NAVIGATION | | 750.157n Stealing, removing, retaining or secreting another's card without consent | F |
| 750.104 Fitting out vessel with intent to destroy | F | 750.157p Possession of another's card with intent to circulate or sell | F |
| 750.105 False invoice of cargo | F | 750.157q Delivery, circulation, or sale of wrongly held or obtained card | F |
| 750.106 False protest, making or processing | F | 750.157r Fraud, forgery, material alteration; counterfeiting | F |
| BREAKING AND ENTERING (inclusive) | | 750.157t Sales to or services performed for violators | F |
| 750.110 Breaking and entering | F: 15 yrs. | 750.157u Causing cardholder to be overcharged | F |
| 750.111 Entering without breaking | F: 5 yrs. | CRIME AGAINST NATURE OR SODOMY | |
| 750.112 Burglary with explosives | F: 15-30 yrs. | 750.158 Penalty | F: 15 yrs. |
| 750.116 Burglar's tools, possession | F: 10 yrs. | DEAD HUMAN BODIES | |
| BRIBERY AND CORRUPTION | | 750.160 Disinterment and mutilation | F: 10 yrs. |
| 750.117 Public officer; bribery | F | DISORDERLY PERSONS | |
| 750.118 Same; accepting bribe | F: 10 yrs. | DISTURBING MEETINGS | |
| 750.119 Jurors, appraisers, etc.; bribery | F | DESERTION AND NON-SUPPORT | |
| 750.120 Same; accepting bribe | F | 750.161 Desertion and non-support; bond; conditions; forfeiture | F: 1-3 yrs. |
| 750.121 Public institutions; bribery of officers | F | DUELLING | |
| 750.124 Bribery of athlete | F | 750.171 Engaging in or challenging to fight duel | F: 10 yrs. |
| BUCKET SHOPS | | EMBEZZLEMENT | |
| 750.128 Punishment | F: 2 yrs. | 750.174* Embezzlement | |
| 750.129 Accessories | F | ● if value ≤ \$100.00 | M |
| CHECKS, INSUFFICIENT FUNDS | | ● if value > \$100 | F: 10 yrs. |
| 750.131* Definition; punishment | M: 93 days/ 6 mos./ 1 yr. | 750.175 Same; public officer, agent or servant | F: 10 yrs. |
| ● if < \$50 | F: 13 mos. | 750.176 Same; administrator, executor or guardian | F: 10 yrs. |
| ● if 4th offense, ≤ \$50 | M: 1 yr. | 750.177* Same; chattel mortgagor, vendee or lessee | |
| ● if \$50-200 | F: 13 mos. | ● > \$100 value of goods embezzled | F: 2 yrs. |
| ● if 3d offense, \$50-200 | F: 2 yrs. | ● ≤ \$100 value of goods embezzled | M |
| ● if > \$200 | | 750.178* Same; chattel mortgage, lease or contract property, by others | |
| a Drawing checks upon bank without any bank account | | ● > \$100 | F: 2 yrs. |
| CHILDREN | | ● ≤ \$100 | M |
| 750.135 Children, exposing with intent to injure or abandon | F: 10 yrs. | 750.179 Same; railroad passenger tickets | F |
| 750.136 Cruelty to children; bond, suspension of sentence; search warrant | F | | |
| a Torturing of children; penalty | F: 10 yrs. | | |
| CIVIL RIGHTS | | | |
| COMPOUNDING OFFENSES | | | |
| 750.149* Punishment | | | |
| ● when offense punishable by death or life | F | | |
| ● when offense punishable in any other manner | M: 1 yr. | | |

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|--|-----------------|---|--------------------------|
| 750.180 Same; bank, deposit, trust company, or credit union | F: 20 yrs. | 750.211 Explosives with intent to use unlawfully, manufacture, etc. | F: 2-5 yrs. |
| 750.182 Same; warehouse man or forwarder of property received for | F | a Device designed to explode upon impact, upon application of heat, or device highly incendiary, possession with intent to use unlawfully | F |
| ESCAPES, RESCUES, JAIL AND PRISON BREAKING | | | |
| 750.193 Breaking prison; escape; attempts; penalty; venue; prison defined; escape from prison guard and mental health facility; work pass program and parole violators | F: 5 yrs. | EXTORTION | |
| | | 750.213 Malicious threats to extort money | F: 20 yrs. |
| | | FALSE PERSONATION | |
| | | FALSE PRETENSES AND FALSE REPRESENTATION | |
| 750.194 Same; Detroit House of Correction | F: 2 x sentence | 750-218* False pretenses with intent to defraud | |
| 750.197c Escape and jailbreaking; penalty | F | ● if goods valued ≤ \$100 | M |
| 750.199a Absconding or forfeiting bond in criminal or paternity proceedings, felony | F | ● if goods valued > \$100 | F: 10 yrs. |
| EXPLOSIVES AND BOMBS | | | |
| 750.200 Common carriers for passengers, transportation of explosives | F | 750.219(a)* Telephone service, use of false credit or telephone number or use of number without authority | M |
| 750.201 Concussion or friction, explosives, explode by, unlawful acts | F | ● obtains or attempts to obtain telephone service, transmission of message by false credit cards, etc. | F |
| | | ● if total value of telephone service exceeds \$100.00 | |
| | | FIREARMS | |
| 750.202 Marking of explosives intended for shipment | F | 750.224 Weapons, manufacture or sale | F: fine |
| 750.204 Sending explosives with intent to injure persons | F: 5 yrs. | a Portable weapon or device emitting electrical current, impulse, wave or beam; sale or possession, felony | F |
| a Sending or transporting device represented or presented as an explosive, incendiary device, or bomb | F | b Manufacture, sale, or possession of a short-barreled shotgun or short-barreled rifle; punishment; application of section, application of § 776.20 | F: 5 yrs. |
| 750.205 Placing explosives; intent to destroy but without resulting damage | F: 15 yrs. | 750.226 Firearm or dangerous weapon, carrying with unlawful intent | F: 5 yrs. |
| a Intimidation or harassment by device represented or presented as an explosive, incendiary device or bomb | F | 750.227 Concealed weapons carrying | F: 5 yrs. |
| 750.206 Same; with intent to destroy and causing damage to property | F: 25 yrs. | b Possession at time of commission or attempted commission of felony; additional sentence, punishment | F: 2 yrs./5 yrs./10 yrs. |
| 750.207 Same; with intent to destroy and causing injury to any person | F: life | 750.230 Alteration of firearms | F: 2 yrs. |
| 750.208 Same; aiding and abetting with intent to destroy | F: 15 yrs. | FIRES | |
| 750.209 Placing foul and offensive substances with intent to injure, molest or coerce | F: 15 yrs. | 750.241* Fireman, obstructing and disobeying, riot or civil disturbance | |
| 750.210 Possession of bombs with intent to use unlawfully | F: 2-5 yrs. | ● anyone willfully hinders, obstructs fireman in performance of his duties | F |
| a Valerium, unlawful acts | F: 2-5 yrs. | ● any person who in vicinity of fire, disobeys any rule of officer commanding any fire department at fire . . . | M |

| | | | |
|---|------------|--|----------------|
| ● during riot or other civil disturbance, anyone who obstructs maintenance of any public service facility | F | 750.278 Fraudulent warehouse receipts, executing and delivering | F: 5 yrs. |
| electricity, gas, telephone, water | | 750.279 Personal property, fraudulent disposition | F |
| FIREWORKS | | 750.280 Gross frauds and cheats at common law | F: 10 yrs. |
| FLAG AND COAT OF ARMS | | 750.282* Public utility service; injury or interference with use; presumption; prima facie evidence; waiver of charges | |
| FORGERY AND COUNTERFEITING | | ● if damage of value of < \$500 | M |
| 750.248 Forgery of records and other instrument, venue | F: 14 yrs. | ● if damage value > \$500 | F |
| 750.249 Same; uttering and publishing | F: 14 yrs. | 750.300 Insurance company, killing or injuring animals to defraud | F: 2 yrs. |
| 750.250 Forgery of notes, etc., issued for debt of state, political subdivisions | F: 7 yrs. | GAMBLING | |
| 750.251 Forgery of bank bills and promissory notes | F: 7 yrs. | 750.313 Gambling in stocks, bonds, grain, produce; penalty | F: 2 yrs. |
| 750.252 Possession of counterfeit notes, etc. with intent to utter same | F: 7 yrs. | HOMICIDE (inclusive) | |
| 750.253 Uttering counterfeit notes, etc. | F: 5 yrs. | 750.316 First degree murder | F: life |
| 750.254 Possession of counterfeit bank, state or municipal bills or notes | F: 5 yrs. | 750.317 Second degree murder | F: life |
| 750.255 Tools and implements for counterfeiting bills or notes | F: 10 yrs. | 750.319 Death as result of fighting a duel | F: life |
| 750.260 Counterfeiting and possession of coins | F: life | 750.320 Seconds in duels resulting in death | Accessory |
| 750.261 Same; possession of less than 5 counterfeit coins | F: 10 yrs. | 750.321 Manslaughter | F: 15 yrs. |
| 750.262 Same; tools | F: 10 yrs. | 750.322 Same; wilful killing of unborn quick child | F: 15 yrs. |
| 750.266 Forged railroad passenger tickets | F | 750.323 Same; death of quick child or mother from use of medicine or instrument | F: 15 yrs. |
| FORTUNE TELLING | | 750.327 Death due to explosives | F: life |
| FRAUDS AND CHEATS | | 750.328 Death due to explosives; placed with intent to destroy building or object | F: life |
| 250.271 Domestic corporations, securities, fraudulent issue and sale | F: 10 yrs. | 750.329 Death, firearm pointed intentionally but without malice | F: 15 yrs. |
| 750.272 Foreign corporations, stock fraudulently issued, sale | F: 10 yrs. | HORSERACING | |
| 750.273 Signature, fraudulently obtaining | F: 10 yrs. | 750.332 Fraudulent entry of horses in speed contests | F |
| 750.274 Note, fraudulent signature; knowingly purchasing, collection | F: 10 yrs. | INCEST | |
| 750.276 Promise to vendee of grain to sell at fictitious price, signature to note | F | INDECENCY AND IMMORALITY | |
| 750.277 Same; sale and transfer | F | 750.338 Gross indecency; between male persons | F: 5 yrs./life |
| | | a Same; female persons | F: 5 yrs./life |
| | | b Same; between male and female persons | F: 5 yrs./life |

INDIANS

750.348 Inciting Indians F

KIDNAPPING

750.349 Kidnapping F: life
 a Prisoner taking F: life
 another as hostage

750.350 Kidnapping, child F: life
 under 14
 a* Detention or conceal-
 -ment by adoptive or natural
 parent; penalty, defense
 • adoptive or natural parent
 can't take child from legal
 guardian/parent for more
 than 24 hours with intent
 to detain M: 45 days
 • if take child outside state
 for more than 24 hrs. F: 1 yr. + 1
 day

LABORERS, MECHANICS, EMPLOYEES
 AND WORKERS

LARCENY (inclusive)

750.356* Larceny
 • if stolen property > \$100 F: 5 yrs.
 • if stolen property ≤ \$100 M
 a Same; from motor F: 5 yrs.
 vehicles or trailers; attached
 accessories; breaking or
 entering, damaging
 b Breaking and entering coin
 operated telephone, penalty F

750.357 Larceny from the person F: 10 yrs.
 a Larceny of livestock F

750.358 Larceny at a fire F: 5 yrs.

750.360 Larceny's places of F
 abode, work, storage, conveyance,
 worship and other places

750.362 Same; by conversion, etc. F: 5 yrs.
 a* Same; rented motor
 vehicle, trailer or other
 tangible property; penalty
 • if value > \$100 F: 2 yrs.
 • if value ≤ \$100 M

750.363 Same; by false F: 5 yrs.
 personation

750.365 Same; from car or F: 20 yrs.
 persons detained or injured
 by accident

750.366 Same; railroad F
 passenger tickets

750.367 Taking or injuring F: 5 yrs.
 trees, shrubs, vines, plants
 b Taking possession F: 5 yrs.
 of and use of airplane

LEGAL PROCESS

LIBEL AND SLANDER

LOTTERIES

750.374 Same; second offense F

MALICIOUS AND WILFUL MISCHIEF
 AND DESTRUCTION

750.377 Maliciously destroying F
 or injuring animals; poisoning
 a* Malicious destruction
 of property; personality
 • if damage > \$100 F
 • if damage ≤ \$100 M
 b Same; property of F
 police or fire department

750.378 Same; dam, reservoir, F
 canal, trench, etc.

750.379 Same; bridges, etc. F

750.380* Same; house, barn
 or building of another
 • if damage > \$100 F
 • if damage ≤ \$100 M

750.383a Same; wilfully F
 cutting, breaking, obstructing,
 destroying or manipulating
 without authority utility
 equipment or appliances

750.386 Same; machinery and F: 20 yrs.
 appliances

750.387* Same; tombs and
 memorials to dead
 • anyone other than burial
 right owner who mutilates,
 destroys monuments M
 • damage > \$100 or acts
 against 2 or more separate
 burial rights or places . . . F: 5 yrs.

750.392 Vessels, wilfully F: 10 yrs.
 destroying

MASKS AND DISGUISES

MAYHEM AND FOOD

750.397 Mayhem F: 10 yrs.
 a Placing harmful F: 10 yrs.
 objects or substances in food

MILITARY

750.405 Same; inticing F: 5 yrs.

750.406 Military stores, F: 5 yrs.
 larceny, embezzlement or destruction

MISCELLANEOUS

750.410(a) Conspiring to F
 commit person to institution for
 mental incompetents deemed felony

750.416 Excess fees to members F
 of legislature for services

| | | | |
|--|-----------------|--|-------------------|
| MOTOR VEHICLES | | 750.458 Detaining female in house of prostitution for debt | F: 2-20 yrs. |
| 750.413 Motor vehicle; taking possession and driving away | F: 5 yrs. | 750.459 Transporting female for prostitution | F: 20 yrs. |
| 750.417 Same; removal out of state, consent of mortgagee | F | PUBLIC EXHIBITS AND ENTERTAINMENT | |
| 750.418 Same; removal out of state, consent of vendor | F | PUBLIC HEALTH | |
| 750.420 Motor vehicle; equipment with smoke or gas producing devices | F | 750.480 Refusing to deliver records and money to successor in office | F |
| 750.421 Same; or trailer designed for defense or attack | F: 5 yrs. | PUBLIC RECORDS | |
| PERJURY | | PUBLIC SAFETY | |
| 750.422 Perjury committed in courts | F: life/15 yrs. | RADIO BROADCASTING | |
| 750.423 Definition | F: 15 yrs. | RAILROADS | |
| 750.424 Subornation of perjury | F: 5 yrs. | 750.511 Attempt to wreck or endanger safety of passengers | F: life |
| 750.425 Inciting or procuring one to commit perjury | F: 5 yrs. | 750.512 Uncoupling locomotive or cars | F: 10 yrs. |
| PHYSICIANS AND SURGEONS | | 750.513 Fraudulent railroad securities, making or issuing | F: 10 yrs. |
| POISONS | | 750.514 Seizing locomotive with mail or express car attached | F: 10 yrs. |
| 750.436 Poisoning food, drink, medicines, wells, etc. | F: life | 750.516 Forcible detention of railroad train | F: life |
| POLYGAMY | | 750.517 Entering train for robbing by means of intimidation | F: life |
| 750.439 Polygamy | F | RAPE (inclusive) | |
| 750.440 Knowingly marrying one to whom marriage is prohibited | F | 750.520b First degree criminal sexual conduct | F: life |
| 750.441 Practice of polygamy, teaching, soliciting, advocating | F | c Second degree criminal sexual conduct | F: 15 yrs. |
| PRIZE FIGHTS | | d Third degree criminal sexual conduct | F: 15 yrs. |
| 750.442 Participating in prize fights | F | f Second or subsequent offenses | F: 5 yrs. |
| 750.443 Training party for prize fight | F | g Assault with intent to commit criminal sexual conduct | F: 10 yrs./5 yrs. |
| PROSTITUTION | | RIOTS AND UNLAWFUL ASSEMBLIES | |
| 750.451* Violations penalties, first, second and subsequent offenses | | ROBBERY (inclusive) | |
| • first offense | M: 90 days jail | 750.529 Armed robbery; aggravated assault | F: life |
| • 17 yrs. or older 2nd offense | M: 1 yr. | 750.530 Unarmed robbery | F: 15 yrs. |
| • third offense | F: 2 yrs. | 750.531 Bank, safe and vault robbery | F: life |
| 750.452 House of ill-fame; keeping, maintaining or operating | F | SEDUCTION | |
| 750.455 Pandering | F: 20 yrs. | 750.532 Punishment | F: 15 yrs. |
| 750.456 Placing wife in house of prostitution | F: 20 yrs. | | |
| 750.457 Earnings of prostitute, accepting | F: 20 yrs. | | |

SLAUGHTERHOUSES STOLEN, EMBEZZLED, OR CONVERTED PROPERTY

750.535* Buying receiving, possessing or concealing stolen, embezzled, or converted money, goods, or property
 ● if property > \$100 F: 5 yrs.
 ● if property < \$100 M
 ● on 3rd misd. conviction, F: 5 yrs.
 property < \$100
 a Chopshop; owning, F: 5 yrs.
 operating, or conducting;
 penalties; seizure and forfeiture

TELEGRAPH AND TELEPHONE

750.539c Eavesdropping upon F: 2 yrs.
 private conversation
 d Installation of device for F: 2 yrs.
 observing photographing or eavesdropping in private place
 e Use or divulgence of F: 2 yrs.
 information unlawfully obtained
 f Unlawful manufacture, F: 2 yrs.
 possession or transfer of eavesdropping devices
 i Proof of installation of F: 2 yrs.
 device as prima facie evidence of violation

THE STAR SPANGLED BANNER

TREASON AND SUBVERSION

750.544 Treason; punishment F: life
 750.545 Misprision of treason F: 5 yrs.
 a Subversion against state; F: life
 penalty
 b Same; misprison felony F
 c Same; defined F
 d Same; aid by corporations, F: total
 forfeiture of charter of fined assets
 corporation

TRESPASS

UNFAIR DISCRIMINATION, RESTRAINT OF TRADE AND TRUSTS

WEIGHTS AND MEASURES

FELONIOUS DRIVING

752.191 Felonious driving; F: 2 yrs.
 penalty

RIOTING AND RELATED CRIMES

752.541 Riot See below

752.543 Unlawful assembly See below

752.544 Felony; penalty F: 10 yrs.

TIMBER

752.701 Timber; value above F: 1 yr.
 certain amount; destruction, removal, receipt, penalty

COMPUTERS

752.797 Violations; misdemeanor, F: 10 yrs.
 felony penalties

VENDING MACHINE SLUGS

752.802 Same; manufacture, felony F: 5 yrs.

COIN OPERATED DEVICES

752.811 Entry with intent to F: 3 yrs.
 steal; possession of means of entry with intent to steal

HEALTH CARE FALSE CLAIM ACT

752.1003 False health care F: 4 yrs.
 claims; violations, punishment; exceptions

752.1004 Kickbacks, bribes, F: 4 yrs.
 rebates; punishment

752.1005 Agreements, F: 10 yrs.
 combinations, or conspiracies; punishment

752.1006 Subsequent offenses, F: 2 x
 punishment regular term

CONTROLLED SUBSTANCES (inclusive)

333.7401 Unlawful manufacture, F: life/30
 delivery or possession yrs./20 yrs./
 with intent to manufacture or 7 yrs./4
 deliver; unlawful dispensing, yrs./2 yrs.
 prescription or administration; penalties

333.7402 Counterfeit substance; F: 10 yrs./5
 creation, delivery or possession yrs./
 with intent to deliver; penalties 4 yrs./2 yrs.

333.7403 Possession of F: life/30 yrs.
 controlled dangerous substance; 10 yrs./4
 yrs./2
 yrs./1 yr.

333.7404 Use of controlled M: 1 yr./
 dangerous substance; penalties 6 mos./90
 days

333.7405 Prescription violations; M: 2 yrs.
 manufacture or distribution not authorized by license; failure to keep records; refusal to allow inspection; maintaining premises for use or sale

333.7406 Violations of section See above
 33.7405; penalties

333.7407 Distribution without F: 4 yrs.
 order form; use of fictitious, revoked, suspended or license issued to another; fraud; misuse of trademarks and labels; penalties

333.7410* Distribution to minors; F: 20 yrs./
 distribution of marijuana; M: 1 yr.
 penalty

333.7413 Second or subsequent F: life
 offenses; penalties

MINN. STAT. ANN. Sx (West 1964, 1970 & Supp. 1986, 1987).

Criminal Classification Information

609.02 Definitions

* * *

Subd. 2. Felony. "Felony" means a crime for which a sentence of imprisonment for more than one year may be imposed.

Subd. 3. Misdemeanor. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than \$700, or both, may be imposed.

Subd. 4. Gross misdemeanor. "Gross misdemeanor" means any crime which is not a felony or misdemeanor. The maximum fine which may be imposed for a gross misdemeanor is \$3,000.

Subd. 4a. Petty misdemeanor. "Petty misdemeanor" means a petty offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than \$100 may be imposed.

* * *

609.03 Punishment when not otherwise fixed

If a person is convicted of a crime for which no punishment is otherwise provided the person may be sentenced as follows:

- (1) If the crime is a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000 or both; or
- (2) If the crime is a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; or
- (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both; or
- (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified term of not more than six months if the fine is not paid.

609.10 Sentences available

Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows:

- (1) To life imprisonment; or
- (2) To imprisonment for a fixed term of years set by the court; or
- (3) To both imprisonment for a fixed term of years and payment of a fine; or
- (4) To payment of a fine without imprisonment or to imprisonment for a fixed term of years if the fine is not paid; or
- (5) To payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both.

609.17 Attempts

* * *

Subd. 4. Whoever attempts to commit a crime may be sentenced as follows:

- (1) If the maximum sentence provided for the crime is life imprisonment, to not more than 20 years; or
- (2) For any other attempt, to not more than one half of the maximum imprisonment or fine or both provided for the crime attempted, but such maximum in any case shall not be less than imprisonment for 90 days or a fine of \$100. Laws 1963, c. 753.

609.175 Conspiracy

Subdivision 1. To cause arrest or prosecution.

Whoever conspires with another to cause a third person to be arrested or prosecuted on a criminal charge knowing the charge to be false is guilty of a misdemeanor.

Subd. 2. To commit crime. Whoever conspires with another to commit a crime and in furtherance of the conspiracy one or more of the parties does some overt act in furtherance of such conspiracy may be sentenced as follows:

- (1) If the crime intended is a misdemeanor, by a sentence to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or
- (2) If the crime intended is murder in the first degree or treason, to imprisonment for not more than 20 years; or
- (3) If the crime intended is any other felony or a gross misdemeanor, to imprisonment or to payment of a fine of not more than one half the imprisonment or fine provided for that felony or gross misdemeanor or both.

* * *

MINNESOTA CRIMINAL STATUTES

MINN. STAT. ANN. Sx (West 1964, 1970 & Supp. 1986, 1987).

KEY

- F = Felony
- M = Misdemeanor
- GM = Gross Misdemeanor
- PM = Petty Misdemeanor
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

Note: For classifications that are NOT inclusive, crimes with penalties of 1 year or less are NOT recorded. Periods of incarceration reported here are maximums, unless minimum (MIN.) specified.

| Statute No. and Title | Class/Time |
|---|--------------------|
| HOMICIDE AND SUICIDE (inclusive) | |
| 609.185 Murder in the first degree | Murder: life |
| 609.19 Murder in the second degree | 40 yrs. |
| 609.195 Murder in the third degree | 25 yrs. |
| 609.20 Manslaughter in the first degree | 15 yrs. |
| 609.205 Manslaughter in the second degree | 7 yrs. |
| 609.21 Criminal vehicular operation | 5 yrs./ 3 yrs. |
| 609.215 Aiding suicide | 15 yrs./ 7 yrs. |
| CRIMES AGAINST THE PERSON (inclusive) | |
| 609.221 Assault in the first degree | 10 yrs. |
| 609.222 Assault in the second degree | 5 yrs. |
| 609.223 Assault in the third degree | 3 yrs. |
| 609.2231* Assault in the fourth degree | |
| • Police | F: 1 yr., 1 day |
| • Fire or EMP | GM |
| 609.224 Assault in the fifth degree | M |
| 609.226 Harm caused by a dog | GM |
| 609.23 Mistreatment of persons confined | 1 yr. |
| 609.231 Mistreatment of residents or patients | 1 yr. |

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|---|---------------------------------------|
| 609.235 Use of drugs to injure or facilitate crime | 5 yrs. |
| 609.24 Simple robbery | 10 yrs. |
| 609.245 Aggravated robbery | 20 yrs. |
| 609.25 Kidnapping | 20 yrs./ 40 yrs. |
| 609.255* False imprisonment | 1 yr. |
| • If substantial bodily harm | 3 yrs. |
| 609.26 Depriving another of custodial or parental rights | F: 1 yr., 1 day |
| 609.265 Abduction | 1 yr. |
| CRIMES AGAINST UNBORN CHILDREN (inclusive) | |
| 609.2661 Murder of an unborn child in first degree | Murder: life |
| 609.2662 Murder of an unborn child in second degree | 40 yrs. |
| 609.2663 Murder of an unborn child in third degree | 25 yrs. |
| 609.2664 Manslaughter of an unborn child in first degree | 15 yrs. |
| 609.2665 Manslaughter of an unborn child in second degree | 7 yrs. |
| 609.267 Assault of an unborn child in first degree | 10 yrs. |
| 609.2671 Assault of an unborn child in second degree | 5 yrs. |
| 609.2672 Assault of an unborn child in third degree | M |
| 609.268 Injury or death of an unborn child in commission of crime | 15 yrs./ 10 yrs. |
| CRIMES OF COMPULSION | |
| 609.27* Coercion | |
| • If < \$300 | 90 days |
| • If \$300-\$2,500 | 5 yrs. |
| • If > \$2,500 | 10 yrs. |
| SEX CRIMES (inclusive) | |
| 609.293 Sodomy | 1 yr. |
| 609.294 Bestiality | M: 1 yr. |
| 609.31 Leaving state to evade establishment of paternity | 2 yrs. |
| 609.322 Solicitation, inducement and promotion of prostitution | 20 yrs./ 10 yrs./ 5 yrs./3 yrs. |
| 609.323* Receiving profit derived from prostitution | 10 yrs./ 5 yrs./3 yrs. |
| • If prostitute 18 years old | 1 yr. |
| 609.324* Other prohibited acts | 20 yrs. |
| • Provide minor prostitute a place to stay | 1 yr. |
| • Hire minor prostitute | 1 yr. |
| • Hire adult prostitute | 90 days |

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|---|-----------------|---|-------------------------------------|
| 609.33 Disorderly house | Fine | CRIMES AGAINST THE ADMINISTRATION OF JUSTICE | |
| 609.34 Fornication | M | 609.47 Interference with property in official custody | 1 yr. |
| 609.342 Criminal sexual conduct in the first degree | 20 yrs. | 609.475 Impersonating officer | M |
| 609.343 Criminal sexual conduct in the second degree | 15 yrs. | 609.48 Perjury | 5 yrs./ 3 yrs. |
| 609.344 Criminal sexual conduct in the third degree | 10 yrs. | 609.485* Escape from custody | 5 yrs./ 1 yr. + 1 day |
| 609.345 Criminal sexual conduct in the fourth degree | 5 yrs. | ● If charge is gross misdemeanor | 1 yr. |
| 609.346 Subsequent offenses | MIN. 3 yrs. | ● If charge is misdemeanor | 90 days |
| 609.352 Solicitation of children to engage in sexual conduct | F: 3 yrs. | ● If violence | 2 x penalty |
| CRIMES AGAINST THE FAMILY | | 609.487 Fleeing a peace officer in a motor vehicle | 10 yrs./ 5 yrs./3 yrs./ 1 yr. |
| 609.355 Bigamy | 5 yrs. | 609.49 Release, failure to appear | 1 yr. |
| 609.365 Incest | 10 yrs. | 609.495 Aiding an offender to avoid arrest | 3 yrs. |
| 609.377* Malicious punishment of a child | 1 yr. | 609.498* Tampering with a witness | 5 yrs. |
| ● If substantial bodily harm | 3 yrs. | ● If second degree | 1 yr. |
| 609.378 Neglect of a child | 1 yr. | 609.50 Obstructing legal process or arrest | 1 yr. |
| CRIMES AGAINST THE GOVERNMENT | | THEFT AND RELATED CRIMES (inclusive) | |
| 609.385 Treason | Life | 609.52* Theft | 10 yrs./ 5 yrs. 90 days |
| 609.39 Misprision of treason | 5 yrs. | ● If < \$250 | |
| 609.395 State military forces; interfering with, obstructing or other | 20 yrs. | 609.525* Bringing stolen goods into state | 10 yrs./ 5 yrs. 90 days |
| 609.405* Criminal syndicalism | 5 yrs. | ● If < \$250 | |
| ● If permit assembly | 1 yr. | 609.53* Receiving stolen property | 10 yrs./ 5 yrs. 90 days |
| CRIMES AFFECTING PUBLIC OFFICER OR EMPLOYEE | | ● If < \$300 | |
| 609.42 Bribery | 10 yrs. | ● If subsequent offense | 2 x penalty |
| 609.425 Corruptly influencing legislator | 5 yrs. | 609.535 Issuance of dishonored checks | M |
| 609.44 Public office: illegally assuming; non surrender | 1 yr. | 609.54 Embezzlement of public funds | 10 yrs./5 yrs. |
| 609.445 Failure to pay over state funds | 3 yrs. | 609.545 Misusing credit card to secure services | M |
| 609.45 Public officer; unauthorized compensation | M | 609.55 Unauthorized use of a motor vehicle | 3 yrs. |
| 609.455 Permitting false claims against government | 5 yrs. | 609.551* Rustling & livestock theft | 10 yrs./5 yrs. |
| 609.465 Presenting false claims to public officer or body of public funds | Attempted theft | ● If value ≤ \$300 | 90 days |
| 609.466 Medical assistance fraud of public funds | Attempted theft | DAMAGE OR TRESPASS TO PROPERTY (inclusive) | |
| | | 609.561 Arson in the first degree | 20 yrs. |
| | | 609.562 Arson in the second degree | 10 yrs. |
| | | 609.563 Arson in the third degree | 5 yrs. |
| | | 609.576* Negligent fires | 3 yrs. |
| | | ● If value ≥ \$300 but < \$10,000 | 1 yr. |
| | | ● If value < \$300 | 90 days |

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|---|-------------------------------------|--|--------------------------------------|
| 609.582* Burglary | 20 yrs./ 10 yrs./5 yrs. 1 yr. | CRIMES AGAINST REPUTATION | |
| • If enter without consent | | CRIMES RELATING TO COMMUNICATIONS | |
| 609.59 Possession of burglary tools | 3 yrs. | 609.785* Fraudulent long distance telephone calls | 3 yrs./ 5 yrs. 90 days |
| 609.595* Damage to property | 5 yrs. | • If < \$300 | |
| • If NOT aggravated | M | 609.79 Obscene or harassing telephone calls | M |
| 609.60 Dangerous trespass and other acts | 5 yrs. | CRIMES RELATING TO A BUSINESS | |
| 609.605 Trespasses and other acts | M | 609.821* Financial transaction card fraud | 10 yrs./ 5 yrs./3 yrs. 90 days |
| • If battered women's shelter | GM | • No property obtained | |
| 609.611 Defrauding insurer | 3 yrs./5 yrs. | MISCELLANEOUS CRIMES | |
| 609.615* Defeating security on realty | 5 yrs. | 609.825* Bribery of participant or official in contest | 5 yrs. |
| • If < \$300 | 90 days | • If fail to report | 1 yr. |
| 609.62 Defeating security on personalty | 2 yrs. | 609.83 Falsely impersonating another | 5 yrs. |
| FORGERY AD RELATED CRIMES | | 609.85* Crimes against railroad employees and property | |
| 609.625 Aggravated forgery | 10 yrs. | • Intend injury | F |
| 609.63 Forgery | 3 yrs./5 yrs. | • Other | GM |
| 609.635 Obtaining signature by false pretense | 10 yrs. | CRIMES AGAINST COMMERCE | |
| 609.64 Recording, filing of forged instrument | 3 yrs. | 609.86* Commercial bribery | 3 yrs. 90 days |
| 609.645 Fraudulent statements | 3 yrs. | • If < \$500 | |
| 609.65* False certification by notary public | | 609.88* Computer damage | 10 yrs./ 5 yrs. 90 days |
| • If to defraud | 3 yrs. | • If < \$500 | |
| • Other | 90 days | 609.89* Computer theft | 10 yrs./ 5 yrs. 90 days |
| • If < \$500 | | • If < \$500 | |
| CRIMES AGAINST PUBLIC SAFETY AND HEALTH | | DRUG OFFENSES (inclusive) | |
| 609.67 Machine guns and short barreled shotguns | 5 yrs. | 152.09 sub.1 Prohibited acts | See below |
| PUBLIC MISCONDUCT OR NUISANCE | | 152.09 sub.2 Prohibited acts | See below |
| 609.687 Adulteration | 40 yrs./ 5 yrs. | 152.092 Possession of drug paraphernalia prohibited | PM |
| 609.71 Riot | 1 yr./5 yrs. | 152.093 Manufacture or delivery of drug paraphernalia prohibited | M |
| 609.713 Terroristic threats | 3 yrs./5 yrs. | 152.094 Delivery of drug paraphernalia to a minor prohibited | GM |
| GAMBLING | | 152.095 Advertisement of drug paraphernalia prohibited | M |
| 609.75 Acts of or relating to gambling | M | 152.096 Conspiracies prohibited | F |
| 609.76* Other acts relating to gambling | GM | 152.097 Simulated controlled substances | See below |
| • If sports bookmaking | F | 152.15* . Violations; penalties | See below |
| 609.765 Criminal defamation | 1 yr. | (1)(1) Schedule I or II narcotic-sale | 20 yrs. |
| 609.77 False information to news media | M | • Second offense | 2-30 yrs. |
| | | (1)(2) Other Schedules I, or II, 15 yrs. other amount | |
| | | • Second offense | 1-30 yrs. |
| | | (1)(3) Schedules I, II or III - | 5 yrs. |

| | |
|---------------------------------------|-------------|
| other substance | |
| ● Second offense | 1-10 yrs. |
| (1)(4) Schedule IV - sale | 3 yrs. |
| ● Second offense | 6 mos. - |
| (1)(5) Schedule V - sale | 6 yrs. |
| ● Second offense | 1 yr. |
| | M |
| (2)(1) Schedule I or II | 5 yrs. |
| narcotic - possess | |
| (2)(2) Other Schedule I, II, | 3 yrs. |
| III - possess | |
| (2)(3) Schedule IV | 3 yrs. |
| (2)(4) Schedule V | 1 yr. |
| (2)(5) Small amount marijuana- | PM |
| possess | |
| ● Second offense in 2 yrs. or in carM | |
| (2)(6) Failure comply with PM | M |
| sentence | |
| (2)b Mfg., sale of | 3 yrs. |
| -noncontrolled substance | |
| (3) Procure by fraud | 4 yrs. |
| (4) Distribution to minors | 2 x penalty |
| -possess on school premises | |
| (4)(a) Distribution to minors | 2 x penalty |
| (5) Second offense, certain | 2 x penalty |
| violations | |

MISSISSIPPI

MISSISSIPPI CRIMINAL STATUTES
MISS. CODE ANN. §x (1973 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- SP = State penitentiary
- J = County jail
- ? = Place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = Greater than, less than
- ≥ , ≤ = Greater than or equal, less than or equal

MISS. CODE ANN. §x (1973 & Supp. 1986).

Criminal Classification Information

§1-3-11 Felony.

The term "felony," when used in any statute, shall mean any violation of law punished with death or confinement in the penitentiary.

§1-3-19 Infamous crime.

The term "infamous crime," when used in any statute, shall mean offenses punished with death or confinement in the penitentiary.

§99-19-31 Penalty where none fixed elsewhere by statute.

Offenses for which a penalty is not provided elsewhere by statute, and offenses indictable at common law, and for which a statutory penalty is not elsewhere prescribed, shall be punished by fine of not more than one thousand dollars (\$1,000.00) and imprisonment in the county jail not more than six (6) months, or either.

* * *

INCHOATE OFFENSES

§97-1-1 Conspiracy.

If two (2) or more persons conspire . . . each of them, shall be guilty of a felony and upon conviction may be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both.

Provided, that where the crime conspired to be committed is capital murder or murder as defined by law or is a violation of section 41-29-139(b)(1) or section 41-29-139(c)(2)(D), Mississippi Code of 1972, being provisions of the Uniform Controlled Substances Law, the offense shall be punishable by a fine of not more than five hundred thousand dollars (\$500,000.00) or by imprisonment for not more than twenty (20) years, or by both.

Provided, that where the crime conspired to be committed is a misdemeanor, then upon conviction said crime shall be punished as a misdemeanor as provided by law.

§97-1-7 Attempt to commit offense—punishment.

Every person who shall design and endeavor to commit an offense, and shall do any overt act toward the commission thereof, but shall fail therein, or shall be prevented from committing the same, on conviction thereof, shall, where no provision is made by law for the punishment of such offense, be punished as follows: If the offense attempted to be committed be capital, such offense shall be punished by imprisonment in the penitentiary not exceeding ten years; if the offense attempted be punishable by imprisonment in the penitentiary, or by fine and imprisonment in the county jail, then the attempt to commit such offense shall be punished for a period or for an amount not greater than is prescribed for the actual commission of the offense so attempted.

NOTES: Maximum term is recorded, except where a minimum (MIN.) or a range is given. Classification of penalties with either a range from jail to penitentiary, e.g., J: 1 mo. to SP: 5 yrs., or an optional J/SP term, are subject to prosecutorial discretion and hence flagged with an asterisk. This information has been provided by the Office of the District Attorney, Jackson.

| Statute No. and Title | Class/Time |
|--|-------------------------|
| CRIMES AGAINST THE PERSON (inclusive) | |
| 97-3-1 Abduction for purposes of marriage | SP: 5-15 yrs. |
| 97-3-3 Abortion - causing abortion or miscarriage | SP: 1-10 yrs. |
| • with death of mother | SP: death/life |
| 97-3-5 Abortion - advertisement, sale or gift of drugs or instruments | J: 3 mos. |
| 97-3-7* Simple assault; aggravated assault | J: 6 mos. |
| • if simple | J: 1 yr. |
| • if aggravated | SP: 20 yrs./30 yrs. |
| • if police/fire | |
| 97-3-13* False confinement - sending sane person to insane asylum | SP: 1 yr. or J: 6 mos. |
| 97-3-21 Homicide - penalty for murder | SP: death/life |
| 97-3-25 Homicide - penalty for manslaughter | SP: 2-20 yrs. |
| 97-3-49 Suicide - aiding | F: 10 yrs./1 yr. |
| 97-3-51 Interstate removal of child under age fourteen by non-custodial parent or relative | F: 3 yrs. |
| 97-3-53 Kidnapping; capital punishment authorized | ?: life/1-30 yrs. |
| 97-3-55 Libel | Court's discretion |
| 97-3-59* Mayhem | SP: 7 yrs. or J: 6 mos. |
| 97-3-61* Poisoning with intent to kill or injure | SP: 10 yrs. or J: 1 yr. |

| | | | |
|--|-----------------------------|--|-------------------------------|
| 97-3-63 Poisoning with intent to kill where death does not ensue | SP: 10 yrs. | 97-5-41 Carnal knowledge of step or adopted child; carnal knowledge of child of cohabitating partner | SP: 10 yrs. |
| 97-3-65 Rape; carnal knowledge of child under fourteen years of age | SP: life/ death | CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT | |
| 97-3-67* Rape - carnal knowledge of unmarried persons over fourteen and under eighteen years of age | J: 6 mos. or SP: 5 yrs. | 97-7-11* Conspiracy to defraud state - obtaining public funds fraudulently | SP: 5 yrs. or J: 6 mos. |
| 97-3-71 Rape - assault with intent to ravish | SP: life | 97-7-13* Conspiracy to defraud state - defeating or preventing prosecution of just claim due state | SP: 5 yrs. or J: 6 mos. |
| 97-3-75 Robbery - penalty | SP: 15 yrs. | 97-7-15 Conspiracy to defraud state - each party guilty of felony when one or more conspirators act | F; SP: 5 yrs. or J: 6 mos. |
| 97-3-79 Robbery - use of deadly weapon | SP: life/3 yrs. | 97-7-17 Conspiracy to prevent holding a public office or discharging its duties, etc. - by use of force, etc. | SP: 5 yrs. |
| 97-3-81 Robbery; threatening letter demanding money, property | SP: 5 yrs. | 97-7-19 Conspiracy to prevent holding public office or discharging its duties, etc. - by use of boycott | SP: 5 yrs. |
| 97-3-85 Threats and intimidation - by letter | J: 6 mos. or notice | 97-7-23 Criminal syndicalism - penalty for commission of certain acts | ?: 1-10 yrs. |
| 97-3-87* Threats and intimidation - whitecapping | J: 6 mos. or SP: 5 yrs. | 97-7-25 Criminal syndicalism - unlawful assemblage to advocate | ?: 1-10 yrs. |
| 97-3-89 Timber, trees and saw logs - tampering with to injure or harass owner prohibited | M: 3-6 mos. | 97-7-29 Destroying, injuring, etc. property to hinder war efforts | SP: 10 yrs. |
| 97-3-91 Timber, trees and saw logs - penalty for tampering when injury occurs | F: 10 yrs. | 97-7-31 Destroying, injuring, etc. state or federally licensed communications systems | SP: 10 yrs. |
| 97-3-93 Timber, trees and saw logs - penalty for tampering when death results | SP: 2-20 yrs. | 97-7-33 False statements to federal authorities as to denial of constitutional rights by the state or its agents | F: 6 mos.- 5 yrs. |
| 97-3-101 Sexual battery - penalty | SP: 30 yrs./ 5-30 yrs. | 97-7-35 False swearing - false sworn statements to federal authorities as to denial of constitutional rights by the state or its agents | F: 6 mos.- 5 yrs. |
| OFFENSES AFFECTING CHILDREN | | | |
| 97-5-1* Abandonment of child under age six | SP: 7 yrs. or J: 1 yr. | 97-7-37 False swearing - false sworn statements to federal authorities as to denial of constitutional rights by state or its agents with intent or purpose to deceive or cause investigation | F: 6 mos.- 5 yrs. |
| 97-5-3 Desertion or non-support of child under age sixteen | SP: 2 yrs. | 97-7-42* Fraudulent use of food coupons dispensed by state welfare department ● third offense | M: 1 yr. F: 1-5 yrs. |
| 97-5-5 Enticing child for concealment, prostitution or marriage | SP: 10 yrs. | 97-7-45 Legislature - preventing or attempting to prevent meetings | SP: 10 yrs. |
| 97-5-21 Seduction of child under age eighteen | SP: 10 yrs. | 97-7-49 Legislature - altering bills or resolutions before passage | F: 10 yrs. |
| 97-5-23 Touching, handling, etc. child for lustful purposes | SP: 1-10 yrs. | 97-7-51 Legislature - altering bills or resolutions after passage | F: 10 yrs. |
| 97-5-33 Exploitation of children - prohibitions | See below | | |
| 97-5-35 Exploitation of children - penalties | SP: 2-20 yrs. | | |
| 97-5-39* Contributing to the neglect or delinquency of a child; felonious abuse and/or battery of a child ● contributes to neglect or delinquency ● burn or torture, otherwise abuse or mutilate | M: 1 yr. SP: 20 yrs. | | |

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| 97-7-53 Legislature - bribing or influencing member | F: 10 yrs. | 97-9-49* Escape of prisoners; penalties for convicts in jail and persons under arrest or custody; wilful failure to return to jail after being entrusted to leave | |
| 97-7-55 Legislature - member accepting or agreeing to accept bribes | F: 1-10 yrs. | • if felon | SP: 5 yrs. J: 1 yr. |
| 97-7-57 Legislature - influence peddling | F: 10 yrs. | 97-9-55* Intimidating judge, juror, witness, to attorney, etc., or obstructing justice | J: 1 mo. to SP: 5 yrs. |
| 97-7-65* Timber--cutting and rafting from state lands | SP: 5 yrs | | |
| • if value < \$25 | J: 6 mos | 97-9-59 Perjury--definition | See below |
| 97-7-67 Treason | SP: life/death | 97-9-61 Perjury - penalty | SP: 10 yrs./ 10 yrs. MIN. |
| 97-7-71 Violent overthrow of constitution or government-advocacy punished | F: 3-20 yrs. | 97-9-63 Perjury - subordination of | SP: 10 yrs. |
| | | 97-9-65 Perjury - bribery to procure | SP: 5 yrs. |
| OFFENSES AFFECTING ADMINISTRATION OF JUSTICE | | | |
| 97-9-3* Court records and public papers - stealing, concealing, destroying | SP: 5 yrs. or J: 1 yr. | 97-9-77 Wills - alteration, destruction or secretion | SP: 2 yrs. |
| OFFENSES INVOLVING PUBLIC OFFICIALS | | | |
| 97-9-5* Bribery - jurors, arbitrators and referees accepting, and person promising them, punished | SP: 5 yrs. or J: 1 yr. | 97-11-1 Alteration of records | SP: 10 yrs. |
| 97-9-7* Bribery - taking reward for compounding or concealing, etc. | SP: 5 yrs. or J: 1 yr. | 97-11-11 Bribery - offering property to candidate officer, trustee or his wife to influence his action | SP: 10 yrs. |
| 97-9-9* Bribery--taking reward for compounding or concealing crime punishable by less than life imprisonment | SP: 3 yrs. or J: 6 mos. | 97-11-13 Bribery - penalty when officer, agent, trustee or his wife accepts bribe | SP: 10 yrs. |
| 97-9-11 Champerty and maintenance; solicitation and stirring up of litigants prohibited | See below | 97-11-25 Embezzlement - officers, trustees and public employees converting property to own use | SP: 20 yrs. |
| 97-9-13 Champerty and maintenance - penalty | SP: 1 yr. | 97-11-27* Embezzlement - officers and public agents failing to agents failing to deliver money, records, etc. to successor | SP: 10 yrs. or J: 1 yr. |
| 97-9-19 Champerty and maintenance--penalty for false affidavit | SP: 10 yrs./ 10 yrs. MIN. | 97-11-29 Embezzlement - accounts to be kept by all public officers - false entries, false certificates, loan of public funds and fraud on treasury | SP: 20 yrs. |
| 97-9-27 Escape of prisoners - conveying articles useful for escape of felons | SP: 10 yrs. | 97-11-31 Embezzlement - fraud committed in public office | SP: 10 yrs. |
| 97-9-29 Escape of prisoners - aiding escape of felons generally - rescuing prisoners from custody | SP: 10 yrs. | 97-11-33 Extortion - collecting unauthorized fees and fees for services not actually rendered | SP: 5 yrs. |
| 97-9-35* Escape of prisoners--officer or guard of penitentiary or any other person permitting | SP: 2 yrs. or J: 6 mos. | 97-11-53 Offer of inducements to influence public official's action on award of contracts or accomplishment of official acts | F: 10 yrs. |
| 97-9-41 Escape of prisoners - concealing or harboring escaped prisoner | F: 5 yrs. | ELECTION CRIMES | |
| 97-9-45 Escape of prisoners - penalty for penitentiary convicts serving less than life term -time earned toward parole forfeited | SP: 5 yrs. | 97-13-1* Bribery - influencing electors orelection officers | SP: 2 yrs. or J: 1 yr. |
| 97-9-47 Escape of prisoners - penalty for penitentiary convicts penitentiary convicts serving less than life term - attempt by force or violence | SP: 5 yr. MIN. | 97-13-9 Ballots - false entries on voting lists - stuffing - removing, altering, etc. | SP: 5 yrs. |
| | | 97-13-19 Corrupt conduct, etc. by election official | SP: 2 yrs. |

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| 97-13-23 Failure to make return of votes cast | SP: 5 yrs. | 97-17-19 Burglary - breaking and entering dwelling | SP: 10 yrs. |
| 97-13-25 Registration - falsely procuring registration | SP: 10 yrs. | 97-17-21 Burglary - inhabited dwelling | SP: 7-10 yrs. |
| 97-13-27 Registration - neglect or misconduct by registrar | SP: 1-3 yrs. | 97-17-23 Burglary - inhabited dwelling - breaking in at night while armed with deadly weapon | SP: 25 yrs. |
| 97-13-29 Troops of armed men not to be brought near election place | SP: 2 yrs. | 97-17-25 Burglary - breaking out of dwelling | SP: 10 yrs. |
| 97-13-39 Intimidating elector to prevent voting | J: 2 yrs. | 97-17-27 Burglary - breaking inner door of dwelling at night | SP: 10 yrs. |
| OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS | | | |
| 97-15-3 Highway commission members and employees--bribery | F: 1-5 yrs. | 97-17-29 Burglary - breaking inner door of dwelling by one lawfully in house | SP: 10 yrs. |
| 97-15-5 Highway commission members, employees or highway contractors - conspiracy to violate contracts and defraud state | SP: 1-5 yrs. | 97-17-33 Burglary - breaking and entering building other than dwelling house | SP: 7 yrs. |
| 97-15-7 Highway commissioner - candidates for public office not to accept campaign contributions, etc. from road builders | SP: 3 yrs. | 97-17-35 Burglary - possession of burglar's tools | SP: 5 yrs. |
| 97-15-9 Highway contractors, material men, etc. - campaign contributions, etc. to candidates for highway commissioner prohibited | SP: 10 yrs. | 97-17-37 Burglary - with explosives | SP: 5-40 yrs. |
| 97-15-25 Levees - maliciously cutting, destroying, etc. | SP: 5 yrs. | 97-17-39 Public buildings, schools and churches - destroying, defacing, etc., structure furniture or grounds | ?: 6 mos. |
| CRIMES AGAINST PROPERTY (inclusive) | | | |
| 97-17-1 Arson - first degree - burning dwelling house or out-building | SP: 2-20 yrs. | 97-17-41 Larceny - grand larceny defined - penalty | SP: 5 yrs. |
| 97-17-3 Arson - first degree - state supported school buildings - failure to report accidental fires - juvenile offenders | SP: 2-20 yrs./ 2-10 yrs. | 97-17-43 Larceny - petit larceny defined - penalty | J: 3 mos./ 1-6 mos. |
| 97-17-5 Arson - second degree - other buildings or structures | SP: 1-10 yrs. | 97-17-49 Larceny - shearing wool from dead sheep | J: 5-20 days |
| 97-17-7 Arson - third degree - personal property | SP: 1-3 yrs. | 97-17-51* Larceny - stealing dog | J: 6 mos. or SP: 1-2 yrs. |
| 97-17-9 Arson - fourth degree - attempt to burn | SP: 1-2 yrs. | 97-17-53* Larceny - stealing live-stock ● second or subsequent offense | J: 6 mos. to SP: 5 yrs. SP: 1-20 yrs. |
| 97-17-11 Arson - insured property | SP: 1-10 yrs. | 97-17-55 Larceny - stealing milk from cow | J: 3 mos. |
| 97-17-13* Arson - wilfully or negligently firing woods, marsh, meadow, etc. ● wilfully ● neglectfully | SP: 1-2 yrs. M: 3 mos. | 97-17-57 Larceny - stealing fish from fish farmers | J: 1 yr. |
| 97-17-14 Aggravated assault upon firefighter | SP: 10 yrs. | 97-17-58 Larceny - taking of crabs or crab pots | J: 3 mos. |
| 97-17-15 Boundary landmarks - altering or destroying | Fine | 97-17-59* Larceny - stealing timber ● less than \$25 ● more than \$25 | M: 30- 100 days. SP: 1-5 yrs. |
| 97-17-17 Brands of saw-logs - altering or defacing | J: 3 mos. | 97-17-61 Larceny - taking and carrying away certain animals or motor vehicles not amounting to larceny | J: 6 mos. |
| | | 97-17-65 Looting | F: 15 yrs. |
| | | 97-17-67 Malicious mischief | J: 12 mos. |
| | | 97-17-68 Coin-operated devices - description of days/offenses and imposition of penalties | J: 30/ 6 mos.-1 yr. |

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| 97-17-69* Receiving stolen property | J: 6 mos. to SP: 5 yrs. | FALSE PRETENSES AND CHEATS | |
| 97-17-71 Receiving stolen property - junk dealers to keep records of copper purchases - interstate transportation of copper materials | M | 97-19-33 False personation - personating another to marry, become bail or surety, confess judgment, acknowledge recorded instrument, or act in suit | SP: 10 yrs. |
| 97-17-73 Removing agricultural products subject to lien from premises where produced | J: 6 mos. | 97-19-35* False personation - personating another to receive money or property ● grand larceny ● petit larceny | SP: 5 yrs. J: 3 mos./1-6 mos. |
| 97-17-75 Removing personal property subject to lien out of county, or selling | J: 1 yr. | 97-19-41 Obtaining signature or thing of value with intent to defraud - penalty for using false negotiable instrument | SP: 7 yrs. |
| 97-17-77* Removing personal property subject to lien out of state ● less than \$400 ● removal with intent to defraud at \$400 or more | M: 12 mos. F: 1-3 yrs. | 97-19-45 Producing child with intent to intercept inheritance | SP: 10 yrs. |
| 97-17-79 Trees - boxing pines | J: 3 mos. | 97-19-47 Receiving deposits when bank is insolvent | F: 1-2 yrs. |
| 97-17-81 Trees - cutting or rafting upon lands of another | J: 5 mos. | 97-19-51 Selling property previously sold or encumbered | Punish as obtaining under false pretenses whatever goods obtained |
| 97-17-83 Trees - injuring or destroying shade or ornamental tree | J: 10-30 days | | |
| 97-17-85 Trespass - going upon enclosed land of another | Fine | | |
| 97-17-87 Trespass - willful or malicious penalty | J: 6 mos. | 97-19-53 Substituting child to deceive parent or guardian | SP: 7 yrs. |
| 97-17-89 Trespass - destruction or carrying away of vegetation, etc. not amounting to larceny | J: 6 mos. | 97-19-55 Bad checks | |
| 97-17-91 Trespass - defacing, altering or destroying notices posted on land | Fine | 97-19-67* Bad checks; penalties; restitution ● first offense < \$100 ● second offense < \$100 ● third and subsequent, regardless of amount ● check ≥ \$100, first or second offense | M: 5 days-6 mos. M: 30 days-1 yr. F: 1-5 yrs. F: 3 yrs. |
| 97-17-93 Trespass; entering upon posted lands of another; posting requirements | M: 30 days | | |
| 97-17-95 Trespass - entry on premises where atomic machinery, rockets and other machinery are manufactured, etc. | F: 5 yrs. | 97-19-71* Fraud in connection with state or federally funded assistance programs; penalty | SP: 3 yrs. or J: 1 yr. |
| 97-17-97 Trespass - going into or upon, or remaining in or upon buildings, premises or land of another after being forbidden to do so | M: 6 mos. | FORGERY AND COUNTERFEITING | |
| 97-17-99 Trespass - inciting or soliciting, etc. persons to go into or upon, or remain in or upon, buildings, premises or lands of another | J: 6 mos. | 97-21-1* Account books kept in public offices | See 97-21-33 |
| 97-17-101 Mutilation of motor vehicle or farm implement identification number | F; SP: 5 yrs. or J: 6 mos. | 97-21-3* Account books kept by corporations | See 97-21-33 |
| | | 97-21-7* Certificate of acknowledgement or proof of deeds and other recordable instruments | See 97-21-33 |
| | | 97-21-9* Certificate of public security, share in public stock or indorsement thereof | See 97-21-33 |
| | | 97-21-13* Coins; gold and silver coins and treasury notes of the United States | See 97-21-33 |

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| 97-21-15* Coins; gold and silver coins of foreign countries | See 97-21-33 | OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS | |
| | | 97-23-19* Embezzlement - by agents, bailees, trustees, servants and persons generally | SP: 10 yrs. or J: 1 yr. |
| 97-21-17* Coins; possession of counterfeit gold or silver coin with intention to utter | See 97-21-33 | | |
| | | 97-23-21* Embezzlement - evidence of debt negotiable by delivery but not delivered | SP: 10 yrs. or J: 1 yr. |
| 97-21-19* Corporate evidences of debt signed by pretended officer | See 97-21-33 | | |
| | | 97-23-23* Embezzlement - buying or receiving embezzled goods | J: 6 mos. to SP: 5 yrs. |
| 97-21-21* Destruction, erasure, or obliteration of a writing deemed forgery | See 97-21-33 | | |
| | | 97-23-25* Embezzlement - property held in trust or received on contract | SP: 10 yrs. or J: 1 yr. |
| 97-21-23* Engraving or possessing plate for printing bank checks, note or other evidence of debt; possessing impressions made from such plate | See 97-21-33 | | |
| | | 97-23-27* Embezzlement - property borrowed or hired | J: 6 mos. to SP: 5 yrs. |
| 97-21-25* Engraving or possessing plate for printing bank check, note or other evidence of debt; when plate deemed imitation of genuine instrument | See 97-21-33 | | |
| | | 97-23-39 Preventing employment by force or violence - penalty | F: 6 mos./ 2 yrs. |
| 97-21-29* Making and uttering instrument in own name under pretense that it is act of another of same name | See 97-21-33 | | |
| | | 97-23-41* Preventing employment by force or violence - conspiracy | J: 6 mos. or SP: 2 yrs. |
| | | 97-23-43* Profession - practicing without license ● second offense ● subsequent - discretion of court | J: 3-12 mos. SP: 1 yr. MIN. SP: 5 yrs. |
| 97-21-31* Parts of several genuine instruments connected to make one instrument | See 97-21-33 | | |
| | | 97-23-45* Shoplifting - elements of the offense | See below |
| 97-21-33* Penalty for forgery ● less than \$100 | SP: 2-15 yrs. J: 12 mos. | | |
| | | 97-23-47* Shoplifting - penalties - subsequent offenses ● first offense, < \$100 ● second offense, < \$100 ● third or subsequent, regardless of value ● when over \$100 | M: 5 days- 6 mos. M: 30 days- 1 yr. F: 1-5 yrs. F: 5 yrs. |
| 97-21-35* Pleadings, process and other court papers, license, or written instruments generally | See 97-21-33 | | |
| 97-21-37* Possession of counterfeit bank notes or other instrument with intention to utter | See 97-21-33 | | |
| | | 97-23-85 Unlawful restraint of trade - boycott - civil liability | 2 yrs. |
| 97-21-43* Railroad tickets; possession of forged or altered tickets | See 97-21-33 | | |
| | | OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS | |
| 97-21-45* Record of will or other instrument constituting evidence, judgment or decree of court, or return on process | See 97-21-33 | | |
| | | 97-25-1* Electric power lines and facilities; tampering, injury or unauthorized use; stealing or destroying fixtures and equipment ● steal property \geq \$100 | M SP: 5 yrs. |
| 97-21-47* Seal of state and other government and corporate seals or their impressions | See 97-21-33 | | |
| | | 97-25-9 Railroads - embezzlement of ticket | SP: 5 yrs. |
| 97-21-49* Selling or offering to sell counterfeit notes or other evidence of debt, etc. | See 97-21-33 | | |
| | | 97-25-13 Railroads - intoxication of engineer or conductor | SP: 1-15 yrs. |
| 97-21-59* Uttering counterfeit instrument or coin | See 97-21-33 | | |
| | | 97-25-17 Railroads - leaving switch open or improperly placed | SP: 15 yrs. |
| 97-21-61* Warrants on state treasury, United States treasury, or county, city, town, or village treasury | See 97-21-33 | | |
| | | 97-25-19* Railroads - locomotive to be stopped before entering or crossing track of other company ● if death or injury occurs | J: 1 yr. SP: 15 yrs. |
| 97-21-63* Will, deed, certificate of acknowledgement or proof of recordable instrument | See 97-21-33 | | |
| | | 97-25-23 Railroads; obstructing or injuring; derauling cars | SP: 1-10 yrs. |

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| 97-25-31 Railroads - stealing animal killed or wounded by railroad | Punish as larceny of animal | 97-29-45* Profane and indecent language over telephone; jurisdiction | J: 6 mos. or SP: 2 yrs. |
| 97-25-35 Railroads; stealing or interfering with community or signaling equipment | ?: 5 yrs. | 97-29-55 Seduction of female over age of eighteen by promised or pretended marriage | SP: 5 yrs. |
| 97-25-37 Railroads - stopping or standing at crossing | SP: 15 yrs. | 97-29-59 Unnatural intercourse | SP: 10 yrs. |
| 97-25-45 Railroads, public utilities, and carriers; obstructing or impeding by intimidation, force or violence | SP: 1-5 yrs. | 97-29-61 Voyeurism - trespass by "peeping tom" | SP: 5 yrs. |
| | | OBSCENE MATERIALS, PERFORMANCES AND DEVICES | |
| 97-25-47 Railroad trains, buses, trucks, motor vehicles, depots, stations, and other transportation facilities; willfully shooting or throwing at | SP: 1-5 yrs. | 97-29-109 Penalties | ?: 1 yr. |
| | | INTOXICATING BEVERAGES OFFENSES | |
| 97-25-53* Telegraphs and telephones; injury or destroying lines; interrupting communications; stealing or destroying fixtures | J: 6 mos. SP: 5 yrs. | 97-31-21 Manufacturing or distilling unlawful--making wine at home permitted - penalties | F: 5-10 yrs. |
| ● obstruct, injure, break, destroy | | 97-31-23 Manufacturing or distilling unlawful - possession of a still | F: 1-3 yrs./ 5-10 yrs. |
| ● taking or carrying away specified property | J: 3 mos. | 97-31-27* Sale, possession, etc. of intoxicating beverages prohibited - penalties | J: 1 wk.- 3 mos. |
| ● other property | | ● second offense | J: 60 days- 6 mos. |
| 97-25-55 Aircraft piracy - boarding aircraft with dangerous or deadly weapon or instrument | ?: 20 yrs./ 50 yrs./ 10 yrs. | ● subsequent offenses | SP: 1-5 yrs. |
| 97-25-57 Nuclear sabotage | ?: 1-5 yrs. | 97-31-35 Sale, possession, etc. of intoxicating beverages prohibited in penitentiary, jails, convict camps | J: 1 yr. MIN. |
| CRIMES AFFECTING PUBLIC HEALTH | | | |
| 97-27-15 Food sales - selling meat of animal not slaughtered, or unwholesome bread or drink | SP: 1-5 yrs. | GAMBLING AND LOTTERIES | |
| CRIMES AGAINST PUBLIC MORALS AND DECENCY | | | |
| 97-29-5 Adultery and fornication - between certain persons forbidden to intermarry | SP: 10 yrs. | 97-33-7* Gambling - certain machines and devices prohibited - confiscation and destruction - pin ball machines | M: 3 months |
| 97-29-9 Adultery and fornication - going out of this state to marry | SP: 10 yrs. | ● second offense | J: 6 mos. to SP: 2 yrs. |
| 97-29-13 Bigamy - defined - penalty | SP: 10 yrs. | 97-33-23 Gambling; gambling with minor knowing him to be underage | SP: 2 yrs. |
| 97-29-17* Bribery - participant in professional or amateur games or other athletic contests - wrestling excepted | J: 6 mos. to SP: 5 yrs. | 97-33-31 Lotteries - penalty for putting on | SP: 5 yrs. |
| 97-29-19* Dead bodies - disinterment for sale or wantonness | J: 1 yr. to SP: 5 yrs. | CRIMES AGAINST PUBLIC PEACE AND SAFETY | |
| 97-29-21* Dead bodies - buying or receiving | J: 1 yr. to SP: 5 yrs. | 97-35-3* Disorderly conduct - certain acts performed with intent to provoke breach of peace - penalties | M: 4 mos. |
| 97-29-23* Dead bodies - opening graves for certain purposes | J: 6 mos. to SP: 2 yrs. | ● conduct leads to breach of peace | SP: 10 yrs. |
| 97-29-27 Incest - marriage with prohibited degrees | SP: 10 yrs. | 97-35-7* Disorderly conduct - failure to comply with requests or commands of law enforcement officers - penalties | J: 6 mos. |
| 97-29-29 Incest - persons divorced for incest not to cohabitate or copulate | SP: 10 yrs. | ● causes, aids, encourages, abets another in disorderly conduct | J: 6 mos. |
| | | ● evince willful or wanton disregard for the life or safety of another and if death or injury results | F: 5 yrs. |

WEAPONS AND EXPLOSIVES

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| 97-37-1* Deadly weapons - carrying deadly weapons and use of imitation firearm prohibited - penalties ● second conviction | J: 6 mos. | (b)(2) First offender, less than 1 kilo./more than 1 oz. marijuana | F: 20 yrs. |
| ● third or more | J: 30 days-6 mos. | (b)(3) Less than 1 ounce marijuana | ? : 3 yrs. |
| ● previously convicted felons | SP: 1-5 yrs. SP: 1-5 yrs. | (b)(4) Schedule III and IV (b)(5) Schedule V (c) Possession (c)(1) Schedule I or II except marijuana | ? : 20 yrs. ? : 10 yrs. See below F: 3 yrs. |
| 97-37-21 Explosives - false report of placing | SP: 5 yrs. | (c)(2)(A) One ounce or less of marijuana ● second conviction within | \$100-\$200 ? : 5-60 days 2 yrs. |
| 97-37-23 Explosives - unlawful possession - duty of officer to make search and seize explosives | SP: 5 yrs. | ● third or subsequent | M: 5 days-6 mos. M: 90 days |

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| 97-37-25 Explosives; unlawful use | SP: life | (c)(2)(B) Operator of motor vehicle - possession | J: 1 yr. or SP: 3 yrs. |
| 97-37-29* Shooting into dwelling house | J: 1 yr. to SP: 10 yrs. | (c)(2)(C) More than 1 oz./less than 1 kilo. (c)(2)(D) More than 1 kilo. (c)(3) Schedule III, IV, V (d)(1) Paraphernalia (d)(2) Selling or intent to sell paraphernalia (d)(3) 18 or older, to 3 yrs. his junior (d)(4) Ads for paraphernalia (e) Physician prescribing amphetamine solely for obesity | SP: 20 yrs. ? : 1 yr. M: 6 mos. M: 6 mos. M: 1 yr. M: 6 mos. M: 6 mos. |

DUELING

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| 97-39-11* Fighting in public place with deadly weapon, or seconding such a fight - penalty ● with death | ? : 3 mos. Punish as murder | | |
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CRUELTY TO ANIMALS

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| 97-41-17* Poisons - administering to animals | SP: 3 yrs or J: 1 yr. | 41-29-140 Fines and penalties; violation of section 41-29-139 (receive/expend funds for felony in 41-29-139) | F: 5 yrs. |
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RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT

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| 97-43-5 Acquisition of real property or interest in business enterprise; debt collection; conspiracy | See below | 41-29-141 Prohibited acts B; penalties (distribute or dispense in violation of 41-29-137) | Crime: 1 yr. |
| 97-43-7 Penalties (racketerring) | F: 20 yrs. | 41-29-143 Prohibited acts C; penalties (distribute as a registrant) | Crime: 1 yr. |

COMPUTER CRIMES

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| 97-45-3 Computer fraud; penalties | ? : 5 yrs. | 41-29-144 Acquiring or obtaining possession of controlled substance or prescription by misrepresentation, fraud and the like; penalty | Crime: 1-5 yrs |
| 97-45-5* Offense against computer users; penalties ● less than \$100 value ● \$100 or more | ? : 6 mos. ? : 5 yrs. | 41-29-145 Distribution to persons under age 21 | 2 x penalty penalty under 41-29-139 |
| 97-45-7* Offense against computer equipment; penalties ● less than \$100 ● \$100 or more | ? : 6 mos. ? : 5 yrs. | 41-29-146 False representation of controlled substance or counterfeit substance; penalty | J: 1 yr. |
| 97-45-9* Offense against intellectual property; penalties ● less than \$100 ● \$100 or more | ? : 6 mos. ? : 5 yrs. | 41-29-147 Second or subsequent offenses | 2 x penalty |

UNIFORM CONTROLLED SUBSTANCES LAW (inclusive)

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|--|---------------------------------------|--|--|
| 41-29-137 Prescriptions | See 41-29-141 | | |
| 41-29-139 *Prohibited acts A; penalties (b) Selling, distribute, create, etc. (b)(1) Schedule I or II, with exceptions | See below See below ? : 30 yrs. | | |

MISSOURI

MO. REV. STAT. § X (Vernon 1979 & Supp. 1987)
For drugs: MO. REV. STAT. § (Vernon 1983 & Supp. 1987)

Criminal Classification Information

556.016. Classes of crimes

1. An offense defined by this code or by any other statute of this state, for which a sentence of death or imprisonment is authorized, constitutes a "crime". Crimes are classified as felonies and misdemeanors.
2. A crime is a "felony" if it is so designated or if persons convicted thereof may be sentenced to death or imprisonment for a term which is in excess of one year.
3. A crime is a "misdemeanor" if it is so designated or if persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is one year or less.

556.021. Infractions

1. An offense defined by this code or by any other statute of this state constitutes an "infraction" if it is so designated or if no other sentence than a fine, or fine and forfeiture or other civil penalty is authorized upon conviction.
2. An infraction does not constitute a crime and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a crime.

557.016. Classification of Offenses

1. Felonies are classified for the purpose of sentencing into the following four categories:
 - (1) Class A felonies;
 - (2) Class B felonies;
 - (3) Class C felonies; and
 - (4) Class D felonies
2. Misdemeanors are classified for the purpose of sentencing into the following three categories:
 - (1) Class A misdemeanors;
 - (2) Class B misdemeanors; and
 - (3) Class C misdemeanors.
3. Infractions are not further classified.

557.021. Classification of offenses outside this Code

1. Any offense defined outside this code which is declared to be a misdemeanor without specification of the penalty therefor is a Class A misdemeanor.
2. Any offense defined outside this code which is declared to be a felony without specification of the penalty therefor is a Class D felony.
3. For the purpose of applying the extended term provisions of Section 558.016, RSMo, and for determining the penalty for attempts and conspiracies, offenses defined outside of this code shall be classified as follows:
 - (1) If the offense is a felony
 - (a) It is a Class A felony if the authorized penalty includes death, life imprisonment or imprisonment for a term of twenty years or more;
 - (b) It is a Class B felony if the maximum term of imprisonment authorized exceeds ten years but is less than twenty years;
 - (c) It is a Class C felony if the maximum term of imprisonment authorized is ten years;
 - (d) It is a Class D felony if the maximum term of imprisonment is less than ten years;

- (2) If the offense is a misdemeanor
 - (a) It is a Class A misdemeanor if the authorized imprisonment exceeds six months in jail;
 - (b) It is a Class B misdemeanor if the authorized imprisonment exceeds thirty days but is not more than six months;
 - (c) It is a Class C misdemeanor if the authorized imprisonment is thirty days or less;
 - (d) It is an infraction if there is no authorized imprisonment.

558.011. Sentence of Imprisonment, Terms—Conditional Release

1. The authorized terms of imprisonment, including both prison and conditional release terms, are:
 - (1) For a Class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;
 - (2) For a Class B felony, a term of years not less than five years and not to exceed fifteen years;
 - (3) For a Class C felony, a term of years not to exceed seven years;
 - (4) For a Class D felony, a term of years not to exceed five years;
 - (5) For a Class A misdemeanor, a term not to exceed one year;
 - (6) For a Class B misdemeanor, a term not to exceed six months;
 - (7) For a Class C misdemeanor, a term not to exceed fifteen days.
2. In cases of Class C and D felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a Class C or D felony, it shall commit the person to the custody of the department of corrections and human resources for a term of years not less than two years and not exceeding the maximum authorized terms provided in subdivisions (3) and (4) of subsection 1 of this section.
3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the defendant to the custody of the department of corrections and human resources for the term imposed under section 557.036, RSMo, or until released under procedures established elsewhere by law.
 - (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the defendant to the county jail or other authorized penal institution for the term of his sentence or until released under procedures established elsewhere by law.
4. (1) A sentence of imprisonment for a term of years shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036, RSMo, shall be:
 - (a) One-third for terms of nine years or less;
 - (b) Three years for terms between nine and fifteen years;
 - (c) Five years for terms more than fifteen years, including life imprisonment; and the prison term shall be the remainder of such term. The prison term may be extended by the board of probation and parole pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of a prisoner by the board of probation and parole, subject to conditions of release that the board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state board of probation and parole. The conditions of release shall include avoidance by the offender of any other crime, federal or state, and other conditions that the board in its discretion deems reasonably necessary to assist the release in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the board of probation and parole. The director of the division of adult institutions may file with the board of probation and parole a petition to extend the conditional release date when an inmate fails to follow the rules and regulations of the division of adult institutions or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the board of probation and parole shall convene a hearing on the petition. The inmate shall be present and may call witnesses in his behalf and cross-examine witnesses appearing against him. The hearing shall be conducted as provided in section 217.670, RSMo. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the director of the division of adult institutions to file a petition for an extension with the board and for the board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a board decision has not been reached, the inmate shall be released conditionally. The decision of the board shall be final.

564.011. Attempt

* * *

3. Unless otherwise provided, an attempt to commit an offense is a:

(1) Class B felony if the offense attempted is a Class A felony.

(2) Class C felony if the offense attempted is a class B felony.

(3) Class D felony if the offense attempted is a class C felony.

(4) Class A misdemeanor if the offense is a class D felony.

(5) Class C misdemeanor if the offense attempted is a misdemeanor of any degree.

* * *

564.016. Conspiracy

* * *

8. Unless otherwise provided, a conspiracy to commit an offense is a:

(1) Class B felony if the object of the conspiracy is a Class A felony.

(2) Class C felony if the object of the conspiracy is a Class B felony.

(3) Class D felony if the object of the conspiracy is a Class C felony

(4) Class A misdemeanor if the object of the conspiracy is a Class D felony.

(5) Class C misdemeanor if the object of the conspiracy is a misdemeanor of any degree or an infraction.

* * *

MISSOURI CRIMINAL STATUTES

MO. REV. STAT. § X (Vernon 1979 & Supp. 1987)

For drugs: MO. REV. STAT. § (Vernon 1983 & Supp. 1987)

KEY

F = Felony

M = Misdemeanor

A,B,

C,D = Crime subclasses

* = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

> , < = More than, less than

≥ , ≤ = More than or equal, less than or equal

Statute No. and Title Class/Time

Chapter 565

OFFENSES AGAINST THE PERSON (inclusive)

565.020 First degree murder, FA/death
penalty

565.021 Second degree murder, FA
penalty

565.023 Voluntary manslaughter, FB
penalty--under influence of sudden
passion, defendant's burden to
inject

565.024 Involuntary manslaughter, FC
penalty

565.050 Assault, first degree, FB/FA
penalty

565.060 Assault, second degree, FC
penalty

565.065 Unlawful endangerment of FC
another, penalty

565.070 Assault in the third MA/MC
degree

565.090 Harassment MA

565.110 Kidnapping FA/FB

565.120 Felonious restraint FC

565.130* False imprisonment MA
● if removed from state FD

565.150* Interference with custody MA
● if removed from state FD

Chapter 566

SEXUAL OFFENSES (inclusive)

566.030 Rape FB/FA

566.040 Sexual assault in the FC/FB
first degree

566.050 Sexual assault in the FD/FC
second degree

| | | | |
|---|----------|---|------------|
| 566.060 Sodomy | FB/FA | 569.040 Arson in the first degree | FB |
| 566.070 Deviate sexual assault in the first degree | FC/FB | 569.050 Arson in the second degree | FC |
| 566.080 Deviate sexual assault in the second degree | FD/FC | 569.055 Knowingly burning or exploding | FD |
| 566.090 Sexual misconduct | MA | 569.060 Reckless burning or exploding | MA |
| 566.100 Sexual abuse in the first degree | FD/FC | 569.065 Negligent burning or exploding | MB |
| 566.110* Sexual abuse in the second degree ● if inflict serious physical injury or display a deadly weapon in a threatening manner | MA FD | 569.067 Fire, negligence in setting or allowing to escape on cropland, grassland, marsh, prairie, woodland | MB |
| 566.120 Sexual abuse in the third degree | MB/MA | 569.070 Causing catastrophe | FA |
| 566.130 Indecent exposure | MA | 569.080 Tampering in the first degree | FC |
| Chapter 567 | | 569.085 Unlawful endangerment of property, penalty | FC |
| PROSTITUTION | | 569.090* Tampering in the second degree ● if second or subsequent violation or tampering with utility meter | MA FD |
| 567.050 Promoting prostitution in the first degree | FB | 569.095* Tampering with intellectual property, penalties ● if involves scheme to defraud or to obtain property with value > \$150 | MA FD |
| 567.060 Promoting prostitution in the second degree | FC | 569.097* Tampering with computer equipment, penalties ● if involves scheme to defraud or to obtain any property with value > \$150 | MA FD |
| 567.070 Promoting prostitution in the third degree | FD | ● if damage done is > \$150 but < \$1,000 | FD |
| Chapter 568 | | ● if damage done is ≥ \$1,000 or there is an interruption of governmental operation, public communications, or supply of gas, water, etc. | FC |
| OFFENSES AGAINST THE FAMILY | | 569.099* Tampering with computer users, penalties ● if done to defraud or obtain any property with value > \$150 | MA FD |
| 568.020 Incest | FD | 569.100 Property damage in the first degree | FD |
| 568.030 Abandonment of a child | FD | 569.120 Property damage in the second degree | MB |
| 568.040* Criminal nonsupport ● if leave state to avoid obligation | MA FD | 569.140 Trespass in the first degree | MB |
| 568.060 Abuse of a child | FC/FB | 569.150 Trespass in the second degree | Infraction |
| 568.080 Child used in sexual performance, penalties | FC/FB | 569.160 Burglary in the first degree | FB |
| 568.090 Promoting sexual performance by a child, penalties | FC | 569.170 Burglary in the second degree | FC |
| 568.175 Trafficking in children--elements of crime--penalty | FC | 569.180 Possession of burglar's tools | FD |
| Chapter 569 | | | |
| ROBBERY, ARSON, BURGLARY, AND RELATED OFFENSES (inclusive) | | | |
| 569.020 Robbery in the first degree | FA | | |
| 569.025 Pharmacy robbery in the first degree, definitions, penalty | FA | | |
| 569.030 Robbery in the second degree | FB | | |
| 569.035 Pharmacy robbery in the second degree, definitions, penalty | FB | | |

Chapter 570

STEALING AND RELATED OFFENSES (inclusive)

| | | | |
|---|---|--|---|
| 570.030* Stealing--penalties ● if value is > \$150, actor physically takes property from person of victim, or if specified materials involved | MA FC | 570.210* Library theft, penalty ● if value \geq \$150 | MC FC |
| 570.040 Stealing, third offense | FC | 570.217 Misapplication of funds of financial institution, penalties | FC/FD |
| 570.080* Receiving stolen property ● if value > \$150 or person receiving the goods is a dealer in goods of the type in question | MA FC | 570.219 False entries in the records of a financial institution with intent to defraud, penalty | FC |
| 570.085* Alteration or removal of item numbers with intent to deprive lawful owner ● if aggregate value is < \$150 | FD MB | 570.220 Check kiting, penalty--financial institution and collected funds defined | FC |
| 570.090 Forgery | FC | 570.225* Unauthorized recording prohibited ● if second offense | M: jail for 6 months maximum Felony: not less than 2 years nor more than 5 |
| 570.100 Possession of a forging instrumentality | FC | 570.230* Sale or offer to sell unauthorized recordings prohibited ● if second offense | M: jail for 6 months maximum Felony: not less than 2 years nor more than 5 |
| 570.110 Issuing a fake instrument or certificate | MA | 570.240* Labeling required ● if second offense | M: jail for 6 months maximum Felony: not less than 2 years nor more than 5 |
| 570.120* Passing bad checks ● if aggregate amount \geq \$150 or if issuer had no account with drawee/ no such drawee existed | MA FD | 570.300* Theft of cable television service, penalty ● if value of service appropriated \geq \$150 | MA FC |
| 570.125* Fraudulently stopping payment on an instrument, penalties ● if check amount \geq \$150 or total of checks \geq \$150 | MA FD | Chapter 571 | |
| 570.130* Fraudulent use of a credit device ● if property or services to be obtained \geq \$150 | MA FD | WEAPONS OFFENSES | |
| 570.140 Deceptive business practice | MA | 571.015 Armed criminal action, defined, penalty ● if second conviction | Prison: not less than 3 years, in addition to time for crime Prison: not less than 5 years, in addition to time for crime Prison: not less than 10 years, in addition to time for crime |
| 570.150 Commercial bribery | MA | ● if third or subsequent conviction | |
| 570.155* Sports bribery--penalty ● if bribe player/participant ● if player/participant solicits or attempts to obtain thing of value to affect outcome of contest | F: prison for 10 years maximum, or jail for one year maximum M | 571.020* Possession - manufacture - transport - repair - sale of certain weapons a crime--exceptions - penalties ● if specified weapons ● if specified instances | |
| 570.160 False advertising | MA | | FC MA |
| 570.170 Bait advertising | MA | | |
| 570.180* Defrauding secured creditors ● if amount on secured debt, including interest, \geq \$500 | MA FD | | |
| 570.190* Telephone service fraud ● if previous conviction | M Prison: not less than two nor more than five years | | |

| | | | |
|---|-------------|---|----------|
| 571.030* Unlawful use of weapons--exceptions--penalties | | 575.180* Failure to execute an arrest warrant | MA |
| ● if specified instances | FD | ● if offense involved is a felony | FD |
| ● if specified instances | MB | | |
| 571.150 Use or possession of a metal-penetrating bullet during the commission of a crime - definition - penalty | FB | 575.195 Escape from commitment | FD |
| | | 575.200* Escape, or attempted escape from custody | MA |
| | | ● if deadly weapon/dangerous instrument or hostage-taking is involved | FA |
| 571.060* Unlawful transfer of deadly weapons, penalty | | ● if arrestee is felon | FD |
| ● if specified circumstances | FD | | |
| ● if specified circumstances | MA | 575.210 Escape or attempted escape from confinement | FD/FC/FA |
| 571.070 Possession of concealable firearm unlawful for certain persons, penalty | FC | 575.220 Failure to return to confinement | MC/MA |
| | | ● if fails to return to prison | |
| Chapter 572 | | | |
| GAMBLING | | 575.230* Aiding escape of a prisoner | MA |
| 572.030 Promoting gambling in the first degree | FD | ● if by introducing deadly/dangerous instrument | FB |
| | | ● if escapee is felon | FD |
| 572.050 Possession of gambling records in the first degree | FD | 575.240 Permitting escape | FD/FB |
| Chapter 573 | | 575.260 Tampering with a judicial proceeding | FC |
| PORNOGRAPHY AND RELATED OFFENSES | | 575.270* Tampering with a witness--tampering with a victim | MA |
| 573.020 Promoting pornography in the first degree | FD | ● if charge is a felony | FC |
| 573.025 Promoting child pornography in the first degree | FB | 575.280* Acceding to corruption | MA |
| | | ● if judge, juror, or other specific party | FC |
| 573.035 Promoting child pornography in the second degree | FD | ● if witness or prospective witness | FD |
| Chapter 574 | | Chapter 576 | |
| OFFENSES AGAINST PUBLIC ORDER | | OFFENSES AFFECTING GOVERNMENT | |
| 574.070 Promoting civil disorder in the first degree, penalty | FC | 576.010 Bribery of a public servant | FD |
| Chapter 575 | | 576.020 Public servant acceding to corruption | FD |
| OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE | | 576.070 Treason | FA |
| 575.020* Concealing an offense | MA | Chapter 577 | |
| ● if offense concealed is a felony | FD | PUBLIC SAFETY OFFENSES | |
| 575.030* Hindering prosecution | MA | 577.023* Definitions of prior offender, persistent offender, intoxication-related traffic offense -- guilty, prior or persistent offenders, penalties - imprisonment requirements - establishing defendant as prior or persistent offender, grounds - procedure - conviction of city or county ordinances, effect | |
| ● if conduct is a felony | FD | ● previously guilty of 577.010 or 577.012 | MA |
| 575.040 Perjury | FD/FC/FB/FA | ● persistent violator of 577.010 or 577.012 | FD |
| 575.100* Tampering with physical evidence | MA | 577.060* Leaving the scene of a motor vehicle accident | MA |
| ● if actor impairs or obstructs the prosecution or defense of a felony | FD | ● if physical injury involved, property damage > \$100, or previous violator of section | FD |
| 575.150* Resisting or interfering with arrest | MA | | |
| ● resisting, by means other than flight, or interfering with a felony arrest | FD | | |

MISCELLANEOUS CRIMES

578.025* Dogs, fighting, training to fight, or injury for amusement or gain, penalty -- spectator, penalty
 ● own or cause dog to fight for amusement or gain
 ● if spectator

FD

578.150* Failure to return rented personal property -- penalty - exception - notice required, contents
 ● if value \geq \$150

MA

578.265 Selling or transferring possession of solvents for purposes of causing certain symptoms - prohibited -- violation -- penalty

FC

578.305 Bus hijacking, definition, penalty - assault with intent to commit bus hijacking, penalty, with a deadly weapon, penalty -- possession and concealment of deadly weapon by passenger, penalty, exception

FB/FC

578.310 Bombs and explosives placed in or near buses or terminals -- threat to commit offense -- discharging firearms or hurling missiles -- penalties

FA/FC/FB

578.320* Refusal of admission to terminals -- requests for identification or to leave terminal unauthorized, failure to comply, penalty
 ● carrying deadly weapon, explosive, FC etc.

MC

578.330 Removal of baggage or cargo without owner's permission, penalty

FD

Chapter 195

DRUG REGULATIONS (inclusive)

195.020 Prohibited acts
 ● manufacture, sell, prescribe, etc., any controlled or counterfeit substance

See 195.200

195.025 Certain use of vessels, vehicle and aircraft prohibited

See 195.145

195.060 Controlled substances to be dispensed on prescription only, exception -- certain advertising prohibited

Unlawful

195.130 Places used for illegal sale and use -- nuisances -- Suits to enjoin, procedure

Deemed nuisance

195.145 Forfeiture of vehicles or aircraft

Forfeiture

195.170 Fraudulently attempting to obtain a controlled substance, communications to physician not privileged, when--penalty

FD

195.200* Penalties

See below

(1:1) Manufacture, possess, sell, prescribe, etc., any controlled or counterfeit substance
 ● first offense, other than selling giving or delivering controlled Substance in I, II

Prison: 20 yrs. max. or jail: 6 mos. - 1 yr. Jail: 1 yr. max.

(1:1a) First offense, possess \leq 35 gr. marijuana/
 \leq 5 gr. hash

(1:1b) Subsequent offense for marijuana/first offense $>$ 35 gr. marijuana or $>$ 5 gr. hash

Prison: 5 yrs. max. or jail: 1 yr. max.

(1:1c) Deliver $<$ 25 gr. marijuana/ $<$ 5 gr. hash for no pay

Jail: 1 yr. max.

(1:2) Second offense, other than selling, giving, delivering controlled substance in I, II

Prison: 5 yrs. - life

(1:3) Third or subsequent offense, other than selling, giving, delivering controlled substance in I, II

Prison: 10 yrs. - life

(1:4) Except as provided in (1:1c), other than selling, giving, delivering controlled substance in I, II

Prison: 5 yrs. - life

(1:5) Selling, giving, or delivery I, II controlled substance if previously convicted of any felony

Prison: 10 yrs. - life

(2) Violate subsection (2) or (4) of 195.020

MB

(3) Violate subsection (3) of 195.020

FD

(4) Violate subsection (5) or (7) of 195.020

MB

(5) Violate subsection (6) of 195.020

FD

HALLUCINOGENIC, HYPNOTIC, SOMNIFACIENT AND STIMULATING DRUGS (inclusive)

195.240 Possession, sale, distribution or transfer of certain substances prohibited (schedule III, IV or V controlled substance or their paraphernalia)

F; prison: 2 - 10 yrs. or jail: 1 yr. max.

195.250 Obtaining controlled substances by fraud or deception prohibited

F; prison: 2 - 10 yrs. or jail: 1 yr. max.

195.270 Penalty for certain acts (penalty for 195.240, 195.250)

See above

KEY

- F = Felony
- M = Misdemeanor
- SP = State prison
- J = County jail
- ? = Place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = Greater than, less than
- ≥ , ≤ = Greater than or equal, less than or equal

MONT. CODE ANN. §x (1985).

Criminal Classification Information

45-2-101 [Definitions]

* * *

(21) "Felony" means an offense in which the sentence imposed upon conviction is death or imprisonment in the state prison for any term exceeding 1 year.

(22) "Forcible felony" means any felony which involves the use or threat of physical force or violence against any individual.

* * *

"Misdemeanor" means an offense in which the sentence imposed upon conviction is imprisonment in the county jail for any term or a fine, or both, or the sentence imposed is imprisonment in the state prison for any term of 1 year or less.

INCHOATE OFFENSES

45-4-101 Solicitation

* * *

(2) A person convicted of solicitation shall be punished not to exceed the maximum provided for the offense solicited.

45-4-102 Conspiracy

* * *

(3) A person convicted of the offense of conspiracy shall be punished not to exceed the maximum sentence provided for the offense which is the object of the conspiracy.

45-4-103 Attempt

* * *

(3) A person convicted of the offense of attempt shall be punished not to exceed the maximum provided for the offense attempted.

* * *

NOTES: Maximum term is recorded, except where a sentence range is given. For classifications that are NOT inclusive, crimes with penalties of 1 year or less are NOT recorded.

| | |
|-----------------------|------------|
| Statute No. and Title | Class/Time |
|-----------------------|------------|

Offenses Against the Person

HOMICIDE (inclusive)

| | |
|--|----------------------------|
| 45-5-101 Criminal homicide | See below |
| 45-5-102 Deliberate homicide | SP: 10-100 yrs./life/death |
| 45-5-103 Mitigated deliberate homicide | SP: 2-40 yrs. |
| 45-5-104 Negligent homicide | SP: 10 yrs. |
| 45-5-105 Aiding or soliciting suicide | SP: 10 yrs. |

ASSAULT (inclusive)

| | |
|--|-------------------------|
| 45-5-201* Assault ● if victim < 14 yrs. old | J: 6 mos. SP: 5 yrs. |
| 45-5-202 Aggravated assault --Felony assault | SP: 2-20 yrs./10 yrs. |
| 45-5-203 Intimidation | SP: 10 yrs. |
| 45-5-204 Mistreating prisoners | SP: 10 yrs. |
| 45-5-205 Negligent vehicular assault; penalty | J: 1 yr. |
| 45-5-206* Domestic abuse ● third or subsequent conviction | J: 6 mos. SP: 5 yrs. |

KIDNAPPING

| | |
|---------------------------------|---|
| 45-5-301 Unlawful restraint | J: 6 mos. |
| 45-5-302 Kidnapping | SP: 2-10 yrs. |
| 45-5-303 Aggravated kidnapping | Death/life/ SP: 2-100 yrs./2-10 yrs. |
| 45-5-304 Custodial interference | SP: 10 yrs. |

| | | | |
|--|-----------------------------|--|--|
| ROBBERY (inclusive) | | 45-6-316* Issuing a bad check ● as part of a scheme or value of property obtained > \$300 | J: 6 mos. SP: 10 yrs. |
| 45-5-401 Robbery | SP: 2-40 yrs. | | |
| SEXUAL CRIMES (inclusive) | | 45-6-317* Deceptive practices ● as part of a scheme or value of goods obtained > \$300 | J: 6 mos. SP: 10 yrs. |
| 45-5-502* Sexual assault ● victim < 16 yrs. and offender 3 or more years older or offender inflicts bodily injury | J: 6 mos. SP: 20 yrs. | 45-6-319* Chain distributor schemes ● second offense | SP: 1 yr. SP: 5 yrs. |
| 45-5-503 Sexual intercourse without consent | SP: 2-20 yrs./ 2-40 yrs. | 45-6-325* Forgery ● as part of a scheme or value of goods > \$300 | J: 6 mos. SP: 20 yrs. |
| 45-5-504 Indecent exposure | J: 6 mos. | 45-6-327 Illegal branding or altering or obscuring a brand | SP: 10 yrs. |
| 45-5-505 Deviate sexual conduct | SP: 10 yrs./ 20 yrs. | | |
| 45-5-507 Incest | SP: 10 yrs. | Offenses Against Public Administration | |
| OFFENSES AGAINST THE FAMILY | | BRIBERY AND CORRUPT INFLUENCE | |
| 45-5-603 Aggravated promotion of prostitution | SP: 20 yrs. | 45-7-101 Bribery in official and political matters | SP: 10 yrs. |
| 45-5-621* Nonsupport ● aggravated | J: 6 mos. SP: 10 yrs. | 45-7-102* Threats and other improper influence in official and political matters ● offense threatened or threat to influence a judicial or administrative proceeding | J: 6 mos. SP: 10 yrs. |
| 45-5-625 Sexual abuse of children | SP: 20 yrs. | | |
| Offenses Against Property | | PERJURY AND OTHER FALSIFICATION IN OFFICIAL MATTERS | |
| CRIMINAL MISCHIEF AND ARSON (inclusive) | | 45-7-201 Perjury | SP: 10 yrs. |
| 45-6-101* Criminal mischief ● causes loss > \$300 or kills commonly domesticated animal or causes interruption or impairment of public services | J: 6 mos. SP: 10 yrs. | 45-7-206 Tampering with witnesses and informants | SP: 10 yrs. |
| 45-6-102* Negligent arson ● places another in danger of death or bodily injury | J: 6 mos. SP: 10 yrs. | 45-7-207 Tampering with or fabricating physical evidence | SP: 10 yrs. |
| 45-6-103 Arson | SP: 20 yrs. | 45-7-208 Tampering with public records or information | SP: 10 yrs. |
| CRIMINAL TRESPASS AND BURGLARY (inclusive) | | 45-7-210* False claims to public agencies ● as part of scheme or value > \$300 | J: 6 mos. SP: 10 yrs. |
| 45-6-204 Burglary ● if aggravated | SP: 10 yrs. SP: 40 yrs. | OBSTRUCTING GOVERNMENTAL OPERATIONS | |
| 45-6-205 Possession of burglary tools | J: 6 mos. | 45-7-303* Obstructing justice ● offender liable to be convicted of a felony ● offender liable to be convicted of a misdemeanor | SP: 10 yrs. J: 6 mos. |
| THEFT AND RELATED OFFENSES (inclusive) | | 45-7-306* Escape ● from prison, jail, or supervised release program by use or threat of force or use of weapon ● from prison, jail, halfway house, life skills center, or supervised release program but not use threat of force or weapon use ● from other official detention by use or threat of force or use of weapon ● any other escape | SP: 20 yrs. SP: 10 yrs. SP: 10 yrs. J: 6 mos. |
| 45-6-301* Theft ● exceeding \$300 in value | J: 6 mos. SP: 10 yrs. | | |
| 45-6-309* Failure to return rented or leased personal property ● value < \$300 ● value > \$300 | J: 6 mos. SP: 10 yrs. | | |
| 45-6-311* Unlawful use of a computer ● value < \$300 ● value > \$300 | J: 6 mos. SP: 10 yrs. | | |
| 45-6-312* Unauthorized acquisition or transfer of food stamps ● as part of a dollar scheme or value > \$150 | J: 6 mos. SP: 10 yrs. | | |

45-7-307* Transferring illegal articles or unauthorized communication

- conveys weapon to person under official detention
- any other illegal article to person under official detention or unauthorized communication to person under official detention

SP: 20 yrs.

J: 10 days

45-7-308* Bail jumping
• in connection with a felony

J: 6 mos.
SP: 10 yrs.

OFFICIAL MISCONDUCT

Offenses Against Public Order

CONDUCT DISRUPTIVE OF PUBLIC ORDER

45-8-103* Riot
• act of violence by person under official detention

J: 6 mos.
SP: 1-5 yrs.

45-8-104* Incitement to riot
• while incarcerated in any state correctional facility

J: 6 mos.
SP: 1-5 yrs.

45-8-105* Criminal syndicalism
• owner knowingly permits assemblage to promote criminal syndicalism
• criminal syndicalism

J: 6 mos.
SP: 10 yrs.

45-8-106 Bringing armed men into the state

SP: 10 yrs.

OFFENSIVE, INDECENT AND INHUMANE CONDUCT

45-8-210 Causing animals to fight - owners, trainers and spectators - penalties - exception - definition

SP: 1-5 yrs.

45-8-214 Bribery in contests

SP: 10 yrs.

45-8-215 Desecration of flags

SP: 10 yrs.

WEAPONS

45-8-303 Possession or use of machine gun in connection with a crime

SP: 20 yrs.

45-8-304 Possession or use of machine gun for offensive purpose

SP: 10 yrs.

45-8-316* Carrying concealed weapons
• previous offense with sentence in excess of one year

J: 6 mos.
SP: 5 yrs.

45-8-318 Possession of deadly weapon by prisoner

F: 5-15 yrs.

45-8-334 Possession of a destructive device

SP: 10 yrs.

45-8-335 Possession of explosives

SP: 20 yrs.

45-8-336 Possession of a silencer

SP: 5 yrs.-
30 yrs.

Dangerous Drugs

OFFENSES INVOLVING DANGEROUS DRUGS (inclusive)

45-9-101 Criminal sale of dangerous drugs
• opiate
• second sale Sch. I/II

SP: 2 yrs./life
SP: 10 yrs./life
SP: 20 yrs./life
SP: 1 yr./life

• third sale Sch. I/II
• all other sales

45-9-102* Criminal possession of dangerous drugs

See below

45-9-102(2) marijuana < 60 grams or hashish 1 gram - first offense
• second or subsequent offense

M: 6 mos.

(3) opiate as defined by 50-32-101(9)

J: 1 yr./SP: 3 yrs.
SP: 2-5 yrs.

(4) not otherwise provided for in subsections (2) or (3)

SP: 5 yrs.

45-9-103 Criminal possession with intent to sell

SP: 2-20 yrs./
20 yrs.

45-9-106* Penalty for fraudulently obtaining dangerous drugs or altering labels of dangerous drugs

See below

(1) altering labels of dangerous drugs

J: 6 mos.

(2)(a) fraudulently obtaining dangerous drugs included in schedule I, schedule II, schedule III, schedule IV or schedule V - first conviction

SP: 1-5 yrs.

(2)(b) second conviction

SP: 5-10 yrs.

45-9-107 Criminal possession of precursors to dangerous drugs

SP: 2-20 yrs.

45-9-112 Criminal sale of imitation dangerous drug, penalty

SP: 5 yrs./
10 yrs.

45-9-113 Criminal possession of imitation dangerous drug with purpose to sell

SP: 5 yrs.

45-9-114 Criminal advertisement of imitation dangerous drug - penalty

SP: 10 yrs.

45-9-115 Criminal manufacture of imitation dangerous drug - penalty

SP: 10 yrs.

45-9-121 Criminal possession of toxic substances - penalty

J: 6 mos.

PROCEDURAL PROVISIONS

Model Drug Paraphernalia Act (inclusive)

45-10-103 Criminal possession of drug paraphernalia

M; J: 6 mos.

45-10-104 Manufacture or delivery of drug paraphernalia

M; J: 6 mos.

45-10-105 Delivery of drug paraphernalia to a minor

M; J: 6 mos.

45-10-106 Advertisement of drug paraphernalia M; J: 6 mos.

GENERAL PROVISIONS

Controlled Substances (inclusive)

GENERAL PROVISIONS

SCHEDULING OF DANGEROUS DRUGS

50-32-208 Prescription and medical requirements for scheduled drugs - penalty M; J: 1 yr.

ANNUAL REGISTRATION

50-32-313 Practitioner's failure to register a misdemeanor M; J: 1 yr.

TRANSFER OF PRECURSORS TO CONTROLLED SUBSTANCES

50-32-405 Failure to report sale or transfer of a precursor to a controlled substance SP: 10 yrs.

NEB. REV. STAT. § (1985, 1986 & Supp. 1986)

Criminal Classification Information

28-104 Offense; crime; synonymous

The terms offense and crime are synonymous as used in this code and mean a violation of, or conduct defined by, any statute for which a fine, imprisonment, or death may be imposed.

28-105 Felonies; classification of penalties; sentences; where served

(1) For purposes of this code and any statute passed by the Legislature after the date of passage of this code, felonies are divided into six classes which are distinguished from one another by the following penalties which are authorized upon conviction.

| | |
|------------------|--|
| Class I Felony | Death |
| Class IA Felony | Life imprisonment |
| Class IB Felony | Maximum-life imprisonment |
| | Minimum-ten years imprisonment |
| Class II Felony | Maximum-fifty years imprisonment |
| | Minimum-one year imprisonment |
| Class III Felony | Maximum-twenty years imprisonment |
| | or twenty-five thousand dollars fine, or both |
| | Minimum-one year imprisonment |
| Class IV Felony | Maximum-five years imprisonment, or ten thousand dollars fine, or both |
| | Minimum-none |

(2) All sentences of imprisonment for Class IA, IB, II, and III felonies and sentences of one year or more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in this subsection. If the Department of Correctional Services certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the Department of Correctional Services. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisdiction to sentence in felony cases.

(3) Nothing in this section shall limit the authority granted in sections 29-2221 and 29-2222, to increase sentences for habitual criminals.

28-106 Misdemeanors; classification of penalties; sentences; where served

(1) For purposes of this code and any statute passed by the Legislature after the date of passage of this code, misdemeanors are divided into six classes which are distinguished from one another by the following penalties which are authorized upon conviction:

| | |
|------------------------|--|
| Class I misdemeanor | Maximum-not more than one year imprisonment, or one thousand dollars fine, or both |
| Class II misdemeanor | Minimum-none |
| | Maximum-six months imprisonment, or one thousand dollars fine, or both |
| Class III misdemeanor | Minimum-none |
| | Maximum-three months imprisonment, or five hundred dollars fine, or both |
| Class IIIA misdemeanor | Minimum-none |
| | Maximum-seven days imprisonment, five hundred dollars fine, or both |
| Class IV misdemeanor | Minimum-none |
| | Maximum-no imprisonment, five hundred dollars fine |
| | Minimum-one hundred dollars |
| Class V misdemeanor | Maximum-no imprisonment, one hundred dollars fine |
| | Minimum-none |

(2) Sentences of imprisonment in misdemeanor cases shall be served in the county jail, except that in the following circumstances the court may, in its discretion, order that such sentences be served in institutions under the jurisdiction of the Department of Correctional Services.

(a) If the sentence is for a term of one year upon conviction of a Class I misdemeanor, or for a combined term of one year or more in the event of conviction of more than one misdemeanor offense;

(b) If the sentence is to be served concurrently with a term for conviction of a felony; or

(c) If the Department of Correctional Services has certified as provided in section 28-105 as to the availability of facilities and programs for short-term prisoners and the sentence is for a term or combined terms of six months or more.

28-107 Felony or misdemeanor, defined outside of code; how treated

(1) Any felony or misdemeanor defined by state statute outside of this code without specification of its class shall be punishable as provided in the statute defining it, or as otherwise provided by law outside of this code, except as provided in subsections (2) and (3) of this section.

(2) A felony defined by statute outside this code, without classification, the sentence for which exceeds the sentence authorized in this code for a Class III felony, shall constitute for sentencing purposes a Class III felony. A person adjudged guilty under such law is deemed to be convicted of a Class III felony and shall be sentenced for a felony of that class in accordance with this code.

(3) A misdemeanor defined by a statute outside this code, the sentence for which exceeds the sentence authorized in this code for a Class I misdemeanor, shall constitute for sentencing purposes a Class I misdemeanor. A person adjudged guilty under such law is deemed to be convicted of a Class I misdemeanor and shall be sentenced for a Class I misdemeanor in accordance with this code.

NEBRASKA CRIMINAL STATUTES

NEB. REV. STAT. §x (1985, 1986 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- I, IA, IB,
- II, III,
- IIIA, IV,
- V = Crime subclasses
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

INCHOATE OFFENSES

28-201 Criminal attempt; conduct; penalty

* * *

(4) Criminal attempt is:

- (a) A Class II felony when the crime attempted is a Class I, Class IA, or Class IB felony;
- (b) A Class III felony when the crime attempted is a Class II felony;
- (c) A Class IV felony when the crime attempted is a Class III felony;
- (d) A Class I misdemeanor when the crime attempted is a Class IV felony;
- (e) A Class II misdemeanor when the crime attempted is a Class I misdemeanor; and
- (f) A Class III misdemeanor when the crime attempted is a Class II misdemeanor.

28-202 Conspiracy, defined; penalty

* * *

(4) Conspiracy is a crime of the same class as the most serious offense which is an object of the conspiracy, except that conspiracy to commit a Class I felony is a Class II felony.

* * *

Statute No. and Title Class/Time

OFFENSES AGAINST THE PERSON (inclusive)

| | |
|---|-------------|
| 28-301 Compounding a felony, defined; penalty | MI |
| 28-303 Murder in the first degree; penalty | FI/FIA |
| 28-304 Murder in the second degree; penalty | FIB |
| 28-305 Manslaughter; penalty | FIII |
| 28-306* Motor vehicle homicide; penalty ● cause of death violation of 39.669.01, 39-669.03, or 39-669.07 | MI FIV |
| 28-307 Assisting suicide, defined; penalty | FIV |
| 28-308 Assault in the first degree; penalty | FIII |
| 28-309 Assault in the second degree; penalty | FIV |
| 28-310 Assault in the third degree; penalty | MII |
| 28-311.01 Terroristic threats; penalty | FIV |
| 28-313 Kidnapping; penalties | FIA/FII |
| 28-314 False imprisonment in the first degree; penalty | FIV |
| 28-315 False imprisonment in the second degree; penalty | MI |
| 28-316* Violation of custody; penalty ● in contravention of any district or juvenile | MII FIV |
| 28-319 Sexual assault; first degree; penalty second first degree offense | FII/25 yrs. |
| 28-320* Sexual assault, second or third degree; penalty ● second degree - serious personal injury ● third degree - no serious personal injury | FIII MI |

| | | | |
|---|-----------|--|----------|
| 28-320.01 Sexual assault of a child; penalty | FIV | 28-424 Use of certain compounds | MIII |
| 28-324 Robbery; penalty | FII | 28-425 Embalming fluids; use of arsenic or strychnine prohibited; label required; violation; penalty | MIII |
| 28-327 Abortion without informed consent; violation; penalty | MII | 28-442 Drug paraphernalia - deliver or manufacture; unlawful; penalty | MII |
| 28-332 Abortion; procedure; protection of viable, unborn child, care and treatment of child aborted; violation; penalty | FIV | 28-443 Delivery of drug paraphernalia to a minor; penalty | MI |
| 28-335 Abortion by other than licensed physician; penalty | FIV | 28-444 Advertisement of drug paraphernalia; unlawful; penalty | MIII |
| 28-336 Abortion by other than accepted medical procedures; penalty | FIV | 28-445 Imitation controlled substance; prohibited acts; determination; penalties; seizure | MIII/MII |
| 28-339 Discrimination against person refusing to participate in an abortion; penalty | MII | OFFENSES AGAINST PROPERTY (inclusive) | |
| 28-342 Aborted child; sell, transfer, distribute, give away, violation, penalty | FIII | 28-502 Arson, first degree; penalty | FII |
| 28-344 Abortion reporting form; violation; penalty | MII | 28-503 Arson, second degree; penalty | FIII |
| 28-346 Aborted infant; experimentation; prohibition; exception; penalty | FIV | 28-504 Arson, third degree; penalty | MI |
| DRUGS (inclusive) | | 28-505 Burning to defraud insurer; penalty | FIV |
| 28-402 Administering medicine while intoxicated; penalty | MIII | 28-507 Burglary; penalty | FIII |
| 28-403 Administering specified medicine; penalty | MIII | 28-508 Possession of burglar's tools; penalty | FIV |
| 28-412 Narcotic drugs; administration to addicts; records; violation; penalty | FIV | 28-515 Theft of services; penalty | MII |
| 28-416* Manufacture, distribution or possession with intent | See below | 28-516 Unauthorized use of a propelled vehicle; affirmative defense; penalty | MIII |
| (2)(a) Classified in Schedule I, II or III | FII | 28-518* Grading of theft offenses | |
| • exceptionally hazardous | FIII | • value over \$1000 | FIII |
| (b) Classified in Schedule I, II or III | FIV | • value over \$300 but less than \$1000 | FIV |
| • other than as provided for in section 28-416(2)(a) | FIV | • value over \$100 but less than \$300 | MI |
| (c) Classified in Schedule IV or V | | • value \$100 or less | MII |
| (3) Prescription/possession offense | | • second or subsequent conviction, value over \$100 but less than \$300 | FIV |
| • controlled substance other than marijuana | FIV | • second or subsequent conviction, value less than \$100 | MI |
| (4) Possession | MIIIA | • third or subsequent conviction value less than \$100 | FIV |
| - marijuana > 1 oz., < 1 pound | FIV | 28-519* Criminal mischief; penalty | |
| (5) Possession | | • loss greater than \$300 | FIV |
| - marijuana > 1 lb. | Unlawful | • loss greater than \$100 | MII |
| (6) Possession | | • loss of \$100 or less | MIII |
| - marijuana < 1 oz. | | 28-520 Criminal trespass; first degree; penalty | MI |
| (b) Second offense | MIV | 28-521 Criminal trespass; second degree; penalty | MIII/MII |
| (c) Third and all subsequent offenses | MIIIA | 28-523 Littering of public and private property; penalty | MV |
| 28-417 Prescription offense | MIII | | |
| 28-418 Prescription offense | FIV | | |

OFFENSES INVOLVING FRAUD

28-602 Forgery, first degree; penalty FIII

28-603* Forgery, second degree; penalty
 ● value \$300 or more FIII
 ● value exceeds \$75 but less than \$300 FIV
 ● value \$75 or less MI

28-604* Criminal possession of a forged instrument; penalty
 ● first degree forgery FIV
 ● second degree forgery-value \$300 or more FIV
 ● second degree forgery-value exceeds \$75 but less than \$300 MI
 ● second degree forgery-value \$75 or less MII

28-605 Criminal possession of forgery devices; penalty FIV

28-611* Issuing a bad check and obtains property or services; penalty
 ● \$1000 or more FIII
 ● \$300 or more, but less than \$1000 FIV
 ● \$75 or more, but less than \$300 MI
 ● less than \$75 MII
 ● second or subsequent offense amount less than \$300 FIV
 ● issues a bad check without obtaining property or services MII

28-612 False statement or book entry; destruction or secretion of records; penalty; organization; defined FIV

OFFENSES INVOLVING THE FAMILY RELATION

28-703 Incest; penalty FIII

28-706* Criminal nonsupport; penalty; exception MII
 ● criminal nonsupport in violation of a court order FIV

28-707* Child abuse; penalty
 ● committed negligently MI
 ● committed intentionally FIV

28-708* Abuse of an incompetent or disabled person; penalty
 ● committed negligently MI
 ● committed intentionally FIV

OFFENSES RELATING TO MORALS

28-802 Pandering; penalty FIV

OFFENSES INVOLVING INTEGRITY AND EFFECTIVENESS OF GOVERNMENT OPERATION

28-904* Resisting arrest; penalty; affirmative defense MI
 ● second or subsequent offense FIV
 ● use of a deadly weapon FIV

28-905* Operating a motor vehicle to avoid arrest; penalty
 ● fleeing arrest for violation of misdemeanor, traffic infraction or city ordinance MI
 ● fleeing arrest for violation of a felony FIV

28-912 Escape; official detention, defined; knowingly permitting an escape; penalty; defense to prosecution FIV/FIII

28-915 Perjury; subornation of perjury; penalty FIII

28-917 Bribery; penalty FIV

28-918 Bribery of a witness; penalty; witness receiving bribe FIV

28-919 Tampering with witnesses, informants, or jurors; penalty FIV

28-920 Bribery of a juror; penalty; juror receiving bribe; penalty FIV

29-922 Tampering with physical evidence; penalty; physical evidence, defined FIV

28-929 Assault on an officer in the first degree; penalty FII

28-930 Assault on an officer in the second degree; penalty FIII

28-931 Assault on an officer in the third degree; penalty FIV

28-932 Confined person; assault; penalty; sentence FIV/FIII

28-933 Confined person; offenses against another person; penalty; sentence FII

OFFENSES AGAINST PUBLIC PEACE, ORDER, AND DECENCY

GAMBLING

28-1102* Promoting gambling, first degree; penalty MI
 ● second offense FIV
 ● third and subsequent offense FIII

28-1105.01 Gambling debt collection; penalty FIII

OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

28-1202* Carrying a concealed weapon; penalty affirmative defense MI
 ● second or subsequent conviction FIV

28-1203 Transportation or possession of machine guns, short rifles, or short shotguns; penalty; exception FIV

28-1205 Using firearms to commit a felony; penalty; separate and distinct offense FIII

| | | | |
|--|----------|--|----------|
| 28-1206 Possession of firearms by a felon or a fugitive from justice; penalty | FIV | 28-1345 Unlawful acts; harming or disturbing operations; penalties | FIV/FIII |
| 28-1207 Possession of a defaced firearm; penalty | FIV | Noncode Provisions | |
| 28-1208 Defacing a firearm; penalty | FIV | OFFENSES RELATING TO PROPERTY | |
| 28-1215 Unlawful possession of explosive materials, first degree; exception; penalty | FIV | JUSTIFICATION FOR USE OF FORCE | |
| 28-1217 Unlawful transfer of explosives; penalty | FIV | TOBACCO AND CIGARETTES | |
| 28-1219 Obtaining a permit through false representation; penalty | FIV | MANUFACTURE AND SALE OF TOYS | |
| 28-1220 Possession of a destructive device; penalty; permit or license for explosive materials; no defense | FIV | BUILDING REGULATIONS | |
| 28-1221 Threatening the use of explosives; penalty | FIV | DRUGS (inclusive) | |
| 28-1222 Using explosives to commit a felony; penalty | FIII/FII | 28-1438 Legend drugs; violations; penalty (not classified as a controlled substance) | MIII |
| 28-1223 Using explosives to damage or destroy property; penalty | FIII/FII | ILLEGAL SOLICITATION OF FUNDS | |
| 28-1224 Using explosives to kill or injure any person; penalty | FIII/FII | CHILD PORNOGRAPHY PREVENTION ACT | |
| MISCELLANEOUS OFFENSES | | 28-1463.04 Visual depiction of sexually explicit conduct; prohibited acts; violation; penalty | FIII/FII |
| DEAD HUMAN BODIES | | 28-1463.05 Visual depiction of sexually explicit acts related to possessing violation; penalty | FIV |
| SPREAD OF DISEASE | | OPERATION OF AIRCRAFT | |
| 28-1307 Diseased meat; sale; penalty | FIV | 28-1469 Aircraft; operation while under influence of liquor or drug; third offense; penalty | FIV |
| TELEPHONE COMMUNICATIONS | | MISCELLANEOUS PROVISIONS | |
| INTERFERENCE WITH PUBLIC SERVICE COMPANY | | DECEPTIVE OR MISLEADING ADVERTISING | |
| POLICE RADIO SYSTEM | | BEVERAGE CONTAINERS | |
| OBSERVANCE OF BLIND PERSONS | | | |
| LOCKS AND KEYS | | | |
| PICKETING | | | |
| NUISANCES | | | |
| DISTURBING THE PEACE | | | |
| TRANSFER OF SOUNDS | | | |
| FALSE BRANDS AND MARKS | | | |
| SHOOTING FROM HIGHWAY OR BRIDGE | | | |
| COMPUTERS | | | |
| 28-1344 Unlawful acts; depriving or obtaining property or services; penalties | FIV/FIII | | |

4. Where the value of such loss is less than \$25, by a fine of not more than \$500.

NEV. REV. STAT. §x (1985).

Criminal Classification Information

193.120 Classification of crimes.

1. A crime is an act or omission forbidden by law and punishable upon conviction by death, imprisonment, fine, or other penal discipline.
2. Every crime which may be punished by death or by imprisonment in the state prison is a felony.
3. Every crime punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than 6 months, is a misdemeanor.
4. Every other crime is a gross misdemeanor.

193.130 Punishment of felonies.

Every person convicted of a felony:

1. For which a term of imprisonment is provided by statute, shall be sentenced to a definite term of imprisonment which shall be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of such felony prescribed a different penalty.
2. For which no punishment is specially prescribed by statute, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

193.140 Punishment of gross misdemeanors.

Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

193.150 Punishment of misdemeanors.

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such misdemeanor prescribed a different penalty.
2. In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, if the convicted person agrees, he may be sentenced to perform a fixed period of work for the benefit of the community under the conditions prescribed in NRS 176.087.

193.155 Penalty for public offense proportionate to value of property affected or less resulting from offense.

Every person who is guilty of a public offense proportionate to the value of the property affected or the loss resulting from such offense shall be punished as follows:

1. Where the value of such loss is \$5,000 or more or where the damage results in impairment of public communication, transportation or police or fire protection, by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.
2. Where the value of such loss is \$250 or more but less than \$5,000, for a gross misdemeanor.
3. Where the value of such loss is \$25 or more but less than \$250, for a misdemeanor.

193.170 Prohibited act is misdemeanor when no penalty imposed.

Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

193.330 Punishment for attempts.

An act done with intent to commit a crime, and tending by failing to accomplish it, is an attempt to commit that crime; and every person who attempts to commit a crime, unless otherwise prescribed by statute, shall be punished as follows:

1. If a person is convicted of attempted murder or an attempt to commit a crime punishable by death or life imprisonment, the person convicted of the attempt shall be punished by imprisonment in the state prison for not less than 1 year and not more than 20 years.
2. In every other case he shall be punished by imprisonment in such manners as may be prescribed for the commission of the completed offense, for not more than half the longest term, or by a fine of not more than half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both fine and imprisonment; but nothing in this section protects a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed; and a person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

CONSPIRACY

199.480 Penalties.

1. Except as provided in subsection 2, whenever two or more persons conspire to commit murder, robbery, sexual assault, kidnapping in the first or second degree, or arson in the first or second degree, each person shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$5,000.
2. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, they shall be punished in the manner provided in NRS 207.400.
3. Whenever two or more persons conspire:
 - (a) To commit any crime other than those set forth in subsections 1 and 2, and no punishment is otherwise prescribed by law;
 - (b) Falsely and maliciously to procure another to be arrested or proceeded against for a crime;
 - (c) Falsely to institute or maintain any action or proceeding;
 - (d) To cheat or defraud another out of any property by unlawful or fraudulent means;
 - (e) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;
 - (f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or
 - (g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means, each person is guilty of a gross misdemeanor.

NEVADA CRIMINAL STATUTES

NEV. REV. STAT. § (1985).

KEY

- F = Felony
- M = Misdemeanor
- GM = Gross Misdemeanor
- SP = State Prison
- J = County Jail
- ? = Unspecified place of confinement
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = greater than, less than
- ≥, ≤ = greater than or equal, less than or equal

NOTE: Maximum term is recorded, except where a minimum (MIN.) or range is given. For classifications that are not inclusive, crimes with penalties of 6 months or less in the county jail are NOT recorded.

Statute No. and Title Class/Time

Crimes Against State Sovereignty

CRIMES AGAINST STATE SOVEREIGNTY

- 196.010 Treason; definition; penalty SP: 10 yrs.-life
- 196.030 Misprision of treason; definition; penalty SP: 1-3 yrs.

Crimes By And Against The Executive Power of the State

CRIMES BY AND AGAINST THE EXECUTIVE POWER OF THE STATE

- 197.010 Bribery of executive or administrative officer SP: 1-10 yrs.
- 197.020 Bribery of other public officers SP: 1-10 yrs.
- 197.030 Asking or receiving bribe by executive or administrative officer SP: 1-10 yrs.
- 197.040 Asking or receiving bribe by public officer or employee SP: 1-10 yrs.
- 197.050 Rebate or division of salary unlawful SP: 1-6 yrs.
- 197.060 Unlawful to agree to divide salary SP: 1-6 yrs.
- 197.150* Falsely auditing or paying claim
 - charge is \$100 or more SP: 1-10 yrs.
 - charge is less than \$100 M
- 197.170 Extortion by public officer SP: 1-10 yrs.
- 197.200* Oppression under color of office
 - physical force or threat SP: 1-6 yrs.
 - no physical force or threat GM
- 197.210* Fraudulent appropriation of property
 - property valued \$100 or more SP: 1-10 yrs.
 - property valued less than \$100 M

Crimes Against the Legislative Power

Crimes Against Public Justice

BRIBERY AND CORRUPTION

- 199.010 Bribery of judicial officer SP: 1-10 yrs.
- 199.020 Asking or receiving bribe by judicial officer SP: 1-10 yrs.
- 199.030 Jurors and others accepting bribes SP: 1-10 yrs.

RESCUES

- 199.100* Rescuing prisoner
 - rescue with sentence or charge of felony SP: 1-10 yrs.
 - rescue with sentence or charge of gross misdemeanor or misdemeanor with dangerous weapon SP: 1-6 yrs.
 - rescue with sentence or charge of gross misdemeanor or misdemeanor without dangerous weapon M

PERJURY AND SUBORDINATION OF PERJURY

- 199.120 Definition, penalties SP: 1-10 yrs.
- 199.130 False affidavit or complaint to effect arrest or search SP: 1-10 yrs.
- 199.140 Use of fictitious name on affidavit or complaint to effect arrest or search SP: 1-10 yrs.
- 199.160 Procuring the execution of innocent person by perjury or subornation of perjury SP: Life

FALSIFYING EVIDENCE

- 199.210 Offering false evidence SP: 1-10 yrs.
- 199.230* Preventing or dissuading person from testifying or producing evidence
 - physical force or threat SP: 1-6 yrs.
 - no physical force or threat GM
- 199.240 Bribing or intimidating witness to influence testimony SP: 1-10 yrs.
- 199.250 Witness accepting bribe SP: 1-10 yrs.

OTHER OFFENSES

- 199.280* Resisting public officer
 - dangerous weapon used SP: 1-6 yrs.
 - no dangerous weapon used M
- 199.290 Compounding crimes SP: 1-6 yrs.
- 199.300* Intimidating public officer, juror or referee
 - physical force or threat of force SP: 1-6 yrs.
 - no physical force or threat of force GM
- 199.305 Preventing or dissuading witness or victim from reporting crime or commencing prosecution SP: 1-6 yrs.

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| 199.310* Malicious prosecution ● innocent accused of felony ● innocent accused of gross misdemeanor or misdemeanor | SP: 1-6 yrs. M | MAYHEM 200.320 Mayhem, definition; penalty | SP: 1-10 yrs. |
| 199.335* Failure to appear after admission to bail ● admitted incident to prosecutor of felony ● admitted incident to prosecution of misdemeanor or gross misdemeanor | SP: 1-6 yrs. M | KIDNAPPING 200.320 Kidnapping; 1st degree ● if no bodily harm | SP: life SP: 5 yrs. - life |
| 199.360 Fraudulent pretenses relative to birth of infant | SP: 1-10 yrs. | 200.330 Kidnapping; 2nd degree 200.340 Penalty for aiding and abetting | SP: 1-15 yrs. SP: life/ 1-15 yrs. |
| 199.370 Substitution of child | SP: 1-10 yrs. | 200.359 Detention, concealment or removal of child from person having lawful custody in violation of court order: penalties; restitution | SP: 1-6 yrs. |
| 199.460* Extortion of confession, refusing accused communication with attorney or friend ● force or threat or substantial bodily harm ● no force or threat or substantial bodily harm | SP: 1-6 yrs. GM | SEXUAL ASSAULT AND SEDUCTION (inclusive) 200.366 Sexual assault; definition; penalties | SP: life-no parole/life- parole 10 yrs. life-parole 5 yrs./5 yrs. |
| CONSPIRACY | | | |
| 199.480* Conspiracy; penalties ● murder, robbery, sexual assault, kidnapping in 1st or 2nd degree or arson in 1st or 2nd degree ● any other than above or; false arrest of another, defraud another, institute false action, prevent exercise of one's calling or trade, any act injurious to public health morals or commerce | SP: 1-6 yrs. GM | 200.368* Statutory sexual seduction; penalties ● perpetrator age ≥ 21 ● perpetrator age < 21 | SP: 1-10 yrs. GM |
| SOLICITATION | | | |
| Crimes Against the Person | | | |
| HOMICIDE (inclusive) | | | |
| 200.030 Degrees of murder; penalties ● first degree ● second degree | Death/Life Life/ SP: 5 yrs. (MIN.) | 200.380 Robbery | SP: 1-15 yrs. |
| 200.080 Punishment for voluntary manslaughter | SP: 1-10 yrs. | ATTEMPTS TO KILL 200.390 Administration of poison; penalty | SP: 1-20 yrs. |
| 200.090* Punishment for involuntary manslaughter | SP: 1-6 yrs./ GM; J: 1 yr. | ASSAULT OR BATTERY WITH INTENT TO COMMIT A CRIME (inclusive) 200.400* Definitions; penalty ● Assault with intent to kill, commit sexual assault, mayhem, robbery or grand larceny ● Battery with intent to kill, commit sexual assault, mayhem, robbery or grand larceny | GM SP: 2-10 yrs./life |
| 200.210 Killing unborn quick child is manslaughter; penalty | SP: 1-10 yrs. | DUELS AND CHALLENGES 200.450* Challenges to fight, penalties for fighting or acting as second when death ensues ● fight does not involve use of deadly weapon ● fight involves use of deadly weapon ● if death results | SP: 1-6 yrs. SP: 1-10 yrs. |
| 200.220 Woman taking drugs to terminate pregnancy guilty of manslaughter; penalty | SP: 1-10 yrs. | FALSE IMPRISONMENT 200.460* Definitions; penalty ● false imprisonment ● by prison in penal institution without deadly weapon or by any other person with a deadly weapon ● prisoner in lawful custody with the use of a deadly weapon | GM SP: 1-6 yrs. SP: 2-20 yrs. |
| 200.230 Killing by overloading passenger vehicle is manslaughter | SP: 1-10 yrs./ 1-6 yrs. | | |
| 200.240 Owner of vicious animal may become guilty of manslaughter; penalty | SP: 1-6 yrs. | | |
| 200.260 Death resulting from unlawful manufacture or storage of explosives is manslaughter; penalty | SP: 1-6 yrs. | | |

ASSAULT AND BATTERY (inclusive)

200.471* Assault: definition; penalties
 ● non-sexual assault or without deadly weapon GM
 ● assault with a deadly weapon SP: 1-6 yrs.

200.481* Battery: definition; penalties
 ● deadly weapon or substantial bodily harm M
 ● without deadly weapon but substantial bodily harm GM
 ● committed upon officer on duty and substantial bodily harm SP: 1-6 yrs.
 ● with deadly weapon SP: 2-10 yrs.
 ● by prisoner without deadly weapon SP: 1-6 yrs.
 ● by prisoner with deadly weapon SP: 2-20 yrs.

ABUSE AND NEGLECT OF CHILDREN

200.508* Abuse, neglect or endangerment of child penalties, definitions
 ● substantial bodily harm or mental harm SP: 1-20 yrs.
 ● physical pain or mental suffering GM

ABUSE, NEGLECT AND EXPLOITATION OF OLDER PERSONS

200.5099* Penalties
 ● abuse, neglect and exploitation M
 ● unjustifiable physical or mental pain GM
 ● substantial bodily harm SP: 1-6 yrs.

LIBEL

INTERCEPTION AND DISCLOSURE OF WIRE AND RADIO COMMUNICATIONS OR PRIVATE CONVERSATIONS

200.620 Interception and attempted interception of wire or radio communication prohibited; exceptions See below

200.630 Disclosure of contents or substance of wire or radio communication prohibited; exceptions See below

200.640 Unauthorized connection with facilities prohibited See below

200.650 Unauthorized, surreptitious intrusion of privacy by listening device prohibited See below

200.690 Penalties SP: 1-6 yrs.

USING MINORS IN PORNOGRAPHIC PERFORMANCE

200.710 Using minor in producing pornography unlawful SP: life/5 yrs.

200.720 Promotion of sexual performance of minor unlawful SP: life/5 yrs.

200.730* Possession of visual presentation depicting sexual conduct of person under 16 yrs. unlawful; penalties M
 ● second offense GM
 ● third or subsequent offense SP: 1-6 yrs.

Crimes Against Public Decency and Morals

DESERTION AND NON-SUPPORT OF SPOUSE AND CHILDREN

201.020* Penalties, intermittent sentence
 ● conduct persisted less than 6 months M
 ● conduct persisted more than 6 months GM
 ● conduct persisted more than 1 year or any subsequent offense SP: 1-6 yrs.

CONTRIBUTORY DELINQUENCY AND NEGLECT OF CHILDREN

ABORTIONS; CONCEALING BIRTH

201.120 Abortion; definition; punishment SP: 1-10 yrs.

BIGAMY, INCEST AND CRIME AGAINST NATURE

201.160 Bigamy: definition; punishment SP: 1-6 yrs.

201.170 Marrying a married person SP: 1-6 yrs.

201.180 Incest: punishment SP: 1-10 yrs.

201.190 Crimes against nature: punishment; definition SP: 1-6 yrs.

201.193 Crimes against nature: sexual penetration SP: 1-6 yrs.

201.195* Solicitation of minor to engage in acts constituting crime against nature
 ● if minor actually engaged in act SP: 1-6 yrs.
 ● if minor did not engage in act GM

LEWDNESS AND INDECENT EXPOSURE

201.210* Open or gross lewdness: penalty; limitations on parole and probation GM
 ● second or subsequent offense SP: 1-6 yrs.

201.220* Indecent or obscene exposure: penalty; limitations on parole and probation GM
 ● second or subsequent offense SP: 1-6 yrs.

201.230 Lewdness with child under 14 years; penalty; limitations on parole and probation SP: 1-10 yrs.

OBSCENITY

OBSCENE THREATENING OR ANNOYING TELEPHONE CALLS

EXHIBITION AND SALE OF OBSCENE MATERIAL TO MINORS

CRIMES AGAINST RELIGION

DESECRATION OF FLAGS

PANDERING, PROSTITUTION AND DISORDERLY HOUSES

201.300 Pandering: definition; punishment; exception SP: 1-10 yrs./
 SP: 1-6 yrs.

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| 201.310 Pandering: placing spouse in brothel; penalties | SP: 1-10 yrs./ SP: 1-6 yrs. | 202.380* Sale or possession of tear gas bombs or weapons which are not permitted under NRS 202-370 to 202-440, inclusive; penalties | |
| 201.320 Living from earnings of prostitute | SP: 1-6 yrs. | ● anyone other than a convicted person | GM |
| 201.330 Pandering: detaining person in brothel because of debt | SP: 1-10 yrs./ SP: 1-6 yrs. | ● convicted person | F |
| 201.340 Pandering: furnishing transportation; penalties | SP: 1-10 yrs./ SP: 1-6 yrs. | PUBLIC NUISANCES | |
| 201.360 Placing person in house of prostitution; penalties | SP: 1-10 yrs./ SP: 1-6 yrs. | MISCELLANEOUS CRIMES CONCERNING PUBLIC SAFETY | |
| SEXUAL PENETRATION OF DEAD HUMAN BODY | | EXPLOSIVES; BOMB THREATS | |
| 201.450 Unlawful act; penalty; limitations on parole and probation | SP: life | 202.780 Transportation or receipt of explosives for unlawful purpose; penalties | SP: 2-10 yrs./ 2-20 yrs. |
| Crimes Against Public Health and Safety | | 202.810 Unlawful possession of explosives in state building; penalties | ?: 6 mos.-1 yr. |
| MINORS AND TOBACCO OR INTOXICATING LIQUOR | | 202.820 Use or possession of explosives during commission of felony; penalties | SP: 1-10 yrs./ 2-20 yrs. |
| MISCELLANEOUS CRIMES CONCERNING PUBLIC HEALTH | | 202.830 Use of explosives to damage or destroy property prohibited; penalty | SP: 2-10 yrs./ 2-20 yrs. |
| 202.170 Willful poisoning or adulterating food, water or medicine | SP: 1-10 yrs. | 202.840 Bomb threats prohibited; penalties | SP: 1-6 yrs. |
| 202.248 Use or sale of liquid silicone | SP: 1-6 yrs. | Crimes Against the Public Peace | |
| DANGEROUS WEAPONS AND FIREARMS | | CRIMES AGAINST THE PUBLIC PEACE | |
| 202.255* Setting spring gun or other deadly weapon | | 203.115 Criminal anarchy; definition, unlawful acts; penalty | SP: 1-10 yrs. |
| ● no injury to human being | GM | 203.117 Criminal syndicalism, definition; unlawful acts; penalty | SP: 1-6 yrs. |
| ● non-fatal injuries to human being | SP: 1-6 yrs. | Crimes Against The Revenue And Property of this State | |
| ● fatal death of human being | SP: 1-10 yrs. | CRIMES AGAINST THE REVENUE AND PROPERTY OF THIS STATE | |
| 202.260 Unlawful possession, manufacture or disposition of explosive or incendiary device; penalty, exception | SP: 1-6 yrs. | 204.020 Unlawful use of public money: amount of \$100 or more | SP: 1-10 yrs. |
| 202.270 Destruction of building by explosives of conspirators | SP: life | 204.030* Misappropriation and falsification of accounts by public officer | |
| 202.275 Unlawful possession, manufacture or disposition of short-barrelled rifle or short-barrelled shotgun; penalty; exceptions | SP: 1-6 yrs. | ● amount \$100 or more | SP: 1-10 yrs. |
| 202.285* Discharging firearm at or into structure; vehicle, aircraft or watercraft | | ● amount less than \$100 | M |
| ● abandoned location | M | 204.050* Misappropriation by treasurer | |
| ● non-abandoned location | SP: 1-6 yrs. | ● amount \$100 or more | SP: 1-10 yrs. |
| 202.350* Manufacture or importation of dangerous weapon without permit, permits issued by sheriff; penalties | GM | ● amount less than \$100 | M |
| ● second or subsequent offense | F: 1-6 yrs. | Crimes Against Property | |
| 202.360 Ex-felon not to possess firearm; penalty | SP: 1-6 yrs. | ARSON (inclusive) | |
| TEAR GAS BOMBS AND WEAPONS | | 205.010 First degree | ?: 1-15 yrs. |
| | | 205.015 Second degree | ?: 1-10 yrs. |
| | | 205.020 Third degree | ?: 1-6 yrs. |

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| 205.025 Fourth degree | ?: 1 or not more than 1/2 longest sentence of attempted offense | 205.235 Grand larceny: serving and removing part of realty of value of \$100 or more | SP: 1-10 yrs. |
| 205.030 Burning or aiding or abetting burning of property with intent to defraud insurer, penalty | ?: 1-6 yrs. | 205.237 Grand larceny: use of card or device for automatic withdrawal or transfer of money in financial institution | SP: 1-10 yrs. |
| BURGLARY (inclusive) | | | |
| 205.060 Definition; punishment; venue | SP: 1-10 yrs. | 205.240 Petit larceny: definition; punishment | M |
| 205.075 Burglary with explosives | ?: 1-20 yrs. | 205.245 Petit larceny: serving and removing part of realty of value less than \$100 | M |
| 205.080 Possession of instrument with burglarious intent; making, altering or repair of instrument for committing offense | GM | 205.270 Taking property from person of another under circumstances not amounting to robbery; limitation of granting of probation or suspension of sentence | SP: 1-10 yrs. |
| FORGERY AND COUNTERFEITING | | | |
| 205.090 Forgery of conveyances, negotiable instruments certificates, wills and other instruments; utterance of forged instrument | SP: 1-10 yrs. | 205.2705 Use of unlawful coin or cheating device in vending machine, telephone or other coin-operated device prohibited | GM |
| 205.100 Making, uttering or possessing with intent to utter fictitious bill, note or check | SP: 1-10 yrs. | 205.2707 Theft of money or property of value of \$100 or more from vending machines; penalty; determination of value of property taken including cost to repair any damage to vending machine | SP: 1-10 yrs. |
| 205.130* Issuance of check or draft without sufficient money or credit; penalties | | MOTOR VEHICLES | |
| ● one or more checks over \$100 during 90-day period | F: 1-10 yrs. | 205.273 Receiving or transferring stolen vehicles | SP: 1-10 yrs. |
| ● one or more checks less than \$100 M during 90-day period | | BUYING OR RECEIVING STOLEN GOODS | |
| ● with three misdemeanor convictions for the same | F: 1-10 yrs. | 205.275* Receiving, possessing or withholding stolen goods: penalty; prima facie evidence | |
| ● check issued as payment of wages of \$100 or more | GM | ● stolen property value of \$100 or more | SP: 1-10 yrs. |
| 205.160 Possessing or receiving forged instruments or bills | SP: 1-10 yrs. | ● stolen property value less than \$100 | M |
| 205.175 Counterfeiting seals; forgery of signatures of public officers | SP: 1-10 yrs. | EMBEZZLEMENT | |
| 205.180 Counterfeiting gold dust, bars or other articles, making or possessing instruments | SP: 1-10 yrs. | EXTORTION | |
| 205.185 Possessing or receiving counterfeit gold dust, silver, bullion or bars | SP: 1-10 yrs. | 205.320 Threats | SP: 1-10 yrs. |
| 205.217 Unlawful reproduction or sale of sound recordings | SP: 1-6 yrs./1-10 yrs. | 205.322 Collection of debt | SP: 1-10 yrs. |
| LARCENY (inclusive) | | | |
| 205.220 Grand larceny: definition; punishment | SP: 1-10 yrs. | FRAUD, FALSE IMPERSONATION AND CHEATS | |
| 205.225 Grand larceny: theft of certain animals; changing of brand or mark; killing of animal running at large; forfeiture; restitution | SP: 1-10 yrs. | 205.365* Fraudulently selling real estate twice | |
| | | ● value of property \$100 or more | SP: 1-10 yrs. |
| | | ● value of property less than \$100 | M |
| | | 205.370* Swindling; credit by false representations | M |
| | | ● value of goods \$100 or more | SP: 1-10 yrs. |
| | | 205.380* Obtaining money, property, rent or labor by false pretenses | |
| | | ● value of thing or labor \$100 or more | SP: 1-10 yrs. |
| | | ● value of thing or labor less than \$100 | M |

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| 205.390 Obtaining signature by false pretense | SP: 1-6 yrs. | DOCUMENTS OF TITLE, BULK TRANSFERS | |
| 205.415* Collecting for benefit without authority ● amount received or promised from sales totals \$100 or more | M SP: 1-10 yrs. | 205.520* Issue of document of title for goods not received ● value of goods is \$100 or more ● value of goods is less than \$100 | SP: 1-10 yrs. M |
| 205.435 Fraudulent issue of stock | SP: 1-10 yrs. | 205.540* Issue of duplicate or additional negotiable document of title not so marked ● value of goods is \$100 or more ● value of goods is less than \$100 | SP: 1-10 yrs. M |
| 205.445* Defrauding proprietor of hotel, inn restaurant, motel or similar establishment ● total value \$100 or more | M SP: 1-10 yrs. | 205.570* Obtaining or negotiating document of title for goods with intent to defraud ● value of goods is \$100 or more ● value of goods is less than \$100 | SP: 1-10 yrs. M |
| 205.465* Possession or sale of document to establish false status or identity ● selling or transferring such a document ● possession of such a document | SP: 1-6 yrs. M | 205.580* Inducting bailee to issue negotiable document of title when goods have not been received ● value of goods is \$100 or more ● value of goods is less than \$100 | SP: 1-10 yrs. M |
| UNAUTHORIZED TAMPERING WITH TELEVISION OR MICROWAVE SYSTEMS | | | |
| UNLAWFUL USE OF COMPUTERS | | 205.590* Negotiation of document of title when goods are not in bailee's possession ● value of goods is \$100 or more ● value of goods is less than \$100 | SP: 1-10 yrs. M |
| 205.4765* Unlawful use or destruction of computer system or network ● misuse of data, program or supporting documents ● misuse of equipment or supplies ● misuse of computer, system or network ● with intent to defraud or illegally obtain property or caused damage in excess of \$500 or caused impairment of public service | M M M SP: 1-6 yrs. | CREDIT CARDS | |
| 205.477* Unlawful use or denial of use of computer, system or network ● denies or causes denial of use of a computer ● used to obtain personal information or to enter false information about another person ● with intent to defraud or illegally obtain property | M M SP: 1-6 yrs. | 205.690 Obtaining or possessing credit card without cardholder's consent; presumption from possession | SP: 1-6 yrs. |
| UNLAWFUL USE OF TELEPHONE OR TELEGRAPH SERVICE | | 205.710 Sale or purchase of credit card as security for debt | SP: 1-6 yrs. |
| 205.480* Obtaining telephone or telegraph service with attempt to avoid payment ● value of services is \$100 or more ● value of services is less than \$100 | SP: 1-10 yrs. M | 205.740 Forgery of credit card; presumption from possession | F: 1-10 yrs. |
| CONVERSION OF RENTED OR LEASED PERSONAL PROPERTY | | 205.750 Unauthorized signing of credit card or related document with intent to defraud | SP: 1-10 yrs. |
| UNLAWFUL RECEIPT OF PAYMENTS TO OBTAIN LOAN FOR ANOTHER | | 205.760* Fraudulent use of credit card or number of credit amount; presumption of knowledge of revocation of card ● to obtain goods without consent of cardholders or cardholder uses expired card to obtain goods ● cardholder uses with intent to defraud and value during 6-month period \$100 or more ● cardholder uses expired card to obtain goods and value during 6-month period is less than \$100 | SP: 1-10 yrs. SP: 1-10 yrs. M |
| 205.517* Unlawful receipt of fee, salary, deposit or money to obtain loan for another ● amount less than \$100 ● amount more than \$100 but less than \$1000 ● amount more than \$1000 | M GM SP: 1-6 yrs. | 205.770 Fraud by person authorized to provide goods or services; credit card illegally obtained or possessed | SP: 1-6 yrs. |
| | | 205.780 Fraud by person authorized to provide goods or services; misrepresentation to insurer | SP: 1-6 yrs. |
| | | 205.790 Possession of incomplete credit cards or equipment to produce cards | SP: 1-6 yrs. |

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| 205.800 Receiving property or services obtained by unlawful use of credit card; presumption of knowledge | SP: 1-6 yrs. | 453.256 Prescriptions offense ● classified in Schedule II | SP: 1-6 yrs. |
| CARTS USED IN RETAIL STORES AND LAUNDRIES | | | |
| Malicious Mischief | | | |
| MALICIOUS MISCHIEF | | | |
| 206.260 Fraudulent and malicious destruction of writings | SP: 1-10 yrs. | 453.316(1) Maintain place for sale or use of any controlled substance | J: 1 yr. or SP: 1-10 yrs. |
| 206.300* False signals endangering cars, vessels or motors ● resulting physical injury or property damage ● others | SP: 1-10 yrs. | 453.316(2) Second offense or first offense with prior felony conviction of an equivalent section in any state in the United States | SP: 2-20 yrs. |
| Miscellaneous Crimes | | | |
| HABITUAL CRIMINALS | | | |
| 207.010 Definition; punishment; procedure; trial of primary offense | SP: 10-20 yrs./life | 453.321 Prohibited acts "B"; penalties (1) Manufacture or sell controlled or counterfeit substances | See below SP: life/1-20 yrs. 5-20 yrs./15 yrs. |
| VAGRANTS | | | |
| REGISTRATION AND FINGERPRINTING OF CONVICTED PERSONS | | | |
| REGISTRATION OF SEX OFFENDERS | | | |
| INTERFERENCE WITH EMERGENCY COMMUNICATIONS | | | |
| DECEPTIVE ADVERTISING | | | |
| MISCELLANEOUS | | | |
| 207.190* Coercion ● physical force or threat of physical force used ● no physical force or threat of physical force | SP: 1-6 yrs. M | 453.323* Prohibited acts "C"; penalties (1) Sale of counterfeit Schedule I or II substance (3) Sale of counterfeit Schedule III, IV or V substance | See below J: 1 yr. or SP: 1-10 yrs. J: 1 yr. or SP: 1-6 yrs. |
| 207.250* Unlawful sales of motor vehicles ● value of vehicle is \$100 or more | M SP: 1-6 yrs. | 453.326 Prohibited acts "D"; penalties (a) Prescription violation (b) Refuse entry (c) Maintain drug haven | SP: 1-6 yrs. |
| 207.260* Annoyance or molestation of minor ● second or subsequent offense | M SP: 1-6 yrs. | 453.331 Prohibited acts "E"; penalties ● prescription violations | SP: 1-6 yrs. |
| 207.290 Giving or accepting bribe to influence outcome of sporting event | F: 1-6 yrs. | 453.332* Unlawful to manufacture, distribute, sell or possess imitation controlled substances; penalties (2) Except as provided in subsection 3 (3) Sale to minor by person over 18 years (4) Use or promotion-- first and second offense | See below M SP: 1-6 yrs. GM |
| 207.340* Acts concerning federal food stamps; prosecution by district attorney or attorney general ● value of coupons is less than \$100M ● value of coupons is \$100 or more | SP: 1-10 yrs. | 453.333 Penalties for sale of controlled substance which causes death | Punish as first degree murder |
| RACKETEERING | | | |
| 207.400 Unlawful acts; criminal penalties | SP: 5-20 yrs. | 453.334 Penalty for second or subsequent offense of sale of controlled substance to minor | SP: life |
| UNIFORM CONTROLLED SUBSTANCES ACT (inclusive) | | | |
| REGULATION | | | |
| 453.232 Penalty for failure to register controlled substance | SP: 1-6 yrs. | 453.336* Unlawful possession not for purpose of sale; penalties (2)(a) Classified in Schedule I, II, III or IV (2)(b) Second offense or first offense with conviction of an equivalent section in any state in the United States (2)(c) Third or subsequent offense or 2 prior convictions of an equivalent offense in any state in the United States (2)(d) Classified in Schedule V (2)(e) Second or subsequent offense | See below SP: 1-6 yrs. SP: 1-10 yrs. SP: 1-20 yrs. J: 1 yr. SP: 1-6 yrs. |

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| (3) Under 21 yrs. of age < 1 ounce of marijuana | See below | 453.505 Controlled substance for which prescription not required: | GM |
| (3)(a) First offense | SP: 1-6 yrs. or J: 1 yr. | Violation of regulation by pharmacist; misrepresentation to pharmacist to obtain controlled substance; penalties | |
| (3)(b) Second offense | SP: 1-6 yrs. | | |
| (3)(c) Third or subsequent offense | SP: 1-10 yrs. | | |
| 453.337 Unlawful possession for sale of substances classified in Schedule I or II; penalties | SP: 1-15 yrs./ 5-15 yrs. /15 yrs. | 453.552 Penalties, unless otherwise provided DRUG PARAPHERNALIA | M |
| 453.338 Unlawful possession for sale of substances classified in Schedule III, IV or V; penalties | SP: 1-6 yrs./ 1-10 yrs./ life/2-10 yrs. | 453.560 Prohibitions: Unlawful delivery, sale, possession or manufacturing | SP: 1-6 yrs. |
| 453.3385 Trafficking in controlled substances; Schedule I substances except marihuana | SP: 3-20 yrs./ life/25 yrs. | 453.562 Prohibitions: Unlawful delivery to minor | SP: 1-10 yrs. |
| 453.339 Trafficking in controlled substances; marihuana | SP: 10-20 yrs./life/ 3-20 yrs./ 15 yrs. | 453.564 Prohibitions: Unlawful advertising 453.566 Prohibitions: Unlawful use or possession | M M |
| 453.3395 Trafficking in controlled substances: Schedule II substances | SP: 3-20 yrs./ 5-20 yrs./ life/15 yrs. | | |

FURTHER REGULATIONS AND PROHIBITIONS

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| 453.375 Authority to possess and administer controlled substances | See 453.421 |
| 453.377 Authority to dispense controlled substances | See 453.421 |
| 453.381 Limitations on prescribing, possessing, administering, transporting and dispensing controlled substances | See 453.421 |
| 453.385 Writing and contents of prescriptions | See 453.421 |
| 453.391 Unlawful taking or obtaining of controlled substance or prescription | See 453.421 |
| 453.401* Conspiracy; any offense which is a felony under Uniform Controlled Substances Act | See below |
| (1) Specified offenses | SP: 1-6 yrs./ 5-20 yrs. |
| (3) Two or more persons conspire to possess marihuana for purpose of sale | GM |
| 453.411* Use or under the influence | See below |
| (3)(a) Classified in Schedule I, II, III or IV | SP: 1-6 yrs. |
| (3)(b) Classified in Schedule V | J: 1 yr. |
| 453.421 Penalties | SP: 1-6 yrs. |
| 453.431 Filling or refilling prescriptions: Unlawful acts; penalty | SP: 1-6 yrs. |

N.H. REV. STAT. ANN. Sx (1986 & Supp. 1986)

Criminal Classification Information

625:9 Classification of Crimes

I. The provisions of this section govern the classification of every offense, whether defined within this code or by any other statute.

II. Every offense is either a felony, misdemeanor or violation.

(a) Felonies and misdemeanors are crimes.

(b) A violation does not constitute a crime and conviction of a violation shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

III. A felony is murder or a crime so designated by statute within or outside this code or a crime defined by statute outside of this code where the maximum penalty provided is imprisonment in excess of one year; provided, however, that a crime defined by statute outside of this code is a felony when committed by a corporation or an unincorporated association if the maximum fine therein provided is more than \$200.

(a) Felonies other than murder are either class A felonies or class B felonies when committed by an individual. Felonies committed by a corporation or an unincorporated association are unclassified.

(1) Class A felonies are crimes so designated by statute within or outside this code and any crime defined by statute outside of this code for which the maximum penalty, exclusive of fine, is imprisonment in excess of 7 years.

(2) Class B felonies are crimes so designated by statute within or outside this code and any crime defined outside of this code for which the maximum penalty, exclusive of fine, is imprisonment in excess of one year but not in excess of 7 years.

IV. A misdemeanor is any crime so designated by statute within or outside this code and any crime defined outside of this code for which the maximum penalty, exclusive of fine, is imprisonment not in excess of one year; provided, however, that a crime defined by statute outside of this code is a misdemeanor when committed by a corporation or an unincorporated association if the maximum fine therein provided is more than \$50 but not more than \$200.

V. A violation is an offense so designated by statute within or outside this code and, except as provided in this paragraph, any offense defined outside of this code for which there is not other penalty provided other than a fine or fine and forfeiture or other civil penalty. In the case of a corporation or an unincorporated association, offenses defined outside of this code are violations if the amount of any such fine provided does not exceed \$50.

VI. Prior to or at the time of arraignment, the state may, in its discretion, charge any offense designated a misdemeanor, as defined by paragraph IV, as a violation. In such cases the penalties to be imposed by the court shall be those provided for a violation under RSA 651:2. This paragraph shall not apply to any offense for which a statute prescribes an enhanced penalty for a subsequent conviction of the same offense.

651:2 Sentences and Limitations

I. A person convicted of a felony or misdemeanor may be sentenced to imprisonment, probation, conditional or unconditional discharge, or a fine.

II. If a sentence of imprisonment is imposed, the court shall fix the maximum thereof which is not to exceed:

(a) Fifteen years for a class A felony.

(b) Seven years for a class B felony.

(c) One year for a misdemeanor.

(d) Life imprisonment for murder in the second degree, and, in the case of a felony only, a minimum which is not to exceed 1/2 of the maximum, or if the maximum is life imprisonment, such minimum term as the court may order.

II-a. A person convicted of murder in the first degree shall be sentenced as provided in RSA 630:1-a.

II-b. A person convicted of the felonious use of a firearm, as provided in RSA 650-A:1, shall, in addition to any punishment provided for the underlying felony, be given a minimum mandatory sentence of one year imprisonment for a first offense and a minimum mandatory sentence of 3 years' imprisonment for any subsequent offense. Neither the whole nor any part of the additional sentence of imprisonment hereby provided shall be served concurrently with any other term nor shall the whole or any part of such additional term of imprisonment be suspended. No action brought to enforce sentencing under this section shall be continued for sentencing, nor shall the provisions of RSA 651-A relative to parole apply to any sentence of imprisonment imposed.

II-c. A person convicted of attempted murder shall be sentenced to a term of not more than 30 years imprisonment.

II-d. A person convicted of manslaughter shall be sentenced as provided in RSA 630:2, II.

II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of his sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

III. A person convicted of a violation may be sentenced to probation, conditional or unconditional discharge, or a fine.

IV. A fine may be imposed in addition to any sentence of imprisonment, probation, or conditional discharge. The amount of any fine imposed on:

(a) Any individual may not exceed \$2,000 for a felony, \$1,000 for a misdemeanor, and \$500 for a violation.

(b) A corporation or unincorporated association may not exceed \$50,000 for a felony, \$10,000 for a misdemeanor and \$500 for a violation. A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.

(c) If a defendant has gained property through the commission of any felony, then in lieu of the amounts authorized in paragraphs (a) and (b), the fine may be an amount not to exceed double the amount of that gain.

* * *

651:15 Sentence to State Prison

Whenever the sentence for an offense is to be imprisonment for a maximum of more than one year, the sentence shall be served in the state prison.

651:17 Year or Less

I. Whenever a person is sentenced either

(a) For a misdemeanor under the provisions of RSA 651:2; or

(b) For a felony under the provisions of RSA 651:2; KEY

or
(c) For an extended term of imprisonment under RSA 651:6, and the maximum term thereof does not exceed one year.

II. The sentence shall be that the offender be confined to hard labor, for the term ordered by the court, in the county house of correction, or in a jail, except where otherwise expressly provided.

NEW HAMPSHIRE CRIMINAL STATUTES

N.H. REV. STAT. ANN. Sx (1986 & Supp. 1986).

- F = Felony
- M = Misdemeanor
- A,B = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = more than, less than
- ≥ , ≤ = more than or equal, less than or equal

INCHOATE OFFENSES

629:1 Attempt

* * *

IV. The penalty for attempt is the same as that authorized for the crime that was attempted, except that in the case of attempt to commit murder the penalty shall be as provided in RSA 651:2, II-c.

629:2 Criminal Solicitation.

* * *

IV. The penalty for criminal solicitation is the same as that authorized for the crime that was solicited, except that in the case of solicitation of murder it is a class A felony.

629:3 Conspiracy.

* * *

IV. The penalty for conspiracy is the same as that authorized for the crime that was the object of the conspiracy, except that in the case of a conspiracy to commit murder, it is a class A felony.

Statute No. and Title Class/Time

HOMICIDE (inclusive)

| | |
|---------------------------------|-----------------------|
| 630:1 Capital murder | Death |
| 630:1-a First degree murder | Life |
| 630:1-b Second degree murder | Life or term of years |
| 630:2 Manslaughter | 30 years |
| 630:3 Negligent homicide | FB |
| 630:4 Causing or aiding suicide | FB |

ASSAULT AND RELATED OFFENSES (inclusive)

| | |
|---|-------------|
| 631:1 First degree assault | FA |
| 631:2 Second degree assault | FB |
| 631:2-a Simple assault | M/violation |
| 631:3 Reckless conduct | M |
| 631:4* Criminal threatening | M |
| • if public building | FB |
| 631:5 Operating boat under influence of liquor or drugs | M |
| 631:6 Failure to report injuries | M |

SEXUAL ASSAULT AND RELATED OFFENSES (inclusive)

| | |
|--|-------|
| 632-A:2 Aggravated felonious sexual assault | FA |
| 632-A:3 Felonious sexual assault | FB |
| 632-A:4 Sexual assault | M |
| 632-A:5 Spouse as victim; evidence of husband and wife | Crime |

INTERFERENCE WITH FREEDOM

KIDNAPPING

| | |
|----------------------------------|-------|
| 633:1 Kidnapping | FA/FB |
| 633:2 Criminal restraint | FB |
| 633:4* Interference with custody | FB |
| • within state | M |

DESTRUCTION OF PROPERTY (inclusive)

634:1 Arson FA/FB
 634:2* Criminal mischief M
 ● loss > \$1,000 FB
 634:3 Unauthorized use of M
 propelled vehicle or animal

UNAUTOMATED ENTRIES (inclusive)

635:1 Burglary FB/FA
 635:2 Criminal trespass M
 635:3 Trespassing stock Violation
 635:4 Prescribed manner of posting See below
 635:5 Penalty M

ROBBERY (inclusive)

636:1 Robbery FB/FA

THEFT (inclusive)

637:3* Theft by unauthorized taking or transfer
 ● value > \$1,000 FA
 ● value > \$500 < \$1,000 FB
 ● value ≤ \$500 M
 637:4* Theft by deception
 ● value > \$1,000 FA
 ● value > \$500 < \$1,000 FB
 ● value ≤ \$500 M
 637:5* Theft by extortion
 ● value > \$1,000 FA
 ● value > \$500 < \$1,000 FB
 ● value ≤ \$500 M
 637:6* Theft of lost or mislaid property
 ● value > \$1,000 FA
 ● value > \$500 < \$1,000 FB
 ● value ≤ \$500 M
 637:7* Receiving stolen property
 ● value > \$1,000 FA
 ● value > \$500 < \$1,000 FB
 ● value ≤ \$500 M
 a Possession of property without serial number M
 637:8* Theft of services
 ● value > \$1,000 FA
 ● value > \$500 < \$1,000 FB
 ● value ≤ \$500 M
 637:9 Unauthorized use of M
 propelled vehicle or rented property
 637:10* Theft by misapplication of property
 ● value > \$1,000 FA
 ● value > \$500 < \$1,000 FB
 ● value ≤ \$500 M
 637:11* Penalties See above

FRAUD

638:1* Forgery M
 ● if security stamp, check, etc. FB
 638:2 Fraudulent handling of recordable writings FB
 638:4* Issuing bad checks M
 ● check > \$1,000 FA
 ● check > \$500 ≤ 1,000 FB
 638:5* Fraudulent use of credit card M
 ● value > \$1,000 FA
 ● value > \$500 ≤ 1,000 FB
 638:5a* Fraudulent communications paraphernalia
 ● creates, offers, transfers paraphernalia FB
 ● possesses paraphernalia M
 638:7* Commercial bribery M
 ● value > \$1,000 FA
 ● value > \$500 ≤ \$1,000 FB
 638:8 Sports bribery FA/FB
 638:15* Fraud on the Women, Infants, and Children (WIC) Program M
 ● value > \$1,000 FA
 ● value > \$100 ≤ \$1,000 FB
 638:18* Computer crime penalties M
 ● value > \$1,000 FA
 ● value > \$500 FB
 ● value ≤ \$500 M
 OFFENSES AGAINST THE FAMILY
 639:1 Bigamy FB
 639:2 Incest FB
 639:3* Endangering welfare of child or incompetent M
 ● violation # III FB
 639:5 Concealing death of a newborn FB
 CORRUPT PRACTICES
 640:2 Bribery in official & political matters FB
 640:3 Improper influence FB
 FALSIFICATION IN OFFICIAL MATTERS
 641:1 Perjury FB
 641:5 Tampering with witnesses and informants FB
 641:6 Falsifying physical evidence FB
 OBSTRUCTING GOVERNMENTAL OPERATIONS
 642:3* Hindering apprehension or prosecution M
 ● actor knows charge to be made against others is murder or FA FB

| | | | |
|--|-------|--|-----------------|
| 642:6 Escape | FA/FB | 318:52-a* Fraud or Deceit | |
| | | ● if natural person | M |
| 642:7 Implements for escape and other contraband | FB | ● if other person | F |
| | | b* Destruction of used Instruments | |
| 642:8* Bail jumping | M | ● if natural person | M |
| ● offense is murder or FA | FB | ● if other person | F |
| | | c* Sale of hypodermic syringe | |
| 642:9* Assaults by prisoners | | ● if natural person | M |
| ● offense is simple assault | FB | ● if other person | F |
| ● mutual consent fight | M | d* Recording and Filling of Prescription | |
| ● 1st, 2nd degree assault | FA | ● if natural person | M |
| | | ● if other person | F |
| ABUSE OF OFFICE | | e* Control or Possession of hypodermic or like instruments without prescription prohibited | |
| BREACHES OF THE PEACE AND OTHER RELATED OFFENSES | | ● if natural person | M |
| | | ● if other person | F |
| 644:1* Riot | M | 318:55* Fines and Imprisonment | See above |
| ● deadly weapon, injury | FB | | |
| 644:3-b False fire alarm as resulting in injury or death | FB | 318-B:2* Acts prohibited | See below |
| c Unlawful interference with fire alarm apparatus | FB | (I) manufacture, sell, compound, etc. controlled drug | |
| | | (Ia) manufacture, sell, compound, etc. substance represented to be a controlled drug | |
| 644:8-a* Exhibitions of fighting animals (dogs) | FB | (II) deliver, manufacture, etc. drug paraphernalia | |
| ● birds, other animals | M | (III) advertise paraphernalia | |
| | | (IV) -- | |
| PUBLIC INDECENCY | | (V) wrongfully obtain controlled drug | |
| 645:2* Prostitution and related offenses | M | (VI) willfully make false statement in prescription | |
| ● violates (b)(c)(d)(e)l | FB | (VII) falsely assume status to obtain drug | |
| OFFENSES AGAINST THE FLAG | | (IX) affix false or forged label | |
| GAMBLING OFFENSES | | (X) -- | |
| SUBVERSIVE ACTIVITIES | | 318-B:16 Common nuisances | Deemed nuisance |
| 648:2 Felonies | FA | | |
| 648:3 Subversive organization | FB | 318-B:26* Penalties | See below |
| SABOTAGE PREVENTION | | (I)(a) manufacture, sale of narcotic or controlled drug | FA/F |
| CHILD PORNOGRAPHY | | (I)(b)(1) possess narcotic | F/FB/FA |
| 649-A:3 Offenses | FA/FB | (2) possession other drugs | |
| | | ● if natural person | M |
| OBSCENE MATTERS | | ● if other person | F |
| | | ● if 2d offense | FB/F |
| 650:2* Offenses | | (3) possess \geq 1 lb. cannabis | F/FB/FA |
| ● sells, deliver, provides materials | M | (II)(a) maintain drug haven | M |
| ● no prior convictions | FB | (b) aid, abet (I)(b), (c) | M |
| ● one or more prior convictions | FA | (c) make paraphernalia | M |
| FELONIOUS USE OF FIREARMS | | (d) ad for paraphernalia | M |
| | | (III) conspiracy to violate | FB |
| 650-A:1 Felonious use of firearms | FA/FB | RSA 318-B:2, II or III | M |
| FELONIOUS USE OF BODY ARMOR | | (IV) if no penalty specified | FB/F |
| | | | |
| 650-B:2 Felonious use of body armor | FB | | |
| CONTROLLED DRUG ACT (inclusive) | | | |
| 318:40 Unauthorized Use of the Word "Pharmacy," etc. | M | | |

N.J. STAT. ANN. § (West 1940, 1982 & Supp.1986)

Criminal Classification Information

2C:1-4. Classes of offenses

a. An offense defined by this code or by any other statute of this State, for which a sentence of imprisonment in excess of 6 months is authorized, constitutes a crime within the meaning of the Constitution of this State. Crimes are designated in this code as being of the first, second, third or fourth degree.

b. An offense is a disorderly persons offense if it is so designated in this code or in a statute other than this code. An offense is a petty disorderly persons offense if it is so designated in this code or in a statute other than this code. Disorderly persons offenses and petty disorderly persons offenses are petty offenses and are not crimes within the meaning of the Constitution of this State. There shall be no right to indictment by a grand jury nor any right to trial by jury on such offenses. Conviction of such offenses shall not give rise to any disability or legal disadvantage based on conviction of a crime.

c. An offense defined by any statute of this State other than this code shall be classified as provided in this section or in section 2C:43-1 and, except as provided in section 2C:1-5b and chapter 43, the sentence that may be imposed upon conviction thereof shall hereafter be governed by this code. Insofar as any provision outside the code declares an offense to be a misdemeanor when such offense specifically provides a maximum penalty of 6 months imprisonment or less, whether or not in combination with a fine, such provision shall constitute a disorderly persons offense.

d. Subject to the provisions of section 2C:43-1, reference in any statute, rule, or regulation outside the code to the term "high misdemeanor" shall mean crimes of the first, second, or third degree and reference to the term "misdemeanor" shall mean all crimes.

2C:5-4. Grading of criminal attempt and conspiracy; mitigation in cases of lesser danger

a. Grading. An attempt or conspiracy to commit a crime of the first degree is a crime of the second degree. Otherwise an attempt is a crime of the same degree as the most serious crime which is attempted, and conspiracy is a crime of the same degree as the most serious crime which is the object of the conspiracy; provided that, leader of organized crime is a crime of the second degree. An attempt or conspiracy to commit an offense defined by a statute outside the code shall be graded as a crime of the same degree as the offense is graded pursuant to sections 2C:1-4 and 2C:43-1.

b. Mitigation. The court may impose sentence for a crime of a lower grade or degree if neither the particular conduct charged nor the defendant presents a public danger warranting the grading provided for such crime under subsection a. because:

(1) The criminal attempt or conspiracy charged is so inherently unlikely to result or culminate in the commission of a crime; or

(2) The conspiracy, as to the particular defendant charged, is so peripherally related to the main unlawful enterprise.

2C:43-6. Sentence of imprisonment for crime; ordinary terms; mandatory terms

a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced by imprisonment, as follows:

(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between 5 years and 10 years;

(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between 3 years and 5 years;

(4) In the case of crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.

b. As part of a sentence for any crime, where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, as set forth in subsections a. and b. of 2C:44-1, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a., or one-half of the term set pursuant to a maximum period of incarceration for a crime set forth in any statute other than this code, during which the defendant shall not be eligible for parole; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole;

c. A person who has been convicted under 2C:39-4a. of possession of a firearm with intent to use it against the person of another, or of a crime under any of the following sections: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a firearm as defined in 2C:39-1f., shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or 3 years, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth degree.

A person who has been convicted of an offense enumerated by this subsection and who used or possessed a firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of a firearm as defined in 2C:44-3d., shall be sentenced by the court to an extended term as authorized by 2C:43-7c., notwithstanding that extended terms are ordinarily discretionary with the court.

d. The court shall not impose a mandatory sentence pursuant to subsection c., of this section, 2C:43-7c. or 2C:44-3d., unless the ground therefore has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

2C:43-8. Sentence of imprisonment for disorderly persons offenses and petty disorderly persons offenses

A person who has been convicted of a disorderly persons offense or a petty disorderly persons offense may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall not exceed 6 months in the case of a disorderly persons offense or 30 days in the case of a petty disorderly persons offense.

NEW JERSEY CRIMINAL STATUTES

N.J. STAT. ANN. §x (West 1940, 1982 & Supp.1986).

KEY

- 1st = First degree offense
- 2nd = Second degree offense
- 3rd = Third degree offense
- 4th = Fourth degree offense
- PDPO = Petty disorderly persons offense
- DPO = Disorderly persons offense
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

Statute No. and Title Class/Time

CRIMINAL HOMICIDE (inclusive)

| | |
|------------------------|-----------------------------|
| 2C:11-3 Murder | 1st: 30 yrs.- life/death |
| 2C:11-4 Manslaughter | |
| ● aggravated | 1st |
| ● other | 2nd |
| 2C:11-5 Death by auto | 3rd |
| 2C:11-6 Aiding suicide | 2nd/4th |

ASSAULT; RECKLESS ENDANGERING THREATS (inclusive)

| | |
|---|-------------|
| 2C:12-1* Assault | |
| ● simple | DPO/PDPO |
| ● aggravated | 2nd/3rd/4th |
| ● auto | 4th/DPO |
| ● institutionalized elderly | 4th |
| 2C:12-2 Recklessly endangering another person | 3rd/4th |

| | |
|-----------------------------|-----|
| 2C:12-3 Terroristic threats | 3rd |
|-----------------------------|-----|

KIDNAPPING AND RELATED OFFENSES: COERCION

| | |
|-----------------------------------|------------------------|
| 2C:13-1 Kidnapping | 1st: 15-30 yrs./2nd |
| 2C:13-2 Criminal restraint | 3rd |
| 2C:13-3 False imprisonment | DPO |
| 2C:13-4 Interference with custody | 4th |
| 2C:13-5 Criminal coercion | 4th/3rd |

SEXUAL OFFENSES (inclusive)

| | |
|---------------------------------|---------|
| 2C:14-2 Sexual Assault | 1st/2nd |
| 2C:14-3 Criminal Sexual contact | 3rd/4th |
| 2C:14-4 Lewdness | DPO |

ROBBERY (inclusive)

| | |
|-----------------|---------|
| 2C:15-1 Robbery | 1st/2nd |
|-----------------|---------|

ARSON, CRIMINAL MISCHIEF, AND OTHER
PROPERTY DESTRUCTION (inclusive)

| | | | |
|--|---------------------|--|-----|
| 2C:17-1 Arson and related offenses | 3rd/4th/1st/ 2nd | - it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant. | |
| 2C:17-2 Causing or risking widespread injury or damage | 2nd/3rd/4th | ● if amount involved \geq \$200 but \leq \$500. | 4th |
| 2C:17-3* Criminal mischief ● if damage \leq \$500 | 3rd/4th DPO | ● if amount involved $<$ \$200 | DPO |
| 2C:17-4 Endangering pipes transmitting certain gases | DPO | 2C:20-3* Theft by unlawfully taking or disposition | |
| 2C:17-5 Damage to pipes during excavation or discharge | DPO | ● if: - amount involved \geq \$75,000 | 2nd |
| 2C:17-6* Motor vehicles, removal or alteration of ID number or mark ● if value $<$ \$200 | 3rd/4th DPO | ● if: - amount involved $>$ \$500 but $<$ \$75,000; | 3rd |
| 2C:17-7 Nuclear electric generating plant; damaging or tampering with equipment with intent to release radiation | 3rd | - property stolen is a firearm, automobile, boat, horse or airplane; | |
| 2C:17-8 Nuclear electric generating plant; damaging or tampering with equipment which results in death | 1st | - property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.); | |
| 2C:17-9 Nuclear electric generating plant; damaging or tampering with equipment which results in injury | 2nd | - it is from the person of the victim; | |
| BURGLARY (inclusive) | | - it is in breach of an obligation by a person in his capacity as a fiduciary; | |
| 2C:18-2 Burglary | 2nd/3rd | - it is by threat not amounting to extortion; or | |
| 2C:18-3* Criminal trespass ● dwelling ● if not a dwelling ● defiant trespass--any place | 4th DPO PDPO | - it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant. | |
| THEFT AND RELATED OFFENSES (inclusive) | | ● if amount involved \geq \$200 but \leq \$500. | 4th |
| 2C:20-2* Consolidation of theft offenses; grading; etc. ● if: - amount involved \geq \$75,000 or if the property is taken by extortion | 2nd | ● if amount involved $<$ \$200 | DPO |
| ● if: - amount involved $>$ \$500 but $<$ \$75,000; | 3rd | 2C:20-4* Theft by deception | |
| - property stolen is a firearm, automobile, boat, horse or airplane; | | ● if: - amount involved \geq \$75,000 | 2nd |
| - property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.); | | ● if: - amount involved $>$ \$500 but $<$ \$75,000; | 3rd |
| - it is from the person of the victim; | | - property stolen is a firearm, automobile, boat, horse or airplane; | |
| - it is in breach of an obligation by a person in his capacity as a fiduciary; | | - property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.); | |
| - it is by threat not amounting to extortion; or | | - it is from the person of the victim; | |
| | | - it is in breach of an obligation by a person in his capacity as a fiduciary; | |
| | | - it is by threat not amounting to extortion; or | |
| | | - it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant. | |
| | | ● if amount involved \geq \$200 but \leq \$500. | 4th |
| | | ● if amount involved $<$ \$200 | DPO |
| | | 2C:20-5 Theft by extortion | 2nd |

| | | | |
|--|-----------|--|----------|
| 2C:20-6* Theft of property lost, mislaid, or delivered by mistake | | - it is from the person of the victim; | |
| ● if: | 2nd | - it is in breach of an obligation by a person in his capacity as a fiduciary; | |
| - amount involved \geq \$75,000 | | - it is by threat not amounting to extortion; or | |
| ● if: | 3rd | - it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant. | |
| - amount involved $>$ \$500 but $<$ \$75,000; | | ● if amount involved \geq \$200 but \leq \$500. | 4th |
| - property stolen is a firearm, automobile, boat, horse or airplane; | | ● if amount involved $<$ \$200 | DPO |
| - property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.); | | 2C:20-8-(c)-(g) Specified offenses | DPO |
| - it is from the person of the victim; | | | |
| - it is in breach of an obligation by a person in his capacity as a fiduciary; | | 2C:20-9* Theft by failure to make required disposition of property received | |
| - it is by threat not amounting to extortion; or | | ● if: | 2nd |
| - it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant. | | - amount involved \geq \$75,000 | |
| ● if amount involved \geq \$200 but \leq \$500. | 4th | ● if: | 3rd |
| ● if amount involved $<$ \$200 | DPO | - amount involved $>$ \$500 but $<$ \$75,000; | |
| | | - property stolen is a firearm, automobile, boat, horse or airplane; | |
| 2C:20-7* Receiving stolen property | | - property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.); | |
| ● if: | 2nd | - it is from the person of the victim; | |
| - amount involved \geq \$75,000 | | - it is in breach of an obligation by a person in his capacity as a fiduciary; | |
| ● if: | 3rd | - it is by threat not amounting to extortion; or | |
| - amount involved $>$ \$500 but $<$ \$75,000; | | - it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant. | |
| - property stolen is a firearm, automobile, boat, horse or airplane; | | ● if amount involved \geq \$200 but \leq \$500. | 4th |
| - property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.); | | ● if amount involved $<$ \$200 | DPO |
| - it is from the person of the victim; | | | |
| - it is in breach of an obligation by a person in his capacity as a fiduciary; | | 2C:20-10 Unlawful taking of means of conveyance | DPO/PDPO |
| - it is by threat not amounting to extortion; or | | | |
| - it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant. | | 2C:20-11 Shoplifting | DPO |
| ● if amount involved \geq \$200 but \leq \$500. | 4th | | |
| ● if amount involved $<$ \$200 | DPO | 2C:20-25* Computer related theft | |
| | | ● if: | 2nd |
| 2C:20-8* Theft of services | See below | - amount involved \geq \$75,000 in damage/alteration to property/services or results in interruption of water/gas/power or public communication | |
| | | ● if: | 3rd |
| 2C:20-8(a)+(b) Specified offenses | | - amount \geq \$75,000 in damage/alteration to data, database, computer, etc. resulting from access and reckless act | 3rd |
| ● if: | 2nd | if: | 3rd |
| - amount involved \geq \$75,000 | | - amount \leq \$500 but $<$ \$75,000 in damage/alteration to property/services | |
| ● if: | 3rd | if: | 4th |
| - amount involved $>$ \$500 but $<$ \$75,000; | | - amount $<$ \$500 but $<$ \$75,000 in damage/alteration to data, database, computer, etc. resulting from access and reckless act | |
| - property stolen is a firearm, automobile, boat, horse or airplane; | | | |
| - property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.); | | | |

| | | | |
|---|--------------------|---|----------------------------------|
| if: - amount \$7,200 but <\$500 in damage/alteration to property services | 4th | 2C:21-14 Receiving deposits in a failing financial institution | 4th |
| if: amount > \$200 but < \$500 in damage/ alteration to data, database, computer, etc. resulting from access and reckless act | DPO | 2C:21-15 Misapplication of entrusted property and property of government or financial insti- tution | 2nd/3rd/4th |
| 2C:20-26 Property or services of \$75,000 or more; degree of crime | See above | 2C:21-16 Securing execution of documents by deception | 4th |
| 2C:20-27 Property or services between \$500 and \$75,000; degree of crime | See above | 2C:21-19* Wrongful credit practices and related offenses ● falsify/fail to state credit terms ● unlawful collection practices ● false statement credit terms | 2nd/3rd/4th DPO DPO DPO |
| 2C:20-28* Property or services between \$200 and \$500; degree of crime | See above | OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS | |
| 2C:20-29 Property or services of \$200 or less; disorderly persons offense | DPO/PDPO | 2C:24-4 Endangering welfare of children | 3rd/4th/2nd |
| 2C:20-30 Damage or wrongful access to computer system; no assessable damage | 3rd | 2C:24-5 Willful nonsupport | 4th |
| 2C:20-31 Disclosure of data from wrongful access; no assessable damage | 3rd | DOMESTIC VIOLENCE | |
| 2C:20-32 Wrongful access to computer; lack of damage or destruction | DPO | BRIBERY AND CORRUPT INFLUENCE | |
| FORGERY AND FRAUDULENT PRACTICES | | 2C:27-2 Bribery in official and political matters | 2nd/3rd |
| 2C:21-1 Forgery & related offenses | 3rd/4th | 2C:27-3 Threats and other improper influence in official and political matters | 3rd |
| 2C:21-2 Criminal simulation | 4th | 2C:27-4 Compensation for past official behavior | 2nd/3rd |
| 2C:21-3* Frauds relating to public records and recordable instruments ● if offer for filing | 3rd DPO | 2C:27-5 Retaliation for past official action | 4th |
| 2C:21-4 Falsifying or tampering with records | 4th/3rd | 2C:27-6 Gifts to public servants | 3rd |
| 2C:21-5* Bad checks ● if < \$200 | 2nd/3rd/4th DPO | 2C:27-7 Compensating public servant for assisting private interests in relation to matters before him | 2nd/3rd |
| 2C:21-6 Credit Cards | 4th/3rd | PERJURY AND OTHER FALSIFICATION IN OFFICIAL MATTERS | |
| 2C:21-7* Deceptive business practices ● violate (h) or (i) subsections | DPO 4th | 2C:28-1 Perjury | 3rd |
| 2C:21-9 Misconduct by corporate official | 2nd/3rd/4th | 2C:28-2 False swearing | 4th |
| 2C:21-10 Commercial bribery & breach of duty to act disinterestedly | 2nd/3rd/4th | 2C:28-3* Unsworn falsification to authorities ● if falsification specifically prescribed | DPO 4th |
| 2C:21-11* Rigging publicly exhibited contest ● if failure to report | 2nd/3rd/4th DPO | 2C:28-4* False reports to law enforcement authorities ● if false info on offense | 4th DPO |
| 2C:21-12 Defrauding secured creditors | 4th | 2C:28-5 Tampering with witnesses and information; retaliation against them | 2nd/3rd |
| 2C:21-13 Fraud in insolvency | 2nd/3rd/4th | 2C:28-6 Tampering with or fabricating physical evidence | 4th |
| | | 2C:28-7* Tampering with public records or information ● if to defraud | DPO 3rd |

**OBSTRUCTING GOVERNMENTAL OPERATIONS:
ESCAPES**

| | |
|---|---------------------|
| 2C:29-2* Resisting arrest; eluding officer ● if violence | DPO 4th |
| 2C:29-3* Hindering apprehension or persecution ● if committed crime < 3rd degree | 3rd/4th DPO |
| 2C:29-4 Compounding | 2nd/3rd |
| 2C:29-5 Escape | 2nd/3rd |
| 2C:29-6 Implements for escape; other contraband | 3rd/2nd |
| 2C:29-7* Bail jumping; default in required appearance ● if charge DPO or PDPO | 3rd/4th DPO/PDPO |
| 2C:29-8 Corrupting or influencing a jury | 3rd |
| 2C:29-9 Contempt | 4th |

MISCONDUCT IN OFFICE: ABUSE OF OFFICE

| | |
|--|---------|
| 2C:30-2 Official misconduct | 2nd/3rd |
| 2C:30-3 Speculating or wagering on official action or information | 2nd/3rd |

**RIOT, DISORDERLY CONDUCT AND RELATED
OFFENSES**

| | |
|---|------------|
| 2C:33-1 Riot; failure to disperse | 3rd/4th |
| 2C:33-3 False public alarms | 4th |
| 2C:33-10 Putting in fear of violence by placement of symbol on property | 3rd |
| 2C:33-11 Defacement of property by placement of symbol, etc. | 4th |
| 2C:33-12* Maintaining a nuisance ● if prostitution, pornography | DPO 4th |

PUBLIC INDECENCY

| | |
|--|-------------|
| 2C:34-1* Prostitution and related offenses ● promotion | PDPO 3rd |
| 2C:34-2 Obscenity for persons 18 years of age or older | 3rd/4th |
| 2C:34-3 Obscenity for persons under 18 | 4th |
| 2C:34-4 Public communication of obscenity | 4th |

GAMBLING

| | |
|---|------------|
| 2C:37-2* Promoting gambling ● certain offenses | 4th DPO |
| 2C:37-3* Possession of gambling records ● bookmaking > \$1,000 or lottery with > 100 chances | DPO 3rd |

2C:37-4 Maintenance of a gambling
resort 4th

**FIREARMS, OTHER DANGEROUS WEAPONS
AND INSTRUMENTS OF CRIME**

| | |
|---|----------------|
| 2C:39-3 Prohibited weapons and devices | 3rd/4th |
| 2C:39-4 Possession of a weapon for unlawful purposes | 2nd/3rd |
| 2C:39-5 Unlawful possession of weapons | 3rd/4th |
| 2C:39-7 Certain persons not to have weapons | 4th |
| 2C:39-9 Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances | 3rd/4th |
| 2C:39-10* Violation of the regulatory provisions relating to firearms, etc. ● if notice provision | 3rd/4th DPO |

2C:39-11 Pawnbrokers; loaning
on firearms 3rd

2C:39-13 Unlawful use of
body vests 3rd

2C:39-14 Training, practice or
instruction in use, application
or making of firearm, explosive
device, etc. 3rd

OTHER OFFENSES RELATING TO PUBLIC SAFETY

2C:40-3* Hazing DPO
● if aggravated 4th

MISCELLANEOUS

RACKETEERING

2C:41-3 Criminal penalties 1st/2nd

DRUG OFFENSES (inclusive)

| | |
|--|--|
| 24:21-19* Prohibited acts A--Manufacturing, distributing or dispensing b(1) <1 oz. Schedule I or II narcotic | See below High misdemeanor: 12 yrs. |
| b(2) >1 oz Schedule I or II narcotic | High misdemeanor: life |
| b(3) other Schedule I, II, III or IV | High misdemeanor: 5 yrs. |
| (4) Schedule V | Misdemeanor: 1 yr. |
| 24:21-19.1 Imitation controlled dangerous substances; distribution, possession, manufacture; etc. | 3 yrs. |

| | |
|---|---------------------------------|
| 24:21-20* Prohibited acts B--Possession, use, or being under influence (specified drugs) | See below |
| a(1) specified drugs; < 1 oz. Schedule I, II | High misdemeanor: 5 yrs. |
| a(2) >1 oz Schedule I or II narcotics | High misdemeanor: 7 yrs. |
| a(3) Schedule V | Misdemeanor: 1 year |
| a(4) >25 gms. marijuana/> 5 gms. hash | High misdemeanor: 5 yrs. |
| ● < 25 gms./<5 gms. | DPO |
| 24:21-21 Prohibited acts C--Records & order forms of registered manufacturers and distributors | High misdemeanor: 3 yrs. |
| 24:21-22 Prohibited acts D--fraud or misrepresentation | 3 yrs. |
| 24:21-24 Attempt, endeavor and conspiracy | Maximum for offense |
| 24:21-26 Distribution to persons under age 18 | 2 x penalty |
| 24:21-29 Second or subsequent offense | 2 x penalty |
| 24:21-30 Theft of large quantities of controlled dangerous substances from legitimate registrants | High misdemeanor: 12 yrs. |
| 24:21-47 Use or possession with intent to use-drug paraphernalia | DPO |
| 24:21-48 Distribute, dispense or possession with intent to distribute or manufacture | 4th |
| 24:21-49 Advertising to promote sale | 4th |
| 24:21-50 Delivering drug paraphernalia to person under 18 years of age | 3rd |
| 24:21-51 Hypodermic syringe or needle prohibition of sale or distribution without prescription | DPO |

N.M. STAT. ANN. §X (1984 & Supp. 1986)

Criminal Classification Information

30-1-5. Classification of crimes

Crimes are classified as felonies, misdemeanors and petty misdemeanors.

30-1-6. Classified crimes defined

A. A crime is a felony if it is so designated by law or if upon conviction thereof a sentence of death or of imprisonment for a term of one year or more is authorized.

B. A crime is a misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment in excess of six months but less than one year is authorized.

C. A crime is a petty misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment for six months or less is authorized.

30-1-7. Degrees of felonies

Felonies under the Criminal Code are classified as follows:

- A. capital felonies;
- B. first degree felonies;
- C. second degree felonies;
- D. third degree felonies; and
- E. fourth degree felonies.

A felony is a capital, first, second, third or fourth degree felony when it is so designated under the Criminal Code. A crime declared to be a felony, without specification of degree, is a felony of the fourth degree.

30-28-1. Attempt to commit a felony

Attempt to commit a felony consists of an overt act in furtherance of and with intent to commit a felony and tending but failing to effect its commission.

Whoever commits attempt to commit a felony upon conviction thereof, shall be punished as follows:

- A. if the crime attempted is a capital or first degree felony, the person committing such attempt is guilty of a second degree felony;
- B. if the crime attempted is a second degree felony, the person committing such attempt is guilty of a third degree felony;
- C. if the crime attempted is a third degree felony, the person committing such attempt is guilty of a fourth degree felony; and
- D. if the crime attempted is a fourth degree felony, the person committing such attempt is guilty of a misdemeanor.

No person shall be sentenced for an attempt to commit a misdemeanor.

30-28-2. Conspiracy

A. Conspiracy consists of knowingly combining with another for the purpose of committing a felony within or without this state.

B. Whoever commits conspiracy shall be punished as follows:

- (1) if the highest crime conspired to be committed is a capital or first degree felony, the person committing such conspiracy is guilty of a second degree felony;

- (2) if the highest crime conspired to be committed is a second degree felony, the person committing such conspiracy is guilty of a third degree felony; and

- (3) if the highest crime conspired to be committed is a third degree felony or a fourth degree felony, the person committing such conspiracy is guilty of a fourth degree felony.

30-28-3. Criminal solicitation; penalty

* * *

E. Any person convicted of criminal solicitation shall be punished as follows:

- (1) if the highest crime solicited is a capital or first degree felony, the person soliciting such felony is guilty of a second degree felony;

- (2) if the highest crime solicited is a second degree felony, the person soliciting such a felony is guilty of a third degree felony; and

- (3) if the highest crime solicited is a third degree felony or a fourth degree felony, the person soliciting such felony is guilty of a fourth degree felony.

31-18-15. Sentencing authority; noncapital felonies; basic sentences and fines; parole authority

A. If a person is convicted of a noncapital felony, the basic sentence of imprisonment is as follows:

- (1) for a first degree felony, eighteen years imprisonment;

- (2) for a second degree felony, nine years imprisonment;

- (3) for a third degree felony, three years imprisonment; or

- (4) for a fourth degree felony, eighteen months imprisonment.

B. The appropriate basic sentence of imprisonment shall be imposed upon a person convicted of a first, second, third or fourth degree felony unless the court alters such sentence pursuant to the provisions of Section 31-18-15.1, 31-18-16 or 31-18-17 NMSA 1978.

C. The court shall include in the judgment and sentence of each person convicted of a first, second, third or fourth degree felony and sentenced to imprisonment in a corrections facility designated by the corrections and criminal rehabilitation department, authority for a period of parole to be served in accordance with the provisions of Section 31-21-10 NMSA 1978 after the completion of any actual time of imprisonment and authority to require, as a condition of parole, the payment of the costs of parole services in accordance with the provisions of that section. The period of parole shall be deemed to be part of the sentence of the convicted person in addition to the basic sentence imposed pursuant to Subsection A of this section together with alterations, if any, pursuant to the provisions of Section 31-18-15.1, 31-18-16 or 31-18-17 NMSA 1978.

D. The court may, in addition to the imposition of a basic sentence of imprisonment, impose a fine not to exceed:

- (1) for a first degree felony, fifteen thousand dollars (\$15,000);

- (2) for a second degree felony, ten thousand dollars (\$10,000); or

- (3) for a third or fourth degree felony, five thousand dollars (\$5,000).

NEW MEXICO CRIMINAL STATUTES

N.M. STAT. ANN. S X (1984 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- PM = Petty misdemeanor
- SP = Penitentiary
- J = Jail
- 1,2,3,4 = Crime subclasses
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = Greater than, less than
- ≥, ≤ = Greater than or equal, less than or equal

NOTE: Periods of confinement are maximums, except where a sentence range is specified.

| | |
|-----------------------|------------|
| Statute No. and Title | Class/Time |
|-----------------------|------------|

HOMICIDE (inclusive)

- | | |
|--------------------------|---------------|
| 30-2-1 Murder | F: Capital/F2 |
| 30-2-3 Manslaughter | F4 |
| 30-2-4 Assisting suicide | F4 |
- ASSAULT AND BATTERY (inclusive)**
- | | |
|--|----|
| 30-3-1 Assault | PM |
| 30-3-2 Aggravated assault | F4 |
| 30-3-3 Assault with intent to commit a violent felony | F3 |
| 30-3-4 Battery | PM |
| 30-3-5 Aggravated battery | M |
| • injury not likely to cause death or great bodily harm | F3 |
| • with deadly weapon or likely to cause great bodily harm or death | |
| 30-3-7 Injury to a pregnant woman | F3 |

KIDNAPPING

- | | |
|--|-------|
| 30-4-1 Kidnapping | F1/F2 |
| 30-4-2 Criminal use of ransom | F3 |
| 30-4-3 False imprisonment | F4 |
| 30-4-4 Custodial interference; penalty | F4 |

ABORTION

- | | |
|--------------------------|-------|
| 30-5-3 Criminal abortion | F4/F2 |
|--------------------------|-------|

CRIMES AGAINST CHILDREN AND DEPENDENTS

- | | |
|---|-------------|
| 30-6-1 Abandonment or abuse of a child | F4/F2/F2/F1 |
| 30-6-2 Abandonment of dependent | F4 |
| 30-6-3 Contributing to the delinquency of a child | F4 |

SEXUAL EXPLOITATION OF CHILDREN (inclusive)

- | | |
|---|-----------------------|
| 30-6A-3 Sexual exploitation of children | F4/F4/F3/ F3/F2/F3 |
| 30-6A-4 Sexual exploitation of children by prostitution | F3/F2/F3/F4 |

WEAPONS AND EXPLOSIVES

- | | |
|---|-------|
| 30-7-3 Unlawful carrying of a firearm in licensed liquor establishments | F4 |
| 30-7-5 Dangerous use of explosives | F3 |
| 30-7-7* Unlawful sales, possession or transportation of explosives | |
| • transportation without label | PM |
| • transportation on common carrier vehicle transporting passengers | F4 |
| 30-7-11 Bus Passenger Safety Act; Prohibitions; Penalties | F3/F4 |
| 30-7-19 Possession of explosives or explosive incendiary device | F4 |
| 30-7-20 Facsimile or hoax bomb or explosive | F4 |

NUISANCES

SEXUAL OFFENSES (inclusive)

- | | |
|--|----------|
| 30-9-1 Enticement of a child | M |
| 30-9-2 Prostitution | PM/M |
| 30-9-3 Patronizing prostitutes | PM/M |
| 30-9-4 Promoting prostitution | F4 |
| 30-9-4.1 Accepting earnings of a prostitute | F4 |
| 30-9-11 Criminal sexual penetration | F1/F2/F3 |
| 30-9-12* Criminal sexual conduct | |
| • personal injury or by 2 or more persons or when armed with deadly weapon | F4 |
| • force or coercion | M |
| 30-9-13 Criminal sexual conduct of a minor | F3/F4 |
| 30-9-14 Indecent exposure | M/PM |
| 30-9-14.1 Indecent dancing | PM |
| 30-9-14.2 Indecent waitering | PM |

MARITAL AND FAMILIAL OFFENSES

- | | |
|----------------|----|
| 30-10-1 Bigamy | F4 |
| 30-10-3 Incest | F3 |

CRIMES AGAINST REPUTATION

ABUSE OF PRIVACY

VIOLATION OF CIVIL RIGHTS

| | | | |
|--|-------------|--|--|
| TRESPASS | | | |
| 30-14-8 Breaking and entering | F4 | | |
| PROPERTY DAMAGE | | | |
| 30-15-1* Criminal damage to property | | | |
| ● damage ≤ \$1,000 | PM | | |
| ● damage > \$1,000 | F4 | | |
| 30-15-3 Damaging insured property | F4 | | |
| 30-15-4* Desecration of a church | | | |
| ● damage ≤ \$1,000 | M | | |
| ● damage > \$1,000 | F4 | | |
| LARCENY (inclusive) | | | |
| 30-16-1* Larceny | | | |
| ● property value < \$100 | PM | | |
| ● property value > \$100, < \$2,500 | F4 | | |
| ● property value > \$2,500, < \$20,000 | F3 | | |
| ● property value > \$20,000 | F2 | | |
| ● livestock | F3 | | |
| ● firearm, value < \$2,500 | F4 | | |
| 30-16-2 Robbery | F3/F2/F1 | | |
| 30-16-3 Burglary | F3/F4 | | |
| 30-16-4 Aggravated burglary | F2 | | |
| 30-16-5 Possession of burglary tools | F4 | | |
| 30-16-6* Fraud | | | |
| ● property value < \$100 | PM | | |
| ● property value > \$100, < \$2,500 | F4 | | |
| ● property value > \$2,500, < \$20,000 | F3 | | |
| ● property value > \$20,000 | F2 | | |
| ● firearm | F4 | | |
| 30-16-7* Unlawful dealing in federal food coupons | | | |
| ● value ≤ \$100 | PM | | |
| ● value > \$100, < \$2,500 | F4 | | |
| ● value > \$2,500 | F3 | | |
| 30-16-8* Embezzlement | | | |
| ● value < \$100 | PM | | |
| ● value > \$100, < \$2,500 | F4 | | |
| ● value > \$2,500 | F3 | | |
| 30-16-9 Extortion | F3 | | |
| 30-16-10 Forgery | F3 | | |
| 30-16-11* Receiving stolen property; penalties | | | |
| ● value ≤ \$100 | PM | | |
| ● value > \$100, < \$2,500 | F4 | | |
| ● value > \$2,500 | F3 | | |
| ● firearm, value < \$2,500 | F4 | | |
| 30-16-12 Falsely representing self as incapacitated | PM | | |
| 30-16-13 Cheating machine or device | PM | | |
| 30-16-14 Failure to label secondhand watches | PM | | |
| 30-16-15 Coercing the purchase of insurance from particular broker | PM | | |
| 30-16-16* Falsely obtaining services or accommodations; probable cause; immunity; penalty | | | |
| ● value ≤ \$100 | PM | | |
| ● value > \$100, < \$2,500 | F4 | | |
| ● value > \$2,500 | F3 | | |
| 30-16-17 Unlawful removal of effects | PM | | |
| 30-16-18* Improper sale, disposal, removal, or concealing of encumbered property | | | |
| ● value ≤ \$100 | PM | | |
| ● value > \$100, < \$2,500 | F4 | | |
| ● value > \$2,500 | F3 | | |
| 30-16-20* Crime of shoplifting created | | | |
| ● value < \$100 | PM | | |
| ● value > \$100, < \$2,500 | F4 | | |
| ● value > \$2,500 | F3 | | |
| 30-16-24 Appropriating trade secrets; penalty; damages | F4 | | |
| 30-16-26 Theft of a credit card by taking or retaining possession of cardtaker | F4 | | |
| 30-16-27 Possession of a credit card stolen, lost, mislaid, or delivered by mistake | PM | | |
| 30-16-28 Fraudulent transfer or receipt of credit card | F4 | | |
| 30-16-29 Fraudulent taking, receiving, or transferring credit cards | M | | |
| 30-16-30 Dealing in credit cards of another | F3 | | |
| 30-16-31 Forgery of a credit card | F4 | | |
| 30-16-32 Fraudulent signing of credit cards or sales slips or agreements | F4 | | |
| 30-16-33 Fraudulent use of credit cards | F4/F3 | | |
| 30-16-34 Fraudulent acts by merchants or their employees | F4/F3/F4/F3 | | |
| 30-16-35 Possession of incomplete credit cards or machinery, plates, or other contrivances | F4 | | |
| 30-16-36* Receipt of property obtained in violation of act. | | | |
| ● value < \$100 | PM | | |
| ● value > \$100, < \$300 | F4 | | |
| ● value ≥ \$300 | F3 | | |
| 30-16-37 Obtaining fraudulently acquired transportation ticket at a discount | F4 | | |
| 30-16-39* Fraudulent acts to obtain or retain possession of rented or leased vehicle or other personal property; penalty | | | |
| ● vehicle or value > \$100 | F4 | | |
| ● value < \$100 | PM | | |

| | | | | |
|---|----|--|---|-------|
| 30-16-40* Fraudulent refusal to return a leased vehicle or other personal property; penalty; presumption | | | 30-19-15 Unlawful to accept for profit anything of value to be transmitted or delivered for gambling; penalty | F4 |
| ● vehicle or value > \$100 | F4 | | | |
| ● value ≤ \$100 | PM | | CRIMES AGAINST PUBLIC PEACE | |
| 30-16-41* Unauthorized recording; sale of unauthorized recordings; providing equipment for illegal recording; penalties; exemptions | | | 30-20-8 Refusal to comply with restrictions during state of emergency; penalty | F4 |
| ● unauthorized recording | F4 | | 30-20-11 Dueling | F4 |
| ● sells recording | M | | 30-20-12* Use of telephone to terrify, intimidate, threaten, harass, annoy, or offend; penalty | |
| ● rents equipment for said purpose | M | | ● first offense | M |
| 30-16-42 Manufacture, distribution, or sale of phonographic recordings without name of manufacturer and designation of featured performer or group; penalties | M | | ● second offense | F4 |
| 30-16-48 Crude petroleum oil; required documentation; penalty; further investigation | M | | 30-20-16 Bomb scares unlawful | F4 |
| COMPUTER CRIMES | | | SABOTAGE AND DISLOYALTY | |
| 30-16A-3* Computer fraud | | | 30-21-1 Sabotage | F2 |
| ● with intent to defraud | F4 | | INTERFERENCE WITH LAW ENFORCEMENT | |
| ● with intent to embezzle; value ≤ \$100 | PM | | 30-22-4 Harboring or aiding a felon | F4 |
| ● with intent to embezzle; value > \$100, < \$2,500 | F4 | | 30-22-5 Tampering with evidence | F4 |
| ● with intent to embezzle; value > \$2,500 | F3 | | 30-22-7 Unlawful rescue | F3/F1 |
| 30-16A-4* Unauthorized computer use | | | 30-22-8 Escape from jail | F4 |
| ● damage valued ≤ \$100 | PM | | 30-22-9 Escape from penitentiary | F2 |
| ● damage valued > \$100, < \$2,500 | F4 | | 30-22-10 Escape from custody of police officer | F4 |
| ● damage valued > \$2,500 | F3 | | 30-22-11 Assisting escape | F3 |
| FIRE (inclusive) | | | 30-22-12 Furnished articles for prisoner's escape | F2 |
| 30-17-1 Improper handling of fire | PM | | 30-22-13 Furnishing drugs or liquor to a prisoner | F4 |
| 30-17-2 Use of engine without spark arrester | PM | | 30-22-14 Bringing contraband into places of imprisonment; penalties; definitions | F3/F4 |
| 30-17-4 Possession of fireworks | M | | 30-22-16 Possession of deadly weapon or explosive by prisoner | F2 |
| 30-17-5* Arson and negligent arson | | | 30-22-17 Assault by prisoner | F3 |
| ● damage valued ≤ \$100 | M | | 30-22-19 Unlawful assault on any jail | F3 |
| ● damage valued > \$100, < \$1,000 | F4 | | 30-22-22 Aggravated assault upon peace officer | F3 |
| ● damage valued > \$1,000 | F3 | | 30-22-23 Assault with intent to commit violent felony upon peace officer | F2 |
| ● negligent arson | F4 | | 30-22-24 Battery upon peace officer | F4 |
| 30-17-6 Aggravated arson | F2 | | 30-22-25 Aggravated battery upon peace officer | F4/F3 |
| ANIMALS | | | 30-22-26 Assisting in assault upon peace officer | F4 |
| 30-18-3 Unlawful branding | F4 | | | |
| 30-18-6 Transporting stolen livestock | F4 | | | |
| 30-18-9 Dog fighting; penalty | F4 | | | |
| GAMBLING | | | | |
| 30-19-3 Commercial gambling | F4 | | | |
| 30-19-13 Bribery of participant in contest | F4 | | | |

MISCONDUCT BY OFFICIALS

30-23-2 Paying or receiving public money for services not rendered F4

30-23-3 Making or permitting false public voucher F4

30-23-6* Unlawful interest in a public contract
 ● value received ≤ \$50.00 M
 ● value received > \$50.00 F4

30-31-23* Controlled substances; possession prohibited
 (B)(1) Marijuana < 1 ounce M: 1 yr.
 (2) Marijuana > 1 ounce, < 8 ounces
 (3) Marijuana > 8 ounces
 (4) Controlled substance Schedule I, II, III, or IV, except phencyclidine and Schedule III narcotic
 (5) Phencyclidine or Schedule III narcotic

See below
 PM: 5 days/
 M: 1 yr.
 F4
 M: 1 yr.

BRIBERY

30-24-1 Bribery of public officer or public employee F3

30-24-2 Demanding or receiving bribe by public officer or public employee F3

30-24-3 Bribery of witness F4

30-31-24 Controlled substances; violations of administrative provisions F4

30-31-25 Controlled substances; prohibited acts
 ● forgery, fraud/prescription violations F4

F4
 F4

PERJURY AND FALSE AFFIRMATIONS

30-25-1 Perjury F4

30-31-25.1* Possession, delivery, manufacture, or delivery to a minor of drug paraphernalia prohibited
 (A) Use paraphernalia M: 1 yr.
 (B) Deliver paraphernalia M
 (C) Penalties
 (D) Penalty (distribute to minor) F4

See below
 M: 1 yr.
 M
 F4

INTERFERENCE WITH PUBLIC RECORDS

30-26-1 Tampering with public records F4

IMITATION CONTROLLED SUBSTANCES (inclusive)

MALICIOUS PROSECUTION, ETC.

INITIATORY CRIMES

GLUES

MERCURY

30-30-1 Illegal possession of mercury F4

30-31A-4 Manufacture, distribution or [possession] of imitation controlled substances F4
 A-5 Sale to a minor F4
 A-6 Possession with intent to distribute an imitation controlled substance F4
 A-7 Advertisement M

F4
 F4
 F4
 M

FOREST FIRES

FRAUD AND FALSE DEALING

CONTROLLED SUBSTANCES (inclusive)

30-31-7 Schedule II (B) Prescription offenses; methadone See below F: 1-5 yrs.

30-31-20 Trafficking controlled substances; violation F2/F1

30-31-21 Distribution to a minor F3/F2/F1

30-31-22* Controlled or counterfeit substances; distribution prohibited
 (A)(1) Marijuana F4/F3/F2
 (2) Controlled substance in Schedule I, II, III, or IV, except schedule I or II narcotic drugs F3/F2

30-33-13* Crime to procure or attempt to procure telecommunications service without paying charge; crime to make, possess, sell, give, or transfer certain devices for certain purposes; penalty
 ● with intent to defraud, value \$100, < \$2,500 F4
 ● with intent to defraud, value \$2,500 F3
 ● with the aid of equipment M
 ● with aid of equipment, second offense F4

Unlawful
 F4
 F3
 M
 F4

PUBLIC UTILITIES

WORTHLESS CHECKS

(3) Controlled substances in Schedule V M: 180 days-1 yr.
 (B)(1) Counterfeit substances in Schedule I, II, III, or IV F4
 (2) Counterfeit substances in Schedule V PM: 6 mos.

30-36-5* Unlawful issue of worthless checks, penalty
 ● amount > \$1.00, < \$25.00
 ● amount > \$25.00

J: 30 days
 SP: 1-3 yrs.

SEXUALLY ORIENTED MATERIAL HARMFUL TO
MINORS

EXHIBITING OBSCENE FILMS OUTDOORS

FALSE REPORTING

PUBLIC ASSISTANCE

30-40-1* Failing to disclose
facts or change of circumstances
to obtain public assistance

- value < \$100 PM
- value > \$100, < \$2,500 F4
- value > \$2,500 F3

30-40-2* Unlawful use of food
stamp identification card or medical
identification card

- value ≤ \$100 PM
- value > \$100, < \$2,500 F4
- value > \$2,500 F3

30-40-3* Misappropriating public
assistance

- value < \$100 PM
- value > \$100, < \$2,500 F4
- value > \$2,500 F3
- food stamp or medical
identification card F4

30-40-4 Making or permitting a
false claim for reimbursement
for public assistance services F4

30-40-6* Failure to reimburse the
department upon receipt of
third-party payment

- value ≤ \$100 PM
- value > \$100, < \$2,500 F4
- value > \$2,500 F3

KICKBACK, BRIBE, OR REBATE

30-41-1 Soliciting or receiving
illegal kickback F4

30-41-2 Offering or paying illegal
kickback F4

RACKETEERING

30-42-4 Prohibited activities;
penalties F2/F2/
F2/F3

LOAN SHARKING

30-43-3 Making extortionate
extensions of credit F3

30-43-4 Financing extortionate
extensions of credit F3

30-43-5 Collection of extensions
of credit by extortionate means F3

Criminal Classification Information

N.Y. Penal Law §X (McKinney 1975 & Supp. 1987)

§5.5 Classifications of felonies and misdemeanors

1. Felonies. Felonies are classified, for the purpose of sentence, into five categories as follows:

- (a) Class A felonies;
- (b) Class B felonies;
- (c) Class C felonies;
- (d) Class D felonies; and
- (e) Class E felonies.

Class A felonies are subclassified, for the purpose of sentence, into two categories as follows: subclass I and subclass II, to be known as class A-I and class A-II felonies, respectively.

2. Misdemeanors. Misdemeanors are classified, for the purpose of sentence, into three categories as follows:

- (a) Class A misdemeanors;
- (b) Class B misdemeanors; and
- (c) Unclassified misdemeanors.

§5.10 Designation of offenses

1. Felonies.

(a) The particular classification or subclassification of each felony defined in this chapter is expressly designated in the section or article defining it.

(b) Any offense defined outside this chapter which is declared by law to be a felony without specification of the classification thereof, or for which a law outside this chapter provides a sentence to a term of imprisonment in excess of one year, shall be deemed a class E felony.

2. Misdemeanors.

(a) Each misdemeanor defined in this chapter is either a class A misdemeanor or a class B misdemeanor, as expressly designated in the section or article defining it.

(b) Any offense defined outside this chapter which is declared by law to be a misdemeanor without specification of the classification thereof or of the sentence therefor shall be deemed a class A misdemeanor.

(c) Except as provided in paragraph (b) of subdivision three, where an offense is defined outside this chapter and a sentence to a term of imprisonment in excess of fifteen days but not in excess of one year is provided in the law or ordinance defining it, such offense shall be deemed an unclassified misdemeanor.

3. Violations. Every violation defined in this chapter is expressly designated as such. Any offense defined outside this chapter which is not expressly designated a violation shall be defined a violation if:

(a) Notwithstanding any other designation specified in the law or ordinance defining it, a sentence to a term of imprisonment which is not in excess of fifteen days is provided therein, or the only sentence provided therein is a fine; or

(b) A sentence to a term of imprisonment in excess of fifteen days is provided for such offense in a law or ordinance enacted prior to the effective date of this chapter but the offense was not a crime prior to that date.

4. Traffic infraction. Notwithstanding any other provision this section, an offense which is defined as a "traffic infraction" shall not be deemed a violation or a misdemeanor by virtue of the sentence prescribed therefor.

§60.05 Authorized dispositions; class A, B, certain C and D felonies and multiple felony offenders

1. Applicability. This section shall govern the dispositions authorized when a person is to be sentenced upon a conviction of a class A felony, a class B felony or a class C, class D or class E felony specified herein, or when a person is to be sentenced upon a conviction of a felony as a multiple felony offender.

2. Class A felony. Except as provided in subdivisions three and four of section 70.06 of this chapter, every person convicted of a class A felony must be sentenced to imprisonment in accordance with section 70.00, unless such person is convicted of either murder in the first degree and is sentenced to death in accordance with section 60.06 or of a class A-II felony and is sentenced to probation in accordance with section 65.00.

3. Class B felony. Except as provided in subdivision six, every person convicted of a class B violent felony offense as defined in subdivision one of section 70.02, must be sentenced to imprisonment in accordance with section 70.02 must be sentenced to imprisonment in accordance with section 70.02; and, except as provided in subdivision six, every person convicted of any other class B felony must be sentenced to imprisonment in accordance with section 70.00, unless such person is convicted of a class B felony defined in article two hundred twenty and is sentenced to a period of probation for life in accordance with section 65.00.

4. Certain class C felonies. Except as provided in subdivision six, every person convicted of a class C violent felony offense as defined in subdivision one of section 70.02 must be sentenced to imprisonment in accordance with section 70.02; and, except as provided in subdivision six, every person convicted of the class C felonies of: attempt to commit any of the class B felonies of bribery in the first degree as defined in section 200.04, bribe receiving in the first degree as defined in section 200.12, conspiracy in the second degree as defined in section 105.15 and criminal mischief in the first degree as defined in section 145.12; criminal usury in the first degree as defined in section 190.42, rewarding official misconduct in the first degree as defined in section 200.22, receiving reward for official misconduct in the first degree as defined in section 200.27, criminal possession of a controlled substance in the fourth degree as defined in subdivision one, two, three, four, five, six, seven, eight, or nine of section 220.09, or criminal sale of a controlled substance in the fourth degree as defined in subdivision one or two of section 220.34, attempt to promote prostitution in the first degree as defined in section 230.32, promoting prostitution in the second degree as defined in section 230.30, arson in the third degree as defined in section 150.10, must be sentenced to imprisonment in accordance with section 70.00.

5. Certain class D felonies. Except as provided in subdivision six, every person convicted of the class D felonies of attempt to commit assault in the first degree as defined in section 120.10, or assault in the second degree as defined in section 120.05, attempt to commit a class C felony as defined in section 230.30, must be sentenced in accordance with section 70.00 or 85.00.

6. Multiple felony offender. When the court imposes sentence upon a second violent felony offender, as defined in section 70.04, or a second felony offender, as defined in section 70.06, the court must impose a sentence of imprisonment in accordance with section 70.04 or 70.06, as the case may be, unless it imposes a sentence of imprisonment in accordance with section 70.08 or 70.10.

7. Fines. Where the court imposes a sentence of imprisonment in accordance with this section, the court also may impose a fine authorized by article eighty and in such case the sentence shall be both imprisonment and a fine.

§70.00 Sentence of imprisonment for felony

1. Indeterminate sentence. Except as provided in subdivision four, a sentence of imprisonment for a felony shall be an indeterminate sentence. When such a sentence is imposed, the court shall impose a maximum term in accordance with the provisions of subdivision two of this section and the minimum period of imprisonment shall be as provided in subdivision three of this section.

2. Maximum term of sentence. The maximum term of an indeterminate sentence shall be at least three years and the term shall be fixed as follows:

(a) For a class A felony, the term shall be life imprisonment;

(b) For a class B felony, the term shall be fixed by the court, and shall not exceed twenty-five years; provided, however, that where the sentence is for a class B felony offense specified in subdivision two of section 220.44, the maximum term must be at least five years and must not exceed twenty-five years;

(c) For a class C felony, the term shall be fixed by the court, and shall not exceed fifteen years;

(d) For a class D felony, the term shall be fixed by the court, and shall not exceed seven years; and

(e) For a class E felony, the term shall be fixed by the court, and shall not exceed four years.

3. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence shall be at least one year and shall be fixed as follows:

(a) In the case of a class A felony, the minimum period shall be fixed by the court and specified in the sentence.

(i) For a class A-I felony, such minimum period shall not be less than fifteen years nor more than twenty-five years.

(ii) For a class A-II felony, such minimum period shall not be less than three years nor more than eight years four months.

(b) Where the sentence is for a class B or class C violent felony offense as defined in subdivision one of section 70.02, the minimum period shall be fixed by the court pursuant to subdivision four of section 70.02. Where the sentence is for a class B felony offense specified in subdivision two of section 220.44, the minimum period must be fixed by the court at one-third of the maximum term imposed and must be specified in the sentence. Where the sentence is for any other felony, the minimum period shall be fixed by the court and specified in the sentence and shall be not less than one year nor more than one-third of the maximum term imposed.

4. Alternative definite sentence for class D, E, and certain class C felonies. When a person, other than a second or persistent felony offender is sentenced for a class D, or class E felony, or to a class C felony specified in article two hundred twenty or article two hundred twenty-one, and the court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that it would be unduly harsh to impose an indeterminate sentence, the court may impose a definite sentence of imprisonment and fix a term of one year or less.

§70.02 Sentence of imprisonment for a violent felony offense

1. Definition of a violent felony offense. A violent felony offense is a class B violent felony offense, a class C violent felony offense, a class D violent felony offense, or a class E violent felony offense, defined as follows:

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, rape in the first degree as defined in section 130.35, sodomy in the first degree as defined in section 130.50, aggravated sexual abuse as defined in section 130.70, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, criminal possession of a dangerous weapon in the first degree as defined in section 265.04, criminal use of firearm in the first degree as defined in section 265.09, aggravated assault upon a peace officer as defined in section 120.11, and intimidating a victim or witness in the first degree as defined in section 215.17.

(b) Class C violent felony offenses: an attempt to commit any of the class B felonies set forth in paragraph (a); assault in the first degree as defined in section 120.10, burglary in the second degree as defined in section 140.25, robbery in the second degree as defined in section 160.10, criminal possession of a weapon in the second degree as defined in section 265.03 and criminal use of a firearm in the second degree as defined in section 265.08.

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); assault in the second degree as defined in section 120.05, sexual abuse in the first degree as defined in section 130.65, criminal possession of a weapon in the third degree as defined in subdivisions four and five of section 265.02, criminal sale of a firearm in the first degree as defined in section 265.12, and intimidating a victim or witness in the second degree as defined in section 215.16.

(d) Class E violent felony offenses: an attempt to commit any of the felonies of criminal possession of a weapon in the third degree as defined in subdivisions four and five of section 265.02 as a lesser included offense of that section as defined in section 220.20 of the criminal procedure law.

2. Authorized sentence.

(a) The sentence imposed upon a person who stands convicted of a class B or class C violent felony offense must be an indeterminate sentence of imprisonment. Except as provided in subdivision five of section 60.05, the maximum term of such sentence such be in accordance with the provisions of subdivision three of this section and the minimum period of imprisonment under such sentence must be accordance with subdivision four of this section.

(b) Except as provided in subdivision five of this section, the sentence imposed upon a person who stands convicted of a class D violent felony offense, other than the offenses of criminal possession of a weapon in the third degree as defined in subdivisions four and five of section 265.02 and criminal sale of a firearm in the first degree as defined in section 265.12, must be in accordance with the applicable provisions of this chapter relating to sentencing for class D felonies.

(c) Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of the class D violent felony offenses of criminal possession of a weapon in the third degree as

defined in subdivisions four and five of section 265.02, or criminal sale of a firearm in the first degree as defined in section 265.12 or the class E violent felonies of attempted criminal possession of a weapon in the third degree as defined in subdivisions four and five of section 265.02 must be a sentence to an indeterminate period of imprisonment, or, in the alternative, a definite sentence of imprisonment for a period of no less than one year, except that:

(i) the court may impose any other sentence authorized by law upon a person who has not been previously convicted in the five years immediately preceding the commission of the offense for a class A misdemeanor defined in this chapter, if the court having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that such sentence would be unduly harsh; and

(ii) the court may apply the provisions of paragraphs (b) and (c) of subdivision five of this section when imposing a sentence upon a person who has previously been convicted of a class A misdemeanor defined in this chapter in the five years immediately preceding the commission of the offense.

3. Maximum term of sentence. The maximum term of an indeterminate sentence for a violent felony offense must be fixed by the court as follows:

(a) For a class B felony, the term must be at least six years and must not exceed twenty-five years; and

(b) For a class C felony, the term must be at least four and one-half years and must not exceed fifteen years.

4. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence for a violent felony offense must be fixed by the court at one-third of the maximum term imposed and must be specified in the sentence; provided, however, that the court may impose a minimum term which is between one-third the maximum and one-half the maximum term imposed when the sentence is for a conviction of a class B armed felony offense.

5. (a) Except as provided in paragraph (b) of this section, where a plea of guilty to a class D violent felony offense is entered pursuant to section 220.10 or 220.30 of the criminal procedure law in satisfaction of an indictment charging the defendant with an armed felony, as defined in subdivision forty-one of section 1.20 of the criminal procedure law, the court must impose an indeterminate sentence of imprisonment pursuant to section 70.00.

(b) In any case in which the provisions of paragraph (a) hereof or the provisions of subparagraph (ii) of paragraph (c) of subdivision two of this section apply, the court may impose a sentence other than an indeterminate sentence of imprisonment, or a definite sentence of imprisonment for period of no less than one year, if it finds that one or more of the following factors exist: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in proof of the defendant's commission of an armed felony.

(c) The defendant and the district attorney shall have an opportunity to present relevant information to assist the court in making a determination pursuant to paragraph (b) hereof, and the court may, in its discretion, conduct a hearing with respect to any issue bearing upon such determination. If the court determines that an indeterminate sentence of imprisonment should not be imposed pursuant to the provisions of such paragraph (b), it shall make a statement on the record of the facts and circumstances upon which such determination is based. A transcript of the court's

statement, which shall set forth the recommendation of the district attorney, shall be forwarded to the state division of criminal justice services along with a copy of the accusatory instrument.

§70.04 Sentence of imprisonment for second violent felony offender

1. Definition of second violent felony offender.

(a) A second violent felony offender is a person who stands convicted of a violent felony offense as defined in subdivision one of section 70.02 after having previously been subjected to a predicate violent felony conviction as defined in paragraph (b) of this subdivision.

(b) For the purpose of determining whether a prior conviction is a predicate violent felony conviction the following criteria shall apply:

(i) The conviction must have been in this state of a class A felony (other than one defined in article two hundred twenty) or of a violent felony offense as defined in subdivision one of section 70.02, or of an offense defined by the penal law in effect prior to September first, nineteen hundred sixty-seven, which includes all of the essential elements of any such felony, or in any other jurisdiction of an offense which includes all of the essential elements of any such felony for which a sentence to a term of imprisonment in excess of one year or a sentence of death was authorized and is authorized in this state irrespective of whether such sentence was imposed;

(ii) Sentence upon such prior conviction must have been imposed before commission of the present felony;

(iii) Suspended sentence, suspended execution of sentence, a sentence of probation, a sentence of conditional discharge or of unconditional discharge, and a sentence of certification to the care and custody of the division of substance abuse services, shall be deemed to be a sentence;

(iv) Except as provided in subparagraph (v) of this paragraph, sentence must have been imposed not more than ten years before commission of the felony of which the defendant presently stands convicted;

(v) In calculating the ten year period under subparagraph (iv), any period of time during which the person who incarcerated for any reason between the time of commission of the previous felony and the time of commission of the present felony shall be excluded and such ten year period shall be extended by a period or periods equal to the time served under such incarceration;

(vi) An offense for which the defendant has been pardoned on the ground of innocence shall not be deemed a predicate violent felony conviction.

2. Authorized sentence. When the court has found, pursuant to the provisions of the criminal procedure law, that a person is a second violent felony offender the court must impose an indeterminate sentence of imprisonment. Except where sentence is imposed in accordance with the provisions of section 70.10, the maximum term of such sentence must be in accordance with the provisions of subdivision three of this section and the minimum period of imprisonment under such sentence must be in accordance with subdivision four of this section.

3. Maximum term of sentence. The maximum term of an indeterminate sentence for a second violent felony offender must be fixed by the court as follows:

(a) For a class B felony, the term must be at least twelve years and must not exceed twenty-five years;

(b) For a class C felony, the term must be at least eight years and must not exceed fifteen years;

(c) For a class D felony, the term must be at least five years and must not exceed seven years;

(d) For a class E felony, the term must be at least four years.

4. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence for a second violent felony offender must be fixed by the court at one-half of the maximum term imposed and must be specified in the sentence.

§70.06 Sentence of imprisonment for second felony offender

1. Definition of second felony offender.

(a) A second felony offender is a person, other than a second violent felony offender as defined in section 70.04, who stands convicted of a felony defined in this chapter, other than a class A-I felony, after having previously been subjected to one or more predicate felony convictions as defined in paragraph (b) of this subdivision.

(b) For the purpose of determining whether a prior conviction is a predicate felony conviction the following criteria shall apply:

(i) The conviction must have been in this state of a felony, or in any other jurisdiction of an offense for which a sentence to a term of imprisonment in excess of one year or a sentence of death was authorized and is authorized in this state irrespective of whether such sentence was imposed;

(ii) Sentence upon such prior conviction must have been imposed before commission of the present felony;

(iii) Suspended sentence, suspended execution of sentence, a sentence of probation, a sentence of conditional discharge or of unconditional discharge, and a sentence of certification to the care and custody of the division of substance abuse services, shall be deemed to be a sentence;

(iv) Except as provided in subparagraph (v) of this paragraph, sentence must have been imposed not more than ten years before commission of the felony of which the defendant presently stands convicted;

(v) In calculating the ten year period under subparagraph (iv), any period of time during which the person was incarcerated for any reason between the time of commission of the previous felony and the time of commission of the present felony shall be excluded and such ten year period shall be extended by a period or periods equal to the time served under such incarceration;

(vi) An offense for which the defendant has been pardoned on the ground of innocence shall not be deemed a predicate felony conviction.

2. Authorized sentence. Except as provided in subdivision five of this section, when the court has found, pursuant to the provisions of the criminal procedure law, that a person is a second felony offender the court must impose an indeterminate sentence of imprisonment. The maximum term of such sentence must be in accordance with the provisions of subdivision three of this section and the minimum period of imprisonment under such sentence must be in accordance with subdivision four of this section.

3. Maximum term of sentence. Except as provided in subdivision five of this section, the maximum term of an indeterminate sentence for a second felony offender must be fixed by the court as follows:

(a) For a class A-II felony, the term must be life imprisonment;

(b) For a class B felony, the term must be at least nine years and must not exceed twenty-five years;

(c) For a class C felony, the term must be at least six years and must not exceed fifteen years;

(d) For a class D felony, the term must be at least four years and must not exceed seven years; and

(e) For a class E felony, the term must be at least three years and must not exceed four years.

4. Minimum period of imprisonment. (a) The minimum period of imprisonment for a second felony offender convicted of a class A-II felony must be fixed by the court at no less than six years and not to exceed twelve and one-half years and must be specified in the sentence.

(b) Except as provided in paragraph (a), the minimum period of imprisonment under an indeterminate sentence for a second felony offender must be fixed by the court at one-half of the maximum term imposed and must be specified in the sentence.

5. Lifetime probation. Notwithstanding any other provision of law the court may sentence a person convicted of a class A-II felony or a class B felony defined in article two hundred twenty of this chapter to lifetime probation in accordance with the provisions of section 65.00.

§70.08 Sentence of imprisonment for persistent violent felony offender; criteria

1. Definition of persistent violent felony offender.

(a) A persistent violent felony offender is a person who stands convicted of a violent felony offense as defined in subdivision one of section 70.02 after having previously been subjected to two or more predicate violent felony convictions as defined in paragraph (b) of subdivision one of section 70.04.

(b) For the purpose of determining whether a person has two or more predicate violent felony convictions, the criteria set forth in paragraph (b) of subdivision one of section 70.04 shall apply.

2. Authorized sentence. When the court has found, pursuant to the provisions of the criminal procedure law, that a person is a persistent violent felony offender the court must impose an indeterminate sentence of imprisonment, the maximum term of which shall be life imprisonment. The minimum period of imprisonment under such sentence must be in accordance with subdivision three of this section.

3. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate life sentence for a persistent violent felony offender must be fixed by the court as follows:

(a) For a class B felony, the minimum period must be at least ten years and must not exceed twenty-five years;

(b) For a class C felony, the minimum period must be at least eight years and must not exceed twenty-five years;

(c) For a class D felony, the minimum period must be at least six years and must not exceed twenty-five years.

(d) For a class E felony, the minimum period must be at least four years and must not exceed ten years.

§70.10 Sentence of imprisonment for persistent felony offender

1. Definition of persistent felony offender.

(a) A persistent felony offender is a person, other than a persistent violent felony offender as defined in section 70.08, who stands convicted of a felony after having previously been convicted of two or more felonies, as provided in paragraphs (b) and (c) of this subdivision.

(b) A previous felony conviction within the meaning of paragraph (a) of this subdivision is a conviction of a felony in this state, or of a crime in any other jurisdiction, provided:

(i) that a sentence to a term of imprisonment in excess of one year, or a sentence to death, was imposed therefor; and

(ii) that the defendant was imprisoned under sentence for such conviction prior to the commission of the present felony; and

(iii) that the defendant was not pardoned on the ground of innocence.

(c) For the purpose of determining whether a person has two or more previous felony convictions, two or more convictions of crimes that were committed prior to the time the defendant was imprisoned under sentence for any of such convictions shall be deemed to be only one conviction.

2. Authorized sentence. When the court has found, pursuant to the provisions of the criminal procedure law, that a person is a persistent felony offender, and when it is of the opinion that the history and character of the defendant and the nature and circumstances of his criminal conduct indicate that extended incarceration and life-time supervision will best serve the public interest, the court, in lieu of imposing the sentence of imprisonment authorized by section 70.00, 70.02, 70.04 or 70.06 for the crime of which such person presently stands convicted, may impose the sentence of imprisonment authorized by that section for a class A-1 felony. In such event the reasons for the court's opinion shall be set forth in the record.

§70.15 Sentence of imprisonment for misdemeanors and violation

1. Class A misdemeanor. (a) A sentence of imprisonment for a class A misdemeanor shall be a definite sentence. When such a sentence is imposed for an offense defined outside this chapter, and deemed to be a class A misdemeanor pursuant to section 55.10 of this chapter, the term shall be fixed by the court, and shall not exceed one year; provided, however, that when such a sentence is imposed for a class A misdemeanor defined in this chapter, the term shall be fixed by the court and shall not exceed six months, except as provided in paragraph (b), (c), (d), and (e) of this subdivision.

(b) When a definite sentence is imposed for the following class A misdemeanors, the term shall be fixed by the court, and shall not exceed one year: conspiracy in the fifth degree as defined in section 105.05; assault in the third degree, as defined in section 120.00; official misconduct as defined in section 195.00; criminal possession of a controlled substance in the seventh degree as defined in section 220.03 where the controlled substance is a narcotic drug as that term is defined in subdivision seven of section 220.00; endangering the welfare of a child as defined in section 260.10; criminal possession of a weapon in the fourth degree as defined in section 265.01 where the weapon possessed is a firearm as that term is defined in subdivision three of section 265.00; the attempt to commit criminal injection of a narcotic drug as defined in sections 110.00 and 220.46; or the attempt to commit criminal sale of a firearm in the second degree as defined in sections 110.00 and 265.11; hazing as defined in section 120.16; reckless endangerment in the second degree as defined in section 120.20; self-abortion in the first degree as defined in section 125.55; sexual misconduct as defined in section 130.20; sexual abuse in the second degree as defined in section 130.60; unlawful imprisonment as defined in section 135.05; custodial interference in the second degree as defined in section 135.45; coercion in the second degree as defined in section 135.60; possession of usurious loan records as defined in section 190.45; promoting prison contraband in the second degree as defined in section 205.20; tampering with a witness as defined in section 215.10; tampering with a juror as defined in section 215.25; misconduct by a juror as defined in section 215.30; compounding a crime as defined in section 215.45; obscenity in the second degree as defined in section 235.05; riot in the second degree as defined in section 240.05; inciting to riot as defined in section 240.08; divulging eaves-

dropping device as defined in section 250.25¹ or aggravated harassment in the second degree as defined in section 240.30.

(c) A sentence of imprisonment imposed upon a conviction for criminal possession of a weapon in the fourth degree as defined in subdivision one of section 265.01 must be for a period of no less than one year when the conviction was the result of a plea of guilty entered in satisfaction of an indictment or any count thereof charging the defendant with the class D violent felony offense of criminal possession of a weapon in the third degree as defined in subdivision four of section 265.02, except that the court may impose any other sentence authorized by law upon a person who has not been previously convicted in the five years immediately preceding the commission of the offense for a felony or a class A misdemeanor defined in this chapter, if the court having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that such sentence would be unduly harsh.

(d) When a definite sentence is imposed for a class A misdemeanor upon a person who is a second crime offender as defined in subdivision one of section 400.14 of the criminal procedure law, the term shall be fixed by the court, and shall not exceed one year.

(e) (i) When a definite sentence is imposed for a class A misdemeanor upon a person who was charged with a felony in a felony complaint which was reduced, with the consent of defendant, pursuant to paragraph (b) of subdivision two of section 180.50 of the criminal procedure law upon agreement or understanding that the defendant will plead guilty to a class A misdemeanor and that the district attorney will forgo prosecution of every felony charged in the felony complaint, the term shall be fixed by the court, and shall not exceed one year.

(ii) When a definite sentence is imposed for a class A misdemeanor upon a person who was charged with a felony in a felony complaint which was reduced pursuant to subdivision three of section 180.70 of the criminal procedure law upon agreement or understanding that the defendant will plead guilty to a class A misdemeanor and that the district attorney will forgo prosecution of every felony charged in the felony complaint, the term shall be fixed by the court, and shall not exceed one year.

(iii) When a definite sentence is imposed for a class A misdemeanor upon a person, charged with a felony in an indictment or superior court information, who pleads guilty to a class A misdemeanor upon the agreement or understanding that the district attorney will forgo prosecution of every felony charged within the indictment or information, the term shall be fixed by the court, and shall not exceed one year.

2. Class B misdemeanor. A sentence of imprisonment for a class B misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed three months.

3. Unclassified misdemeanor. A sentence of imprisonment for an unclassified misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall be in accordance with the sentence specified in the law or ordinance that defines the crime.

4. Violation. A sentence of imprisonment for a violation shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed fifteen days.

¹So in original. Should possibly read "divulging eavesdropping warrant as defined in section 250.20."

In the case of a violation defined outside this chapter, if the sentence is expressly specified in the law or ordinance that defines the offense and consists solely of a fine, no term of imprisonment shall be imposed.

§110.05 Attempt to commit a crime; punishment

An attempt to commit a crime is a:

1. Class A-I felony when the crime attempted is the A-I felony of murder in the first degree, criminal possession of a controlled substance in the first degree or criminal sale of a controlled substance in the first degree;
2. Class A-II felony when the crime attempted is a class A-II felony;
3. Class B felony when the crime attempted is a class A-I felony except as provided in subdivision one hereof;
4. Class C felony when the crime attempted is a class B felony;
5. Class D felony when the crime attempted is a class C felony;
6. Class E felony when the crime attempted is a class D felony;
7. Class A misdemeanor when the crime attempted is a class E felony;
8. Class B misdemeanor when the crime attempted is a misdemeanor.

NEW YORK CRIMINAL STATUTES

NY PENAL LAWS § X (McKinney 1975 & Supp. 1987)

KEY

- F = Felony
- M = Misdemeanor
- A,B,
C,D,E = Crime subclasses
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

| Statute No. and Title | Class/Time |
|---|------------|
| TITLE G - ANTICIPATORY OFFENSES | |
| Article 100 - Criminal Solicitation | |
| 100.00 Criminal Solicitation in the fifth degree | Violation |
| 100.05 Criminal Solicitation in the fourth degree | MA |
| 100.08 Criminal Solicitation in the third degree | FE |
| 100.10 Criminal Solicitation in the second degree | FD |
| 100.13 Criminal Solicitation in the first degree | FC |
| Article 105 - Conspiracy | |
| 105.00 Conspiracy in the sixth degree | MB |
| 105.05 Conspiracy in the fifth degree | MA |
| 105.10 Conspiracy in the fourth degree | FE |
| 105.13 Conspiracy in the third degree | FD |
| 105.15 Conspiracy in the second degree | FB |
| 105.17 Conspiracy in the first degree | FA-I |
| Article 115 - Criminal Facilitation | |
| 115.00 Criminal facilitation in the fourth degree | MA |
| 115.01 Criminal facilitation in the third degree | FE |
| 115.05 Criminal facilitation in the second degree | FC |
| 115.08 Criminal facilitation in the first degree | FB |

TITLE H - OFFENSES AGAINST THE PERSON INVOLVING PHYSICAL INJURY, SEXUAL CONDUCT, RESTRAINT AND INTIMIDATION

Article 120 - Assault and Related Offenses (inclusive)

| | |
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| 120.00 Assault in the third degree | MA |
| 120.03 Vehicular assault in the second degree | FE |
| 120.04 Vehicular assault in the first degree | FD |
| 120.05 Assault in the second degree | FD |
| 120.10 Assault in the first degree | FC |
| 120.11 Aggravated assault upon a police officer or a peace officer | FB |
| 120.15 Menacing | MB |
| 120.16 Hazing | MA |
| 120.20 Reckless endangerment in the second degree | MA |
| 120.25 Reckless endangerment in the first degree | FD |
| 120.30 Promoting a suicide attempt | FE |

Article 125 - Homicide, Abortion and Related Offenses (inclusive)

| | |
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| 125.10 Criminally negligent homicide | FE |
| 125.12 Vehicular manslaughter in the second degree | FD |
| 125.13 Vehicular manslaughter in the first degree | FC |
| 125.15 Manslaughter in the second degree | FC |
| 125.20 Manslaughter in the first degree | FB |
| 125.25 Murder in the second degree | FA-I |
| 125.27 Murder in the first degree | FA-I/death |
| 125.40 Abortion in the second degree | FE |
| 125.45 Abortion in the first degree | FD |
| 125.50 Self-abortion in the second degree | MB |
| 125.55 Self-abortion in the first degree | MA |
| 125.60 Issuing abortion articles | MB |

Article 130 - Sex Offenses (inclusive)

| | |
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| 130.20 Sexual misconduct | MA |
| 130.25 Rape in the third degree | FE |
| 130.30 Rape in the second degree | FD |
| 130.35 Rape in the first degree | FB |
| 130.38 Consensual sodomy | MB |
| 130.40 Sodomy in the third degree | FE |
| 130.45 Sodomy in the second degree | FD |
| 130.50 Sodomy in the first degree | FB |
| 130.55 Sexual abuse in the third degree | MB |
| 130.60 Sexual abuse in the second degree | MA |
| 130.65 Sexual abuse in the first degree | FD |
| 130.70 Aggravated sexual abuse | FB |

Article 135 - Kidnapping, Coercion and Related Offenses

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| 135.10 Unlawful imprisonment in the first degree | FE |
| 135.20 Kidnapping in the second degree | FB |
| 135.25 Kidnapping in the first degree | FA-I |
| 135.50 Custodial interference in the first degree | FE |
| 135.55 Substitution of children | FE |
| 135.65 Coercion in the first degree | FD |

TITLE I - OFFENSES INVOLVING DAMAGE TO AND INTRUSION UPON PROPERTY

Article 140 - Burglary and Related Offenses (inclusive)

| | |
|---|-----------|
| 140.05 Trespass | Violation |
| 140.10 Criminal trespass in the third degree | MB |
| 140.15 Criminal trespass in the second degree | MA |
| 140.17 Criminal trespass in the first degree | FD |
| 140.20 Burglary in the third degree | FD |
| 140.25 Burglary in the second degree | FC |
| 140.30 Burglary in the first degree | FB |
| 140.35 Possession of burglar's tools | MA |

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| 140.40 Unlawful possession of radio devices | MB | Article 165 - Other Offenses Related to Theft (inclusive) | |
| Article 145 - Criminal Mischief and Related Offenses | | 165.00 Misapplication of property | MA |
| 145.05 Criminal mischief in the third degree | FE | 165.05 Unauthorized use of a vehicle in the third degree | MA |
| 145.10 Criminal mischief in the second degree | FD | 165.06 Unauthorized use of a vehicle in the second degree | FE |
| 145.12 Criminal mischief in the first degree | FB | 165.07 Unauthorized use of secret scientific materials | FE |
| 145.20 Criminal tampering in the first degree | FD | 165.08 Unauthorized use of a vehicle in the first degree | FD |
| 145.45 Tampering with a consumer product in the first degree | FE | 165.09 Auto stripping in the second degree | MA |
| Article 150 - Arson (inclusive) | | 165.10 Auto stripping in the first degree | FE |
| 150.05 Arson in the fourth degree | FE | 165.15 Theft of services | MA/violation |
| 150.10 Arson in the third degree | FC | 165.17 Unlawful use of a credit card | MA |
| 150.15 Arson in the second degree | FB | 165.20 Fraudulently obtaining a signature | MA |
| 150.20 Arson in the first degree | FA-I | 165.25 Jostling | MA |
| TITLE J - OFFENSES INVOLVING THEFT | | 165.30 Fraudulent accosting | MA |
| Article 155 - Larceny (inclusive) | | 165.35 Fortune telling | MB |
| 155.25 Petit larceny | MA | 165.40 Criminal possession of stolen property in the fifth degree | MA |
| 155.30 Grand larceny in the fourth degree | FE | 165.45 Criminal possession of stolen property in the fourth degree | FE |
| 155.35 Grand larceny in the third degree | FD | 165.50 Criminal possession of stolen property in the third degree | FD |
| 155.40 Grand larceny in the second degree | FC | 165.52 Criminal possession of stolen property in the second degree | FC |
| 155.42 Grand larceny in the first degree | FB | 165.54 Criminal possession of stolen property in the first degree | FB |
| Article 156 - Offenses Involving Computers; Definition of Terms [New] (inclusive) | | TITLE K - OFFENSES INVOLVING FRAUD | |
| 156.05 Unauthorized use of a computer | MA | Article 170 - Forgery and Related Offenses | |
| 156.10 Computer trespass | FE | 170.10 Forgery in the second degree | FD |
| 156.20 Computer tampering in the second degree | MA | 170.15 Forgery in the first degree | FC |
| 156.25 Computer tampering in the first degree | FE | 170.25 Criminal possession of a forged instrument in the second degree | FD |
| 156.30 Unlawful duplication of computer related material | FE | 170.30 Criminal possession of a forged instrument in the first degree | FC |
| 156.35 Criminal possession of computer related material | FE | 170.40 Criminal possession of forgery devices | FD |
| Article 160 - Robbery (inclusive) | | 170.60 Unlawfully using slugs in the first degree | FE |
| 160.05 Robbery in the third degree | FD | 170.65 Forgery of a vehicle identification number | FE |
| 160.10 Robbery in the second degree | FC | | |
| 160.15 Robbery in the first degree | FB | | |

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| 170.70 Illegal possession of a vehicle identification number | FE | 190.65 Scheme to defraud in the first degree | FE |
| Article 175 - Offenses Involving False Written Statements | | TITLE L - OFFENSES AGAINST PUBLIC ADMINISTRATION | |
| 175.10 Falsifying business records in the first degree | FE | Article 195 - Official Misconduct and Obstruction of Public Servants Generally | |
| 175.25 Tampering with public records in the first degree | FD | 195.07 Obstructing governmental administration in the first degree | FE |
| 175.35 Offering a false instrument for filing in the first degree | FE | 195.20 Defrauding the government | FE |
| 175.40 Issuing a false certificate | FE | Article 200 - Bribery Involving Public Servants and Related Offenses | |
| Article 176 - Insurance Fraud | | 200.00 Bribery in the third degree | FD |
| 176.15 Insurance fraud in the fourth degree | FE | 200.03 Bribery in the second degree | FC |
| 176.20 Insurance fraud in the third degree | FD | 200.04 Bribery in the first degree | FB |
| 176.25 Insurance fraud in the second degree | FC | 200.10 Bribe receiving in the third degree | FD |
| 176.30 Insurance fraud in the first degree | FB | 200.11 Bribe receiving in the second degree | FC |
| Article 180 - Bribery Not Including Public Servants and Related Offenses | | 200.12 Bribe receiving in the first degree | FB |
| 180.03 Commercial bribery in the first degree | FE | 200.20 Rewarding official misconduct in the second degree | FE |
| 180.08 Commercial bribe receiving in the first degree | FE | 200.22 Rewarding official misconduct in the first degree | FC |
| 180.15 Bribing a labor official | FD | 200.25 Receiving reward for official misconduct in the second degree | FE |
| 180.25 Bribe receiving by a labor official | FD | 200.27 Receiving reward for official misconduct in the first degree | FC |
| 180.40 Sports bribing | FD | 200.45 Bribe giving for public office | FD |
| 180.45 Sports bribe receiving | FE | 200.50 Bribe receiving for public office | FD |
| 180.51 Tampering with a sports contest in the first degree | FE | Article 205 - Escape and Other Offenses Relating to Custody | |
| 180.52 Impairing the integrity of a pari-mutual betting system in the second degree | FE | 205.10 Escape in the second degree | FE |
| 180.53 Impairing the integrity of a pari-mutual betting system in the first degree | FD | 205.15 Escape in the first degree | FD |
| Article 185 - Frauds on Creditors | | 205.17 Absconding from temporary release in the first degree | FE |
| Article 190 - Other Frauds | | 205.19 Absconding from a community treatment facility | FE |
| 190.26 Criminal impersonation in the first degree | FE | 205.25 Promoting prison contraband in the first degree | FD |
| 190.30 Unlawfully concealing a will | FE | 205.60 Hindering prosecution in the second degree | FE |
| 190.40 Criminal usury in the second degree | FE | 205.65 Hindering prosecution in the first degree | FD |
| 190.42 Criminal usury in the first degree | FC | | |

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| Article 210 - Perjury and Related Offenses | | 220.16 Criminal possession of a controlled substance in the third degree | FB |
| 210.10 Perjury in the second degree | FE | 220.18 Criminal possession of a controlled substance in the second degree | FA-II |
| 210.15 Perjury in the first degree | FD | 220.21 Criminal possession of a controlled substance in the first degree | FA-I |
| 210.40 Making an apparently sworn false statement in the first degree | FE | 220.31 Criminal sale of a controlled substance in the fifth degree | FD |
| Article 215 - Other Offenses Relating to Judicial and Other Proceedings | | 220.34 Criminal sale of a controlled substance in the fourth degree | FC |
| 215.00 Bribing a witness | FD | 220.39 Criminal sale of a controlled substance in the third degree | FB |
| 215.05 Bribe receiving by a witness | FD | 220.41 Criminal sale of a controlled substance in the second degree | FA-II |
| 215.11 Tampering with a witness in the third degree | FE | 220.43 Criminal sale of a controlled substance in the first degree | FA-I |
| 215.12 Tampering with a witness in the second degree | FD | 220.44 Criminal sale of a controlled substance in or near school grounds | FB |
| 215.13 Tampering with a witness in the first degree | FB | 220.45 Criminally possessing a hypodermic instrument | MA |
| 215.15 Intimidating a victim or witness in the third degree | FE | 220.46 Criminal injection of a drug | FE |
| 215.16 Intimidating a victim or witness in the second degree | FD | 220.50 Criminally using drug paraphernalia in the second degree | MA |
| 215.17 Intimidating a victim or witness in the first degree | FB | 220.55 Criminally using drug paraphernalia in the first degree | FD |
| 215.19 Bribing a juror | FD | 220.60 Criminal possession of precursors of controlled substances | FE |
| 215.20 Bribe receiving by a juror | FD | 220.65 Criminal sale of a prescription for a controlled substance | FC |
| 215.40 Tampering with physical evidence | FE | Article 221 - Offenses Involving Marijuana (inclusive) | |
| 215.51 Criminal contempt in the first degree | FE | 221.05 Unlawful possession of marijuana | Violation |
| 215.56 Bail jumping in the second degree | FE | 221.10 Criminal possession of marijuana in the fifth degree | MB |
| 215.57 Bail jumping in the first degree | FD | 221.15 Criminal possession of marijuana in the fourth degree | MA |
| 215.70 Unlawful grand jury disclosure | FE | 221.20 Criminal possession of marijuana in the third degree | FE |
| TITLE M - OFFENSES AGAINST PUBLIC HEALTH AND MORALS | | 221.25 Criminal possession of marijuana in the second degree | FD |
| Article 220 - Controlled Substances Offenses (inclusive) | | 221.30 Criminal possession of marijuana in the first degree | FC |
| 220.03 Criminal possession of a controlled substance in the seventh degree | MA | | |
| 220.06 Criminal possession of a controlled substance in the fifth degree | FD | | |
| 220.09 Criminal possession of a controlled substance in the fourth degree | FC | | |

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| 221.35 Criminal sale of marijuana in the fifth degree | MB | TITLE O - OFFENSES AGAINST MARRIAGE, THE FAMILY, AND THE WELFARE OF CHILDREN AND INCOMPETENTS | |
| 221.40 Criminal sale of marijuana in the fourth degree | MA | Article 255 - Offenses Affecting the Marital Relationship | |
| 221.45 Criminal sale of marijuana in the third degree | FE | 255.13 Bigamy | FE |
| 221.50 Criminal sale of marijuana in the second degree | FD | 255.25 Incest | FE |
| 221.55 Criminal sale of marijuana in the first degree | FC | Article 260 - Offenses Relating to Children and Incompetents | |
| Article 225 - Gambling Offenses | | 260.00 Abandonment of a child | FE |
| 225.10 Promoting gambling in the first degree | FE | Article 263 - Sexual Performance by a Child | |
| 225.20 Possession of gambling records in the first degree | FE | 263.05 Use of a child in a sexual performance | FC |
| Article 230 - Prostitution Offenses | | 263.10 Promoting an obscene sexual performance by a child | FD |
| 230.05 Patronizing a prostitute in the second degree | FE | 263.15 Promoting a sexual performance by a child | FD |
| 230.06 Patronizing a prostitute in the first degree | FD | TITLE P - OFFENSES AGAINST PUBLIC SAFETY | |
| 230.25 Promoting prostitution in the third degree | FD | Article 265 - Firearms and Other Dangerous Weapons | |
| 230.30 Promoting prostitution in the second degree | FC | 265.02 Criminal possession of a weapon in the third degree | FD |
| 230.35 Promoting prostitution in the first degree | FB | 265.03 Criminal possession of a weapon in the second degree | FC |
| Article 235 - Obscenity and Related Offenses | | 265.04 Criminal possession of a weapon in the first degree | FB |
| 235.06 Obscenity in the second degree | FE | 265.08 Criminal use of a firearm in the second degree | FC |
| 235.07 Obscenity in the first degree | FD | 265.09 Criminal use of a firearm in the first degree | FB |
| 235.21 Disseminating indecent materials to minors | FE | 265.10* Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances | |
| TITLE N - OFFENSES AGAINST PUBLIC ORDER, PUBLIC SENSIBILITIES AND THE RIGHT TO PRIVACY | | ● Manufacture of a machine gun | FD |
| Article 240 - Offenses Against Public Order | | ● Manufacture of a switchblade, billy, bludgeon, etc. | MA |
| 240.06 Rioting in the first degree | FE | ● Transport of a machine gun or firearm silencer | FD |
| 240.15 Criminal anarchy | FE | ● Transport of a firearm, switchblade, etc. | MA |
| 240.31 Aggravated harassment in the first degree | FE | ● Disposal of machine gun, firearm silencer | FD |
| 240.60 Falsely reporting an incident in the first degree | FE | ● Knowingly buy machine gun, or firearm with defaced identity number | FD |
| Article 245 - Offenses Against Public Sensibilities | | ● Disposal of knuckles, switchblade, MA etc. | |
| Article 250 - Offenses Against the Right to Privacy | | - second offense | FD |
| 250.05 Eavesdropping | FE | ● Selling same to person less than 16 years old | MA |
| | | ● Willfully defaces machine gun, firearm | FD |
| | | ● Disposal of same without notifying authorities | MA |
| | | 265.11 Criminal sale of a firearm in the second degree | FE |
| | | 265.12 Criminal sale of a firearm in the first degree | FD |

- 265.35* Prohibited use of weapons
- Hunting with dangerous weapon within city limits MA
 - Fire at airplane, train FD/FE
 - Pointing a gun at others, shooting within school range, harming others without malice MA

Article 270 - Other Offenses Relating to Public Safety

- 270.20 Unlawful wearing of a body vest FE

Article 275 - Offenses Relating to Unauthorized Recording of Sound

- 275.05 Manufacture of unauthorized recording of sound FE

TITLE W - PROVISIONS RELATING TO FIREARMS, FIREWORKS, PORNOGRAPHY EQUIPMENT AND VEHICLES USED IN THE TRANSPORTATION OF GAMBLING RECORDS

Article 400 - Licensing and Other Provisions Relating to Firearms

Article 405 - Licensing and Other Provisions Relating to Fireworks

Article 410 - Seizure and Forfeiture of Equipment Used in Promoting Pornography

Article 415 - Seizure and Forfeiture of Vehicles, Vessels and Aircraft Used to Transport or Conceal Gambling Records

Article 420 - Seizure and Destruction of Unauthorized Recordings of Sound and Forfeiture of Equipment Used in the Production Thereof

Article 450 - Disposal of Stolen Property

TITLE X - ORGANIZED CRIME CONTROL ACT

Article 460 - Enterprise Corruption [New]

- 460.20 Enterprise corruption FB

N.C. GEN. STAT. § (1986)

Criminal Classification Information

§14-1 Felonies and misdemeanors defined

A felony is a crime which:

- (1) Was a felony at common law
 - (2) Is or may be punishable by death;
 - (3) Is or may be punishable by imprisonment in the State's prison; or
 - (4) Is designated as a felony by statute.
- Any other crime is a misdemeanor.

§14-1.1 Punishment for felonies occurring on and after July 1, 1981

(a) For felonies that occur on or after the effective date of Article 81A of Chapter 15A [July 1, 1981] of the General Statutes, the following punishments shall be applicable:

- (1) A Class A felony shall be punishable by death or life imprisonment as provided by Article 100 of Chapter 15A of the General Statutes;
 - (2) A Class B felony shall be punishable by life imprisonment;
 - (3) A Class C felony shall be punishable by imprisonment up to 50 years, or by life imprisonment, or a fine, or both imprisonment and fine;
 - (4) A Class D felony shall be punishable by imprisonment up to 40 years, or a fine or both;
 - (5) A Class E felony shall be punishable by imprisonment up to 30 years, or a fine or both;
 - (6) A Class F felony shall be punishable by imprisonment up to 20 years, or a fine or both;
 - (7) A Class G felony shall be punishable by imprisonment up to 15 years, or a fine or both;
 - (8) A Class H felony shall be punishable by imprisonment up to 10 years, or a fine or both;
 - (9) A Class I felony shall be punishable by imprisonment up to five years, or a fine or both;
 - (10) A class J felony shall be punishable by imprisonment up to three years, or a fine or both;
- (b) A felony not assigned by statute to any felony class shall be punishable as a Class J felony.

§14-2.4 Punishment for conspiracy to commit a felony

Unless a different punishment is expressly stated, a person who is convicted of a conspiracy to commit a felony is guilty:

- (1) Of a Class J felony if the felony he conspired to commit was a Class H, I or J felony;
- (2) Of a Class H felony if the felony he conspired to commit was any other class of felony.

§14-3 Punishment of misdemeanors, infamous offenses, offenses committed in secrecy and malice or with deceit and intent to defraud

(a) Except as provided in subsection (b), every person who shall be convicted of any misdemeanor for which no specific punishment is prescribed by statute shall be punishable by fine, by imprisonment for a term not exceeding two years, or by both, in the discretion of the court.

(b) If a misdemeanor offense as to which no specific punishment is prescribed be infamous, done in secrecy and malice, or with deceit and intent to defraud, the offender shall, except where the offense is a conspiracy to commit a misdemeanor, be guilty of a Class H felony.

§14-4 Violation of local ordinances misdemeanor

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, or town, he shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00), or imprisoned for not more than 30 days.

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

§15A-1340.4. Presumptive punishment for felony other than Class A or Class B felony; prior felony convictions; consideration of aggravating and mitigating factors; written findings

(f) Unless otherwise specified by statute, presumptive prison terms for felonies classified under Chapter 14 and any other specific penalty statutes are as follows:

- (1) For a Class C felony, imprisonment for 15 years.
- (2) For a Class D felony, imprisonment for 12 years.
- (3) For a Class E felony, imprisonment for 9 years.
- (4) For a Class F felony, imprisonment for 6 years.
- (5) For a Class G felony, imprisonment for 4 1/2 years.
- (6) For a class H felony, imprisonment for 3 years.
- (7) For a Class I felony, imprisonment for 2 years.
- (8) For a Class J felony, imprisonment for 1 year.

NORTH CAROLINA CRIMINAL STATUTES

N.C. GEN. STAT. §x (1986).

KEY

- F = Felony
- M = Misdemeanor
- A,B,C,D... = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

Statute No. and Title Class/Time

PRINCIPALS AND ACCESSORIES

- 14-5.2 Accessory before fact punishable as principal FB
- 14-7 Accessories after the fact; trial and punishment FH

HABITUAL FELONS

- 14-7.1 Persons defined as habitual felons F
- 14-7.6 Sentencing of habitual felons FC/7 yrs./14 yrs.

Offenses Against the State

REBELLION

- 14-8 Rebellion against the state FG
- 14-9 Conspiring to rebel against the state FH

SUBVERSIVE ACTIVITIES

- 14-12* Punishment for violations
 - first offense M
 - second offense FH
- 14-12.1 Certain subversive activities made unlawful FH

PROHIBITED SECRET SOCIETIES AND ACTIVITIES

- 14-12.15 Punishment for violation of article FI

COUNTERFEITING AND ISSUING MONETARY SUBSTITUTES

- 14-13 Counterfeiting coin and uttering coin that is counterfeit FH
- 14-14 Possessing tools for counterfeiting FH

ENDANGERING EXECUTIVE AND LEGISLATIVE OFFICERS

- 14-6.6 Assault on executive or legislative officer FH/FG/FF
- 14-16.7 Threats against executive or legislative officers FJ

Offenses Against the Person

HOMICIDE (inclusive)

- 14-17 Murder in the first and second degree defined; punishment
 - first degree Death/life in prison
 - second degree FC
- 14-18 Punishment for manslaughter
 - voluntary manslaughter FF
 - involuntary manslaughter FH
- 14-20 Killing adversary in duel; aiders and abettors declared accessories FC

RAPE AND OTHER SEX OFFENSES (inclusive)

- 14-27.2 First-degree rape FB
- 14-27.3 Second-degree rape FD
- 14-27.4 First-degree sexual offense FB
- 14-27.5 Second-degree sexual offense FD
- 14-27.6 Penalty for attempt
 - first degree rape/sexual offense FF
 - second degree rape/sexual offense FH
- 14-27.7 Intercourse and sexual offenses with certain victims; consent no defense FG

ASSAULTS (inclusive)

- 14-28 Malicious castration FD
- 14-29 Castration or other maiming without malice aforethought FH
- 14-30 Malicious maiming FH
- 14-30.1 Malicious throwing of corrosive acid or alkali FH
- 14-31 Maliciously assaulting in a secret manner FF
- 14-32 Felonious assault with deadly weapon with intent to kill or inflicting serious injury; punishments FF/FH
- 14-32.1* Assaults on handicapped persons; punishments
 - deadly weapon/serious injury FG
 - any aggravated assault and battery FI
 - simple assault and battery M
- 14-33 Misdemeanor assaults, batteries and affrays, simple and aggravated; punishment M/30 days-2 yrs.
- 14-34 Assaulting by pointing gun M: 6 mos.
- 14-34.1 Discharging certain barreled weapons or a firearm into occupied property FH

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| 14-34.2 Assault with a firearm or other deadly weapon upon law-enforcement officer, fireman, or emergency medical services personnel | FI | 14-56.1* Breaking into or forcibly opening coin or currency-operated machines ● forcibly break; unauthorized use | M |
| HAZING | | ● previous conviction | FH |
| KIDNAPPING AND ABDUCTION | | 14-56.2 Damaging or destroying coin or currency-operated machines | M |
| 14-39 Kidnapping | FD/FE | 14.56.3* Breaking into paper currency machines ● first conviction | M |
| 14-41 Abduction of children | FG | ● with previous conviction | FH |
| 14-42 Conspiring to abduct children | FG | 14-57 Burglary with explosives | FE |
| 14-43 Abduction of married women | FH | ARSON AND OTHER BURNINGS (inclusive) | |
| 14-43.3 Felonious restraint | FJ | 14-58 Punishment for arson | FC/FD |
| ABORTION AND KINDRED OFFENSES | | 14-58.2 Burning of mobile home, manufactured-type house or recreational trailer house | F |
| 14-44 Using drugs or instruments to destroy unborn child | FH | 14-59 Burning of certain public buildings | FE |
| 14-45 Using drugs or instruments to produce miscarriage or injure pregnant woman | FI | 14-60 Burning of schoolhouses or buildings of educational institutions | FE |
| LIBEL AND SLANDER | | 14-61 Burning of certain bridges and buildings | FE |
| MALICIOUS INJURY OR DAMAGE BY USE OF EXPLOSIVE OR INCENDIARY DEVICE OR MATERIAL | | 14-62 Burning of churches and certain other buildings | FE |
| 14-49 Malicious use of explosive or incendiary; attempt; punishment | FE | 14-62.1 Burning of building or structure in process of construction | FE |
| 14-49.1 Malicious damage of occupied property by use of explosive or incendiary; attempt; punishment | FC | 14-63 Burning of boats and barges | FH |
| 14-50 Conspiracy to injure or damage by use of explosive or incendiary; punishment | FG | 14-64 Burning of gin houses and tobacco houses | FH |
| Offenses Against the Habitation and Other Buildings | | 14-65 Fraudulently setting fire to dwelling houses | FH |
| BURGLARY AND OTHER HOUSEBREAKINGS (inclusive) | | 14-66 Burning of personal property | FH |
| 14-51 First and second degree burglary | F | 14-67 Attempting to burn dwelling houses and certain other buildings | FH |
| 14-52 Punishment for burglary | FC/FD | 14-67.1 Burning or attempting to burn other buildings | FH |
| 14-53 Breaking out of dwelling house burglary | FD | 14-68 Failure of owner of property to comply with orders of public authorities | M |
| 14-54* Breaking or entering buildings generally ● intent to commit any felony, larceny ● wrongfully breaks and enters | FH M | 14-69 Failure of officers to investigate incendiary fires | M |
| 14-55 Preparation to commit burglary or other housebreakings | FH | 14-69.1 Making a false report concerning destructive device | M |
| 14-56 Breaking or entering into or breaking out of railroad cars, motor vehicles, trailers, aircraft, boats, or other water craft | FI | 14-69.2 Perpetrating hoax by use of false bomb or other device | M |

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| Offenses Against Property | | ROBBERY (inclusive) | |
| LARCENY (inclusive) | | 14-87 Robbery with firearms or other dangerous weapons | FD |
| 14-70 Distinctions between grand and petit larceny abolished; punishment; accessories to larceny | F | 14-87.1 Punishment for common-law robbery and attempted common-law robbery | FH |
| 14-71 Receiving stolen goods | F | 14-88 Train robbery | FF |
| 14-71.1 Possessing stolen goods | F | 14-89 Attempted train robbery | FF |
| 14-72 Larceny of property; receiving stolen goods or possessing stolen goods not exceeding \$400.00 in value | FH | 14-89.1 Safecracking | FH |
| | | EMBEZZLEMENT | |
| 14-72.1 Concealment of merchandise in mercantile establishments | M | 14-90 Embezzlement of property received by virtue of office or employment | FH |
| 14-72.2* Unauthorized use of a motor-propelled conveyance | | 14-91 Embezzlement of state property by public officers and employees | FF |
| • unauthorized use of aircraft | FI | | |
| • all other unauthorized use of motor-propelled conveyance | M | 14-92 Embezzlement of funds by public officers and trustees | FH |
| 14-72.3 Removal of shopping cart from shopping premises | M: 30 days | 14-94 Embezzlement by officers of railroad companies | FH |
| 14-74 Larceny by servants and other employees | FH | 14-95 Conspiring with officers of railroad companies to embezzle | FH |
| 14-75.1 Larceny of secret technical processes | FH | 14-96 Embezzlement by insurance agents and officers | F; punish as larceny |
| 14-76 Larceny, mutilation, or destruction of public records and papers | M | 14-98 Embezzlement by surviving partner | FH |
| 14-76.1 Mutilation or defacement of records and papers in the N.C. archives | M: 2 yrs. | 14-99 Embezzlement of taxes by officers | FI |
| 14-77 Larceny, concealment or destruction of wills | M | FALSE PRETENSES AND CHEATS | |
| 14-78 Larceny of ungathered crops | M: fine | 14-100 Obtaining property by false pretenses | FH |
| 14-78.1 Trading for corn without permission of owner of premises | M: 6 mos. | 14-101 Obtaining signatures by false pretenses | FI |
| 14-79 Larceny of ginseng | FI | OBTAINING PROPERTY OR SERVICES BY FALSE OR FRAUDULENT USE OF CREDIT DEVICE OR OTHER MEANS | |
| 14-80* Larceny of wood and other property from land | | FINANCIAL TRANSACTION CARD CRIME ACT | |
| • if done with felonious intent | F | 14-113.17 Punishment and penalties | FJ |
| • if not done with felonious intent | M | FRAUDS | |
| 14-81 Larceny of horses, mules, swine and cattle | FH | 14-118.4 Extortion | FH |
| 14-82 Taking horses or mules for temporary purposes | M: 6 mos. | FORGERY | |
| 14-85 Pursuing or injuring livestock with intent to steal | F | 14-120 Uttering forged paper or instrument containing a forged endorsement | FI |
| 14-86 Destruction or taking of soft drink bottles | M: 6 mos. | 14-121 Selling of certain forged securities | FI |
| | | 14-122 Forgery of deeds, wills and certain other instruments | FI |

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| 14-123 Forging names to petitions and uttering forged petitions | FI | 14-202.1 Taking indecent liberties with children | FH |
| 14-124 Forging certificate of corporate stock and uttering forged certificates | FI | ADULT ESTABLISHMENTS | |
| 14-125 Forgery of bank notes and other instruments by connecting genuine parts | F | PROSTITUTION | |
| Criminal Trespass | | Offenses Against Public Justice | |
| TRESPASSES TO LAND AND FIXTURES | | PERJURY | |
| 14-136* Setting fire to grass and brushlands and woodlands | | 14-209 Punishment for perjury | FH |
| • intentionally set fires | M: prison 1 yr. | 14-210 Subornation of perjury | F |
| • intent to damage property | FI | 14-211 Perjury before legislative committees | FH |
| • second and subsequent offenses | FH | 14-212 Perjury in court-martial proceedings | FH |
| 14-141 Burning or otherwise destroying crops in the field | FI | 14-213 False death statement of insurance company | FH |
| 14-149 Desecrating, plowing over or covering up graves | FI | 14-214 False statement to procure benefit of insurance policy or certificate | FI |
| TRESPASSING UPON POSTED PROPERTY TO HUNT, FISH OR TRAP | | 14-215 False oath to statement required of fraternal benefit societies | FH |
| 14-163 Poisoning livestock | FH | 14-216 False oath to certificate of mutual fire insurance company | FH |
| TRESPASSES TO PERSONAL PROPERTY | | BRIBERY | |
| VEHICLES AND DRAFT ANIMALS -- PROTECTION OF BAILOR AGAINST ACTS OF BAILEE | | 14-217 Bribery of officials | FI |
| REGULATING THE LEASING OF STORAGE BATTERIES | | 14-218 Offering bribes | FI |
| Offenses Against Public Morality and Decency | | 14-220 Bribery of jurors | FH |
| OFFENSES AGAINST PUBLIC MORALITY AND DECENCY | | OBSTRUCTING JUSTICE | |
| 14-177 Crime against nature | FH | 14-221 Breaking or entering jails with intent to injure prisoners | FG |
| 14-178 Incest between certain near relatives | FG | 14-221.1 Altering, destroying, or stealing evidence of criminal conduct | FI |
| 14-190.1 Obscene literature and exhibitions | FJ | 14-221.2 Altering court documents or entering unauthorized judgments | FH |
| 14-190.6 Employing or permitting minor to assist in offense under article | FI | 14-225.2* Harassment of and communication with jurors | |
| 14-190.7 Dissemination to minors under the age of 16 years | FI | • harass, intimidate juror's spouse | FI |
| 14-190.8 Dissemination to minors under age of 13 | FH | • as result of prior official action, threatens former juror or spouse | M |
| 14-190.16 First degree sexual exploitation of a minor | FG | 14-233 Making of false report by bank examiners; accepting bribes | FH |
| 14-190.17 Second degree sexual exploitation of a minor | FH | SECRET LISTENING | |
| 14-190.18 Promoting prostitution of a minor | FG | MISCONDUCT IN PUBLIC OFFICE | |
| 14-190.19 Participating in prostitution of a minor | FH | MISCONDUCT IN PRIVATE OFFICE | |
| | | 14-253* Failure of certain railroad officers to account with successors | F |
| | | • conspiring with president | M |

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| 14-254 Malfeasance of corporation officers | FG | 14-288.8 Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions | FI |
| PRISON BREACH AND PRISONERS | | | |
| 14-256* Prison breach and escape from county or municipal confinement facilities or officers | M | 14-288.9* Assault on emergency personnel; punishments | |
| ● if break from jail, prison | M | ● any person who commits assault on emergency personnel | M |
| ● convicted of felony and serving sentence | FJ | ● any person who commits assault on emergency personnel with or without the use of any dangerous weapon or substance | FI |
| 14-258 Conveying messages and weapons to or trading with convicts and other prisoners | FH | 14-288.20 Certain weapons at civil disorders | FI |
| 14-258.2 Possession of dangerous weapon or poison | FH | General Police Regulations | |
| 14-258.3 Taking of hostage, etc. by prisoner | FI | LOTTERIES, GAMING, BINGO, AND RAFFLES | |
| 14-259* Harboring or aiding certain persons | | MARATHON DANCES AND SIMILAR ENDURANCE CONTESTS | |
| ● if hidden person charged of misdemeanor | M | PROTECTION OF MINORS | |
| ● if hidden person charged of felony | FI | 14-318.4 Child abuse a felony | FH |
| CUSTODIAL INSTITUTIONS | | | |
| Offenses Against the Public Peace | | 14-320 Transporting child outside the state with intent to violate custody order | FJ |
| OFFENSES AGAINST THE PUBLIC PEACE | | | |
| Offenses Against the Public Safety | | PROTECTION OF THE FAMILY | |
| OFFENSES AGAINST THE PUBLIC SAFETY | | | |
| 14-278 Willful injury to property of railroads | FH | 14-322.1 Abandonment of child or children for six months | FI |
| 14-282 Displaying false lights on seashore | FH | ALCOHOLIC BEVERAGES | |
| 14-282.2 Dumping of toxic substances | FH | 14-329* Manufacturing, trafficking in, transporting, or possessing poisonous alcoholic beverages | |
| RIOTS AND CIVIL DISORDERS | | | |
| 14-288.2* Riot; inciting to riot; punishments | | ● manufacturing | FH |
| ● willfully engage in riot | M | ● transport or possess | M |
| ● property damage > \$1500; or serious bodily injury; or person has dangerous weapon or substance | FI | CRUELTY TO ANIMALS | |
| ● willfully incite riot so danger of riot created | M | 14-363* Animal fights, other than cock fights, and animal baiting | |
| ● willfully incites or urges others to riot, property damage > \$1500 or some bodily injury | FH | (a) promote, conduct fighting | M |
| | | (b) owns, trains animals | M: 1 yr. |
| | | (c) participate in fight | M: 6 mos. |
| | | (d) person who commits offense under (a) within 3 years of previous offense | FJ |
| | | PROTECTION OF LIVESTOCK RUNNING AT LARGE | |
| | | 14-367 Altering the brands and misbranding another's livestock | F; punish as larceny |
| | | PROTECTION OF ATHLETIC CONTESTS | |
| 14-288.6* Looting; trespass during emergency | | 14-373 Bribery of players, managers, coaches, referees, umpires or officials | FH |
| ● trespass during emergency | M | | |
| ● trespass during emergency and damages, ransacks, destroys property of another | FI | 14-374 Acceptance of bribes by players, managers, coaches, referees, umpires or officials | FH |

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| 14-377 Intentional losing of athletic contest or limiting margin of victory or defeat | FH | CONTROLLED SUBSTANCES ACT (inclusive) | |
| MISCELLANEOUS POLICE REGULATIONS | | 90-95* Violations; penalties | See below |
| 14-398* Theft or destruction of property of public libraries, museums, etc. | | (b) manufacture, sale and delivery | FH/FI |
| ● steal, take, retain, | M | (c) same for counterfeit | FI |
| destroy property ≤ \$50 | | (d)(1) possess Schedule I | FI |
| ● property > \$50 | FH | (2) possess Schedule II, III, IV | M: 2 yrs. |
| 14-401.11* Distribution of certain food at Halloween and all other times prohibited | | ● certain quantities | FI |
| ● any person violating provisions | M | (3) possess Schedule V | M: 6 mos. |
| ● where actual effect on person eating food would be greater than mild physical discomfort without any lasting effect | FH | (4) possess Schedule VI | M: 30 days |
| ● any person violating 65:14-1401(a)3 | FD | ● for hashish/marijuana | General M |
| SALE OF WEAPONS IN CERTAIN COUNTIES | | ● for same, larger quantities | FI |
| OTHER FIREARMS | | (e)(3) if penalty is 2 years + second offense | FI |
| SALE, ETC., OF PYROTECHNICS | | (4) if penalty is 6 months + second offense | M: 2 yrs. |
| THE FELONY FIREARMS ACT | | (5) sale to minor | FE |
| 14-415.1 Possession of firearms, etc., by felon prohibited | FI | (7) if suspended sentence + second offense | M: 6 mos. |
| HANDLING OF POISONOUS REPTILES | | (h) trafficking in marijuana, methaqualone, cocaine, and opiates | FH MIN. 5 yrs./ FG MIN. 7 yrs./ FF MIN. 14 yrs./ FD MIN. 35 yrs./ FE MIN. 18 yrs./ FC MIN. 45 yrs. |
| DEBT ADJUSTING | | 90-95.1 Continuing criminal enterprise | FC |
| USE, SALE OF GLUE | | 90-98 Attempt and conspiracy; penalties for offense | MAX. penalty |
| RECORDS, TAPES, ETC. | | 90-108* Prohibited acts; penalties | M |
| PUBLIC INTOXICATION | | ● if intentional violation | FI |
| COMPUTER-RELATED CRIME | | TOXIC VAPORS ACT (inclusive) | |
| 14-454* Accessing computers | | 90-113.13 Violation a misdemeanor | M |
| (a) access or cause to be accessed any computer or system to defraud; obtaining materials other than educational testing material | FH | DRUG PARAPHERNALIA (inclusive) | |
| (b) if access or cause to be accessed for reasons other than given in (a) | M | 90-113.22 Possession of drug paraphernalia | M: 1 yr. |
| 14-455* Damaging computers and related materials | | 90-113.23* Manufacture or delivery of drug paraphernalia | M: 2 yrs. |
| ● willfully alters, damages, destroys computer | FH | ● over 18 delivers to one under 18 and 3 years younger | FI |
| ● Destroy any computer software, program, data, etc. | M | 90-113.24 Advertisement of drug paraphernalia | M: 6 mos. |
| 14-457 Extortion | FH | | |

N.D. CENT. CODE §x (1981, 1985 & Supp. 1985)

Criminal Classification Information

12.1-32-01 Classification of offenses - Penalties

Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

1. Class AA felony, for which a maximum penalty of life imprisonment may be imposed. Notwithstanding the provisions of section 12-59-05, a person found guilty of a class AA felony shall not be eligible to have his sentence considered by the parole board for thirty years, less sentence reduction earned for good conduct, after his admission to the penitentiary.
2. Class A felony, for which a maximum penalty of twenty years' imprisonment, a fine of ten thousand dollars, or both, may be imposed.
3. Class B felony, for which a maximum penalty of ten years' imprisonment, a fine of ten thousand dollars, or both, may be imposed.
4. Class C felony, for which a maximum penalty of five years' imprisonment, a fine of five thousand dollars, or both, may be imposed.
5. Class A misdemeanor, for which a maximum penalty of one year's imprisonment, a fine of one thousand dollars, or both, may be imposed.
6. Class B misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of five hundred dollars, or both, may be imposed.
7. Infraction, for which a maximum fine of five hundred dollars may be imposed. Any person convicted of an infraction who has, within one year prior to commission of the infraction of which he was convicted, been previously convicted of an offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint shall specify that the offense is a misdemeanor.

This section shall not be construed to forbid sentencing under section 12.1-32-09, relating to extended sentences.

12.1-32-02.1 Minimum prison terms for armed offenders

Notwithstanding any other provisions of this title, minimum terms of imprisonment shall be imposed upon an offender and served without benefit of parole when, in the course of committing an offense, he inflicts or attempts to inflict bodily injury upon another, or threatens or menaces another with imminent bodily injury with a dangerous weapon, an explosive, or a firearm. Such minimum penalties shall apply only when possession of a dangerous weapon, an explosive, or a firearm has been charged and admitted or found to be true in the manner provided by law, and shall be imposed as follows:

1. If the offense for which the offender is convicted is a class A or class B felony, the court shall impose a minimum sentence of four years' imprisonment.
2. If the offense for which the offender is convicted is a class C felony, the court shall impose a minimum sentence of two years' imprisonment.

This section applies even when being armed is an element of the offense for which the offender is convicted.

12.1-06-01 Criminal attempt

* * *

3. Criminal attempt is an offense of the same class as the offense attempted, except that (a) an attempt to commit a class AA felony is a class A felony and an attempt to commit a class A felony is a class B felony; and (b) whenever it is established by a preponderance of the evidence at sentencing that the conduct constituting the attempt did not come dangerously close to commission of the crime, an attempt to commit a class B felony shall be a class C felony and an attempt to commit a class C felony shall be a class A misdemeanor.

12.1-06-02 Criminal facilitation

* * *

3. Facilitation of a class A felony is a class C felony. Facilitation of a class B or class C felony is a class A misdemeanor.

12.1-06-03 Criminal solicitation

* * *

4. Criminal solicitation is an offense of the class next below that of the offense solicited.

12.1-06-04 Criminal conspiracy

* * *

6. Conspiracy is an offense of the same class as the crime which was the objective of the conspiracy.

NORTH DAKOTA CRIMINAL STATUTES

N.D. CENT. CODE Sx (1981, 1985 & Supp. 1985).

KEY

- F = Felony
- M = Misdemeanor
- AA,A,B,C = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

Statute No. and Title Class/Time

CRIMINAL ATTEMPT - FACILITATION - SOLICITATION - CONSPIRACY

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

- 12.1-06.1-02 Leading organized crime - classification FB
- 12.1-06.1-03 Illegal control of an enterprise - illegally conducting an enterprise FB
- 12.1-06.1-08 Computer fraud - classification FB/FC

TREASON - FLAG DESECRATION

- 12.1-07.01 Treason FA

OBSTRUCTION OF LAW ENFORCEMENT - ESCAPE

- 12.1-08-02* Preventing arrest or discharge of other duties
 - prevent arrest for misdemeanor MA
 - prevent arrest for FA, FB, FC FC
- 12.1-08-03* Hindering law enforcement
 - conduct of other constitutes FAA, FA, FB FC
- 12.1-08-04* Aiding consummation of crime
 - conduct of other is FA or FB FC
 - conduct of other is FC or MA MA
- 12.1-08-05* Failure to appear after release - bail jumping
 - actor charged with felony MA
 - FC

- 12.1-08-06* Escape
 - uses firearm MA
 - uses force FB
 - FC

- 12.1-08-08 Inciting or leading riot in detention facilities FC

- 12.1-08-09 Introducing or possessing contraband useful for escape FC/FB

TAMPERING AND UNLAWFUL INFLUENCE

- 12.1-09-01 Tampering with witnesses and informants in proceedings FC

- 12.1-09-02 Tampering with informants in criminal investigations FC

- 12.1-09-03 Tampering with physical evidence FC

CONTEMPT, OBSTRUCTION OF JUDICIAL PROCESS

PERJURY - FALSIFICATION - BREACH OF DUTY

- 12.1-11-01 Perjury FC

- 12.1-11-05* Tampering with public records
 - public servant FC
 - other person MA

BRIBERY - UNLAWFUL INFLUENCE OF PUBLIC SERVANTS

- 12.1-12-01 Bribery FC

- 12.1-12-02 Illegal influence between legislators or between legislators and governor FC

- 12.1-12-06 Threatening public servants FC

- 12.1-12-07 Sports bribery FC

- 12.1-12-08 Commercial bribery FC

CONFIDENTIAL INFORMATION - CONFLICT OF INTEREST - IMPERSONATION

- 12.1-13-01 Disclosure of confidential information provided to government FC

DEFAMATION - INTERCEPTION OF COMMUNICATIONS

- 12.1-15-02* Interception of wire or oral communications - eavesdropping
 - intentionally intercepts FC
 - secretly loiters MA

- 12.1-15-03* Traffic in intercepting devices
 - manufacture, assemble, etc. FC
 - place advertisement, etc. MA

HOMICIDE (inclusive)

- 12.1-16-01 Murder FAA/FA

- 12.1-16-02 Manslaughter FB

- 12.1-16-03 Negligent homicide FC

ASSAULTS, THREATS, COERCION - HARASSMENT (inclusive)

- 12.1-17-01* Simple assault
 - peace officer/correctional inst. employee MB
 - FC

- 12.1-17-01.1 Assault MA

- 12.1-17-02 Aggravated assault FC

- 12.1-17-03* Reckless endangerment
 - risk of death MA
 - FC

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| 12.1-17-04 | Terrorizing | FC | 12.1-22-03* Criminal trespass | |
| 12.1-17-05 | Menacing | MA | ● remain in dwelling | FC |
| 12.1-17-06 | Criminal coercion | MA | ● exclude intruders | MA |
| 12.1-17-07 | Harassment | MA/MB | ● trespass notice given by actual communication | MB |
| KIDNAPPING | | | 12.1-22-04 Breaking into or concealment within a vehicle | FB/FC |
| 12.1-18-01 | Kidnapping | FA/FB | 12.1-22-05 Stowing away | MA |
| 12.1-18-02 | Felonious restraint | FC | THEFT AND RELATED OFFENSES (inclusive) | |
| SEX OFFENSES (inclusive) | | | 12.1-23-02* Theft of property | |
| 12.1-20-03 | Gross sexual imposition | FA/FB | ● if property/services > \$10,000 or acquired via threat to commit FA/FB or inflict serious bodily injury | FB |
| 12.1-20-04 | Sexual imposition | FC/FB | ● FC if: | FC |
| 12.1-20-05 | Corruption or solicitation of minors | MA | (a) value > \$500 | |
| 12.1-20-06 | Sexual abuse of wards | MA | (b) acquired by threat and done by public servant or > \$50 | |
| 12.1-20-07 | Sexual assault | MA/MB | (c) value > \$50 and acquired by public servant in duties | |
| 12.1-20-08 | Fornication | MA/MB | (d) a firearm, ammunition, explosive, auto, aircraft, or other motor-propelled vehicle | |
| 12.1-20-09 | Adultery | MA | (e) government file, etc. stolen from office or public servant | |
| 12.1-20-10 | Unlawful cohabitation | MB | (f) defendant in business of buying stolen property | |
| 12.1-20-11 | Incest | FC | (g) property related to money | |
| 12.1-20-12 | Deviate sexual act | MA | (h) livestock | |
| 12.1-20-12.1 | Indecent exposure | MB | (i) key to property | |
| 12.1-20-13 | Bigamy | FC | ● all other | MA/MB |
| DAMAGING PROPERTY OR PUBLIC SERVICES (inclusive) | | | 12.1-23-03* Theft of services | |
| 12.1-21-01 | Arson | FB | ● if property/services > \$10,000 or acquired via threat to commit FA/FB or inflict serious bodily injury | FB |
| 12.1-21-02 | Endangering by fire or explosion | FB/FC | ● FC if: | FC |
| 12.1-21-03 | Failure to control or report a dangerous fire | MA | (a) value > \$500 | |
| 12.1-21-03.1 | Negligent act resulting in fire - penalty | MB | (b) acquired by threat and done by public servant or > \$50 | |
| 12.1-21-04 | Release of destructive forces | FB/FC | (c) value > \$50 and acquired by public servant in duties | |
| 12.1-21-05* | Criminal mischief | MB | (d) a firearm, ammunition, explosive, auto, aircraft, or other motor-propelled vehicle | |
| ● intentionally cause loss | | FC | (e) government file, etc. stolen from office or public servant | |
| ● recklessly cause loss | | MA | (f) defendant in business of buying stolen property | |
| 12.1-21-06* | Tampering with or damaging a public service | MB | (g) property related to money | |
| ● intentional conduct | | FC | (h) livestock | |
| ● reckless conduct | | MA | (i) key to property | |
| ROBBERY - BREAKING AND ENTERING OFFENSES (inclusive) | | | ● all other | MA/MB |
| 12.1-22-01 | Robbery | FA/FB/FC | 12.1-23-04* Theft of property lost, mislaid, or delivered by mistake | |
| 12.1-22-02 | Burglary | FB/FC | ● if property/services > \$10,000 or acquired via threat to commit FA/FB or inflict serious bodily injury | FB |
| | | | ● FC if: | FC |
| | | | (a) value > \$500 | |
| | | | (b) acquired by threat and done by public servant or > \$50 | |
| | | | (c) value > \$50 and acquired by public servant in duties | |

| | | | |
|---|-----------|--|-----------|
| (d) a firearm, ammunition, explosive, auto, aircraft, or other motor-propelled vehicle | | 12.1-27.2-03 Promoting or directing an obscene sexual performance by a child | FB |
| (e) government file, etc. stolen from office or public servant | | 12.1-27.2-04 Promoting a sexual performance by a child | FC |
| (f) defendant in business of buying stolen property | | GAMBLING AND RELATED OFFENSES | |
| (g) property related to money | | 12.1-28-02* Gambling - related offenses - classification of offenses | |
| (h) livestock | | ● participate in lottery | MA |
| (i) key to property | | ● engage in gambling | FC |
| ● all other | MA/MB | | |
| 12.1-23-05 Grading of theft offenses | See above | PROSTITUTION | |
| 12.1-23-06* Unauthorized use of a vehicle | MA | 12.1-29-01* Promoting prostitution | MA |
| ● value > \$5,000 | FC | ● under §§6 or c(1) | FC |
| 12.1-23-07 Misapplication of entrusted property | MA | 12.1-29-02* Facilitating prostitution | MA |
| 12.1-23-08* Defrauding secured creditors | MA | ● intentionally cause prostitution | FC |
| ● value > \$500 | FC | SUNDAY CLOSING LAWS | |
| 12.1-23-08.1 Removal of identification marks | MA | DISORDERLY CONDUCT - USURY - TOBACCO TO MINORS | |
| 12.1-23-08.2 Possession of altered property | MA | 12.1-31-02 Engaging in or financing criminal usury business | FC |
| 12.1-23-08.3 Dealing in stolen property | FC/FB | DRUG PARAPHERNALIA (inclusive) | |
| 12.1-23-08.4 Duplication of keys | MB | 12.1-31.1-03 Unlawful possession of drug paraphernalia | MA |
| THEFT OF CABLE TV | | 12.1-31.1-04 Unlawful manufacture or delivery of drug paraphernalia | MA |
| FORGERY AND COUNTERFEITING | | 12.1-31.1-05 Unlawful delivery of drug paraphernalia to a minor | FC |
| 12.1-24-01* Forgery or counterfeiting | MA | 12.1-31.1-06 Unlawful advertisement of drug paraphernalia | MA |
| ● > \$10,000 | FB | UNIFORM CONTROLLED SUBSTANCES ACT (inclusive) | |
| ● > \$100 | FC | 19-03.1-23* Prohibited acts A - Penalties | See below |
| 12.1-24-02 Facilitation of counterfeiting | FB/FC | (1)(a) manufacture, deliver | FA |
| RIOT | | (b) manufacture, deliver | FB |
| 12.1-25-01* Inciting riot | MA | (c) manufacture, deliver | FC |
| ● 100+ people | FC | (d) manufacture, deliver | MA |
| 12.1-25-02 Arming rioters | FC | (2)(a) mfg. counterfeit | FA |
| FIREARMS AND DESTRUCTIVE DEVICES | | (b) mfg. counterfeit | FB |
| OBSCENITY CONTROL | | (c) mfg. counterfeit | FC |
| 12.1-27.1-01 Obscenity - definitions - dissemination - classification of offenses | FC | (d) mfg. counterfeit | MA |
| 12.1-27.1-03 Promoting obscenity to minors - minor performing in obscene performance - classification of offenses | FC | (3) possess | FC |
| SEXUAL PERFORMANCES BY CHILDREN | | ● if 1/2-1 oz. marijuana | MA |
| 12.1-27.2-02 Use of a child in a sexual performance | FB | ● if < 1/2 oz. marijuana | MB |
| | | 19-03.1-24 Prohibited acts B - Penalties | FC |
| | | (1a-c) prescription violations | |
| | | (1d) refuse entry | |
| | | (1e) maintain drug haven | |
| | | 19-03.1-26 Disposing of needles and paraphernalia | MA |
| | | 19-03.2-03* Prohibited acts - Penalties - exception | FC |
| | | ● if possess imitation drug | MB |

OHIO REV. CODE ANN. Sx (Anderson 1980, 1982 & Supp. 1985, 1986)

Criminal Classification Information

§2901.02 Classification of offenses

As used in the Revised Code:

(A) Offenses include aggravated murder, murder, aggravated felonies of the first, second, and third degree, felonies of the first, second, third, and fourth degree, misdemeanors of the first, second, third, and fourth degree, minor misdemeanors, and offenses not specifically classified.

(B) Aggravated murder when the indictment or the count in the indictment charging aggravated murder contains one or more specifications of aggravating circumstances listed in division (A) of section 2929.04 or Revised Code, and any other offense for which death may be imposed as a penalty, is a capital offense.

(C) Aggravated murder and murder are felonies.

(D) Regardless of the penalty which may be imposed, any offense specifically classified as a felony is a felony, and any offense specifically classified as a misdemeanor is a misdemeanor.

(E) Any offense not specifically classified is a felony if imprisonment for more than one year may be imposed as a penalty.

(F) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.

(G) Any offense not specifically classified is a minor misdemeanor if the only penalty which may be imposed is a fine not exceeding one hundred dollars.

§2929.02 Penalties for murder

(A) Whoever is convicted of, pleads guilty to, or pleads no contest and is found guilty of, aggravated murder . . . shall suffer death or be imprisoned for life In addition, the offender may be fined an amount fixed by the court, but not more than twenty-five thousand dollars.

(B) Whoever is convicted of, pleads guilty to, or pleads no contest and is found guilty of, murder . . . shall be imprisoned for an indefinite term of fifteen years to life. In addition, the offender may be fined an amount fixed by the court, but not more than fifteen thousand dollars.

§2929.11 Penalties for felony

(B) Except as provided in division (D) of this section, section 2929.71, and Chapter 2925. of the Revised Code, terms of imprisonment for felony shall be imposed as follows:

(1) For an aggravated felony of the first degree:

(a) If the offender has not previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term, which may be imposed as a term of actual incarceration, shall be five, six, seven, eight, nine, or ten years, and the maximum term shall be twenty-five years;

(b) If the offender has previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term shall be imposed as a term of actual incarceration of ten, eleven, twelve, thirteen, fourteen, or fifteen years, and the maximum term shall be twenty-five years;

(2) For an aggravated felony of the second degree:

(a) If the offender has not previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term, which may be imposed as a term of actual incarceration, shall be three, four, five, six, seven, or eight years, and the maximum term shall be fifteen years;

(b) If the offender has previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term shall be imposed as a term of actual incarceration of eight, nine, ten, eleven, or twelve years, the maximum term shall be fifteen years;

(3) For an aggravated felony of the third degree:

(a) If the offender has not previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term, which may be imposed as a term of actual incarceration, shall be two, three, four, or five years, and the maximum term shall be ten years;

(b) If the offender has previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term shall be imposed as a term of actual incarceration of five, six, seven, or eight years, and the maximum term shall be ten years;

(4) For a felony of the first degree, the minimum term shall be four, five, six, or seven years, and the maximum term shall be twenty-five years;

(5) For a felony of the second degree, the minimum term shall be two, three, four, or five years, and the maximum term shall be fifteen years;

(6) For a felony of the third degree, the minimum term shall be two years, thirty months, three years, or four years, and the maximum term shall be ten years;

(7) For a felony of the fourth degree, the minimum term shall be eighteen months, two years, thirty months, or three years, and the maximum term shall be five years.

(C) Fines for felony shall be imposed as follows:

(1) For an aggravated felony of the first degree or a felony of the first degree, not more than ten thousand dollars;

(2) For an aggravated felony of the second degree or a felony of the second degree, not more than seven thousand five hundred dollars;

(3) For an aggravated felony of the third degree or a felony of the third degree, not more than five thousand dollars;

(4) For a felony of the fourth degree, not more than two thousand five hundred dollars.

(D) Whoever is convicted of or pleads guilty to a felony of the third or fourth degree and did not [cause or threaten] physical harm to any person with a deadly weapon, as defined in Section 2923.11 of the Revised Code, and who has not previously been convicted of an offense of violence shall be imprisoned for a definite term, and, in addition, may be fined or required to make restitution. The restitution shall be fixed by the court as provided in this section. The terms of imprisonment shall be imposed as follows:

(1) For a felony of the third degree, the term shall be one, one and one-half, or two years;

(2) For a felony of the fourth degree, the term shall be six months, one year, or eighteen months

* * *

INCHOATE OFFENSES

§2923.01 Conspiracy

* * *

(J) Whoever violates this section is guilty of conspiracy, which is:

(1) A felony if the first degree, when one of the objects of the conspiracy is aggravated murder or murder;

(2) An aggravated felony of the next lesser aggravated degree than the most serious offense that is the object of the conspiracy, when the most serious offense that is the object of the conspiracy is an aggravated felony of the first or second degree;

(3) A felony of the fourth degree, when the most serious offense that is the object of the conspiracy is an aggravated felony of the third degree;

(4) A felony of the next lesser degree than the most serious offense that is the object of the conspiracy, when the most serious offense that is the object of the conspiracy is a felony of the first, second, or third degree;

(5) A felony punishable by a fine of not more than twenty-five thousand dollars or imprisonment for not more than eighteen months, or both when the offense that is the object of the conspiracy is a violation of any provision of Chapter 3734. of the Revised Code, other than section 3734.18 of the Revised Code, that relates to hazardous wastes;

(6) A misdemeanor of the first degree, when the most serious offense that is the object of the conspiracy is a felony of the fourth degree.

§2923.02 Attempt

* * *

(E) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit aggravated murder or murder is a felony of the first degree. An attempt to commit an aggravated felony of the first or second degree is an aggravated felony of the next lesser aggravated degree than the aggravated felony attempted. An attempt to commit an aggravated felony of the third degree is a felony of the fourth degree. An attempt to commit any other offense is an offense of the next lesser degree than the offense attempted. In the case of an attempt to commit an offense other than a violation of Chapter 3734. of the Revised Code that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. In the case of an

attempt to commit a violation of any provision of Chapter 3734. of the Revised Code, other than section 3734.18 of the Revised Code, that relates to hazardous wastes, an attempt is a felony punishable by a fine of not more than twenty-five thousand dollars or imprisonment for not more than eighteen months, or both. An attempt to commit a minor misdemeanor, or to engage in conspiracy, is not an offense under this section.

§2923.03 Complicity

* * *

(F) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense.

OHIO CRIMINAL STATUTES

OHIO REV. CODE ANN. Sx (Anderson 1980, 1982 & Supp. 1985, 1986)

KEY

- F = Felony
- M = Misdemeanor
- AG = Aggravated
- 1,2,3,4 = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

Statute No. and Title Class/Time

HOMICIDE AND ASSAULT (inclusive)

| | |
|--|-------------------|
| 2903.01 Aggravated Murder | Aggravated murder |
| 2903.02 Murder | Murder |
| 2903.03 Voluntary Manslaughter | AG F1 |
| 2903.04 Involuntary Manslaughter | AGF1/AGF3 |
| 2903.05 Negligent homicide | M1 |
| 2903.06 Aggravated vehicular homicide | F4/F3 |
| 2903.07* Vehicular homicide ● if previously convicted of an offense under this section or section 2903.06 | M1 F4 |
| 2903.11 Felonious Assault | AGF2/AGF1 |
| 2903.12 Aggravated Assault | F4/F3 |
| 2903.13 Assault | M1 |
| 2903.14 Negligent assault | M3 |
| 2903.21 Aggravated menacing | M1 |
| 2903.22 Menacing | M4 |
| 2903.31 Hazing | M4 |

KIDNAPPING AND EXTORTION

| | |
|---|--------------------------------|
| 2905.01 Kidnapping | AGF1/AGF2 |
| 2905.02 Abduction | AGF3 |
| 2905.04* Child Stealing ● offender removes child from this state or previous conviction for child stealing, or kidnapping or abduction involving a minor ● physical harm is done to minor ● offender is not a natural or adaptive parent, or stepparent ● offender is not a natural or adaptive parent or stepparent and physical harm is done to the minor | M1 F4 F2 AGF2 AGF1 |
| 2905.05* Criminal child enticement ● previous conviction of an offense under this section | M1 F4 |

2905.11 Extortion AGF3

2905.22* Extortionate extension of credit; criminal using
● violates division (C) of this section F3
M1

SEX OFFENSES (inclusive)

| | |
|---|-----------------|
| 2907.02 Rape | AGF1 (life) |
| 2907.03 Sexual battery | F3 |
| 2907.04* Corruption of a minor ● if offender is less than four years older than the other person | F3 M1 |
| 2907.05 Gross sexual imposition | F4/F3 |
| 2907.06 Sexual imposition | M3 |
| 2907.07 Importuning | M1/M4 |
| 2907.08 Voyeurism | M3 |
| 2907.09 Public indecency | M4 |
| 2907.12 Felonious sexual penetration | AGF1 (life) |
| 2907.21 Compelling prostitution | F3 |
| 2907.22 Promoting prostitution | F4/F3 |
| 2907.23 Procuring | M1 |
| 2907.24 Soliciting | M3 |
| 2907.25 Prostitution | M3 |
| 2907.31* Disseminating matter harmful to juveniles ● if material or performance involved is obscene | M1 F4 |
| 2907.32* Pandering obscenity ● previous conviction of a violation of this section or of section 2907.31 | M1 F4 |
| 2907.32.1* Pandering obscenity involving a minor ● Violation of division (A)(5) of this section | F2/F4 M1 |
| 2907.32.2* Pandering sexually oriented matter involving a minor ● Violation of division (A)(5) of this section | F2/F4 M1 |
| 2907.32.3* Illegal use of minor in nudity--oriented material or performance ● violates division (A)(3) of this section | F2/F4 M1 |
| 2907.33 Deception to obtain matter harmful to juveniles | M2/unruly child |
| 2907.34 Compelling acceptance of objectionable materials | F4 |

| | | | | |
|---|-------|--|--|-------------------|
| ARSON AND RELATED OFFENSES (inclusive) | | | 2913.03* Unauthorized use of a vehicle | M1 |
| 2909.02 Aggravated Arson | AGF1 | | ● previous conviction of a violation of this section or of any other theft offense, violation of division (A) of this section | F4 |
| 2909.03* Arson | F3/F2 | | ● violation of division (B) of this section | F4 |
| ● if value of property or amount of physical harm involved is less than \$300, violation of division (A)(1) of this section is M1 | M1 | | | |
| 2909.04 Disrupting public services | F3 | | 2913.04 Unauthorized use of property | M4 |
| 2909.05 Vandalism | F4 | | 2913.11* Passing bad checks | F4/F3 |
| 2909.06* Criminal damaging or endangering | M2/M1 | | ● if check is for payments of less than \$300 | M1 |
| ● if property involved in a violation of this section is an aircraft or any equipment used in the operation of aircraft and if the violation creates a risk of physical harm | F4 | | 2913.21* Misuse of credit cards | F4/F3 |
| 2909.07* Criminal mischief | M3/M1 | | ● violation of division (A), (B)(1), or (C) of this section | M1 |
| ● if property involved in a violation of this section is an aircraft or any equipment used in the operation of aircraft, or any cargo to be used in aircraft and if violation creates a risk of physical harm | F4 | | ● if cumulative retail value of property and services involved in one or more violations of division (B)(2), (3), or (4) of this section and occur within a period of 90 consecutive days is less than \$300 | M1 |
| 2909.08* Endangering aircraft or airport operations | M2/M1 | | 2913.31 Forgery | F4 |
| ● if violation creates a risk of physical harm of aircraft that is the subject of violation is occupied | F4 | | 2913.32 Criminal simulation | F4 |
| ROBBERY, BURGLARY AND TRESPASS (inclusive) | | | 2913.33 Making or using slugs | M2 |
| 2911.01 Aggravated Robbery | AGF1 | | 2913.41* Defrauding a livery or hostelry | M1 |
| 2911.02 Robbery | AGF2 | | ● if previous conviction of an offense under this section or of any other theft offense | F4 |
| 2911.11 Aggravated burglary | AGF1 | | 2913.42* Tampering with records | M1 |
| 2911.12 Burglary | AGF2 | | ● if the writing or record is a will at the time of the offense, or a record kept by or belonging to a governmental agency | F4 |
| 2911.13 Breaking and entering | F4 | | 2913.43* Securing writings by deception | F4/F3 |
| 2911.21 Criminal trespass | F4 | | ● when value of property or obligation involved is less than \$300 | M1 |
| 2911.31 Safecracking | F3 | | 2913.44 Personating an officer | M1 |
| 2911.32* Tampering with coin machines | M1 | | 2913.44.1 Law enforcement emblem | Minor misdemeanor |
| ● previous conviction of a violation in this section or of any theft offense as defined in 2913.01 | F4 | | 2913.45 Defrauding creditors | M1 |
| THEFT AND FRAUD (inclusive) | | | 2913.46* Trafficking in or illegal use of food stamps | F4/F3 |
| 2913.02* Theft | F4/F3 | | ● no prior conviction of the "food stamp act" and in violation of division (B) of this section | M1 |
| ● if value of property or services stolen is less than \$300 then violation is petty theft | M1 | | the face value of the food stamp coupons involved is less than \$200 | |
| | | | 2913.51* Receiving stolen property | F4/F3 |
| | | | ● if value of property involved is less than \$300 | M1 |

| | | | |
|--|-------|---|-------|
| GAMBLING | | 2919.25* Domestic violence | M1 |
| 2915.02* Gambling | M1 | ● previous conviction of domestic violence or a violation of section 2903.11, 2903.12 or 2903.13 involving a person who was a family or household member at the time of such violation | F4 |
| ● previous conviction of any gambling offense | F4 | | |
| 2915.03* Operating a gambling house | M1 | 2919.27* Violating protection order or consent agreement | M4/M1 |
| ● previous conviction of any gambling offense | F4 | ● previous conviction or pleaded guilty to two or more violations of this section | F4 |
| 2915.05* Cheating | M1 | OFFENSES AGAINST JUSTICE AND PUBLIC ADMINISTRATION | |
| ● if potential gain from cheating is \$300 or more, or if offender has prior conviction of any gambling offense or any theft offense | F4 | 2921.02 Bribery | F3 |
| 2915.06 Corrupting sports | F4/F3 | 2921.03 Intimidation | F3 |
| 2915.07 Conducting illegal bingo game | F3 | 2921.04* Intimidation of crime victim or witness | M1 |
| 2915.12* Bingo for amusement only | M1 | ● violation of division (B) of this section | F3 |
| ● subsequent offenses | F4 | 2921.11 Perjury | F3 |
| OFFENSES AGAINST THE PUBLIC PEACE | | 2921.12 Tampering with evidence | F3 |
| 2917.02 Aggravated riot | F4/F3 | 2921.13* Falsification | M1 |
| 2917.21* Telephone harassment | M1 | ● violation of division (A)(9) of this section | F3 |
| ● previous conviction of a violation of this section | F4 | ● violation of division (A)(10) of this section if amount of insurance claim is \$300 or more and is less than \$5000, or previous conviction of a theft offense | F4 |
| 2917.31* Inducing panic | M1 | ● violation of division (A)(10) of this section if amounts of insurance claim is \$5000 or more, or if claim is made for the theft of a motor vehicle, or previous conviction of two or more theft offenses | F3 |
| ● violation of this section results in physical harm to any person | F4 | 2921.32* Obstructing justice | M1 |
| OFFENSES AGAINST THE FAMILY | | ● if crime committed by person aided is a felony | F4 |
| 2919.12* Unlawful abortion | M1 | 2921.34 Escape | F4 |
| ● previous conviction or pleaded guilty to a violation of this section | F4 | 2921.35 Aiding escape or resistance to authority | F4 |
| 2919.13 Abortion manslaughter | F1 | 2921.36* Illegal conveyance of weapons or prohibited items onto detention facility or institution | F4 |
| 2919.22* Endangering children | M1 | ● violation of divisions (A)(2), (A)(3), or (C) of this section involving an item listed in division (A)(2) or (A)(3) of this section | M2 |
| ● violation results in serious physical harm to the child involved, or previous conviction of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child-- | F4 | 2921.41 Theft in office; restitution; withholding of retirement benefits | F3 |
| violations of sections (A) or (B)(1) of this section | F3 | 2921.42* Having an unlawful interest in a public contract | F4 |
| ● violation of division (B)(2)(3) or (4) of this section | F2 | ● violation of division (A)(3)(4) or (5) of this section | M1 |
| ● violation of division (B)(5) or (6) of this section or violation of (B)(2)(3) or (4) of this section that results in serious physical harm to the child involved or previous conviction of an offense under this section or of an offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child | | | |

| | | | |
|---|---|--|---|
| 2921.51* Impersonating a peace officer or private policeman ● violation of division (D) of this section for purpose of committing or facilitating the commission of a felony ● violation of division (E) of this section | M4/M1 F3 F2 | 2925.14 Selling paraphernalia for the use of marihuana to juveniles 2925.21 Theft of drugs 2925.22* Deception to obtain a dangerous drug ● previous conviction of a drug abuse offense ● drug involved is compound, mixture, etc. included in schedule I or II, with the exception of marihuana (A) previous conviction of a felony drug abuse offense | M1 F4/F3/F2/F1 M1 F4 F4 F3 |
| CONSPIRACY, ATTEMPT, AND COMPLICITY; WEAPONS CONTROL | | | |
| 2923.12* Carrying concealed weapons ● previous conviction of a violation of this section or of any offense of violence, or if weapon involved is a firearm which is either loaded or for which offender has ammunition readily at hand, or if weapon involved is dangerous ordnance ● if offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved | M1 F3 F2 | 2925.23 Illegal processing of drug documents 2925.31 Abusing harmful intoxicants 2925.32 Trafficking in harmful intoxicants | F4/F3/F2 M4/M1 M4/M3 |
| 2923.13 Having weapons while under disability | F4 | 2925.36* Illegal dispensing of drug samples ● if drug involved is a compound, mixture, etc. included in schedule I or II with the exception of marihuana | F4 |
| 2923.17 Unlawful possession of dangerous ordnance | F4 | 2925.37* Offenses involving counterfeit controlled substances ● violation of division (A) of this section | F4/F3/F2 M1 |
| 2923.20* Unlawful transactions in weapons ● violation of division (A)(1) or (A)(2) of this section | M2/M4 F3 | MISCELLANEOUS OFFENSES | |
| 2923.24 Possessing criminal tools | F4 | 2927.01* Abuse of a corpse ● violation of division (B) of this section | M2 F4 |
| 2923.32 Engaging in pattern of corrupt activity; forfeiture | F1 | | |
| DRUG OFFENSES (inclusive) | | | |
| 2925.02 Corrupting another with drugs | F1/F2/F4 | | |
| 2925.03* Trafficking in drugs ● if offense involves a gift of 20 grams or less of marihuana; 1st offense ● subsequent offenses of gift of marihuana of 20 grams or less | F3/F2/F1/F4 Minor misdemeanor M3 | | |
| 2925.11* Drug abuse ● if drug involved is a compound, mixture, preparation, or substance included in schedule III, IV, or V (A) previous conviction of drug abuse offense ● if drug involved is marihuana ● marihuana involved is less than one hundred grams or resin, extraction, etc. is less than one gram | F4/F3 M3 M2 M4 Minor misdemeanor | | |
| 2925.12 Possessing drug abuse instruments | M2/M1 | | |
| 2925.13* Permitting drug abuse ● previous conviction of a drug abuse offense | M1 F4 | | |

OKLAHOMA

OKLA. STAT. ANN. tit. 21, §x (West 1983 & Supp. 1986).

For drugs: OKLA. STAT. ANN. tit. 63 §x (West 1984 & Supp 1987).

Criminal Classification Information

§4 Crimes classified

Crimes are divided into:

1. Felonies;
2. Misdemeanors

§5 Felony defined

A felony is a crime which is, or may be, punishable with death, or by imprisonment in the State Penitentiary.

§6 Misdemeanor defined

Every other crime is a misdemeanor

§9 Punishment of felonies

Except in cases where a different punishment is prescribed by this chapter, or by some existing provision of law, every offense declared to be felony is punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

§10 Punishment of misdemeanor

Except in cases where a different punishment is prescribed by this chapter or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

§51 Second and subsequent offenses after conviction of offense punishable by imprisonment in penitentiary

A. Every person who, having been convicted of any offense punishable by imprisonment in the penitentiary, commits any crime after such conviction is punishable therefore as follows:

1. If the offense of which such person is subsequently convicted is such that upon a first conviction an offender would be punishable by imprisonment in the penitentiary for any term exceeding five (5) years, such person is punishable by imprisonment in the penitentiary for a term not less than ten (10) years.
2. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the penitentiary for five (5) years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the penitentiary for a term not exceeding ten (10) years.
3. If such subsequent conviction is for petit larceny, the person convicted of such subsequent offense is punishable by imprisonment in the penitentiary for a term not exceeding five (5) years.

B. Every person who, having been twice convicted of felony offenses, commits a third, or thereafter, felony offenses within ten (10) years of the date following the completion of the execution of the sentence, shall be punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) years. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location. Nothing in this section shall abrogate or affect the punishment by death in all crimes now or hereafter made punishable by death.

INCHOATE OFFENSES

§42 Attempts to commit crimes—Punishment

Every person who attempts to commit any crime, and in such attempt does any act toward the commission of such crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempts, as follows:

1. If the offense so attempted be punishable by imprisonment in the penitentiary for four (4) years or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the penitentiary, or in a county jail, as the case may be, for a term not exceeding one-half (1/2) the longest term of imprisonment prescribed upon a conviction for the offense so attempted.
2. If the offense so attempted be punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of such attempt is punishable by imprisonment in a county jail for not more than one (1) year.
3. If the offense so attempted be punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction of the offense so attempted.
4. If the offense so attempted be punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half (1/2) the longest term of imprisonment and one-half (1/2) the largest fine which may be imposed upon a conviction for the offense so attempted.

OKLAHOMA CRIMINAL STATUTES

OKLA. STAT. ANN. tit. 63§x (West 1983 & Supp. 1986).
 For drugs: OKLA. STAT. ANN. tit. 63§x (West 1984 & Supp 1987).

KEY

- F = Felony
- M = Misdemeanor
- CJ = County jail
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

NOTE: Maximum sentence given, unless range or minimum (MIN.) is specified. Term to be served in state penitentiary, unless county jail (CJ) is specified. For classifications that are not inclusive and felony or misdemeanor not specified in statute, crimes with penalties of ≤ 1 year in county jail are not recorded.

Statute No. and Title Class/Time

Crimes Against the Elective Franchise

CRIMES AGAINST THE EXECUTIVE POWER

21:265 Bribing or offering bribe to executive officer 10 yrs.

21:266 Asking or receiving bribes 10 yrs.

CRIMES AGAINST THE LEGISLATIVE POWER

21:301 Preventing meetings of legislature 5-10 yrs.

21:303 Compelling adjournment of legislature 5-10 yrs.

21:305 Compelling legislature to perform or omit act 5-10 yrs.

21:306 Altering draft bill F

21:307 Altering engrossed copy of bill F

21:308 Bribery of or influencing members 10 yrs.

21:309 Soliciting bribes - trading votes 10 yrs.

21:318 Bribery See below

21:320 Penalty for violating Section 318 2-5 yrs.

21:321 Member of legislature-- Soliciting or securing employment with state department or institution See below

21:322 Penalty for violating Section 321 F: 1-5

CRIMES AGAINST THE REVENUE AND PROPERTY OF THE STATE

21:341 Embezzlement and false accounts by officers F: 1-20 yrs.

21:349 Injuring or burning public buildings 25 yrs.

21:350 Seizing military stores 10 yrs.

21:355* Member of governing body not to furnish public supplies for consideration Max. 5 yrs. or MIN. 30 days CJ

21:356* Contract or purchase void --Members of body liable Max. 5 yrs. or MIN. 30 days CJ

21:357* Penalty for such contract or purchase See above

21:358 False, fictitious or fraudulent claims against state See below

21:359 Penalties 2 yrs.

FLAGS, OFFENSES CONCERNING

21:372 Mutilation, treating with indignity or destroying flag-- Definitions See below

21:373 Penalty 3 yrs.

21:374 Display of red flag or emblem of disloyalty or anarchy F: 10 yrs.

BRIBERY AND CORRUPTION

21:380 Bribery of fiduciary 10 yrs.

21:381* Bribing officers 5 yrs. or CJ 1 yr.

21:382* Officers receiving bribes 10 yrs. or 1 yr. CJ

21:383 Bribing jurors, referees, etc. 10 yrs.

21:384 Receiving bribes by jurors, referees, etc. F

21:399* Athletic contests - bribery of participants, officials, etc. 5 yrs. or 1 yr. CJ

21:400 Acceptance of bribe by participant, official, etc. F: 1 yr. or 1 yr. CJ

CONSPIRACY

21:421 Conspiracy - definition - punishment F: 10 yrs.

21:422 Conspiracy outside state against peace of the state 10 yrs.

21:424 Punishment for conspiracy against state 10 yrs.

21:434 Attempt to escape from penitentiary F

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| 21:435* Escape from other prison | 1 yr. CJ or 2 yrs. | RESCUES | |
| 21:438* Carrying into prison things to aid escape | | 21:521* Rescuing prisoners | 10 yrs. |
| ● If prisoner was convicted of felony | 10 yrs. | ● If prisoner was in custody upon charge or conviction of felony | |
| ● If prisoner was convicted of other than felony | 1 yr. CJ | ● If prisoner was in custody otherwise than upon charge for felony | 1 yr. CJ |
| 21:440 Harboring criminals and fugitives - penalty | 10 yrs. (hard labor) | OTHER CRIMES AGAINST PUBLIC JUSTICE | |
| 21:443 Escape from penal institution | 7 yrs. | 21:531 Injury to records - embezzlement by officer | F |
| 21:444* Escape or attempt to escape from arrest or detention | | 21:532 Permitting escapes | F |
| ● If arrested or detained for misdemeanor | M | 21:539 Resisting execution of process in time of insurrection | 2 yrs. |
| ● If arrested or detained for felony | F | 21:540B Roadblocks | F: 5 yrs. |
| 21:445 Unauthorized entry into penal institution, jail, etc. | F: 5 yrs. | 21:543* Compounding crimes | 5 yrs. |
| FALSIFYING EVIDENCE | | ● Where crime compounded is punishable either by death or imprisonment at state penitentiary for life | |
| 21:453 Preparing false evidence | F | ● Where crime compounded was punishable by imprisonment in state penitentiary for any other term than life | 3 yrs. or 6 mos. CJ |
| 21:455 Preventing witness from giving testimony | F: 10 yrs. | ● Where violation is crime punishable by imprisonment in county jail, or fine, or is a misdemeanor or violation | 1 yr. CJ |
| 21:456 Bribing witness - subornation of perjury | | 21:578 Inheritance, intercepting by fraudulent production of intent | 10 yrs. |
| ● To induce witness to give false testimony | F | 21:579 Substituting a child | 7 yrs. |
| ● To induce witness to swear falsely | 20 yrs./ 10 yrs./ 5 yrs. | 21:588 Recording of grand or petit jury proceedings - listening or observing - penalty | F: 2 yrs. |
| FORGING, STEALING, MUTILATING AND FALSIFYING JUDICIAL AND PUBLIC RECORDS AND DOCUMENTS | | 21:590 Maintenance of financial and business records - retention and disposal procedure violations | F: 3 yrs. |
| 21:461 Larceny or destruction of records by clerk or officer | 5 yrs. | ASSAULT AND BATTERY (inclusive) | |
| 21:462* Larceny or destruction of records by other persons | 5 yrs. or 1 yr. CJ | 21:644 Assault & battery, how punished | CJ 30 or 90 days |
| 21:463 Offering forged or false instruments for record | F | 21:645* Assault, battery, or assault & battery with dangerous weapon | F: 10 yrs. or 1 yr. CJ |
| FREE FRANKS OR PASSES, GRANTING OR USING NEPOTISM | | 21:646 Aggravated assault & battery defined | See below |
| PERJURY OR SUBORDINATION OF PERJURY | | 21:647 Punishment for aggravated assault & battery | CJ 1 yr. |
| 21:491 Perjury defined--Defense | | 21:649 Assault or battery upon police or other law officer - penalty | CJ 6 mos. |
| 21:496 Contradictory statements as perjury | See below | 21:649.1 Certain acts against police dog prohibited - penalty | M: CJ 6 mos. |
| 21:500 Punishment for perjury | 20 yrs./ 10 yrs./ 5 yrs. | 21:649.2 Killing police dog - penalty | M: CJ 1 yr. |
| 21:504 Perjury by subornation-- Attempted perjury by subornation | See below | 21:650 Aggravated assault & battery upon police officers | F |
| 21:505 Punishment of subornation of perjury | 20 yrs./ 10 yrs./5 yrs. | | |

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| 21:650.1 Athletic contests - assault & battery upon referee, umpire, etc. | M: 1 yr. CJ | MAIMING (inclusive) | |
| | | 21:751* Maiming defined | See below |
| 21:650.2 Aggravated assault & battery upon Department of Corrections employee | F | 21:752* Maiming one's self | See below |
| | | 21:755* Maiming by disfigurement | See below |
| ATTEMPTS TO KILL (inclusive) | | 21:759* Punishment for maiming | 7 yrs. or 1 yr. CJ |
| 21:651 Poison, attempt to kill by administering it | 10 yrs. | LIBEL AND SLANDER | |
| 21:652 Shooting with intent to kill--assault & battery with deadly weapon | Life/20 yrs. | ROBBERY (inclusive) | |
| | | 21:791 Robbery defined | |
| 21:653* Punishments for other assaults with intent to kill | 5 yrs. or CJ 1 yr. | 21:797 Degrees of robbery | |
| 21:662 Punishment for dueling | 10 yrs. | 21:798 Punishment for first degree | 10 yrs. |
| FELONIOUS ASSAULTS (inclusive) | | 21:799 Punishment for second degree | 10 yrs. |
| 21:681* Assaults with intent to commit felony | 5 yrs or CJ 1 yr. | 21:800 Robbery by two or more persons -- Punishment | 5-50 yrs. |
| HOMICIDE (inclusive) | | 21:801 Robbery or attempted robbery with dangerous weapon or imitation firearm--punishment | F: 5 yrs. MIN./ 10 yrs. MIN. |
| 21:701.7 Murder in the first degree | Death/life | SUICIDE | |
| 21:701.8 Murder in the second degree | 10 yrs.-life | 21:813 Aiding suicide | See below |
| 21:701.9 Punishment for Murder | See above | 21:814 Furnishing weapon or drug | See below |
| 21:701.16 Solicitation for murder in the first degree | 5 yrs.-life | 21:815 Aid in attempt to commit suicide | See below |
| 21:711 Manslaughter in the first degree defined | | 21:817 Punishment for aiding suicide | 7 yrs. |
| 21:712 Liability of physicians | 4 yrs. | 21:818 Punishment for aiding an attempt at suicide | 2 yrs. |
| 21:713 Killing an unborn quick child | 4 yrs. | MISCELLANEOUS OFFENSES AGAINST THE PERSON--IN GENERAL | |
| 21:714 Procuring destruction of unborn child | 4 yrs. | 21:832* Willfully poisoning food | 10 yrs. or 1 yr. CJ |
| 21:715 Punishment for manslaughter in the first degree | 4 yrs. | RIGHT TO PRIVACY | |
| 21:716* Manslaughter in the second degree | See below | TATTOOING | |
| 21:717* Owner of mischievous animal which kills person | 2-4 yrs. or 1 yr. CJ | CHILD ABUSE | |
| 21:722* Punishment for manslaughter in the second degree | 2-4 yrs. or 1 yr. CJ | 21:843* Abuse of children--Penalty | 20 yrs. or 1 yr. CJ |
| KIDNAPPING | | 21:843.1 Caretaker--Abuse, neglect or financial exploitation of charge | F: 10 yrs. |
| 21:741 Kidnapping defined | 10 yrs. | EXPLOSIVES | |
| 21:745 Kidnapping for purpose of extortion--Assisting in disposing receiving, possessing or exchanging money or property received | F: 10 yrs./ 5 yrs. | 21:849 Wiring or equipping of vehicles or structures with explosives | F: 5 yrs.-life |
| | | ABANDONMENT AND NEGLECT OF WIFE OR CHILDREN | |
| | | 21:851 Desertion of children under age of ten--Penalty | F: 1-10 yrs. |

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| 21:852* Omission to provide for a child--Penalties | | 21:987 Dissemination of gambling information | 5 yrs. |
| ● provision necessities | M | | |
| ● if leave state to avoid child | F: 1 yr. | 21:988 Conspiracy | Maximum penalty |
| 21:853 Desertion of wife or child under 15--Penalty | F: 1-10 yrs. | 21:991* Betting or letting premises for betting on races | |
| | | ● gamblers | 90 days |
| | | ● owners/operators | F: 10 yrs. |
| CONTRIBUTING TO DELINQUENCY OF MINORS | | | |
| 21:856* Contributing to delinquency of minors--Punishment | M: 6 mos. | INDECENT EXPOSURE OBSCENITY AND DISORDERLY HOUSE | |
| ● 2d violation | F: 3 yrs. | | |
| ABORTION AND CONCEALING DEATH OF CHILDREN | | | |
| 21:861 Procuring an abortion | 2-5 yrs. | 21:1021 Indecent exposure--indecent exhibits--obscene or indecent writings, pictures, etc.--solicitation of minors | F: 30 days-10 yrs./10 yrs.-30 yrs. |
| TRAFFICKING IN CHILDREN | | | |
| 21:867 Punishment | F: 1-3 yrs. | 21:1021.2 Minors--obscene or indecent writings, pictures | F: 20 yrs. |
| ● 2d conviction | 3 yrs. MIN. | 21:1021.3 Guardians--Parents--Custodians --Consent to participation of minors in obscene writings | F: 20 yrs. |
| ADULTERY | | | |
| 21:871 Adultery defined--Who may institute prosecution | | 21:1024.2 Purchase, procurement or possession of obscene materials--penalty | F: 5 yrs. |
| 21:872 Punishment for adultery | 5 yrs. | 21:1040.51 Pictures, movies, etc. showing acts of sexual intercourse or unnatural copulation prohibited--exceptions--penalties | F: 15 yrs. |
| BIGAMY, INCEST, AND SODOMY | | | |
| 21:881 Bigamy defined | | JUNK DEALERS | |
| 21:883 Punishment for bigamy | 5 yrs. | LOTTERIES | |
| 21:884* Person marrying bigamist | 5 yrs. or 1 yr. CJ | 21:1053* Preparing or drawing lottery--punishment | 2 yrs. or 1 yr. CJ |
| 21:885 Incest | 10 yrs. | 21:1066 Selling plan as lottery | See below |
| 21:886 Crime against nature | 10 yrs. | 21:1068 Penalty | 2 yrs. |
| 21:888 Forcible sodomy | F: 20 yrs. | PANDERING | |
| CHILD STEALING | | | |
| 21:891* Child stealing--Punishment | 10 yrs. or 1 yr. CJ | 21:1087* Child under 18 years of age--procuring for prostitution, lewdness or other indecent act | M: 6 mos.-1 yr. CJ |
| | | ● subsequent offense | F: 1-10 yrs. |
| CRIMES AGAINST RELIGION AND CONSCIENCE | | | |
| FORTUNE TELLING | | | |
| GAMBLING | | | |
| 21:941 Opening, conducting or carrying on gambling game | F: 1-10 yrs. | 21:1088* Child under 18 years--inducing, keeping, detaining for prostitution | F: 1-25 yrs. |
| 21:946 Illegal use of building--Nuisance--Penalty | F: 1-10 yrs. | ● owner of premises | M: 6 mos.-1 yr. |
| 21:948 Officers--Gambling--Collusion | F: 1-10 yrs. | ● subsequent offense by owner | F: 1-10 yrs. |
| 21:950 Officers receiving consideration for protection against arrest or conviction | F | PAWNBROKERS | |
| 21:954 Confidence games--Three-card monte | F: 1-5 yrs. | 21:1092 Refusing to Exhibit stolen goods | F |
| 21:982 Commercial gambling | 10 yrs. | RAPE, ABDUCTION, CARNAL ABUSE OF CHILDREN AND SEDUCTION (inclusive) | |
| 21:986 Installing communications facilities for gamblers | 5 yrs. | 21:1111 Rape defined | |
| | | 21:1111.1 Rape by instrumentation [Note: Defined as Rape I if bodily harm occurs. Otherwise, considered Rape II.] | See below |
| | | 21:1114 Rape in first degree--Second degree | See below |

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| 21:1115 Punishment for rape in first degree | 5 yrs.-death | 21:1266.4 Unlawful acts (subversive behavior) | See below |
| 21:1116 Punishment for rape in second degree | 1-15 yrs. | 21:1266.5 Penalties | F: 1-20 yrs. |
| 21:1117 Compelling woman to marry | 1-10 yrs. | 21:1267.1 Penalty for organizing or assisting to organize groups, companies, etc. | F |
| 21:1118 Intent to compel woman to marry | 10 yrs. | MANUFACTURING, SELLING AND WEARING WEAPONS | |
| 21:1119* Abduction of person under fifteen | 5 yrs. or 1 yr. CJ | 21:1272.1 Carrying weapons or firearms into establishments wherein beer and intoxicating liquors are consumed | See below |
| 21:1120* Seduction under promise of marriage | 5 yrs. or 1 yr. CJ | 21:1272.2 Penalties | F: 2 yrs. |
| 21:1122 Marriage after seduction--penalty for abandonment | 2-10 yrs. | 21:1282 Carrying or using sling shot | F |
| 21:1123 Lewd or indecent proposals or acts to child under 16 | 1-20 yrs. | 21:1284 Penalty | 1-10 yrs. |
| 21:1124 Access to computers, computer systems and computer networks prohibited for certain purposes--Penalty | F: 5 yrs. | 21:1287 Use of firearm or other offensive weapon while committing or attempting to commit a felony | F: 2-10 yrs./10-30 yrs. |
| VIOLATING SEPULTURE AND THE REMAINS OF THE DEAD | | 21:1289.16 Pointing firearms | See below |
| 21:1161* Unlawful removal of dead body | 5 yrs. or 1 yr. CJ | 21:1289.17 Penalty | F: 1-10 yrs. |
| 21:1162* Purchasing dead body | 5 yrs. or 1 yr. CJ | 21:1289.18 Sawed-off shotgun and sawed-off rifle defined--violations, etc. | F: 2 yrs. |
| 21:1163* Unlawful interference with places of burial | 2 yrs. or 6 mos. CJ | 21:1289.20 Manufacture, importation or advertisement for sale of restricted bullets | 10 yrs. |
| GENERAL AND MISCELLANEOUS PROVISIONS | | 21:1289.21 Use or attempted use of restricted bullet | 2-10 yrs. |
| 21:1172* Obscene, threatening or harassing telephone calls • if 2d offense | M F | MASKS & DISGUISES; THREATENING LETTERS; UNLAWFUL ORGANIZATIONS | |
| 21:1192 Spread of infectious diseases | F: 2-5 yrs. | 21:1302 Trespass--Masked person demanding admission to premises | 1-5 yrs. |
| 21:1214 Radio sets capable of receiving on police frequencies--unlawful uses--penalty | F: 3 yrs. | 21:1303 Assaults while masked or disguised | F: 5-20 yrs. |
| 21:1217 Firemen--interference with performance of duties--penalty | F: 2-10 yrs. | OTHER CRIMES AGAINST PUBLIC PEACE | |
| CRIMINAL SYNDICALISM AND SABOTAGE | | 21:1311 Riot defined | |
| 21:1265.2 Destroying or interfering with property with intent to hinder defense preparations or prosecution of war | 10 yrs. | 21:1312* Punishment for riot • other | F: 2-10 yrs./20 yrs. M |
| 21:1265.3 Causing defect in articles used in defense preparation or prosecution of war | 10 yrs. | 21:1314 Unlawful assembly defined | |
| 21:1265.4 Attempts--Punishment--Acts constituting | 1/2 punishment | 21:1320.4 Penalty for riot or incitement to riot | F: 10 yrs. |
| 21:1265.5 Conspiracies | Same as for offense | 21:1320.5 Penalty for unlawful assembly | F: 5 yrs. |
| 21:1266 Advocating overthrow of government by force--penalty | F: 5 yrs.-life | 21:1320.10 Teaching demonstrating or training in the use of firearms, explosives, or incendiary devices in furtherance of riot or civil disorder | F |

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| 21:1321.7 Offenses and penalties (destroy during unrest) | F: 2-10 yrs. | 21:1454* Embezzlement by trustee --punish as larceny ● if grand theft ● if petit theft | 5 yrs. 30 days CJ |
| 21:1327 Advocating of unlawfulness, criminal syndicalism, sabotage, sedition or treason upon public school grounds prohibited | F: 2-10 yrs./ 10 yrs.-life | 21:1455* Embezzlement by bailee --punish as larceny ● if grand theft ● if petit theft | 5 yrs. 30 days CJ |
| 21:1368 Possession of explosives by convicted felons--penalty | F: 10 yrs. | 21:1456* Embezzlement by clerk or servant --punish as larceny ● if grand theft ● if petit theft | 5 yrs. 30 days CJ |
| ARSON (inclusive) | | | |
| 21:1401 Arson in the first degree | 35 yrs. | 21:1462* Punishment for embezzlement | See above |
| 21:1402 Arson in the second degree | 25 yrs. | 21:1463 Diversion of state funds made felony | F: 1-10 yrs. |
| 21:1403 Arson in the third degree | 15 yrs. | 21:1464* Failure to return certain leased or rented property --punish as larceny ● if grand theft ● if petit theft | 5 yrs. 30 days CJ |
| 21:1404 Arson in the fourth degree | 10 yrs. | DOCUMENTS OF THE TITLE TO MERCHANDISE, OFFENSES RESPECTING | |
| 21:1411 Fraudulent bill of lading | 5 yrs. | EXTORTION AND BLACKMAIL | |
| 21:1412 Fraudulent warehouse receipts | 5 yrs. | 21:1481 Extortion defined | |
| 21:1414 Duplicate receipts or vouchers | 5 yrs. | 21:1482 Threats constituting extortion | See 21:1483 |
| 21:1415 Selling goods without consent of holder or bill of lading | 5 yrs. | 21:1483 Punishment for extortion | 5 yrs. |
| 21:1416 Unlawful delivery of goods, what is | 5 yrs. | 21:1485 Obtaining signature by extortion | See 21:1483 |
| BURGLARY AND HOUSE BREAKING (inclusive) | | | |
| 21:1431 Burglary in first degree | See below | 21:1486 Letters, threatening | See 21:1483 |
| 21:1435 Burglary in second degree--Acts constituting | See below | 21:1488 Blackmail | 5 yrs. |
| 21:1436 Punishment of burglary | 7-20 yrs./ 2-7 yrs. | FALSE PRETENSES, FALSE PERSONATIONS, CHEATS AND FRAUDS | |
| 21:1437 Possession of burglar's implements | M | 21:1503* Defrauding hotels, inns, restaurants, etc. ● if > \$20 | M F: 5 yrs. |
| 21:1438 Entering buildings or structures with certain intent | M | 21:1506* Mock auction | 3 yrs. or 1 yr. CJ |
| 21:1441 Burglary with explosives | F: 20-50 yrs. | 21:1521* Motor vehicle lease or rental payment by false or bogus check ● if > \$20 | M F: 7 yrs. |
| 21:1442 Possession of certain tools by persons previously convicted of burglary | F | 21:1531 Marriage by impersonator--becoming bail or surety--execution of instrument--creating liability or benefit | 10 yrs. |
| EMBEZZLEMENT | | | |
| 21:1452* Embezzlement by officer, etc. of corporation, etc. --punish as larceny ● if grand theft ● if petit theft | 5 yrs. 30 days CJ | 21:1541.2 Value of more than \$50 ● refers to 21:1541.1 | F: 10 yrs. |
| 21:1453* Embezzlement by carrier or other person --punish as larceny ● if grand theft ● if petit theft | 5 yrs. 30 days CJ | 21:1541.3 False or bogus checks, drafts, etc. | F: 10 yrs. |
| | | 21:1542* Obtaining property or signature under false pretenses | 3 yrs. or 1 yr. CJ |
| | | 21:1543* Obtaining signature or property for charitable purposes by false pretenses | 3 yrs. or 1 yr. CJ |

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| 21:1544 False negotiable paper | 7 yrs. | 21:1582 False evidence of debt | 7 yrs. |
| 21:1550.22 Taking credit card or debit card--Receiving taken credit card or debit card | 3 yrs. | 21:1583 Counterfeiting coin | 7 yrs. |
| 21:1550.23 Receiving, holding or concealing lost or mislaid card | 3 yrs. | 21:1584 Counterfeiting coin for exportation | 7 yrs. |
| 21:1550.24 Selling or buying credit card or debit card | 3 yrs. | 21:1585 Forging process of court or title to property | 7 yrs. |
| 21:1550.25 Controlling credit or debit card as security for debt | 3 yrs. | 21:1586 Making false entries on public book | 7 yrs. |
| 21:1550.26 Receiving taken or retained card upon giving consideration | 3 yrs. | 21:1587 Forging tickets of passage | 7 yrs. |
| 21:1550.27 False making or embossing of credit or debit card | 3 yrs. | 21:1588 Postage stamps, forging | 7 yrs. |
| 21:1550.28 Signing of card--Possession of signed or unsigned card | 3 yrs. | 21:1589 False entries in corporation books | 7 yrs. |
| 21:1550.29 Forged or revoked card | 3 yrs. | 21:1590 Officer or employee of corporation making false entries | 7 yrs. |
| 21:1550.30 Failure to furnish money, goods or services represented to have been furnished | 3 yrs. | 21:1591 Possession of counterfeit coins | 7 yrs. |
| 21:1550.31 Possessing incomplete cards | 7 yrs. | 21:1592 Uttering forged instruments or coins | 7 yrs. |
| 21:1550.32 Receiving of money, goods, or services in violation of Section 1550.29 | 3 yrs. | 21:1593 Falsely obtaining signature | 7 yrs. |
| 21:1550.33 Penalties | See above | 21:1621 Punishment for forgery | 7-20 yrs./ 7 yrs. |
| FORGERY OR COUNTERFEITING | | 21:1622 Fraudulently uttering one's signature as that of another of same name | See 21:1621 |
| 21:1561 Wills, deeds and certain other instruments, forgery of | 7-20 yrs. | 21:1623 Fraudulently uttering one's endorsement as another's | See 21:1621 |
| 21:1562 Forgery of public securities | 7-20 yrs. | 21:1624 Erasure and obliterations | See 21:1621 |
| 21:1571 Public and corporate seals | 7 yrs. | 21:1626 Signing fictitious names as officers of corporations | See 21:1621 |
| 21:1572 Records | 7 yrs. | FRAUDS AND OFFENSES IN CORPORATE AFFAIRS | |
| 21:1573 Making false entries in record | 7 yrs. | 21:1632 Fraud procuring organization of stock company | 3-10 yrs. |
| 21:1574 Making false certificate of acknowledgement | 7 yrs. | 21:1635* Destroying or falsifying books | 3-10 yrs. or 1 yr. CJ |
| 21:1575 False bank note plates | 7 yrs. | FRAUDS ON INSURANCE COMPANIES | |
| 21:1577 Notes, checks, bills, drafts--sale, exchange or delivery | 7 yrs. | 21:1662 False claim or proof of loss in insurance | 3 yrs. |
| 21:1578 Possession of forged evidences of debt | 7 yrs. | FRAUDULENT INSOLVENCIES BY INDIVIDUALS | |
| 21:1579 Possession of other forged instruments | 7 yrs. | INJURIES TO ANIMALS | |
| 21:1580 Issuing spurious certificates of stock | 7 yrs. | 21:1681* Poisoning cattle | 3 yrs. or 1 yr. CJ |
| 21:1581 Reissuing cancelled certificates of stock | 7 yrs. | 21:1681* Cruelty to animals | 5 yrs. or 1 yr. CJ |
| | | 21:1694 Instigating or encouraging dogfight | F: 1-10 yrs. |
| | | 21:1695 Keeping place, equipment or facilities for dogfighting | F: 1-10 yrs. |

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| 21:1696 Servicing or facilitating dogfight | F: 1-10 yrs. | 21:1731* Larceny of merchandise from retailer or wholesaler ● 1st conviction + ≤ \$50 ● 2d conviction + ≤ \$50 | 30 days CJ 30 days-1 yr. CJ 2-5 yrs. 1-5 yrs. |
| 21:1697 Owning, possessing, keeping or training dog for fighting | F: 1-10 yrs. | ● 3d conviction + ≤ \$50 ● if > \$50 | |
| 21:1699.1 *Punishment ● SS1694-1697 ● S1698 | F: 1-10 yrs. M: 1 yr. CJ | 21:1737 Larceny of cable television services | M: 6 mos CJ |
| LARCENY (inclusive) | | | |
| 21:1701 Larceny defined | | MALICIOUS MISCHIEF | |
| 21:1702* Larceny of lost property ● if grand larceny ● if petit larceny | 5 yrs. 30 days CJ | 21:1751* Railroads, injuries to | 4 yrs. or 6 mos. |
| 21:1705 Punishment for grand larceny | 5 yrs. | 21:1752 Death from displacing railroad equipment | 4 yrs. |
| 21:1706 Punishment for petit larceny | 30 days CJ | 21:1755 Toll house or gate, injuries to | F |
| 21:1707 Grand larceny in house or vessel | 8 yrs. | 21:1765 House of worship or contents injuring | F |
| 21:1708 Grand larceny in night time from person | 10 yrs. | 21:1767.1 Bombs and explosives--foul, poisonous, offensive or injurious substances | F |
| 21:1713* Receiving stolen property--presumption | 5 yrs. or 1 yr. CJ | 21:1767.2 Violations of preceding section | F: 3-10 yrs. 7-life |
| 21:1714 Fraudulent consumption of gas | M | 21:1777* Piles, removing or injuring | 2-5 yrs. or 1 yr. CJ |
| 21:1716 Larceny of domestic animals | F: 3-10 yrs./ F: 6 mos.- 3 yrs. | 21:1778* Train signal light, removing or masking--false light or signal | 1 yr. CJ or 3-10 yrs. |
| 21:1719 Domestic fowls, larceny of--receiving stolen fowls | 5 yrs. or 2 yrs. CJ | 21:1779 Injuring written instruments the false making of which would be forgery | 7- 20 yrs./7 yrs. |
| 21:1720 Automobile, air craft or other motor vehicle | F: 3- 20 yrs. | 21:1785* Works of literature or art | 3 yrs. or 1 yr. CJ |
| 21:1721 Tapping pipeline | F: 1-10 yrs. | 21:1786* Injuries to pipes & wires | 3 yrs. or 1 yr. CJ |
| 21:1722* Taking oil, gas, gasoline, or any product thereof ● ≤ \$50 ● > \$50 | M: 60 days CJ F: 1-10 yrs. | OTHER OFFENSES AGAINST PROPERTY RIGHTS | |
| 21:1723 Larceny from the house | F | 21:1834* Chattels encumbered by mortgage, conditional sales contract or security agreement | 3 yrs. or 1 yr. CJ |
| 21:1724 Penalty for larceny from the house | 5 yrs. | 21:1834.2 Misappropriation of funds as embezzlement | 5 yrs. |
| 21:1726 Mercury--Possession of more than one pound without evidence of title | F: 1-5 yrs. | 21:1837 Hard or solid substances in grain--inflammable or explosive substances in cotton | F: 1-5 yrs. |
| 21:1727* Copper--stealing or removing | F: 1-5 yrs. or 90-200 days CJ | 21:1861* Information to be furnished by solicitor--calls exempt ● 3d offense | M F |
| 21:1728* Possessing, receiving or transporting stolen copper | 1-5 yrs. or 90-200 days CJ | 21:1866* Reproduction of sound recordings for sale prohibited ● 2d violation | M: fine F: 2 yrs. |
| | | 21:1903 Seizure of bus--assault and battery--use of dangerous weapon--concealed weapon etc. | F: 20 yrs./ 10 yrs./ 5 yrs. |
| | | 21:1904 Unauthorized removal of baggage, cargo or other item | F: 5 yrs. |

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| 21:1905 Destruction, removal, alteration, coverage and defacement of manufacturer's serial number | See below |
| 21:1906 Violations-penalties | 5 yrs. |
| 21:1953* Prohibited acts--computer crimes act | |
| ● violate (1-3) | F: 1-10 yrs. |
| ● violate (4) | M: 30 days CJ |
| 21:1955 Penalties | See above |
| UNIFORM CONTROLLED DANGEROUS SUBSTANCES ACT (inclusive) | |
| 63:2-313.18 Sales Limitations--Penalties | M |
| 63:2-401 *Prohibited acts A--Penalties | See below |
| (B)(1) Distribute Schedule I, II | F: 5 yrs.-life |
| (B)(2) Distribute other Schedule I-IV | F: 2-20 yrs. |
| (B)(3) Distribute Schedule V | F: 5 yrs. |
| (B)(4) Distribute imitation drug | M: 1 yr. CJ |
| ● 2d conviction | F: 5 yrs. |
| (B)(5) Mfg, sell synthetic drug | F: 20 yrs/ 10 yrs/-life |
| (C) 2d felony violation | 2 x penalty |
| (D) Distribute to minor | 2 x penalty |
| (E) Manufacture drugs | F: 20 yrs.-life |
| 63:2-402 *Prohibited acts B--Penalties | See below |
| (B)(1) Possess Schedule I and II | F: 2-10 yrs./4-20 yrs. |
| (B)(2) Possess Schedule III, IV, V | M: 1 yr. |
| ● 2d violation | F: 2-10 yrs. |
| 63:2-403 Prohibited acts C--Penalties (larceny, burglary, robbery re drugs) | F: 10 yrs. MAX./10 yrs. MIN./ 5 yrs./life |
| 63:2-404 Prohibited acts D--Penalties | See below |
| (A1-4) Prescription violations | F: 5 yrs. |
| (A5) Refuse entry | F: 5 yrs. |
| (A6) Maintain drug haven | F: 5 yrs. |
| 63:2-405 *Prohibited acts E--Penalties | See below |
| (A) Inject opiums | M |
| (B-C) Drug paraphernalia | M |
| (D) Deliver same to < 18 and \geq 3 years junior | F |
| 63:2-406 Prohibited acts F--Penalties (prescription violations) | F: 20 yrs. |
| 63:2-407 Prohibited acts G--Penalties | F: 10 yrs./ 4-20 yrs. |
| 63:2-408 Endeavor and conspiracy | Same as offense |
| 63:2-411 General penalty clause | M: 1 yr. |

Or. Rev. Stat. § X (1985 & Supp. 1986)

Criminal Classification Information

161.405 "Attempt" described.

(1) A person is guilty of an attempt to commit a crime when the person intentionally engages in conduct which constitutes a substantial step toward commission of the crime.

(2) An attempt is a:

- (a) Class A felony if the offense attempted is murder or treason.
- (b) Class B felony if the offense attempted is a Class A felony.
- (c) Class C felony if the offense attempted is a Class B felony.
- (d) Class A misdemeanor if the offense attempted is a Class C felony or an unclassified felony.
- (e) Class B misdemeanor if the offense attempted is a Class A misdemeanor.
- (f) Class C misdemeanor if the offense attempted is a Class B misdemeanor.
- (g) Violation if the offense attempted is a Class C misdemeanor or an unclassified misdemeanor.

161.435 "Solicitation" described.

(1) A person commits the crime of solicitation if with the intent of causing another to engage in specific conduct constituting a crime punishable as a felony or as a Class A misdemeanor or an attempt to commit such felony or Class A misdemeanor the person commands or solicits such other person to engage in that conduct.

(2) Solicitation is a:

- (a) Class A felony if the offense solicited is murder or treason.
- (b) Class B felony if the offense solicited is a Class A felony.
- (c) Class C felony if the offense solicited is a Class B felony.
- (d) Class A misdemeanor if the offense solicited is a Class C felony.
- (e) Class B misdemeanor if the offense solicited is a Class A misdemeanor.

161.450 "Conspiracy" described.

(1) A person is guilty of criminal conspiracy if with the intent that conduct constituting a crime punishable as a felony or a Class A misdemeanor be performed, the person agrees with one or more persons to engage in or cause the performance of such conduct.

(2) Criminal conspiracy is a:

- (a) Class A felony if an object of the conspiracy is commission of murder, treason, or a Class A felony.
- (b) Class B felony if an object of the conspiracy is commission of a Class B felony.
- (c) Class C felony if an object of the conspiracy is commission of a Class C felony.
- (d) Class A misdemeanor if an object of the conspiracy is commission of a Class A misdemeanor.

161.505 "Offense" described.

An offense is conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law or ordinance of a political subdivision of this state. An offense is either a crime or a violation or an infraction.

161.515 "Crime" described.

(1) A crime is an offense for which a sentence of imprisonment is authorized.

(2) A crime is either a felony or a misdemeanor.

161.525 "Felony" described. Except as provided in ORS 161.585 and 161.705, a crime is a felony if it is so designated in any statute of this state or if a person convicted under a statute of this state may be sentenced to a maximum term of imprisonment of more than one year.

161.535 Classification of felonies.

(1) Felonies are classified for the purpose of sentence into the following categories:

- (a) Class A felonies;
- (b) Class B felonies;
- (c) Class C felonies; and
- (d) Unclassified felonies.

(2) The particular classification of each felony defined in the Oregon Criminal Code, except murder under ORS 163.115 and treason under ORS 166.005, is expressly designated in the section defining the crime. An offense defined outside this code which, because of the express sentence provided is within the definition of ORS 161.525, shall be considered an unclassified felony.

161.545 "Misdemeanor" described.

A crime is a misdemeanor if it is so designated in any statute of this state or if a person convicted thereof may be sentenced to a maximum term of imprisonment of not more than one year.

161.555 Classification of misdemeanors.

(1) Misdemeanors are classified for the purpose of sentence into the following categories:

- (a) Class A misdemeanors;
- (b) Class B misdemeanors;
- (c) Class C misdemeanors; and
- (d) Unclassified misdemeanors.

(2) The particular classification of each misdemeanor defined in the Oregon Criminal Code is expressly designated in the section defining the crime. An offense defined outside this code which, because of the express sentence provided is within the definition of ORS 161.545, shall be considered an unclassified misdemeanor.

(3) An offense defined by a statute of this state, but without specification as to its classification or as to the penalty authorized upon conviction, shall be considered a Class A misdemeanor.

161.565 "Violation" described.

An offense is a violation if it is so designated in the statute defining the offense or if the offense is punishable only by a fine, forfeiture, fine and forfeiture, or other civil penalty. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.

161.575 Types of violations.

(1) Any violation defined in the Oregon Criminal Code is expressly designated in the section defining the offense. Any offense defined outside this code which is punishable as provided in ORS 161.565 shall be considered a violation.

(2) Violations are not classified.

161.585 Classification of certain crimes determined by punishment.

(1) When a crime punishable as a felony is also punishable by imprisonment for a maximum term of one year or by a fine, the crime shall be classed as a misdemeanor if the court imposes a punishment other than imprisonment under ORS 137.124 (1).

(2) Notwithstanding the provisions of ORS 161.525, upon conviction of a crime punishable as described in subsection (1) of this section, the crime is a felony for all purposes until one of the following events occurs, after which occurrence the crime is a misdemeanor for all purposes.

(a) Without granting probation, the court imposes a sentence of imprisonment to a correctional facility other than the penitentiary or the Oregon State Correctional Institution.

(b) Without granting probation, the court imposes a fine.

(c) Upon revocation of probation, the court imposes a sentence of imprisonment to a correctional facility other than the penitentiary or the Oregon State Correctional Institution.

(d) Upon revocation of probation, the court imposes a fine.

(e) The court declares the offense to be a misdemeanor, either at the time of granting probation, upon suspension of imposition of sentence, or on application of defendant or the probation officer of the defendant thereafter.

(f) The court grants probation to the defendant without imposition of sentence upon conviction and defendant is thereafter discharged without sentence.

(g) Without granting probation and without imposing sentence, the court declares the offense to be a misdemeanor and discharges the defendant.

161.605 Maximum prison terms for felonies.

The maximum term of an indeterminate sentence of imprisonment for a felony is as follows:

- (1) For a Class A felony, 20 years.
- (2) For a Class B felony, 10 years.
- (3) For a Class C felony, 5 years.
- (4) For an unclassified felony as provided in the statute defining the crime.

161.610 Enhanced Penalty for use of firearm during commission of felony; pleading; presentence hearing; minimum penalties; suspension or reduction of penalty.

(1) As used in this section, "firearm" means a weapon which is designed to expel a projectile by the action of black powder or smokeless powder.

(2) The use or threatened use of a firearm, whether operable or inoperable, by a defendant during the commission of a felony may be pleaded in the accusatory instrument and proved at trial as an element in aggravation of the crime as provided in this section. When a crime is so pleaded, the aggravated nature of the crime may be indicated by adding the words "with a firearm" to the title of the offense. The unaggravated crime shall be considered a lesser included offense.

(3) Notwithstanding the provisions of ORS 161.605 or 137.010 (2), if a defendant is convicted of a felony having as an element the defendant's use or threatened use of a firearm during the commission of the crime, the court shall impose at least the minimum term of imprisonment as provided in subsection (4) of this section. Except as provided in subsection (5) of this section, in no case shall any person punishable under this section become eligible for work release, parole, temporary leave, or terminal leave until the minimum term of imprisonment is served, less a period of time equivalent to any reduction of imprisonment granted for good time served, nor shall the execution of the sentence imposed upon such person be suspended by the court.

(4) The minimum terms of imprisonment for felonies having as an element the defendant's use or threatened use of a firearm in the commission of the crime shall be as follows:

(a) Except as provided in subsection (5) of this section, upon the first conviction for such felony, five years.

(b) Upon conviction for such felony committed after punishment pursuant to paragraph (a) of this subsection, 10 years.

(c) Upon conviction for such felony committed after imprisonment pursuant to paragraph (b) of this subsection, 30 years.

(5) If it is the first time that the defendant is subject to punishment under this section, the court may suspend the execution of the sentence otherwise required under paragraph (a) of subsection (4) of this section, or impose a lesser term of imprisonment, when the court expressly finds mitigating circumstances justifying such lesser sentence and sets forth those circumstances in its statement on sentencing.

161.615 Prison terms for misdemeanors.

Sentences for misdemeanors shall be for a definite term. The court shall fix the term of imprisonment within the following maximum limitations:

- (1) For a Class A misdemeanor, 1 year.
- (2) For a Class B misdemeanor, 6 months.
- (3) For a Class C misdemeanor, 30 days.
- (4) For an unclassified misdemeanor, as provided in the statute defining the crime.

161.705 Reduction of certain felonies to misdemeanors.

(1) Notwithstanding ORS 161.525, the court may enter judgment of conviction for a Class A misdemeanor and make disposition accordingly when:

(a) A person is convicted of any Class C felony; or

(b) A person is convicted of a Class B felony pursuant to ORS 475.992(2)(a); or

(c) A person is convicted of the Class B felony of possession of marijuana pursuant to ORS 475.992(4)(a); or

(d) A person convicted of any of the felonies described in paragraphs (a) to (c) of this subsection, or of a Class A felony pursuant to ORS 166.720, has successfully completed a sentence of probation; and

(e) The court, considering the nature and circumstances of the crime and the history and character of the defendant, believes that it would be unduly harsh to sentence the defendant for a felony.

(2) This section does not apply, however, in cases subject to ORS 475.995.

OREGON CRIMINAL STATUTES

OR. REV. STAT. § X (1985 & Supp. 1986)

KEY

- F = Felony
- M = Misdemeanor
- A,B,C = Crime subclasses
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = more than, less than
- ≥ , ≤ = more than or equal, less than or equal

Statute No. and Title Class

OFFENSES AGAINST THE STATE AND PUBLIC JUSTICE

Bribery

- 162.015 Bribe giving FB
- 162.025 Bribe receiving FB

Perjury and Related Offenses

- 162.065 Perjury FC

Escape and Related Offenses

- 162.155 Escape in the second degree FC
- 162.165 Escape in the first degree FB

- 162.185 Supplying contraband FC

- 162.205 Failure to appear in the first degree FC

Obstructing Governmental Administration

- 162.265 Bribing a witness FC
- 162.275 Bribe receiving by a witness FC
- 162.285 Tampering with a witness FC
- 162.325 Hindering prosecution FC

Abuse of Public Office

Interference with Legislative Operations

OFFENSES AGAINST PERSONS

Homicide (inclusive)

- 163.095 "Aggravated murder," defined
- 163.105 Death or life imprisonment for aggravated murder; murder; review by state board of parole death/prison for life
- 163.115 Murder; affirmative defense to certain felony murders; sentence of life imprisonment required; minimum term prison for life
- 163.118 Manslaughter in the first degree FA

- 163.125 Manslaughter in the second degree FB

- 163.145 Criminally negligent homicide FC

Assault (inclusive)

- 163.160 Assault in the fourth degree MA

- 163.165 Assault in the third degree FC

- 163.175 Assault in the second degree FB

- 163.185 Assault in the first degree FA

- 163.190 Menacing MA

- 163.195 Recklessly endangering another person MA

- 163.197 Hazing Violation

- 163.200 Criminal mistreatment in the second degree MA

- 163.205 Criminal mistreatment in the first degree FC

- 163.208 Assaulting a public safety officer MA

KIDNAPPING AND RELATED OFFENSES

- 163.225 Kidnapping in the second degree FB

- 163.235 Kidnapping in the first degree FA

- 163.245 Custodial interference in the second degree FC

- 163.257 Custodial interference in the first degree FB

Coercion

- 163.275 Coercion FC

SEXUAL OFFENSES (inclusive)

- 163.355 Rape in the third degree FC

- 163.365 Rape in the second degree FB

- 163.375 Rape in the first degree FA

- 163.385 Sodomy in the third degree FC

- 163.395 Sodomy in the second degree FB

- 163.405 Sodomy in the first degree FA

- 163.408 Sexual penetration with a foreign object in the second degree FB

- 163.411 Sexual penetration with a foreign object in the first degree FA

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| 163.415 Sexual abuse in the second degree | MA | Burglary and Criminal Trespass (inclusive) | |
| 163.425 Sexual abuse in the first degree | FC | 164.215 Burglary in the second degree | FC |
| 163.435 Contributing to the sexual delinquency of a minor | MA | 164.225 Burglary in the first degree | FA |
| 163.445 Sexual misconduct | MC | 164.235 Possession of burglar's tools | MA |
| 163.465 Public indecency | MA | 164.243 Criminal trespass in the second degree by a guest | MC |
| Offenses Against Family | | 164.245 Criminal trespass in the second degree | MC |
| 163.515 Bigamy | FC | 164.255 Criminal trespass in the first degree | MA |
| 163.525 Incest | FC | 164.265 Criminal trespass while in possession of firearm | MA |
| 163.535 Abandonment of a child | FC | 164.270 Closure of premises to motor-propelled vehicles | MC |
| 163.555 Criminal nonsupport | FC | Arson and Related Offenses (inclusive) | |
| Visual Recording of Sexual Conduct by Children | | 164.315 Arson in the second degree | FC |
| 163.670 Using child in display of sexual conduct | FB | 164.325 Arson in the first degree | FA |
| 163.675 Sale or exhibition of visual reproduction of sexual conduct by child | FC | 164.335 Reckless burning | MA |
| 163.680 Paying for viewing child's sexual conduct | FC | Criminal Mischief and Related Offenses | |
| OFFENSES AGAINST PROPERTY | | 164.365 Criminal mischief in the first degree | FC |
| Theft and Related Offenses (inclusive) | | 164.377* Computer crime ● Entering computer to defraud, obtain money by fraud, commit theft, or knowingly damage computer, software, etc. ● Access computer, software, etc., without authorization | MA |
| 164.045 Theft in the second degree | MA | Robbery (inclusive) | |
| 164.055 Theft in the first degree | FC | 164.395 Robbery in the third degree | FC |
| 164.065* Theft of lost, mislaid property | | 164.405 Robbery in the second degree | FB |
| ● I | FC | 164.415 Robbery in the first degree | FA |
| ● II | MA | Littering | |
| 164.075 Theft by extortion | FB | Unlawful Transport | |
| 164.085* Theft by deception | | Miscellaneous | |
| ● I | FC | 164.885 Endangering aircraft | FC |
| ● II | MA | OFFENSES INVOLVING FRAUD OR DECEPTION | |
| 164.095 Theft by receiving | | Forgery and Related Offenses | |
| ● I | FC | 165.013 Forgery in the first degree | FC |
| ● II | MA | 165.022 Criminal possession of a forged instrument in the first degree | FC |
| 164.125* Theft of services | | | |
| ● If obtained/attempted to obtain is < \$200 | MA | | |
| ● If total obtained is ≥ \$200 within a 12-month period | FC | | |
| 164.132 Unlawful distribution of cable television equipment | MB | | |
| 164.135 Unauthorized use of a vehicle | FC | | |
| 164.140* Criminal possession of rented or leased property | | | |
| ● If amount < \$200 | MA | | |
| ● If amount ≥ \$200 | FC | | |

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| 165.032 Criminal possession of a forgery device | FC | Discharging Weapons | |
| 165.055* Fraudulent use of a credit card | | Miscellaneous | |
| ● If amount obtained or attempted to obtain is < \$200 | MA | 166.660 Unlawful paramilitary activity | FC |
| ● If amount obtained or attempted to obtain is \geq \$200 | FC | Racketeering | |
| 165.065* Negotiating a bad check | MA | 166.720 Racketeering activity unlawful; penalties | FA |
| ● If previously convicted in state of negotiating a bad check or of theft by deception by means of a bad check | FC | OFFENSES AGAINST PUBLIC HEALTH, DECENCY AND ANIMALS | |
| 165.070 Possessing fraudulent communications device | FC | Prostitution and Related Offenses | |
| Business and Commercial Offenses | | 167.012 Promoting prostitution | FC |
| 165.085 Sports bribery | FC | 167.017 Compelling prostitution | FB |
| 165.090 Sports bribe receiving | FC | Obscenity and Related Offenses | |
| Crimes Involving Communications | | 167.062* Sadomasochistic abuse or sexual conduct in live show | |
| Miscellaneous | | ● Knowingly engage in live public show | MA |
| OFFENSES AGAINST PUBLIC ORDER; FIREARMS AND OTHER WEAPONS; RACKETEERING | | ● To direct, manage, etc., public show | FC |
| Treason, Riot, Disorderly Conduct, and Related Offenses | | Gambling Offenses | |
| 166.005 Treason | Prison for life | 167.127 Promoting gambling in the first degree | FC |
| 166.015 Riot | FC | 167.137 Possession of gambling records in the first degree | FC |
| 166.085 Abuse of a corpse | FC | Offenses Involving Controlled Substances (inclusive) | |
| Intimidation | | 167.212 Tampering with drug records | FC |
| 166.165 Intimidation in the first degree | FC | 167.222 Frequenting a place where controlled substances are used | MA |
| Possession and Use of Weapons | | Offenses Against Animals | |
| 166.220 Attempting to use unlawfully dangerous weapon; carrying with dangerous weapon intent to use it unlawfully | FC | Miscellaneous | |
| 166.270* Certain exconvicts forbidden to possess arms | | CONTROLLED SUBSTANCES; EXPERIMENTAL DRUGS (inclusive) | |
| ● Exconvict in possession of firearm | FC | Uniform Controlled Substances Act | |
| ● Exconvict in possession of restricted weapon | MA | Experimental Drugs | |
| 166.275 Possession of weapons by inmates of penal institutions | Prison: up to 20 yrs. | Marijuana | |
| Possession of Destructive Device or Firearm in Public Building | | Hypodermic Devices | |
| Sale or Transfer of Firearms | | Penalties | |
| 166.410 Manufacture, importation, sale, gift, loan, or possession of firearms | Prison: not more than 5 yrs. | 475.991 Penalty for unlawful delivery of imitation controlled substance | MA |
| 166.450 Obliteration or change of identification marks on firearms | Prison: not more than 5 yrs. | | |

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| 475.992* Prohibited acts generally; penalties | |
| (1)(a) Manufacture/deliver controlled substance in Schedule I | FA |
| (1)(b) Manufacture/deliver controlled substance in Schedule II | FB |
| (1)(c) Manufacture/deliver controlled substance in Schedule III | FC |
| (1)(d) Manufacture/deliver controlled substance in Schedule IV | MB |
| (1)(e) Manufacture/deliver controlled substance in Schedule V | MC |
| (2)(a) Deliver marijuana for consideration | FB |
| (2)(b) Deliver for no consideration less than one avoirdupois ounce of marijuana | MA |
| (3)(a) Create/deliver a counterfeit substance in Schedule I | FA |
| (3)(b) Create/deliver a counterfeit substance in Schedule II | FB |
| (3)(c) Create/deliver a counterfeit substance in Schedule III | FC |
| (3)(d) Create/deliver a counterfeit substance in Schedule IV | MB |
| (3)(e) Create/deliver a counterfeit substance in Schedule V | MC |
| (4)(a) Possess controlled substance in Schedule I | FB |
| (4)(b) Possess controlled substance in Schedule II | FC |
| (4)(c) Possess controlled substance in Schedule III | MA |
| (4)(d) Possess controlled substance in Schedule IV | MC |
| (4)(e) Possess controlled substance in Schedule V | Violation |
| (4)(f) Possess less than one avoirdupois ounce of marijuana | Violation |
| 475.993* Prohibited acts for registrants; penalties | |
| (2)(a) If Schedule I controlled substance | FC |
| (2)(b) If Schedule II controlled substance | MA |
| (2)(c) If Schedule III controlled substance | MB |
| (2)(d) If Schedule IV, V controlled substance | MC |
| 475.994 Prohibited acts involving records and fraud; penalties | MA |
| 475.995* Penalties for distribution to minors | |
| (1) If Schedule I or II controlled substance | FA |
| (2) If Schedule III controlled substance | FB |
| (3) If Schedule IV controlled substance | MA |
| (4) If Schedule V controlled substance | MB |
| (5) If marijuana and (a) defendant is more than 18 years of age or (b) deliver is to person at least three years younger than the defendant | FA |

PENNSYLVANIA

18 PA. CONS. STAT. ANN. §x (Purdon 1983 & Supp. 1986).
For drugs: 35 PA. STAT. §x (Purdon 1977 & Supp. 1986).

Criminal Classification Information

§106 Classes of offenses

(a) General rule. An offense defined by this title for which a sentence of death or of imprisonment is authorized constitutes a crime. The classes of crime are:

- (1) Murder of the first degree or of the second degree.
- (2) Felony of the first degree.
- (3) Felony of the second degree.
- (4) Felony of the third degree.
- (5) Misdemeanor of the first degree.
- (6) Misdemeanor of the second degree.
- (7) Misdemeanor of the third degree.

(b) Classification of crimes.

(1) A crime is a murder of the first degree or of the second degree if it is so designated in this title or if a person convicted of criminal homicide may be sentenced in accordance with the provisions of section 1102 of this title (relating to sentence for murder).

(2) A crime is a felony of the first degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is more than ten years.

(3) A crime is a felony of the second degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than ten years.

(4) A crime is a felony of the third degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than seven years.

(5) A crime declared to be a felony, without specification of degree, is of the third degree.

(6) A crime is a misdemeanor of the first degree, if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than five years.

(7) A crime is a misdemeanor of the second degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than two years.

(8) A crime is a misdemeanor of the third degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than one year.

(9) A crime declared to be a misdemeanor, without specification of degree, is of the third degree.

(c) Summary offenses. An offense defined by this title constitutes a summary offense if:

(1) it is so designated in this title, or in a statute other than this title; or

(2) if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than 90 days.

(d) Other crimes. Any offense declared by law to constitute a crime, without specification of the class thereof, is a misdemeanor of the second degree, if the maximum sentence does not make it a felony under this section.

(e) Section applicable to other statutes. An offense hereafter defined by any statute other than this title shall be classified as provided in this section.

INCHOATE OFFENSES

§905 Grading of criminal attempt, solicitation and conspiracy

(a) Grading. Except as otherwise provided in this section, attempt, solicitation and conspiracy are crimes of the same grade and degree as the most serious offense which is attempted or solicited or is an object of the conspiracy. An attempt, solicitation or conspiracy to commit murder or a felony of the first degree is a felony of the second degree.

(b) Mitigation. If the particular conduct charged to constitute a criminal attempt, solicitation or conspiracy is so inherently unlikely to result or culminate in the commission of a crime that neither such conduct nor the actor presents a public danger warranting the grading of such offense under this section, the court may dismiss the prosecution.

§102. Sentence for murder of the first degree

A person who has been convicted of a murder of the first degree shall be sentenced to death or to a term of life imprisonment.

§103. Sentence of imprisonment for felony

A person who has been convicted of a felony may be sentenced to imprisonment as follows:

(1) In the case of a felony of the first degree, for a term which shall be fixed by the court at not more than 20 years.

(2) In the case of a felony of the second degree, for a term which shall be fixed by the court at not more than ten years.

(3) In the case of a felony of the third degree, for a term which shall be fixed by the court at not more than seven years.

§104. Sentence of imprisonment for misdemeanors

A person who has been convicted of a misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall be not more than:

(1) Five years in the case of a misdemeanor of the first degree.

(2) Two years in the case of a misdemeanor of the second degree.

(3) One year in the case of a misdemeanor of the third degree.

§105. Sentence of imprisonment for summary offenses

A person who has been convicted of a summary offense may be sentenced to imprisonment for a term which shall be fixed by the court at not more than 90 days.

PENNSYLVANIA CRIMINAL STATUTES

18 PA. CONS. STAT. ANN. §x (Purdon 1983 & Supp. 1986).
 For drugs: 35 PA. STAT. §x (Purdon 1977 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- 1,2,3 = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

NOTE: Periods of confinement recorded here are maximums.

Statute No. and Title Class/Time

Offenses Involving Danger to the Person

CRIMINAL HOMICIDE (inclusive)

| | |
|---------------------------------|------------|
| 2502 Murder | |
| • I | death/life |
| • II | F1 |
| 2503 Voluntary Manslaughter | F2 |
| 2504 Involuntary manslaughter | M1 |
| 2505* Causing or aiding suicide | |
| • Causes suicide or attempt | F2 |
| • Unsuccessful suicide | M2 |

ASSAULT (inclusive)

| | |
|--|------------------|
| 2701 Simple assault | M2/M3 |
| 2702* Aggravated assault | |
| • If §§ a(1) + (2) | F2: 10 yrs. |
| • If §§ a(3)(4)(5) | M1 |
| • If previous conviction under a(5) | F3 |
| 2703 Assault by prisoner | F: 10 yrs. |
| 2704 Assault by life prisoner | F: death or life |
| 2705 Recklessly endangering another person | M2 |
| 2706 Terrorist threats | M1 |
| 2707 Propulsion of missiles into an occupied vehicle or onto a roadway | M1/M2 |
| 2708 Use of tear or noxious gas in labor disputes | M1 |
| 2709 Harassment | Summary offense |
| 2710 Ethnic intimidation | M3/M2 |

KIDNAPPING

| | |
|---|-------|
| 2901 Kidnapping | F1 |
| 2904* Interference with custody of children | |
| • Actor not parent, possible harm to child | F3/F2 |
| • Acted with good cause | M2 |

| | |
|----------------------------|----|
| 2907 Disposition of ransom | F3 |
|----------------------------|----|

SEXUAL OFFENSES (inclusive)

| | |
|---|----|
| 3121 Rape | F1 |
| 3122 Statutory rape | F2 |
| 3123 Involuntary deviate sexual intercourse | F1 |
| 3124 Voluntary deviate sexual intercourse | M2 |
| 3126 Indecent assault | M2 |
| 3127 Indecent exposure | M2 |

ABORTION

| | |
|-------------------------------|----|
| 3210 Abortion after viability | F3 |
| 3212 Infanticide | F3 |

Offenses Against Property

ARSON, CRIMINAL MISCHIEF AND OTHER PROPERTY DESTRUCTION (inclusive)

| | |
|--|-----------------------|
| 3301* Arson and related offenses | |
| • Intentionally start fire | F1 |
| • Endangering persons | Murder 2: life |
| • Death caused | Murder 1: death; life |
| | F2: 10 yrs. |
| • Endangering property | F3 |
| • Reckless burning or exploding | F3 |
| • Failure to control or report | M1 |
| • Disclosure of true owner | M3 |
| 3302 Causing or risking catastrophe | F1/F2 |
| 3303 Failure to prevent catastrophe | M2 |
| 3304* Criminal mischief | |
| • Loss > \$5,000 | F3 |
| • Loss > \$1,000 | M2 |
| • Loss > \$500 | M3 |
| 3305 Injuring or tampering with fire apparatus, hydrants, etc. | M3 |
| 3306 Unauthorized use or opening of fire hydrants | Summary offense |
| 3307* Institutional vandalism | |
| • Loss > \$5,000 | F3 |
| • Loss < \$5,000 | M2 |

| | | | |
|---|--------------------|---|-----------------|
| BURGLARY AND OTHER CRIMINAL INTRUSION (inclusive) | | 3932* Theft of leased property -punish as theft | |
| 3502 Burglary | F1 | ● Amount > \$2,000 | F3 |
| | | ● If not in Sa | M1 |
| | | ● Amount ≥ \$50 < \$200 | M2 |
| 3503 Criminal trespass 1-10 years | M3/summary offense | ● Amount < \$50 | M3 |
| ROBBERY (inclusive) | | 3933* Unlawful use of computer | |
| | | ● If S(a)(1) | F3 |
| 3701 Robbery | F1/F2/F3 | ● If S(a)(2) | M1 |
| THEFT AND RELATED OFFENSES (inclusive) | | FORGERY AND FRAUDULENT PRACTICES | |
| 3903* Grading of theft offenses | | 4101* Forgery | |
| ● Amount > \$2,000, vehicle, firearm, or fencing | F3 | ● Writing part of issue of money, securities, will, deed, etc. | F2/F3 |
| ● If not in Sa | M1 | ● Otherwise | M1 |
| ● Amount ≥ \$50 < \$200 | M2 | 4103 Fraudulent destruction, removal or concealment of recordable instruments | F3 |
| ● Amount < \$50 | M3 | | |
| 3921* Theft by unlawful taking or disposition | See 3903 | 4106* Credit cards | |
| | | ● Value > \$500 | F3 |
| 3922* Theft by deception | See 3903 | ● Value ≥ \$50 < \$500 | M2 |
| | | ● Value < \$50 | Summary offense |
| 3923* Theft by extortion | See 3903 | | |
| 3924* Theft of property lost, mislaid, or delivered by mistake - punish as theft: | | 4107.2 Deception relating to certification of minority business enterprise or women's business enterprise | F3 |
| ● Amount > \$2,000 | F3 | | |
| ● If not in Sa | M1 | Offenses Against the Family | |
| ● Amount ≥ \$50 < \$200 | M2 | Offenses Against Public Administration | |
| ● Amount < \$50 | M3 | | |
| 3925* Receiving stolen property | See 3903 | BRIBERY AND CORRUPT INFLUENCE | |
| 3926 Theft of services | | 4701 Bribery in official and political matters | F3 |
| ● Value < \$50 | Summary offense | | |
| ● Value ≥ \$50 | M2 | FALSIFICATION AND INTIMIDATION | |
| 3927* Theft by failure to make required disposition of funds received | See 3903 | 4902 Perjury | F3 |
| | | 4909 Witness or informant taking bribe | F3 |
| 3928 Unauthorized use of automobiles and other vehicles | M2: 2 yrs. | 4952 Intimidation of witnesses or victims | F3 |
| 3929* Retail theft | | 4953* Retaliation against witness or victim | |
| ● Value < \$150 first offense | Summary offense | ● Retaliation accomplished as in (b) 1-5 | F3 |
| ● Second offense, value < \$150 | M2 | ● Otherwise | M2 |
| ● First or second offense, value ≥ \$150 | M1 | OBSTRUCTING GOVERNMENTAL OPERATIONS | |
| ● Third, subsequent offense, regardless of value | F3 | 5105* Hindering apprehension or prosecution | |
| 3929.1* Library theft | | ● If conduct constitutes F1 or F2 of aided person | F3 |
| ● Value < \$150, first offense | Summary offense | ● Otherwise | M2 |
| ● Value < \$150, second offense | M2 | | |
| ● Value ≥ \$150, first or second offense | M1 | 5107* Aiding consummation of crime | |
| ● Regardless of value, third, subsequent offense | F3 | ● If principal offense is F1 or F2 | F3 |
| | | ● Otherwise | M2 |
| 3930* Theft of trade secrets | | 5121* Escape | |
| ● Force, violence | F3: 7 yrs. | ● Actor under arrest, employs force, etc. | F3 |
| ● Intent to wrongfully deprive | M1 | ● Otherwise | M2 |
| 3931* Theft of unpublished dramas and compositions | See 3903 | | |

| | | | |
|---|------------------------|--|-----------------|
| 5124* Default in required appearance | | (f)(2) Violate (a) 12, 14, 30 for any I, II, III controlled or counterfeit substance | F: 5 yrs. |
| ● Fails to appear with/without bail | M2 | (f)(3) Violate (a) 12, 14, 30 for IV controlled or counterfeit substance | F: 3 yrs. |
| ● Answer to charge of felony | F3 | (f)(4) Violate (a) 12, 14, 30 for V controlled or counterfeit substance | M: 1 yr. |
| ABUSE OF OFFICE | | | |
| Offenses Against Public Order and Decency | | | |
| RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES | | | |
| 5501 Riot | F3 | (g) Violate (a) 31 | M: 30 days |
| | | (i) Violate (a) 32, 33, 34 | M: 1 yr. |
| | | ● If a minor | M2: 2 yrs. |
| | | (j) Certain violations | F: 5 yrs. |
| WIRETAPPING AND ELECTRONIC SURVEILLANCE | | | |
| 5703 Interception, disclosure or use of wire or oral communications | F3 | 35:780-114 Distribution to persons under age 18 | 2 x penalty |
| 5705 Possession, sale, distribution, manufacture or advertisement of intercepting devices | F3 | 35:780-115 Second or subsequent offense | 2 x penalty |
| PUBLIC INDECENCY | | | |
| 5902* Prostitution and related offenses | | 35:806.1 Physician's name printed or stamped on prescription form | M3 |
| ● Under (b) (b1) (b2) (b3) | F3 | 35:806.2 Penalty | See above |
| ● Otherwise | M2 | 35:821 Sale, etc. of cocaine and eucaine | Imprison 2 yrs. |
| 5903* Obscene and other sexual materials | | 35:822 Sales by wholesalers and manufacturers | Imprison 2 yrs. |
| ● Violate (a) or (f) | M1 | 35:823 Reports of sales by wholesalers | Imprison 2 yrs. |
| ● Violate (a) with prior violation of (a) | F3 | 35:824 Punishment for violations | See above |
| ● Violate (c) or (d) | M1 | 35:825 Illegal possession; punishment | M:6 mos. |
| ● Violate (c) or (d) with prior violation of (c) or (d) | F3 | | |
| Miscellaneous Offenses | | | |
| FIREARMS AND OTHER DANGEROUS ARTICLES | | | |
| 6121 Certain bullets prohibited | F3 | | |
| MINORS | | | |
| 6312 Sexual abuse of children | F2 | | |
| NUISANCES | | | |
| PROPRIETARY AND OFFICIAL RIGHTS | | | |
| PUBLIC UTILITIES | | | |
| SPORTS AND AMUSEMENTS | | | |
| TRADE AND COMMERCE | | | |
| CONTROLLED SUBSTANCES (inclusive) | | | |
| 35:780-113* Prohibited acts penalties (drugs, imitation drugs and paraphernalia covered) | See below | | |
| (b) Violate (a) 1-11, 13, 15-20 | M: 1 yr./ 3 yrs. | | |
| (c) Violate (a) 21, 22, 24 | M: 6 mos./ 2 yrs. | | |
| (d) Violate (a) 23 | M: 3 yrs. | | |
| (e) Violate (a) 25-29 | M: 3 yrs. | | |
| (f)(1) Violate (a) 12, 14, 30 for narcotic I, II controlled or counterfeit substance | F: 15 yrs./ 10 yrs. | | |

KEY

- F = Felony
- M = Misdemeanor
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = Greater than, less than
- ≥, ≤ = Greater than or equal, less than or equal

R.I. GEN. LAWS § (1981 & Supp. 1986).

Criminal Classification Information

11-1-1 Common law offenses not covered by statute.
Every act and omission which is an offense at common law, and for which no punishment is prescribed by the general laws, may be prosecuted and punished as an offense at common law. Every person who shall be convicted of any such offense which is a misdemeanor at common law shall be imprisoned for a term not exceeding one (1) year or be fined not exceeding five hundred dollars (\$500). Every person who shall be convicted of any such offense which is a felony at common law shall be imprisoned for a term not exceeding five (5) years or be fined not exceeding five thousand dollars (\$5,000).

11-1-2 Felony - Misdemeanor - Petty misdemeanor and violation distinguished.
Unless otherwise provided, any criminal offense which at any given time may be punished by imprisonment for a term of more than one (1) year, or by a fine of more than one thousand dollars (\$1,000), is hereby declared to be a felony; any criminal offense which may be punishable by imprisonment for a term not exceeding one (1) year, or by a fine of not more than one thousand dollars (\$1,000), or both, is hereby declared to be a misdemeanor; and any criminal offense which may be punishable by imprisonment for a term not exceeding six (6) months or by a fine of not more than five hundred dollars (\$500), or both, is hereby declared to be a petty misdemeanor; any offense which may be punished by a fine only of not more than five hundred dollars (\$500) is hereby declared to be a violation.

INCHOATE OFFENSES

11-1-6 Conspiracy.
Except as otherwise provided by law, every person who shall conspire with another to commit an offense punishable under the laws of this state, shall be subject to the same fine and imprisonment as pertain to the offense which such person shall have conspired to commit, provided, that imprisonment for such conspiracy shall not exceed ten (10) years.

11-1-7 Conspiracy to commit offense outside the state.
Every person who shall, within this state, conspire with another to engage in conduct in another state punishable under the laws of that state, which conduct would also be punishable under the laws of this state, shall be subject to the same fine and imprisonment as under the law of this state pertain to the offense which such person shall have conspired to commit, provided that imprisonment for such conspiracy shall not exceed ten (10) years.

11-1-9 Soliciting another to commit a crime.
Every person who solicits another to commit or join in the commission of a felony under the laws of this State, shall be guilty of a felony and upon conviction thereof, shall be subject to the same fine and imprisonment as pertain to the offense which such person did solicit another to commit, provided that imprisonment for such solicitation shall not exceed ten (10) years.

NOTE: For categories that are NOT inclusive, crimes with maximum penalties of one year or less are not recorded, unless crime is specified to be a felony. Maximums are recorded, unless a range or minimum (MIN.) is specified.

| Statute No. and Title | Class/Time |
|---|-------------------|
| GENERAL PROVISIONS | |
| 11-1-4 Harboring criminal | 5 yrs. |
| 11-1-5 Compounding or concealing felony | 5 yrs. |
| 11-1-8 Bail jumping | F |
| ABANDONMENT AND NONSUPPORT | |
| 11-2-2 Desertion by leaving State- Decree as evidence | 5 yrs. |
| ARSON AND FIRES (inclusive) | |
| 11-4-2 Arson-First degree | 5 yrs./20 yrs. |
| 11-4-3 Arson-Second degree | 2-20 yrs./20 yrs. |
| 11-4-4 Arson-Third degree | 2-20 yrs./20 yrs. |
| 11-4-5 Arson-Fourth degree | 1-3 yrs. |
| 11-4-6 Arson-Fifth degree | 1-20 yrs. |
| 11-4-7 Arson-Sixth degree | 2 yrs. |
| 11-4-8 Arson-Seventh degree | Fine |
| 11-4-10 Interference with fire alarm apparatus--Penalty | F: 1-5 yrs. |
| ASSAULTS (inclusive) | |
| 11-5-1 Assault with intent to commit specified felonies | 1-20 yrs. |
| 11-5-2 Felony assault | 10 yrs. |
| 11-5-3 Simple assault or battery | 1 year |
| 11-5-4 Assault with dangerous weapon in dwelling house | 10 yrs.-Life |
| 11-5-5 Assault of police officers, firemen, busdrivers and dog officers | F: 3 yrs. |
| 11-5-6 Assault and battery in the collection of a loan | 5 yrs./3-10 yrs. |

| | | | |
|--|----------------------------|---|---|
| 11-5-7 Assault of schoolteachers and other school officials | 3 yrs. | 11-8-5 Breaking and entering other buildings with criminal intent --railroad cars | 10 yrs. |
| 11-5-8 Assault on correctional officers | 3 yrs. | 11-8-5.1 Unlawful breaking and entering of business place, public building or ship during the daytime | 3 yrs. |
| 11-5-9 Domestic assault - Procedure--victim to be informed of rights--Penalties | M: 1 yr. | 11-8-6 Entry to steal poultry - arrest--fine | 5 yrs. |
| 11-5-10 Assault on persons 60 years of age or older | 5 yrs. | 11-8-7 Making, repairing, or possessing burglary tools | 10 yrs. |
| 11-5-11 Assault on mentally retarded persons | 5 yrs. | CHILDREN | |
| BIGAMY, ADULTERY, FORNICATION AND INCEST | | 11-9-1* Exploitation for commercial or immoral purposes ● if sexual | M: 1 yr. 10 yrs./ 15 yrs./ 20 yrs. |
| 11-6-1 Bigamy | 1-5 yrs. | 11-9-1.1 Child nudity prohibited in publications | 10 yrs./ 15 yrs. |
| 11-6-4 Incest | 10 yrs. | 11-9-5 Cruelty to or neglect of child | F: 1-3 yrs. |
| BRIBERY | | 11-9-5.3 Child abuse | 5-10 yrs./ 5 yrs. |
| 11-7-1 Bribery of juror or person exercising judicial function | 7 yrs. | 11-9-17 Sterilization | F: 5 yrs. |
| 11-7-2 Acceptance of bribe by juror or person exercising judicial function | 7 yrs. | 11-9-18 Care of babies born alive during attempted abortions | F: 5 yrs. |
| 11-7-3 Solicitation or acceptance of bribe by agent, employee, or public official | See below | COMMERCIAL TRANSACTIONS | |
| 11-7-4 Bribery of agent, employee, or public official | See below | 11-9.1-2 Fraudulent issuance of bill of lading | 5 yrs. |
| 11-7-5 Penalty for violations ● §§11-7-3 and 1-7-4 | 7 yrs. | 11-9.1-4 Unlawful issuance of duplicate bill of lading | 5 yrs. |
| 11-7-8 Accepting bribe to obtain preferential military treatment | 5-25 yrs. | 11-9.1-6 Transfer of bill of lading for goods not in control of carrier | 5 yrs. |
| 11-7-9 Corruption of sports participant or official | 7 yrs. | 11-9.1-7 Fraudulently procuring issuance of bill of lading | 5 yrs. |
| BURGLARY AND BREAKING AND ENTERING (inclusive) | | 11-9.1-8 Failure to mark non-negotiable bill of lading | 5 yrs. |
| 11-8-1 Burglary | 5 yrs. | 11-9.1-9 Issuance of fraudulent warehouse receipt | 5 yrs. |
| 11-8-1.1 Attempted breaking and entering | Same as particular offense | 11-9.1-11 Failure to mark duplicate warehouse receipt | 5 yrs. |
| 11-8-2 Unlawful breaking and entering of dwelling house | 1-5 yrs. | CRIMES AGAINST NATURE | |
| 11-8-2.1 Unlawful breaking and entering of dwelling with possession of instruments relating to wrongful setting of fires | 15 yrs. | 11-10-1 Abominable and detestable crime against nature | 7-20 yrs. |
| 11-8-2.2 Breaking and entering of dwelling when resident on premises | 1-10 yrs. | DISORDERLY CONDUCT | |
| 11-8-3 Entry of building or ship with felonious intent | 10 yrs. | 11-11-2 Use of dangerous or offensive instruments or substances to disturb public assemblies | 5 yrs. |
| 11-8-4 Breaking and entering business place, public building, a ship at night with felonious intent | 10 yrs. | DUELING AND FIGHTING | |
| | | 11-12-1 Engaging in a duel | 1-7 yrs. |

| | | | |
|--|------------------------|--|----------------------|
| 11-12-2 Challenging or accepting challenge to duel | 1-7 yrs. | FRAUD AND FALSE DEALING | |
| 11-12-6 Fighting by appointment | 10 yrs. | 11-18-1.1 Fraudulent insurance claims for stolen motor vehicles | F: 5 yrs. |
| 11-12-7 Aiding fight by appointment | 5 yrs. | 11-18-25 Concealment or transfer of property with intent to defraud creditors | 2 yrs. |
| 11-12-8 Leaving state to fight by appointment | 5 yrs. | 11-18-27 Sale of false diplomas or certificates | 2 yrs. |
| EXPLOSIVES AND FIREWORKS | | | |
| 11-13-1* Sale, use or possession of fireworks ● class "C" fireworks ● value of fireworks < \$500 | F: 1 yr. M: 1 yr. | 11-18-29 Fraudulent stock certificates | 1-10 yrs. |
| 11-13-8 Delivery or transportation of unmarked explosives of inflammable substances | 5 yrs. | 11-18-31 Solicitation in name of law enforcement agency | 2 yrs. |
| 11-13-9 Threats, false report of or placing bombs in buildings | 10 yrs. | GAMBLING AND LOTTERIES | |
| FALSE PRESENTATION | | | |
| FLAGS AND EMBLEMS | | | |
| FOODS AND BEVERAGES | | | |
| 11-16-4 Furnishing wood alcohol for beverage purposes | Life/any term of years | 11-19-1 Promotion of lotteries | F: 2 yrs. |
| 11-16-5 Poisoning with intent to kill | Life/any term of years | 11-19-5* Acts in aid of policy game ● second offense | 1 yr. 1-5 yrs. |
| 11-16-6 Poisoning in general | 1-20 yrs. | 11-19-14* Bookmaking ● second offense | 1 yr. 1-5 yrs. |
| 11-16-7 Tampering with packaging | 3-10 yrs. | 11-19-14.1* Bookmaking at race-track or fronton--entry by convicted bookmakers prohibited ● engage in bookmaking ● entry | F: 5 yrs. 1 yr. |
| FORGERY AND COUNTERFEITING | | | |
| 11-17-1 Forgery and counterfeiting in general | 10 yrs. | 11-19-18 Keeping at gambling places or devices--acting as dealer, banker or lookout | 2 yrs. |
| 11-17-2 Forgery, counterfeiting, or alteration of state debt certificate or bank bill or note | 2-10 yrs. | 11-19-39* Enforcement and penalties--charitable organizations and gambling ● subsequent offenses | M: 1 yr. 5 yrs. |
| 11-17-3 Passing of counterfeit certificates, bill or notes | 2-10 yrs. | GRAVES AND CORPSES | |
| 11-17-4 Importation or possession of counterfeit certificate, bill or note | 2-10 yrs. | 11-20-1 Disinterment of body | 10 yrs. |
| 11-17-5 Manufacture, repair or possession of counterfeiting devices | 2-10 yrs. | 11-20-2 Desecration of a grave | 2 yrs. |
| 11-17-7 Forgery or counterfeiting of coins | 2-10 yrs. | HAZING | |
| 11-17-8 Passing of counterfeit coins | 2-10 yrs. | 11-21-3 Tattooing or permanent disfigurement | 1-10 yrs. |
| 11-17-9 Importation or possession of counterfeit coin with intent to pass | 2-10 yrs. | HIGHWAYS | |
| 11-17-10 Manufacture, repair, or possession of device for counterfeit coins | 2-10 yrs. | HOMICIDE (inclusive) | |
| | | 11-23-1 Murder | See below |
| | | 11-23-2 Penalties for murder | Life/10 yrs. to life |
| | | 11-23-2.1 Penalty for murder of kidnapped person under age 18 | Life |
| | | 11-23-3 Manslaughter | 30 yrs. |
| | | 11-23-5 Wilfull killing of unborn quick child | 30 yrs. |
| | | 11-23-6 Controlled substance transaction resulting in death of minor | Life |

HOTELS AND PUBLIC PLACES

JAILS AND PRISONS

| | |
|---|--------------------|
| 11-25-1 Escape from correctional institutions | 3 yrs. |
| 11-25-2 Assault or escape by a custodial unit inmate | 1-20 yrs. |
| 11-25-4 Assault or escape by prisoner of medium or minimum custodial unit | 1-20 yrs. |
| 11-25-5 Officer voluntarily allowing prisoner to escape | 10 yrs. |
| 11-25-6 Officer negligently allowing escape | 5 yrs. |
| 11-25-8 Conveyance to prisoner of instruments for escape | 10 yrs./ 5 yrs. |
| 11-25-9 Assisting inmate of correctional institutions to escape | 3 yrs. |
| 11-25-14 Conveyance of unauthorized articles to or from institutions | 10 yrs. |
| 11-25-16 Juvenile escapees | 2 yrs. |
| 11-25-19 Record of visitors | 3 yrs. |

KIDNAPPING

| | |
|--|---------------------|
| 11-26-1 Kidnapping | F: 20 yrs. |
| 11-26-1.1 Childsnatching | F: 2 yrs. |
| 11-26-2 Kidnapping with intent to extort | F: 5 yrs. (MIN.) |

LAW PRACTICE

MALFEASANCE AND MISFEASANCE

| | |
|--|--------|
| 11-28-1 Failure to pay state funds into treasury | 5 yrs. |
|--|--------|

MAYHEM

| | |
|---|-----------|
| 11-29-1 Penalty for mutilation or disabling | 1-10 yrs. |
|---|-----------|

NUISANCES

OBSCENE AND OBJECTIONABLE PUBLICATIONS AND SHOWS

| | |
|--|--------|
| 11-31-1 Circulation of obscene publications and shows | 2 yrs. |
| 11-31-10 Sale or exhibition to minors of indecent publications, pictures or articles | 2 yrs. |
| 11-31-12 Penalty for making receipt of obscene publications a condition to delivery | 2 yrs. |

OBSTRUCTING JUSTICE

| | |
|--|--------|
| 11-32-3 Obstruction of the judicial system | 5 yrs. |
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| | |
|--|--------|
| 11-32-5 *Intimidation of witnesses and victims of crimes | 1 yr. |
| ● causes physical injury or damages to property in attempt to intimidate | 5 yrs. |

PERJURY AND FALSE SWEARING

| | |
|------------------------------------|---------|
| 11-33-1 Perjury | |
| 11-33-2 Penalty for perjury | 20 yrs. |
| 11-33-3 Attempt to procure perjury | 10 yrs. |

PROSTITUTION AND LEWDNESS

| | |
|---|---------------|
| 11-34-1* Pandering | 6 mos.-5 yrs. |
| ● subsequent offenses | 1-10 yrs. |
| 11-34-5* Transportation for indecent purposes--harboring prostitution | 6 mos.5 yrs. |
| ● subsequent offenses | 1-10 yrs. |
| 11-34-5.1 Deriving support or maintenance from prostitution | 5 yrs. |

PUBLIC UTILITIES

| | |
|---|---------|
| 11-35-4 Injuries to electric or communication lines | 2 yrs. |
| 11-35-18 Bomb threats and similar false reports | 10 yrs. |
| 11-35-22 Offenses in connection with authorized interception of communications | 5 yrs. |
| 11-35-24 Possession, sale, distribution, manufacture and advertising of intercepting device | 5 yrs. |

| | |
|---|----------|
| 11-35-25* Fraudulent communication devices | 3 yrs. |
| ● possession of devices, instruments or plans | M: 1 yr. |

RAILROADS AND CARRIERS

| | |
|--|-----------|
| 11-36-1 Hindering passage of trains--placing explosives near highways, buildings or tracks | 20 yrs. |
| 11-36-3* Throwing missiles at trains | 1 yr. |
| ● if injury occurs | F: 3 yrs. |

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|---|--------|
| 11-36-4 Injuring railroad signals or signal lines | 2 yrs. |
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| 11-36-8 Removal of waste or packing from journal boxes | 3 yrs. |
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|---|--------|
| 11-36-9 Obstruction of street railway company | 2 yrs. |
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SEXUAL ASSAULT (inclusive)

| | |
|---|---------|
| 11-37-2 Definition of first degree sexual assault | |
| 11-37-2.1 First degree sexual assault by spouse | 10 yrs. |

| | | | |
|---|---|---|--|
| 11-37-3 Penalty for first degree sexual assault | 10 yrs. | 11-41-5* Penalties for larceny ● if < \$500 ● if victim ≥ 65 ● if > \$500 or firearm | 1 yr. 2 yrs.-10 yrs. 10 yrs./ 2-10 yrs. |
| 11-37-3.3 Failure to report | M: 1 yr. | | |
| 11-37-4 Definition of second degree sexual assault | | 11-41-6 Attempted larceny | Same as completed act |
| 11-37-5 Penalty for second degree sexual assault | 3-15 yrs. | 11-41-7 Larceny from the person | 1-10 yrs. |
| 11-37-6 Definition of third degree sexual assault | | 11-41-8 Stealing of animals | 1 yr. |
| 11-37-7 Penalty for third degree sexual assault | 5 yrs. | 11-41-9 Theft of poultry | 1 yr. |
| 11-37-8 Penalty for assault with intent to commit first degree sexual assault | 3-20 yrs. | 11-41-10 Robbing of fish nets and weirs | Fine |
| 11-37-8.1 Definition of guilt of first degree child molestation sexual assault | | 11-41-11 Embezzlement by bank officer | 20 yrs. |
| 11-37-8.2 Penalty for first degree child molestation sexual assault | 20 yrs. | 11-41-12 Fraudulent conversion by agent or factor | 5 yrs. |
| 11-37-8.3 Definition of guilt of second degree child molestation sexual assault | | 11-41-13 Obtaining signature by false pretenses | 5 yrs. |
| 11-37-8.4 Penalty for second degree child molestation sexual assault | 6-30 yrs. | 11-41-14 Failure to return book or other library property | Fine |
| RIOTOUS ASSEMBLY | | 11-41-17 Unauthorized transfer of vehicle sold on conditional sale | 1 yr. |
| 11-38-5 Inciting riot at a correctional institution | 10 yrs. | 11-41-18 Defacement or conversion of rental battery | Fine |
| ROBBERY (inclusive) | | 11-41-19 Refusal to return rental battery | M: fine |
| 11-39-1 Penalty for robbery and armed robbery | 5 yrs./ 10 yrs.- life | 11-41-20* Shoplifting ● more than \$100 or previous conviction | M: 1 yr. F: 5 yrs. |
| SUNDAY LAWS | | 11-41-20.1 Shoplifting--use of implements in concealment | F: 5 yrs. |
| THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND MISAPPROPRIATION (inclusive) | | 11-41-23 Larceny of marine equipment | 1-10 yrs. |
| 11-41-1 *Stealing as larceny ● if < \$500 ● if victim ≥ 65 ● if > \$500 or firearm | 1 yr. 2 yrs.-10 yrs. 10 yrs./ 2-10 yrs. | 11-41-24 Habitual offender ● §§ 11-41-20; 11-41-2; 11-41-1 | 6 mos.-1 yr. |
| 11-41-2* Receiving stolen goods ● if property obtained from person < 18 ● if < \$500 ● if victim ≥ 65 ● if > \$500 or firearm | 10 yrs. 1 yr. 2 yrs.-10 yrs. 10 yrs./ 2-10 yrs. | 11-41-25 Siphoning of gasoline | Fine |
| 11-41-3* Embezzlement and fraudulent conviction ● if < \$500 ● if victim ≥ 65 ● if > \$500 or firearm | 1 yr. 2 yrs.-10 yrs. 10 yrs./ 2-10 yrs. | GROCERY AND LAUNDRY CARTS, MILK CASES AND EGG BASKETS | |
| | | THREATS AND EXTORTION | |
| | | 11-42-2 Extortion and blackmail | 15 yrs. |
| | | 11-42-3 Ethnic or religious intimidation | 5 yrs. |
| | | 11-42-4 Threats to public officials | 5 yrs. |
| | | TREASON AND RELATED OFFENSES | |
| | | 11-43-1 Treason | Prison for life |
| | | 11-43-3 Misprision of treason | 5-20 yrs. |

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|---|--|--|
| 11-43-7 Unlawful exercise of functions of state office | Prison for life | <ul style="list-style-type: none"> ● dealing in credit cards of another 3 yrs. ● forgery of credit card 3 yrs. ● signing credit card of another 1 yr. |
| 11-43-11 Advocating forcible overthrow of government | F: 10 yrs. | |
| 11-43-12 Advocating anarchy or unlawful destruction of property | F: 10 yrs. | 11-49-4* Fraudulent use of credit cards <ul style="list-style-type: none"> ● value of goods < \$100 1 yr. ● value of goods > \$100 3 yrs. |
| 11-43-13 Conspiracy to advocate anarchy or of government | F: 10 yrs. | 11-49-5* Fraud by person authorized to provide goods or services See below |
| TRESPASS AND VANDALISM | | |
| 11-44-8 Injury to or interference with water control substances | 5 yrs. | |
| 11-44-31 Desecration of places of public assemblage | F: 5 yrs. | 11-49-5(A)* Illegally obtained or illegally possessed credit card; credit card forged, revoked or expired credits <ul style="list-style-type: none"> ● violation of 11-49-5(A) value of goods < \$100 1 yr. ● violation of 11-49-5(A) value of goods > \$100 3 yrs. ● misrepresentation to issuers <ul style="list-style-type: none"> --total value of goods < \$500 1 yr. --total value of goods > \$500 3 yrs. |
| DISORDERLY CONDUCT | | |
| WATERS | | |
| INTERTIDAL SALT MARSHES | | |
| WEAPONS | | |
| 11-47-3 Carrying dangerous weapon or substances when committing a crime of violence | 1-20 yrs./ 5-10 yrs./ 10 yrs.-life | 11-49-6.1* Publishing information for fraudulent purposes <ul style="list-style-type: none"> ● first offense M: 1 yr. ● second or subsequent offense F: 3 yrs. |
| 11-47-5 Criminals and fugitives prohibited from possession | 2-10 yrs. | |
| 11-47-5.1 Larceny of a firearm | 1-5 yrs. | |
| 11-47-8 License or permit required for carrying pistol--possession of machine gun | 1-5 yrs./ 10 yrs. | |
| 11-47-20 Sale or possession of silencers | 1 yr. 1 day (MIN.) | |
| 11-47-20.1 Armour-piercing bullets | 3 yrs. | |
| 11-47-20.2 Possession during commission of a felony | 1-10 yrs. | |
| 11-47-23 False information in securing pistol or license | 5 yrs. | |
| 11-47-24 Alteration of marks of identification on firearms | 5 yrs. | |
| 11-47-26* Penalties for violations of this chapter unless otherwise specified | 5 yrs. | |
| <ul style="list-style-type: none"> ● with relation to rifle, air pistol, "blank gun", or "BB gun" --first offense ● second or subsequent offense | Fine 30 days | |
| SUBSTANCES RELEASING TOXIC VAPORS | | |
| CREDIT CARD CRIME ACT | | |
| 11-49-3* Theft--Obtaining credit card through fraudulent means | | |
| <ul style="list-style-type: none"> ● theft by taking or retaining possession of card taken ● theft of card and lost, mislaid or delivered by mistake ● purchase or sale of credit card of another ● obtaining control of credit card as security for debt | 1 yr. 1 yr. 1 yr. | |
| GAMES OF CHANCE | | |
| ORGANIZED CRIMINAL GAMBLING | | |
| | | 11-51-2 Organized criminal gambling business 5 yrs. |
| COMPUTER CRIME | | |
| | | 11-52-2 Access to computer for fraudulent purposes F: 5 yrs. |
| | | 11-52-3 Intentional access, alteration, damage or destruction F: 5 yrs. |
| | | 11-52-4 Computer theft F: 5 yrs. |
| DEFAMATION | | |
| | | 11-53-2 Threat by terror 2 yrs./10 yrs. |
| EXPERIMENTATION ON HUMAN FETUSES | | |
| | | 11-54-2 Experimentation on human fetuses, penalties F: 1 yr. (MIN.) |
| PARAMILITARY TRAINING | | |
| | | 11-55-3 Paramilitary training prohibited, penalty for violation F: 5 yrs. |
| DUTY TO RENDER ASSISTANCE | | |
| RACKETEER VIOLENCE | | |
| | | 11-57-1 Violent crime in and of racketeering F: 2-10 yrs. |
| | | 11-57-2 Solicitation to commit a violent crime in and of racketeering F: 2-10 yrs. |

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|---|---|--|---------------------------------------|
| Uniform Controlled Substances Act (inclusive) | | (C) Controlled substance listed in schedule V | 2 yrs. |
| SHORT TITLE AND DECLARATION | | (D) Controlled substance listed in schedule I as marijuana | 60 yrs. |
| STANDARDS AND SCHEDULES | | (E) Imitation controlled substance | Twice sentence for substance imitated |
| REGULATION OF, MANUFACTURE, DISTRIBUTING, PRESCRIBING, ADMINISTERING AND DISPENSING | | | |
| OFFENSES AND PENALTIES | | 21-28-4.08 Conspiracy | Same as substantive offense |
| 21-28-4.01* Prohibited acts A - penalties; manufacture, deliver, or possess with intent to do same with | See below | | |
| (A)(1) Controlled substance classified in schedule I or II, except marijuana | Life | 21-28-4.09 General penalty clause; unspecified offenses; penalties | 1 yr. |
| (A)(2)(a) Controlled substance classified in schedule I or II | 30 yrs. | 21-28-4.11 Second offenses | Twice term otherwise authorized |
| (b) Controlled substance classified in schedule III or IV | 20 yrs. | 21-28-4.13 Impersonation of health officials - penalties | 1 yr. |
| (c) Controlled substance classified in schedule V | 1 yr. | 21-28-4.14 Third or subsequent offense | Three times term otherwise authorized |
| (B)(1)(a) Counterfeit substance classified in schedule I or II | 30 yrs. | 21-28-4.15* Employment of person under age eighteen (18) | See below |
| (b) Counterfeit substance classified in schedule III or IV | 20 yrs. | (a) Controlled substance listed in schedules I and II except marijuana | Life |
| (c) Counterfeit substance classified in schedule V | 1 yr. | (b) Controlled substance listed in schedule III or IV | 20 yrs. |
| (C)(1)(a) Possession of controlled substance classified in schedule I, II, III, IV and V except marijuana | 3 yrs. | (c) Controlled substance listed in schedule V or marijuana | 1 yr. |
| (b) Possession of controlled substance classified in schedule I as marijuana | 1 yr. | 21-28-4.16 Crimes against pharmacies | 15 yrs. |
| (D) Manufacture, deliver, or possess with intent to do same with imitation controlled substance | Same as substance was designed to resemble/ 5 yrs. | POWERS OF ENFORCEMENT PERSONNEL | |
| 21-28-4.02 Prohibited acts B - penalties - prescription offenses | 5 yrs. | NARCOTIC GUIDANCE COUNCIL | |
| 21-28-4.03 Prohibited acts C - penalties - prescription offenses | 5 yrs. | DRUG ABUSE REPORTING SYSTEM | |
| 21-28-4.04 Prohibited acts D - penalties - hypodermic instruments | 5 yrs. | 21-28.3-4 Breach of confidentiality | M: 6 mos. |
| 21-28-4.05 Prohibited acts E - false representations to obtain controlled substances | 5 yrs. | CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH ACT | |
| 21-28-4.06* Prohibited acts F - places used for unlawful sale, use or keeping of controlled substances | See below | 21-28.4-10 Penalties | 1 yr. |
| (1)(a) Maintain place | 5 yrs. | SALE OF DRUG PARAPHERNALIA | |
| (b) Allow place | 15 yrs. | 21-28.5-2 Manufacture or delivery of drug paraphernalia - penalty | 2 yrs. |
| (c) Visit place | 1 yr. | 21-28.5-3 Delivery of drug paraphernalia to a minor - penalty | 5 yrs. |
| 21-28-4.07* Distribution to persons under age 18 | See below | RE-USE OF SYRINGES | |
| (A) Controlled substance listed in schedules I and II except marijuana | Life | 21-29.1-1 Re-use of syringes prohibited | Misdemeanor |
| (B) Controlled substance listed in schedule III and IV | Life | DRUGS AND POISONS GENERALLY | |
| | | 21-30-1 Distribution in streets or from house to house prohibited | 1 yr. |
| | | 21-30-4 Sale or possession of wood alcohol with unlawful intent | 6 mos. |

S.C. CODE ANN. §x (Law. Co-op. 1985 & Supp. 1986).

Criminal Classification Information

§16-1-10. Crimes classified as felonies.

The crimes referred to in the following sections: 12-54-40 (tax evasion, failure to collect or remit taxes, assisting in filing false return or document, or attempting to defeat collection of taxes); §§16-1-40 (accessory before the fact in the commission of a felony); 16-3-10 (murder); 16-3-30 (killing by poison); 16-3-40 (killing by stabbing or thrusting); 16-3-50 (manslaughter); 16-3-70 (administering or attempting to administer poison); 16-3-210 and 16-3-220 (lynching); 16-3-410 (challenging or accepting challenge to duel); 16-3-430 (killing in a duel); 16-3-620 (assault and battery with intent to kill); 16-3-651 to 16-3-653 (criminal sexual conduct); 16-3-655 (criminal sexual conduct with minors); 16-3-910 (kidnapping); 16-3-920 (conspiracy to kidnap); 16-9-10 to 16-9-40 (perjury and subornation of perjury); 16-9-210 (bribery); 16-9-220 (accepting bribes); 16-9-260 (corrupting jurors and others); 16-9-270 (acceptance of bribes by jurors and others); 16-9-410 (aiding escape from prison and rescuing prisoner); 16-9-420 (aiding escape from officer or other person); 16-11-110 (arson); 16-11-310 to 16-11-313 (burglary); 16-11-330 (robbery while armed with a deadly weapon); 16-11-350 (train robbery); 16-11-360 (robbery on trains); 16-11-380 (entering bank, etc., with intent to steal); 16-11-390 (safecracking); 16-11-540 (damaging, destroying, etc., building, vehicle or other property by means of explosive or incendiary); 16-11-550 (threatening to kill, injure or intimidate individual or damage or destroy property by means of explosive or incendiary); 16-13-10 (forgery); 16-13-210 (embezzlement of public funds); 16-13-230 (breach of trust with fraudulent intent); 16-15-10 (bigamy); 16-15-120 (buggery); 16-17-470 (eavesdropping or peeping); 16-17-495 (transporting child under sixteen outside State with intent to violate custody order); 23-29-60 and 23-29-90 (registration of members of subversive organizations); 24-3-950 (furnishing contraband to prisoners); 25-7-20 to 25-7-70 (spying and sabotage of war effort); 44-41-80(a) (illegal abortion); the crimes of treason, attempt to rape, robbery and highway robbery, grand larceny and mayhem; 16-3-625 (resisting arrest by a law enforcement officer with use or threat of use of a deadly weapon); 44-53-370(e) (trafficking in controlled substances); 56-5-2945 (injuring or killing any person while driving vehicle under influence of alcohol or drugs); 34-11-90 (drawing or uttering instrument in violation of Chapter 11 of Title 34 in excess of five thousand dollars); 16-3-1060, 20-7-1710, and 21-21-20 (receiving compensation for relinquishment of child for adoption); 16-3-75 (tampering with human drug products or food items); 16-27-30 and 16-27-40 (animal fighting and baiting); and all other criminal offenses punishable under the laws of this State which were felonies under the common law are hereby classified as and declared to be felonies.

§16-1-15. Burglary defined.

Burglary as used in §16-1-10 means burglary of any degree.

§16-1-20. All other crimes classified as misdemeanors.

All other criminal offenses punishable under the laws of this State are hereby classified as and declared to be misdemeanors, anything in any of the statutes of this State which refer to such offenses to the contrary notwithstanding.

§16-1-60. Violent crimes.

For purposes of definition under South Carolina law a violent crime includes the offenses of murder, criminal sexual conduct in the first and second degree, assault and battery with intent to kill, kidnapping, voluntary manslaughter, armed robbery, drug trafficking as defined in §§44-53-370(e), arson in the first degree, burglary in the first degree, and burglary in the second degree under §16-11-312(B).

§16-1-70. Nonviolent crimes.

For purposes of definition under South Carolina law a nonviolent crime is all offenses not specifically enumerated in §16-1-60.

§17-25-20. Punishment for felony when not specially provided for.

When no special punishment is provided for a felony, it shall, at the discretion of the court, be by one or more of the following modes, to wit: Confinement in the Penitentiary or in a workhouse or penal farm, when such institutions shall exist, for a period of not less than three months nor more than ten years, with such imposition of hard labor and solitary confinement as may be directed.

§17-25-30. Sentence where no punishment is provided.

In cases of legal conviction when no punishment is provided by statute the court shall award such sentence as is conformable to the common usage and practice in this State, according to the nature of the offense, and not repugnant to the Constitution.

INCHOATE OFFENSES

Note: Attempts and solicitation appear in individual crime definition sections. See coding section.

§16-17-410. Conspiracy.

The crime known to the common law as "conspiracy" is hereby defined as a combination between two or more persons for the purpose of accomplishing a criminal or unlawful object or an object neither criminal nor unlawful by criminal or unlawful means. The crime of conspiracy is hereby declared to be a misdemeanor, and any person found guilty of the crime of conspiracy shall be sentenced to pay a fine of not more than five thousand dollars or to be imprisoned for not more than five years; provided, that in no event shall a person who is convicted of the crime of conspiracy be given any greater fine or sentence than he would have received had he carried out the criminal or unlawful act contemplated by the conspiracy and had he been convicted of the criminal or unlawful act contemplated by the conspiracy or had he been convicted of the criminal or unlawful acts by which the conspiracy was to be carried out or effected.

SOUTH CAROLINA CRIMINAL STATUTES
S.C. CODE ANN. § (Law. Co-op. 1985 & Supp. 1986).

ASSAULT AND CRIMINAL SEXUAL CONDUCT
(inclusive)

KEY

- F = Felony
- M = Misdemeanor
- SP = State penitentiary
- J = Jail
- HL = Hard labor
- ? = Place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = Greater than, less than
- ≥, ≤ = Greater than or equal, less than or equal

NOTE: Maximum sentence given, unless range or minimum (MIN.) specified. In addition to the statutory and common law crimes related in §16-1-10, the common law crime of strongarm robbery is to be considered a felony. This information has been provided by the Office of the Attorney General, Columbia.

Statute No. and Title Class/Time

Felonies and Misdemeanors; Accessories

16-1-40 Accessories before fact F
shall be punished as principals

Offenses Against the Person

HOMICIDE (inclusive)

16-3-10 "Murder" defined
16-3-20 Punishment for murder: Death/life/
separate sentencing proceeding 20 yrs. MIN.
to determine whether sentence
should be life or death
16-3-30 Killing by poison Punish as
murder/death
16-3-40 Killing by stabbing or Punish as
thrusting murder/death
16-3-50 Manslaughter SP: 2-30 yrs.
HL/3 mos.-
3 yrs.
16-3-70 Administering or attempt- F: 2-10 yrs.
ing to administer poison
16-3-75 Tampering with human drug F: 10-
product or food item; penalty 30 yrs./
5 yrs. MIN.

LYNCHING

16-3-210 Lynching in the first F: death/5-40
degree yrs.
16-3-220 Lynching in the second F: 3-20 yrs.
degree HL

DUELING

16-3-410 Sending or accepting SP: 2 yrs.
challenge to fight
16-3-430 Killing in a duel Death

16-3-610 Assault with concealed SP: 3-12 mos.
weapon with or
without HL
16-3-620 Assault and battery with F: 20 yrs.
intent to kill
16-3-625 Resisting arrest with F: 2-10 yrs.
deadly weapon; sentencing; "deadly
weapon" defined; application of
section
16-3-651 Criminal sexual conduct:
definitions
16-3-652 Criminal sexual conduct F: 30 yrs.
in the first degree
16-3-653 Criminal sexual conduct F: 20 yrs.
in the second degree
16-3-654 Criminal sexual conduct F: 10 yrs.
in the third degree
16-3-655 Criminal sexual conduct F: 30 yrs./
with minors 20 yrs.
16-3-730 Publishing name of vic- M: 3 yrs.
tim of criminal sexual assault
unlawful

SEXUAL PERFORMANCE BY CHILDREN

KIDNAPPING

16-3-910 Kidnapping F: life
16-3-920 Conspiracy to kidnap F: life

MISCELLANEOUS OFFENSES

16-3-1060 Receipt of compensation F: 10 yrs.
for relinquishing custody of child
for adoption; penalty

COMPENSATION OF VICTIMS OF CRIME
VICTIM/WITNESS ASSISTANCE PROGRAM

VICTIMS' AND WITNESS' BILL OF RIGHTS

Offenses Against Civil Rights

OFFENSES AGAINST CIVIL RIGHTS

Offenses Against the Peace

OFFENSES DURING STATE OF EMERGENCY

16-7-10 *Acts considered unlawful M: 30 days
in area designated by governor in
proclamation of emergency
● failure to obey; proclamation,
peace officer, curfew, or order
to disperse
● enter, damage, take or disturb
discretion F: courts
property of another

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|---|--|--|--|
| OFFENSES TENDING TO BREACH OF PEACE | | 16-11-140 Burning of crops and other kinds of personal property | SP: 1-3 yrs. |
| Offenses Against Public Justice | | 16-11-150 Burning lands of another without consent | ?: 1 yr./5 yrs. |
| PERJURY | | 16-11-160 Carrying fire on lands of another without permit | M: 30 days |
| 16-9-10 Perjury and subornation of perjury | F; ?: 6 mos. | 16-11-170 Wilfully burning lands of another | M: 1-5 yrs. |
| 16-9-20 Subornation of perjury in civil actions | F; ?: 6 mos. | 16-11-180 Negligently allowing fire to spread to lands or property of another | M: 20-30 days/ 30 days-1 year |
| 16-9-30 False swearing before persons authorized to administer oaths | F; ?: 6 mos. | 16-11-190 Attempts to burn, with intent to defraud another's personal property | ?: 1-10 yrs. |
| 16-9-40 Additional permissible punishment for wilful and corrupt perjury or subornation of perjury | SP: 7 yrs. HL | BURGLARY, HOUSEBREAKING, ROBBERY AND THE LIKE (inclusive) | |
| BRIBERY, CORRUPTION OF JURORS AND THE LIKE | | 16-11-311 Burglary; first degree | F: life/ 15 yrs. MIN. |
| 16-9-210 Giving or offering bribes to officers | SP: 5 yrs. HL | 16-11-312 Burglary; second degree | F: 15 yrs. |
| 16-9-220 Acceptance of bribes by officers | SP: 10 yrs. HL | 16-11-313 Burglary; third degree | F: 5 yrs./ 10 yrs. |
| 16-9-260 Corrupting jurors, arbitrators, umpires or referees | SP: 5 yrs. HL or J: 1 yr. | 16-11-330 Robbery and attempted robbery while armed with a deadly weapon | ?: 10-25 yrs. HL/? : 3 yrs./ 20 yrs. HL |
| 16-9-270 Accepting of bribes by jurors, arbitrators, umpires or referees | SP: 5 yrs. or J: 1 yr. | 16-11-350 Train robbery by stopping train | SP: 2- 20 yrs. |
| INTERFERENCE WITH JUDICIAL PROCESS | | 16-11-360 Robbery after entry upon train | SP: 10- 20 yrs. |
| AIDING OR PERMITTING ESCAPE OR TAKING OF PRISONERS | | 16-11-370 Robbery of operators of motor vehicles for hire | F: 5- 25 yrs. |
| 16-9-410 Aiding escapes from prison; rescuing prisoners | SP: 7 yrs. HL/ 2 yrs. HL | 16-11-380 Entering bank, depository or building and loan association with intent to steal | F: life/ 5 yr. MIN. |
| 16-9-420 Aiding escape from custody of officers | SP: 2 yrs. HL | 16-11-390 Safecracking | F: life/ 10 yrs. MIN. |
| 16-9-430 Jailer or other officer wilfully suffering escapes | Same sentence as prisoner liable to suffer | TRESPASS AND UNLAWFUL USE OF PROPERTY OF OTHERS | |
| Offenses Against Property | | 16-11-535 Malicious injury to place of worship | F: 6 mos.- 5 yrs. |
| GENERAL PROVISIONS | | 16-11-540 Damaging or destroying building, vehicle or other vehicle or other property by means of explosive or incendiary | F: 2- 20 yrs./ 10-25 yrs./ 25-50 yrs. |
| ARSON AND OTHER OFFENSES INVOLVING FIRE (inclusive) | | 16-11-550 Threatening to kill, injure or intimidate individual or damage or destroy property by means explosive or of incendiary | F: 1-10 yrs./ 5-15 yrs. |
| 16-11-110 Arson | ?: 5-25 yrs./ 2-20 yrs./? 1-10 yrs. | | |
| 16-11-125 Making false claim or statement in support of claim to obtain insurance benefits for fire or explosion loss | M: 5 yrs. | | |
| 16-11-130 Burning personal property to defraud insurer | SP: 1- 5 yrs. | | |

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|--|---|--|-------------------------------|
| THEFT OF CABLE TELEVISION SERVICE | | 16-13-260* Obtaining property under false tokens or letters ● value < \$50 | ?: court's discretion M |
| BOOTLEG RECORDS AND TAPES | | | |
| Forgery, Larceny, Embezzlement, False Pretenses and Cheats | | 16-13-290 Securing property by fraudulent impersonation of officer | M: court's discretion |
| FORGERY, LARCENY, EMBEZZLEMENT, FALSE PRETENSES AND CHEATS (inclusive) | | 16-13-300 Fraudulent removal or secreting of personal property attached or levied on | M: 60 days - 1 yr. |
| 16-13-10 Forgery | ?: 1-7 yrs. | 16-13-310 Taking official records without authority | M: fine |
| 16-13-15 Falsifying or altering transcripts or diploma; fraudulent use of falsified or altered transcript or diploma; penalty | M: 1 yr. | 16-13-320 Swindling | M: 6 mos./ court's discretion |
| 16-13-30 Petit larceny | M | 16-13-330 Stealing or damaging works of literature or objects of art | M: 30 days |
| 16-13-40 *Stealing of bonds and the like ● value < \$20 ● value ≥ \$20 | M F: as if he had stolen other goods of like value | 16-13-331 Unauthorized removal or concealment of library property prohibited; penalty | M: 6 mos./?: 3 days |
| 16-13-50 Stealing livestock; confiscation of motor vehicle or other chattel ● first offense ● second offense ● subsequent offense | ?: 3 mos.- 10 yrs. ?: 1-15 yrs. ?: 5-25 yrs. | 16-13-340 Failure to return books, newspapers, magazine and the like from library and other institutions | M: 30 days |
| 16-13-60 Stealing dogs | M: 6 mos. | 16-13-380 Theft of electric current | M: 30 days |
| 16-13-80 Larceny of bicycles ● value < \$100 | Court's discretion M | 16-13-385 Altering, tampering with or bypassing electric, gas or water meters | M: 30 days/M: 10 yrs. |
| 16-13-100 Stealing crude turpentine | M: 30 days | 16-13-390 Cheating producers of electricity | M: 30 days |
| 16-13-110 Shoplifting | M: 6 mos./30 days/1 yr./ 1-5 yrs. | 16-13-400 Avoiding or attempting to avoid payment of telecommunications services | M: 1 year |
| 16-13-150 Purse snatching | M: 2 yrs. | 16-13-410 Making or possessing device, plans or instructions which can be used to violate 16-13-400 | M: 1 year |
| 16-13-160* Breaking into motor vehicles or tanks, pumps and other containers wherein fuel or lubricants are stored | M/SP: 5 yrs. HL | 16-13-430* Fraudulent acquisition or use of food stamps ● value < \$1,000 ● value > \$1,000 | M: 1 yr. F: 5 yrs. |
| 16-13-170 Entering house or vessel without breaking with intent to steal; attempt to enter | M: court's discretion | 16-13-440 Use of false or fictitious name or address to obtain refund from business establishment for merchandise | M: 30 days |
| 16-13-180 Receiving stolen goods | M | 16-13-450 Unlawful issuance, sale, or offer to sell identification card or document purporting to contain age or date of birth | M: 6 mos. |
| 16-13-190 Stealing tires or tubes | M: 3 mos.- 10 yrs. | 16-13-451 Unlawful submission of documentation required under section 16-13-450 | M: 30 days |
| 16-13-200 Knowingly receiving any of articles described in 16-13-190 | M: 3 mos.- 5 of yrs. | | |
| 16-13-210 Embezzlement of public funds | F: court's discretion | | |
| 16-13-230 Breach of trust with fraudulent intent | F | | |
| 16-13-240 Obtaining signature or property by false pretenses ● value < \$200 | M: 3 yrs. | | |

Financial Transaction Card Crime Act

FINANCIAL TRANSACTION CARD CRIME ACT

16-14-20 Financial transaction and theft F: 3 yrs.

16-14-40 Financial transaction and forgery F: 3 yrs.

16-14-60* Financial transaction and fraud
● value of goods < \$500 M: 1 yr.
● value of goods > \$500 F: 3 yrs.
● willfully exceeding balance or credit line M: 1 yr.
● false reporting of financial status M: 1 yr.
● false reporting of theft or non-receipt of card M: 1 yr.

16-14-70 Criminal possession of financial transaction card forgery devices F: 3 yrs.

16-14-80* Criminally receiving goods and services fraudulently obtained
● value of goods < \$500 M: 1 yr.
● value of goods > \$500 F: 3 yrs.

16-14-100 Penalties See above

Offenses Against Morality and Decency (inclusive)

OFFENSES AGAINST MORALITY AND DECENCY

16-15-10 Bigamy SP: 6 mos. - 5 yrs./ J: 6 mos.

16-15-120 Buggery F: 5 yrs.

16-15-360 Employment of minors F: 1-5 yrs./2-7 yrs./ 3-10 yrs.

16-15-380 Photographing of minor for obscene film or photograph; allowing minor to assist in preparation of obscene material F: 1-5 yrs./2-7 yrs./ 3-10 yrs.

Computer Crime Act

COMPUTER CRIME ACT

16-16-20* Computer crime offenses; penalties
● first degree F: 10 yrs.
● second degree F: 3 yrs./ 7 yrs.
● third degree M: 30 days/ 2 yrs.

Offenses Against Public Policy

BARRATRY

DESECRATION AND MUTILATION OF FLAGS

IMPROPER USE OF NAMES

MISCELLANEOUS OFFENSES

16-17-470 Eavesdropping or peeping F: 3 yrs.

16-17-495* Transporting a child under 16 years of age outside state with intent to violate a custody order
● returns child within seven days M: 3 yrs.
● does not return child within seven days F: 3 yrs.

16-17-550 Bribery of athletes and athletic officials F: 10 yrs.

16-17-640 Blackmail ? : 10 yrs.

Gambling and Lotteries

GAMBLING AND LOTTERIES

Offenses Involving Motor Vehicles

Offenses Involving Weapons

PISTOLS

16-23-50* Penalties; disposition of fines; forfeiture and disposition of pistols
● unlawful carrying of pistols M: 1 yr.
● sale or delivery of pistol and possession by certain persons F: 2 yrs.

MACHINE GUNS, SAWED-OFF SHOTGUNS AND RIFLES

MISCELLANEOUS OFFENSES

Criminal Domestic Violence

GENERAL PROVISIONS

Animal Fighting and Baiting Act

ANIMAL FIGHTING AND BAITING ACT

16-27-30 Acts or omissions constituting felonies; penalties F: 5 yrs.

16-27-40* Acts constituting misdemeanors upon conviction of first or second offense and constituting felonies upon conviction of third or subsequent offense; penalties
● third offense F: 5 yrs.

Poisons, Drugs and Other Controlled Substances

GENERAL PROVISIONS

NARCOTICS AND CONTROLLED SUBSTANCES (inclusive)

44-53-370* Prohibited acts A - penalties; specified offenses
● manufacture, dispense or possess with intention
(b)(1) Controlled substance schedule I(b) and (c) and schedule II narcotic

See below
M: 5 yrs.
F: 10 yrs.
F: 5-20 yrs.
M: 3 yrs.
2 x penalty
M: 1 yr.
2 x penalty

(2) Any other controlled substance in Schedule I, II, or III

- first offense
- second offense
- third or subsequent offense

(3) Substance classified in Schedule IV

- first offense
- second or subsequent offenses

(4) Substance classified in Schedule V

- first offense
- second or subsequent offenses

(d)(1) Controlled substance classified in schedule I (b) and (c) and schedule II narcotic

- first offense
- second offense
- third or subsequent offense

(2) Any other controlled substance classified in Schedule I though V

(3) Possession offense; marijuana < 28 grams or hashish < 10 grams

(e) Sells, manufactures, delivers or brings into state, aids or abets or conspires or is possession of

M: 2 yrs.
F: 3 yrs.
F: 4 yrs.
M: 6 mos./
1 yr.
M: 30 days/
1 yr.
F: 1-10 yrs./
25 yrs./
25-30 yrs./
3-10 yrs./
1-10 yrs./
7-25 yrs./
25-40 yrs.

44-53-380 Prohibited acts B; penalties; prescription offenses

F: 5 yrs.

44-53-390 Prohibited acts C; penalties; prescription; acquisition and counterfeit substance offenses

M: 5 yrs.

44-53-391 Unlawful to advertise for sale, manufacture, sell or deliver or to possess with intent to sell or deliver, paraphernalia

Civil fine

44-53-395* Prohibited acts; penalties; --prescription offenses
● second or subsequent offenses

M: 2 yrs.
F: 5 yrs.

44-53-420 Attempt and conspiracy

Same as for offense planned or attempted

44-53-440* Distribution to persons under eighteen

- controlled substance in schedule I(b) and (c) schedule II narcotic
- any other controlled substance in schedules I through V

F: 20 yrs.
M: 10 yrs.

44-53-445 Distribution of controlled substances within proximity of school

?: 10 yrs.

44-53-590 Penalty for use of property in manner which makes it subject to forfeiture

M: 30 days -
1 yr.

S.D. CODIFIED LAWS ANN. Sx (1979 & Supp. 1986).

Criminal Classification Information**22-1-3. Acts constituting crime - Punishments.**

A crime is an act or omission, other than a petty offense, which is forbidden by law, and to which is annexed, upon conviction, one or more of the following punishments:

- (1) Imprisonment;
- (2) Fine;
- (3) Removal from office;
- (4) Removal of a candidate's name from a ballot; or
- (5) Disqualification to hold and enjoy any public office of honor, trust or profit in this state.

22-1-4. Felony and misdemeanor distinguished.

Crimes are either felonies or misdemeanors. A felony is a crime which is or may be punishable by imprisonment in the state penitentiary. Every other crime is a misdemeanor.

22-6-1. Felony classes and penalties—Restitution—Habitual criminal sentences—Unclassified felonies.

Except as otherwise provided by law, felonies are divided into the following eight classes which are distinguished from each other by the respective maximum penalties hereinafter set forth which are authorized upon conviction;

- (1) Class A felony: death or life imprisonment in the state penitentiary. A lesser sentence than death or life imprisonment may not be given for a Class A felony;
- (2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not be given for a Class B felony;
- (3) Class 1 felony: life imprisonment in the state penitentiary. In addition, a fine of twenty-five thousand dollars may be imposed;
- (4) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition, a fine of twenty-five thousand dollars may be imposed;
- (5) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine of fifteen thousand dollars may be imposed;
- (6) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of ten thousand dollars may be imposed;
- (7) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine of five thousand dollars may be imposed; and
- (8) Class 6 felony: two years imprisonment in the state penitentiary or a fine of two thousand dollars, or both.

The court, in imposing sentence on a defendant who has been found guilty of a felony, may order in addition to the sentence that is imposed pursuant to the provisions of this section, that the defendant make restitution to any victim in accordance with the provisions of chapter 23A-28.

Nothing in this section shall limit increased sentences for habitual criminals under §§22-7-7 and 22-7-8.

Except in cases where punishment is prescribed by law, every offense declared to be a felony and not otherwise classified is a Class 6 felony.

22-6-2. Misdemeanor classes and penalties—Restitution—Unclassified misdemeanors—Act prohibited without penalty.

Except as otherwise provided by law, misdemeanors are divided into two classes which are distinguished from each other by the following maximum penalties which are authorized upon conviction:

- (1) Class 1 misdemeanor: one year imprisonment in a county jail or one thousand dollars fine, or both;
- (2) Class 2 misdemeanor: thirty days imprisonment in a county jail or one hundred dollars fine, or both.

The court in imposing sentence on a defendant who has been found guilty of a misdemeanor, may order in addition to the sentence that is imposed pursuant to the provisions of this section, that the defendant make restitution to any victim in accordance with the provision of chapter 23A-28.

Except in cases where punishment is prescribed by law, every offense declared to be a misdemeanor and not otherwise classified, is a Class 1 misdemeanor.

Where the performance of an act is prohibited by a statute, and no penalty for the violation of such statute is imposed by a statute, the doing of such act is a Class 2 misdemeanor.

22-6-5.1. Double sentence for crime by prisoner.

A court may sentence any person convicted of a crime committed while he was a prisoner as defined by §22-11A-1, to a term of not more than twice the maximum term allowed by the statute for the commission of the same crime by a person not so confined.

22-6-6. Life imprisonment where minimum but no maximum imprisonment is prescribed.

Whenever any person is declared punishable for a crime by imprisonment in the state penitentiary for a term not less than any specified number of years, and no limit to the duration of such imprisonment is declared, the court authorized to pronounce judgment upon such conviction may, in its discretion, sentence such offender to imprisonment during his natural life or for any number of years not less than such as are prescribed.

INCHOATE OFFENSES**22-3-8. Conspiracy to commit offense—Punishment.**

If two or more persons conspire, either to commit any offense against the state of South Dakota, or to defraud the state of South Dakota, or any county, township, school district or municipal corporation in any manner or for any purpose, and one or more of the parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be guilty as follows:

- (1) If the conspiracy was to commit a felony, each party is guilty of a classified felony which is one classification less severe than the felony to be committed, but in no case shall the punishment for conspiracy to commit a felony be less than a Class 6 felony. If the conspiracy was to commit a felony which has not been classified, the principal felony shall be presumed to be classified in the class set forth in § 22-6-1 which matches the maximum imprisonment authorized for that felony; provided, that when the maximum imprisonment authorized for an unclassified felony falls between two classifications, the principal felony shall be presumed to be classified in the less severe class;
- (2) If the conspiracy was to commit a Class 1 misdemeanor, each person is guilty of a Class 1 misdemeanor.

It is not a crime to conspire to commit a Class 2 misdemeanor or a petty offense.

22-4-1. Attempt defined—Punishment.

Any person who attempts to commit a crime and in the attempt does any act toward the commission of the crime, but fails or is prevented or intercepted in the perpetration thereof, is punishable where no provision is made by law for the punishment of such attempt, as follows:

- (1) If the attempted crime is punishable by imprisonment in the state penitentiary for five years or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the state penitentiary or in a county jail, as the case may be, for a term not exceeding one-half the longest term of imprisonment prescribed upon a conviction for the attempted crime;
- (2) If the attempted crime is punishable by imprisonment in the state penitentiary for any time less than five years, the person guilty of such attempt is punishable by imprisonment in a county jail for not more than one year;
- (3) If the attempted crime is punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half the largest fine which may be imposed upon a conviction of the attempted crime;
- (4) If the attempted crime is punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half of the longest term of imprisonment and one-half of the largest fine which may be imposed upon a conviction for the attempted crime; or
- (5) If the attempted crime is punishable by a sentence of life imprisonment or if the attempted crime is punishable by imprisonment in the state penitentiary for a minimum number of years and no maximum punishment is provided, the offender convicted of any such attempt may be punished as if he were guilty of a Class 2 felony.

SOUTH DAKOTA CRIMINAL STATUTES

S.D. CODIFIED LAWS ANN. §x (1979 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- A,B = Crime subclass
- 1,2,3,4,5,6 = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

| Statute No. and Title | Class |
|---|-------|
| TREASON, INSURRECTION AND DISLOYAL ACTS | |
| 22-8-1 Treason defined | F1 |
| MISUSE OF FLAGS | |
| RIOT AND UNLAWFUL ASSEMBLY | |
| 22-10-1 Riot as felony | F4 |
| 22-10-5 Aggravated riot as felony | F3 |
| 22-10-6 Encouraging or soliciting violence in riot as felony | F2 |
| OBSTRUCTION OF THE ADMINISTRATION OF GOVERNMENT | |
| 22-11-9.1 False fire alarm causing injury or death as felony | F5 |
| 22-11-10 *Compounding a felony or misdemeanor | F6 |
| ● compounding misdemeanor | M1 |
| 22-11-15 Threatening or intimidating judicial or ministerial officers or others | F5 |
| 22-11-15.1 Threatening law enforcement officer or family | F5 |
| 22-11-15.2 Threatening constitutional officers | F5 |
| 22-11-16 Attempt to influence jurors, arbitrators or referees | F6 |
| 22-11-19 Tampering with a witness | F4 |
| 22-11-20 Solicitations and agreements by witnesses | F6 |
| 22-11-21 Offer of forged or fraudulent evidence | F5 |
| 22-11-22 Falsification of evidence | F6 |
| 22-11-23.1 Offering false instrument for recording as felony | F6 |
| 22-11-24 Destruction or impairment of public record | F6/F5 |
| 22-11-27 Alteration or removal of serial number --possession of property with altered serial number | F6 |

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|--|-------|--|-----------|
| ESCAPES AND RESCUES | | 22-14A-11 Intentional use of device or explosive to cause bodily harm as felony | F2 |
| 22-11A-2 Escape as felony--sentence consecutive with other terms | F4 | 22-14A-13 Unauthorized possession of substances with intent to make destructive device as felony | F5 |
| 22-11A-5 Concealment of escaped prisoner as felony | F5 | 22-14A-18 Use of explosive or device to destroy another's property as felony--exception | F4 |
| ABUSE OF JUDICIAL PROCESS | | 22-14A-19 Use of explosive or device to endanger human life or safety as felony | F3 |
| IMPROPRIETIES AND BRIBERY IN PUBLIC OFFICE | | 22-14A-20 Placement of explosive or device as to endanger human life or safety | F4 |
| 22-12A-4 Bribery or unlawful influence of legislators | F4 | 22-14A-22* Falsely reporting a bomb as misdemeanor--subsequent convictions as felonies | M1 F6 |
| 22-12A-5 Solicitation of bribes by legislators | F4 | • 1st offense | M1 |
| 22-12A-6 Bribery of public officer | F4 | • subsequent offense | F6 |
| 22-12A-7 Solicitation of bribe by public officer | F4 | HOMICIDE AND SUICIDE (inclusive) | |
| 22-12A-11 Bribery of judicial officer or juror | F4 | 22-16-1 Homicide defined | |
| BREACH OF THE PEACE AND DISORDERLY CONDUCT | | 22-16-4 Murder in the first degree--premeditated design--felony | FA |
| UNLAWFUL USE OF WEAPONS | | 22-16-7 Murder in the 2nd degree--act imminently dangerous to others--depraved mind | FB |
| 22-14-5 Possession of firearm with altered serial number as felony--exception | F6 | 22-16-9 Murder in the 2nd degree--felony murder | FB |
| 22-14-6 Possession of controlled weapon--exceptions | F6 | 22-16-12 Classification of murder | See above |
| 22-14-8 Concealment of weapon with intent to commit felony | F5 | 22-16-15 Manslaughter in the first degree | F1 |
| 22-14-12 Commission of felony while armed with firearms--minimum sentences--consecutive sentencing--execution of sentence | F2/F1 | 22-16-20 Manslaughter in the 2nd degree | F4 |
| 22-14-13.1 Commission of felony while armed with stun gun--consecutive sentencing | F5/F3 | 22-16-37 Aiding and abetting suicide as felony | F6 |
| 22-14-15 Possession of firearm by one with prior violent crime conviction as felony--fifteen-year period | F6 | 22-16-41 Vehicular homicide | F4 |
| 22-14-16 Providing firearm to person with known prior violent crime conviction as felony | F6 | UNAUTHORIZED ABORTION | |
| EXPLOSIVES AND DESTRUCTIVE DEVICES | | ASSAULTS AND PERSONAL INJURIES (inclusive) | |
| 22-14A-4 Sale, transportation, or possession of destructive device as felony--increased penalty for prior violent crime conviction | F3/F4 | 22-18-1 Simple assault | M1 |
| 22-14A-5 Carrying or placing explosive or device on vehicle or in baggage--felony | F2 | 22-18-1.1 Aggravated assault | F3 |
| 22-14A-6 Possession of explosive or device with intent to injure, intimidate or destroy property as felony | F3 | KIDNAPPING | |
| | | 22-19-1 Kidnapping defined--class of felony | F1/FA |
| | | 22-19-6 Possession of ransom or reward | F3 |
| | | 22-19-7 Taking, or enticing away child with intent to conceal | F4 |
| | | 22-19-8 Substitution of infant with intent to deceive | F5 |

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| 22-19-9* Taking, enticing away or keeping of unmarried minor child by parent | | THEFT (inclusive) | |
| ● first violation | M1 | 22-30A-1* Theft defined | F4 |
| ● subsequent violation | F6 | ● grand theft | M1/M2 |
| | | ● petty theft | |
| 22-19-10 Removal of child from state | F5 | 22-30A-2* Transfer of another's property as theft | |
| | | ● grand theft | F4 |
| | | ● petty theft | M1/M2 |
| SEX OFFENSES (inclusive) | | | |
| 22-22-1 Rape defined--degrees--felony | F2/F3/F4 | 22-30A-3* Theft by deception defined | |
| | | ● grand theft | F4 |
| 22-22-1.1 Spousal rape--time for complaint--felony | F2 | ● petty theft | M1/M2 |
| | | | |
| 22-22-7* Sexual contact with child under 16--felony or misdemeanor | | 22-30A-4 *Theft by threat | |
| ● under 16 (child) | F4 | ● grand theft | F4 |
| ● actor less than 3 yrs. older than other person | M1 | ● petty theft | M1/M2 |
| | | | |
| 22-22-7.2 Sexual contact with person incapable of consenting--felony | F4 | 22-30A-6* Theft of lost or mislaid property | |
| | | ● grand theft | F4 |
| | | ● petty theft | M1/M2 |
| 22-22-15 Bigamy defined--exceptions--felony | F6 | 22-30A-7* Receiving stolen property | |
| | | ● grand theft | F4 |
| | | ● petty theft | M1/M2 |
| 22-22-19.1 Incest-prohibited sexual contact--felony | F5 | 22-30A-8* Obtaining services without paying | |
| | | ● grand theft | F4 |
| | | ● petty theft | M1/M2 |
| 22-22-23 Photographing child in obscene act as felony | F4 | 22-30A-8.1 *Obtaining property or services with false credit card | |
| | | ● grand theft | F4 |
| 22-22-24 Sale of obscene pictures of child as felony | F6 | ● petty theft | M1/M2 |
| OBSCENITY AND PUBLIC INDECENCY | | | |
| GAMBLING AND LOTTERIES | | | |
| INTERFERENCE WITH RELIGIOUS PRACTICES | | | |
| PROSTITUTION | | | |
| 22-23-2 Procuring or promoting prostitution as felony | F5 | 22-30A-9* Diverting services of another | |
| | | ● grand theft | F4 |
| | | ● petty theft | M1/M2 |
| 22-23-8 Pimping as felony--renting for prostitution | F6 | 22-30A-10* Embezzlement of property received in trust | |
| | | ● grand theft | F4 |
| | | ● petty theft | M1/M2 |
| PERJURY AND FALSE OFFICIAL STATEMENTS | | | |
| 22-29-1 Perjury defined | | 22-30A-12 Unauthorized operation of vehicle, etc. | M1 |
| 22-29-5 Felony classes of perjury | F3/F4/F5 | 22-30A-13* Theft by conversion of rented personalty after notice of termination | |
| 22-29-7 Punishment for subordination of perjury | F3/F4/F5 | ● grand theft | F4 |
| | | ● petty theft | M1/M2 |
| 22-29-16 Obtaining more than two hundred dollars as felony | F6 | 22-30A-17* Grand theft and petty theft distinguished--degrees of petty theft | |
| | | ● grand theft | F4 |
| | | ● petty theft | M1/M2 |
| ROBBERY (inclusive) | | | |
| 22-30-1 Robbery defined | | 22-30A-20* Unauthorized possession of federal department of agriculture commodities transferred to state | |
| 22-30-6 Degrees of robbery | | ● grand theft | F4 |
| | | ● petty theft | M1/M2 |
| 22-30-7 Felony classes of robbery | F2/F4 | 22-30A-21 Law enforcement officer retaining seized property as theft | |
| | | ● grand theft | F4 |
| | | ● petty theft | M1/M2 |

BURGLARY AND UNLAWFUL ENTRY (inclusive)

- 22-32-1 First degree burglary defined--felony F2
- 22-32-3 Second degree burglary defined--felony F3
- 22-32-8 Third degree burglary defined--felony F4
- 22-32-16 Entry of structure to commit any crime as misdemeanor M1
- 22-32-17 Possession of weapon or tools with intent to commit burglary as felony F5

ARSON (inclusive)

- 22-33-1 Burning of structure known to be occupied as first degree arson--felony F1
- 22-33-2 Burning of occupied structure as second degree arson--felony F2
- 22-33-3 Burning of unoccupied property without owner's consent as third degree arson--felony F4
- 22-33-4 Burning to defraud insurer as felony F4

VANDALISM AND INJURIES TO PROPERTY

- 22-34-1* Intentional damage to property--degree of offense according to value
 - < \$20 damage M2
 - < \$200 > \$20 M1
 - > \$200 F4
- 22-34-28 Intentional interruption of communications, transportation, or utility service as felony F6

UNLAWFUL OCCUPANCY OF PREMISES

PUBLIC NUISANCES

FORGERY AND COUNTERFEITING

- 22-39-36 Forgery defined--felony F5
- 22-39-37 Making or possessing forgery or counterfeiting devices as felony F6
- 22-39-38 Possession of known forged instrument with intent to defraud as felony F6

FALSE PERSONATION

FRAUD AND MISREPRESENTATION

- 22-44-1.2* Passing check against insufficient funds, etc.
 - 3rd degree M2
 - 2nd degree M1
 - 1st degree F6

CONTROLLED SUBSTANCES AND MARIJUANA (inclusive)

- 22-42-2 Unauthorized manufacture, distribution, counterfeiting or possession of substances with high potential for abuse as felony--mandatory sentences F4/F2
- 22-42-3 Unauthorized manufacture, distribution, counterfeiting or possession of substances with moderate potential for abuse as felony--mandatory sentences F5/F3
- 22-42-4 Unauthorized manufacture, distribution, counterfeiting or possession of substances with moderate potential for abuse as felony--mandatory sentences F6/F4
- 22-42-5 Unauthorized possession of controlled substance as felony F5
- 22-42-6* Possession of marijuana prohibited--degrees according to amount
 - if < 1 oz. M2
 - if > 1 oz. and < 1/2 lb. M1
- 22-42-7* Distribution of specified amounts of marijuana with and without consideration
 - < 1 oz. M2/M1

- 22-42-8 Obtaining possession of controlled substance by misrepresentation, forgery or fraud F5
- 22-42-9 Manufacture, distribution or possession of equipment for making counterfeit controlled substance as felony F5
- 22-42-10 Keeping place for use or sale of controlled substances as felony F5

- 22-42-11 Inhabiting room where controlled substances illegally stored or used as misdemeanor M1

- 22-42-15 Ingesting substance except alcoholic beverages for the purpose of becoming intoxicated M1

- 22-42-16 Delivery or manufacture of noncontrolled substance represented to be controlled M1

DRUG PARAPHERNALIA

- 22-42A-3 Use or possession of drug paraphernalia as misdemeanor M2

- 22-42A-4 Delivery of drug paraphernalia as misdemeanor M1

COMMERCIAL BRIBERY

CABLE TELEVISION AND MULTIPOINT
DISTRIBUTION OF SYSTEMS

UNLAWFULLY OBTAINING BENEFITS OR
PAYMENTS FROM MEDICAL ASSISTANCE
PROGRAM

22-45-2 Action by which claimant F5
commits an offense

22-45-3 Application to participate F5
as provider--Perjury for submitting
false statements

22-45-4 Action of person aiding F5
provider with goods or services or
referring individuals to provider
for which additional value received
an offense

22-45-5 Offense of acceptance of F5
amount in addition to amount
legally payable under program

ABUSE OR EXPLOITATION OF DISABLED ADULTS

22-46-2 Abuse of disabled adult as F6
felony

FIREARMS CONTROL

23-7-12 False information or false F6
evidence of identity to secure
pistol or permit as felony

CORONOR'S INQUESTS

TENN. CODE ANN. Sx (1982 & Supp. 1986).

Criminal Classification Information

39-1-103. Felonies and misdemeanors distinguished.

All violations of law punished by imprisonment in the penitentiary or by the infliction of the death penalty are, and shall be denominated, felonies, and all violations of law punished by fine or imprisonment in the county jail or workhouse or both, shall be denominated misdemeanors.

39-1-104. Prohibited act when no penalty prescribed is misdemeanor.

When the performance of any act is prohibited by statute, and no penalty, punishment or forfeiture for the violation of such statute is imposed, the doing of such act is a misdemeanor.

39-1-201. Penalty for felony.

Whenever a person is convicted, either as principal or accessory, of a felony the punishment for which is not otherwise provided in this Code, he shall be sentenced to imprisonment in the penitentiary not less than one nor more than ten (10) years.

39-1-202. Penalty for misdemeanor.

Every person who is convicted of a misdemeanor, the punishment for which is not otherwise prescribed by a statute of this state, shall be punished by imprisonment in the county jail or workhouse not more than one year, or by fine not exceeding one thousand dollars (\$1,000), or by both, in the discretion of the court.

39-1-702. Certain offenses as Class X felonies.

The following offenses shall be Class X felonies:

- (1) Murder in the first degree;
- (2) Murder in the second degree, but excluding vehicular homicide in violation of the Tennessee Code Annotated;
- (3) Aggravated rape and aggravated sexual battery;
- (4) Aggravated kidnapping;
- (5) Robbery accomplished by use of a deadly weapon;
- (6) Aggravated arson;
- (7) Conspiracy to take human life or to commit a felony on the person of another;
- (8) Assault with intent to commit murder, with bodily injury to the victim;
- (9) The manufacture, delivery or sale or possession with intent to manufacture, deliver or sell or conspiracy to manufacture, deliver or sell certain quantities of a controlled substance as prohibited by S 39-6-417(c), (d);
- (10) Assault from ambush with a deadly weapon; and
- (11) Willful injury by explosives.

39-1-703. Nature of Class X felonies.

All Class X felonies shall:

- (1) Be determinate in nature;
- (2) Not be subject to reduction for good, honor or incentive or other sentence credit of any sort;
- (3) Terminate or expire only after service of the entire sentence, day for day, under the control and supervision of the state of Tennessee; and
- (4) Not be included in any pre-trial diversion program either before or after any court hearing.

39-1-404. Penalties.

(a) A person committing the offense of solicitation of a misdemeanor shall be guilty of a misdemeanor, and shall be punished as if he had committed the most serious misdemeanor which was solicited.

(b) A person committing the offense of solicitation of a felony shall be guilty of a felony, and shall be punished as if he had committed an attempt or an assault with intent to commit the most serious felony which was solicited, or any lesser included felony in the discretion of the jury.

39-1-501. Attempting to commit felony.

If any person attempts to commit any felony or crime punishable by imprisonment in the penitentiary, where the punishment is not otherwise prescribed, he shall, on conviction, be punished by imprisonment in the penitentiary not exceeding five (5) years, or, in the discretion of the jury, by imprisonment in the county workhouse or jail not more than one year, and by fine not exceeding five thousand dollars (\$5,000).

39-1-502. Attempt to suborn perjury...(misdemeanor).

39-1-503. Attempt to commit sabotage...liable to one half (1/2) the punishment prescribed for the completed crime...

39-1-504. Attempt to destroy property or injure person by use of fire bomb...felony, and upon conviction shall be punished by confinement in the state penitentiary for a period of time not less than two (2) years, nor more than five (5) years.

39-1-505. Attempt to burn property...shall be guilty of arson, and upon conviction thereof shall be sentenced to the county jail or workhouse for a period not to exceed eleven (11) months and twenty-nine (29) days.

39-1-506. Attempt to destroy property with explosives...felony, and upon conviction shall be punished by confinement in the state penitentiary for a period of time not less than five (5) years nor more than ten (10) years.

39-1-507. Attempt to manufacture intoxicating liquor. The offenses described in §§39-6-616, 39-6-617 shall be deemed to have been committed by any person who shall attempt to manufacture intoxicating liquor...and any such attempt shall be punished as described in 39-6-917.

39-1-603. Conspiracy as misdemeanor.

Persons guilty of any conspiracy described in §§ 39-1-601, 39-1-602 or of any conspiracy at common law, are guilty of a misdemeanor.

39-1-604. Conspiracy to take life or commit felony on a person—Conspiracy to prosecute innocent person.

- (a) If the conspiracy be:
- (1) To take a human life; or
 - (2) To commit a felony on the person of another, the persons so conspiring shall be guilty of a Class X felony, and upon conviction shall be imprisoned in the state penitentiary for not less than five (5) nor more than fifteen (15) years.
- (b) If the conspiracy be to indict or prosecute an innocent person for a felony, knowing such a person to be innocent, and the person shall be falsely and maliciously indicted in pursuance of such a conspiracy, the persons so conspiring shall be guilty of a felony and upon conviction shall be imprisoned in the state penitentiary for not less than two (2) nor more than ten (10) years.

39-1-605. Conspiracy to commit offense against state or violate election laws...penalty of not more than ten thousand dollars (\$10,000) and imprisonment in the penitentiary for not more than five (5) years, or to both fine and imprisonment in the discretion of the jury.

39-1-606. Conspiracy to take human life, inflict punishment, or burn or destroy property. It shall be a felony punishable by from three (3) years to twenty-one (21) years' imprisonment in the penitentiary and by full judgment of infamy and disqualification...

39-1-607. Conspiracy to sabotage a nuclear production facility....felony and shall be punished by imprisonment in the penitentiary for a term of not less than three (3) years nor more than twenty-one (21) years...

39-1-608. Conspiracy to commit arson. It shall be a felony punishable by imprisonment in the penitentiary for not less than three (3) years nor more than twenty-one (21) years...

39-1-609. Conspiracy to commit illegal act with explosives...felony and upon conviction thereof shall be punished by confinement in the state penitentiary for not less than two (2) or more than ten (10) years.

39-1-610. Conspiracy by inmates to kill or escape...imprisoned in the penitentiary not less than four (4) years nor more than ten (10) years, to commence at the expiration of the term of the previous sentence, if not then expired.

39-1-611. Conspiracy by juvenile confined in institutions. (felony)...when a juvenile is tried and convicted as an adult for the commission of this offense, he shall be punished by imprisonment for not less than one (1) year nor more than five (5) years.

39-1-612. Encouraging or aiding in conspiracy of § 39-1-606. It shall be a felony, punished in like manner as the offense described in § 39-1-606...

39-1-613. Conspiracy to use fire bomb.... felony and upon conviction shall be punished by confinement in the state penitentiary for a period of not less than two (2) years, nor more than five (5) years.

39-1-614. Conspiracy to commit sabotage. If two (2) or more persons conspire to commit any crime defined in §§39-5-811-39-5-821, each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit,

39-1-615. Conspiracy to riot....a felony and, upon conviction, such persons shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or confined in the penitentiary for not less than one (1) year nor more than five (5) years or both.

40-35-211. Court to impose determinate sentences Felon sentenced as misdemeanor.
---In fixing a sentence for a felony or misdemeanor, the court shall impose a specific sentence length for each offense.
(1) Specific sentences for a felony shall be for a term of years or months or life, if the defendant is sentenced to the department of corrections, or a specific term of years, months or days if the defendant is sentenced for a felony to any jail or workhouse. Specific sentences for a misdemeanor shall be for a

specific number of months or days or hours or any combination thereof. There shall be no indeterminate sentences. Sentences for all felonies and misdemeanors shall be determinate in nature, and the defendant shall be responsible for the entire sentence undiminished by sentence credits of any sort except for credits authorized by §40-23-101 relative to pretrial/jail credits or §§33-5-306 and 33-7-102 relative to mental examinations and treatment, and prisoner sentence reduction credits authorized by §41-21-236. (2) Where the minimum punishment for any offense is imprisonment in the penitentiary for one (1) year, but in the opinion of the court the offense merits a lesser punishment, the defendant may be sentenced to the county jail or workhouse for any period less than one (1) year except as otherwise provided. If a defendant is convicted of an offense designated as a felony but the court imposes a sentence of less than one (1) year in the local jail or workhouse, or in a regional workhouse, such defendant shall be considered a felon but shall be sentenced as in the case of a misdemeanor, and therefore shall be entitled to sentence credits under §41-2-111. Upon such defendant becoming eligible for work release, furlough, trusty status or related rehabilitative programs as specified in §40-35-302(d), he may be placed in such programs by the sheriff or administrative authority having jurisdiction over the jail or workhouse.

TENNESSEE CRIMINAL STATUTES
TENN. CODE ANN. Sx (1982 & Supp. 1986).

KEY

- F = Felony
- FX = Class X felony
- M = Misdemeanor
- SP = State penitentiary
- J = Jail
- ? = Unspecified place of imprisonment
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

NOTE: For classifications that are NOT inclusive, crimes with penalties of less than 1 year in jail are NOT recorded. Maximums are recorded unless a range or minimum (MIN.) is specified. As noted in the appended classification information (see §40-35-211(2)), a number of felony violations may receive alternate jail sentences. As they remain felonies, this distinction notwithstanding, the violations do not receive an asterisk.

| Statute No. and Title | Class/Time | Statute No. and Title | Class/Time |
|--|---|--|--|
| Offenses Against the Person | | | |
| ASSAULTS AND INJURIES (inclusive) | | | |
| 39-2-101 Aggravated assault | ?; 2-10 yrs. | 39-2-116 Throwing object at common carrier | F; SP: 1-15 yrs. |
| 39-2-102 Assault with intent to commit felony | SP: 5 yrs. or J: 1 yr. | 39-2-117 Destruction of property or injury to person during state of emergency | F; SP: 3-21 yrs. |
| 39-2-103 Assault with intent to murder | SP: 5-25 yrs./5 yrs./FX | 39-2-118 Negligence of steamboat personnel resulting in death or injury | SP: 5 yrs. |
| 39-2-104 Assault with intent to rob | SP: 3-15 yrs./SP: 5-21 yrs. | 39-2-119 Negligence by train operator resulting in wounding or crippling | J: 11 mos., 29 days |
| 39-2-105 Assault upon spouse | M | HOMICIDE (inclusive) | |
| 39-2-106 Included offense under assault with intent to kill or commit felony | Punish as assault or aggravated assault | 39-2-201 Murder Generally | |
| 39-2-107 Assault from ambush | F; SP: 10 yrs. -life/FX | 39-2-202 First-degree Murder | FX: death or SP: life |
| 39-2-108 Assault upon protective services worker or human services investigator | M | 39-2-206 Punishment of accessory before the fact of first-degree murder | SP: life or death |
| 39-2-109 Assault with deadly weapon while in disguise | SP: 10-21 yrs. | 39-2-211 Second-degree murder | FX |
| 39-2-110 Assault by juvenile confined in institution | SP: 3-21 yrs. | 39-2-212 Punishment for second-degree murder | SP: life-10 yrs. |
| 39-2-111 Mayhem | SP: 2-10 yrs. | 39-2-221 Manslaughter | |
| 39-2-112 Malicious shooting or stabbing | SP: 2-10 yrs. | 39-2-222 Punishment for voluntary manslaughter | SP: 2-10 yrs. |
| 39-2-114 Shooting or stabbing without malice | Punish as assault & battery | 39-2-223 Punishment for involuntary manslaughter | SP: 1-5 yrs. |
| 39-2-115 Shooting or throwing missile calculated to produce death or bodily harm | F; SP: 1-5 yrs. | 39-2-231 Vehicular manslaughter | |
| | | 39-2-232 Punishment for vehicular homicide | SP: 5 yrs./1-21 yrs. |
| | | 39-2-234 Negligence by train operator resulting in death | F; SP: 1-3 yrs. |
| | | KIDNAPPING AND HOSTAGES | |
| | | 39-2-301 Aggravated kidnapping-- assault with intent to kidnap | FX/SP: 5-15 yrs. |
| | | 39-2-302 Definition - Penalty | SP: 2-10 yrs. |
| | | 39-2-303 Kidnapping children under eighteen | SP: 1-5 yrs. |
| | | 39-2-304 Unlawful representation to obtain ransom | SP: life-5 yrs. |
| | | 39-2-305 Hostages held by inmate | F; SP: 5-15 yrs. |
| | | LIBEL | |
| | | ROBBERY (inclusive) | |
| | | 39-2-501 General Provisions | SP: 5-15 yrs./ death/ SP: 10 yrs./ life- 10 yrs./ FX |
| | | 39-2-502 Bank Robbery | SP: 20-40 yrs. |

SEXUAL OFFENSES (inclusive)

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| 39-2-603 Aggravated Rape | F; SP: life - 20 yrs./FX | 39-2-708 Threats or intimidation to compel dismissal of laborers | F; SP: 3-15 yrs. |
| 39-2-604 Rape | F; SP: 5-20 yrs. | 39-2-709 Inciting or conspiring to commit offenses under §§ 39-1-707 and 39-2-708 | F; SP: 3-15 yrs. |
| 39-2-605 Statutory Rape | F; SP: 5 yrs. | 39-2-710 Burning of cross or other religious symbol | F; SP: 1-5 yrs. |
| 39-2-606 Aggravated Sexual Battery | F; SP: 5-35 yrs./FX | Offenses Against Property | |
| 39-2-607 Sexual Battery | F; SP: 5 yrs. | ANIMALS | |
| 39-2-608 Assault with intent to commit or attempt to commit rape or sexual battery | F; SP: 10-20 yrs./SP: 3 yrs. | 39-3-102 Killing livestock | SP: 1-5 yrs. |
| 39-2-609 Pregnancy, venereal disease, or mental illness of victim--increased penalty ● an enhancement | SP: 5 yrs. (MIN.) | 39-3-105* Cock and animal fighting ● subsection 1, 2, 3 | F; SP: 1-3 yrs. M; J |
| 39-2-612 Crimes against nature | SP: 5-15 yrs. | 39-3-125 Stealing livestock - Authority to stop vehicle carrying livestock--special livestock information file | SP: 5-15 yrs. |
| 39-2-613 Forcible marriage or abduction of female | SP: 10-21 yrs. | 39-3-129 Receiving stolen livestock | SP: 3-10 yrs. |
| 39-2-614 Indecent Exposure | M | ARSON AND BURNING (inclusive) | |
| 39-2-624 Offense of Prostitution-Penalty | M | 39-3-201 Aggravated Arson | SP: life - 10 yrs./FX |
| 39-2-625 Patronizing Prostitution | M | 39-3-202 Setting fire to building or structure | SP: 3-21 yrs. |
| 39-2-626 Promoting Prostitution ● 1st degree ● 2nd degree ● 3rd degree | SP: 3-10 yrs. SP: 2-5 yrs. SP: 1-3 yrs. | 39-3-203 Setting fire to property | SP: 1-10 yrs. |
| 39-2-634 Punishment for engaging in prostitution | SP: 30 days/ 60 days/11 mos., 29 days | 39-3-204 Setting fire with intent to burn | SP: 1-5 yrs. |
| 39-2-635 Punishment for soliciting, procuring or aiding or abetting prostitution or assignation | SP: 1-3 yrs./ SP: 2-5 yrs./ SP: 3-10 yrs. | 39-3-205 Burning of insured property | SP: 10 yrs. |
| 39-2-640 Abduction of female from parents or guardian | SP: 3-10 yrs. | 39-3-206 Willful and malicious setting of fires | F; SP: 1-5 yrs. |
| 39-2-642 Punishment for solicitation near school or church | SP: 48 hrs.- 30 days SP: 10-60 days/SP: 30 days - 11 mos., 29 days | 39-3-208 Causing fire of building by use of fire bomb | SP: 5-15 yrs. |
| | | 39-3-209 Causing fire of personal property by use of fire bombs | F; SP: 5-15 yrs. |
| | | 39-3-210 Causing injury to person by use of fire bomb | F; SP: 5-15 yrs. |
| | | 39-3-211 Possession of fire bomb or material for making | F; SP: 2-5 yrs. |
| | | 39-3-212 Manufacture and disposal of fire bomb | SP: 2-5 yrs. |
| | | 39-3-221 Negligent or careless setting of fire | M |
| | | 39-3-222 Negligent burning | M |
| | | 39-3-223 Negligent handling of fires near forest land | M |
| | | 39-3-224 Leaving fire near woodland unattended | M |
| | | 39-3-225 Negligently setting fire to wooded land of state or United States | M |
| THREATS, INTIMIDATION AND EXTORTION | | | |
| 39-2-701 Threats for purpose of extortion or obtaining action | SP: 2-5 yrs. | | |
| 39-2-702 Use of intimidation or coercion to influence state officials | F | | |
| 39-2-704 Entering or demanding entrance upon premises of another while in disguise | SP: 10-20 yrs. | | |
| 39-2-707 Threats or intimidation to prevent disposal of farm products | F; SP: 3-15 yrs. | | |

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| 39-3-226 Setting fires at certain times without permit | M | 39-3-508 Receipt of items obtained in violation of credit card law | SP: 1-5 yrs. |
| BAD CHECKS | | 39-3-510 Penalties | See above |
| 39-3-301* Drawing check or order without sufficient funds | | 39-3-512 Obtaining goods, property or service by use of credit card known to be stolen, forged, expired or revoked | F |
| • when amount < \$100 | M; J: 11 mos., 29 days | • if grand larceny | SP: 3-10 yrs. |
| • when amount is > \$100 | SP: 3-10 yrs. | • if petit larceny | SP: 1-5 yrs. |
| 39-3-302* Refusal of payment by drawee as evidence of fraudulent intent | | DEBIT CARD CRIMES | |
| • when amount < \$100 | M; J: 11 mos., 29 days | 39-3-604 Debit card theft and forgery--receiving, selling or buying debit cards--illegal deposits | SP: 3-10 yrs. SP: 1-5 yrs. |
| • when amount is > \$100 | SP: 3-10 yrs. | 39-3-605 Use of forged, expired or revoked debit card with intent to defraud | SP: 1-5 yrs. |
| 39-3-303* Checks given by employer to employee | M; J: 11 mos., 29 days | 39-3-606 Possession of incomplete debit cards or machines for duplicating debit cards | SP: 3-10 yrs. |
| • when amount < \$100 | SP: 3-10 yrs. | 39-3-607 Interference with electronic funds transfer system | SP: 3-10 yrs. |
| • when amount is > \$100 | See above | 39-3-608 Obtaining goods, property or services by use of debit cards known to be stolen or forged | SP: 1-5 yrs. |
| 39-3-308* Penalties for violation of §§ 39-3-301--34-3-307 | | 39-3-609 Misrepresentation of amount of money, goods or services furnished on debit card | SP: 1-5 yrs. |
| BURGLARY (inclusive) | | 39-3-610 Using debit card after reporting it stolen or lost--fraudulently denying usage of card | SP: 1-5 yrs. |
| 39-3-401 Burglary generally | SP: 5-15 yrs./ SP: 10-15 yrs. | 39-3-612 Penalties | See above |
| 39-3-402 Breaking after entry | SP: 5-15 yrs./ SP: 10-15 yrs. | EXPLOSIVES | |
| 39-3-403 Second-degree burglary | SP: 3-15 yrs./ SP: 5-15 yrs./ SP: 10-15 yrs. | 39-3-701 Willful Injury by Explosives | F; SP: 10-21 yrs./FX |
| 39-3-404 Third-degree burglary--safecracking | SP: 3-10 yrs./ SP: 5-10 yrs./ SP: 10-15 yrs./SP: 3-21 yrs./SP: 5-21 yrs./SP: 10-21 yrs. | 39-3-702 Burglary with Explosives | SP: 25-40 yrs./F; SP: 2-10 yrs. |
| 39-3-406 Breaking into vehicles | SP: 3-10 yrs. | 39-3-703 Malicious Injury to structures or personal property with explosives | F; SP: 10-21 yrs. |
| 39-3-407 Conviction for burglary under other sections--Included offenses | F | 39-3-706 Unauthorized possession or transportation of explosives | F |
| 39-3-408 Carrying burglar's tools | SP: 1-10 yrs. | 39-3-707 Penalty for unauthorized possession, transportation or use of explosives or conspiracy to commit illegal acts | SP: 2-10 yrs. |
| CREDIT CARD CRIMES | | 39-3-710 Bomb threats | F; SP: 1-5 yrs. |
| 39-3-503 Making of false statements to procure issuance of a credit card | SP: 1-5 yrs. | 39-3-711 Unlawful for convicted felon to carry explosives | F; SP: 1-5 yrs. |
| 39-3-504 Credit card theft and forgery--receiving, selling or buying credit cards or information | FP: 1-5 yrs./ SP: 3-10 yrs. | FORGERY AND COUNTERFEITING | |
| 39-3-505 Use of stolen, forged, expired or revoked credit card with intent to defraud issuer | SP: 1-5 yrs./ SP: 3-10 yrs. | 39-3-802 Forgery generally | See 39-3-820 |
| 39-3-506 Misrepresentation of amount of money, goods, or services furnished on credit card | SP: 1-5 yrs./ SP: 3-10 yrs. | | |
| 39-3-507 Possession of incomplete credit cards or machines for duplication of credit cards | SP: 3-10 yrs. | | |

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| 39-3-803 Forgery or counterfeiting instrument | See 39-3-820 | 39-3-907 Punishment for fraudulent breach of trust ● if grand larceny ● if petit larceny | SP: 3-10 yrs. SP: 1-5 yrs. |
| 39-3-804 Transfer of forged paper | F | | |
| 39-3-805 Making counterfeit instrument or fictitious corporation or person | See 39-3-820 | 39-3-913 Obtaining or giving false pedigree-selling animal under false representation of pedigree | SP: 1-3 yrs./ J: 1 yr. |
| 39-3-806 Fictitious signature affixed to instrument of fictitious corporation or company | F | 39-3-914 Creating false impression of death | F; SP: 1-5 yrs. |
| 39-3-807 Passing counterfeit bank bill, note, check, or instrument circulating as money | See 39-3-820 | 39-3-919 Packing foreign objects in cotton or tobacco | F; SP: 2-5 yrs. |
| 39-3-808 Possession of counterfeit bank bill, note, check or other instrument | See 39-3-820 | 39-3-926* Removal from state of personal property subject to security interest ● amount > \$50 ● amount is ≤ \$50 | SP: 1-5 yrs. F; SP: 5 yrs. M |
| 39-3-809 Filling in counterfeit bank bill, note, check, or other instrument | See 39-3-820 | 39-3-927* Dispositions by debtor of personal property subject to security interest ● commercial code secured transactions: disposal conceal collateral value < or > \$100 --when < \$100--possibility to commute ● mortgages or trust deeds: value < or > \$60 when < \$60 - possibility to commute ● conditional sale contracts: purchaser sells without consent | SP: 1-5 yrs. |
| 39-3-810 Altering counterfeit bank bill, note, check, or other instrument | See 39-3-820 | 39-3-930 Granting a security interest in personal property without title to property | F; SP: 3-10 yrs./ SP: 1-5 yrs. |
| 39-3-811 Preparation of counterfeit stamp or plate | See 39-3-820 | 39-3-932 Destruction of public records or valuable papers with intent to defraud ● if grand larceny ● if petit larceny | J: < 1 yr. F; SP: 3-10 yrs./ SP: 1-5 yrs. J: 1 yr. M; J: 6 mos. |
| 39-3-812 Possession of counterfeit stamp or plate | See 39-3-820 | 39-3-933 Destruction of concealment of will | |
| 39-3-813 Making bank paper prohibited | See 39-3-820 | 39-3-936* Possession, use or transfer for use of devices for theft or tele-communication service ● no prior conviction ● prior conviction | F; SP: 1-5 yrs. |
| 39-3-814 Possession or use of paper, molds or machines used to make bank paper | See 39-3-820 | 39-3-948 Fraudulent or false insurance claims | F; SP: 5 yrs. |
| 39-3-815 Counterfeiting coins | See 39-3-820 | 39-3-949 False bookkeeping entries | F; SP: 3-10 yrs. |
| 39-3-816 Adulterated coins | See 39-3-820 | 39-3-951 Fraudulent or false stock certificates | F; SP: 1-10 yrs. |
| 39-3-817 Possession or passing of counterfeit coin | See 39-3-820 | | |
| 39-3-818 Making, mending, or concealing machine for counterfeit coin | See 39-3-820 | | |
| 39-3-819 Making or possession base or adulterated metal for conversion into counterfeit coin | See 39-3-820 | | |
| 39-3-820 Penalties --if involves financial instrument: ● amounting to grand larceny ● amounting to petit larceny | SP: 2-15 yrs. SP: 3-10 yrs. SP: 1-5 yrs. | | |
| FRAUD AND FALSE DEALING | | | |
| 39-3-901 False Pretense ● if grand larceny ● if petit larceny | SP: 3-10 yrs. SP: 1-5 yrs. | | |
| 39-3-902 Receiving property obtained under false pretense ● if grand larceny ● if petit larceny | SP: 3-10 yrs. SP: 1-5 yrs. | | |
| | | LITTER CONTROL | |
| | | THEFT, LARCENY, AND EMBEZZLEMENT (inclusive) | |
| | | 39-3-1101 Larceny generally | |
| | | 39-3-1104 Punishment for grand and petit larceny ● if grand larceny ● if petit larceny | SP: 3-10 yrs. SP: 1-5 yrs. |

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| 39-3-1105 Lighter penalty permitted for petit larceny or receiving stolen goods | SP: 1-5 yrs./ J: < 1 yr. | 39-3-1126 Theft of trade secrets | F; SP: 1-7 yrs. |
| 39-3-1106 Larceny from the person | SP: 3-10 yrs. | 39-3-1128 Recorded devices--Recording, manufacture, or distribution without consent of owner | F |
| 39-3-1107 Stealing valuable papers | SP: 3-15 yrs. | 39-3-1132 Recorded devices--Penalty for improper sale or manufacture | SP: 1-3 yrs./ SP: 3-10 yrs. |
| 39-3-1109 Stealing public papers | SP: 3-15 yrs. | 39-3-1134 Parking meters, telephones and vending machines | SP: 1-2 yrs. |
| 39-3-1110 Tapping water main | J: 6 mos. | 39-3-1135* Unauthorized taking, concealing or possession of library material--searches and detentions | |
| 39-3-1111 Servering and carrying away fixtures, produce, or minerals from land | SP: 3-10 yrs. | ● if value > \$200 | M; SP: 90 days |
| ● if grand larceny | SP: 1-5 yrs. | ● 1st conviction | M; SP: 1 yr. |
| ● if petit larceny | | ● 2nd conviction | F; SP: 1-5 yrs. |
| 39-3-1112 Receiving stolen goods over two hundred dollars in value | SP: 3-10 yrs. | ● 3rd conviction | F; SP: 3-10 yrs. |
| 39-3-1113 Receiving stolen goods under two hundred dollars in value | SP: 1-5 yrs. | 39-3-1136 Unauthorized access to cable T.V. series | J: 6 mos. |
| 39-3-1114 Receiving personal property stolen out-of-state | F | TRESPASS AND LOITERING | |
| ● if grand larceny | SP: 3-10 yrs. | 39-3-206 Malicious trespass on farmland | F; SP: 1-3 yrs. |
| ● if petit larceny | SP: 1-5 yrs. | VANDALISM AND INJURIES TO PROPERTY | |
| 39-3-1115 Bringing stolen property into the state | F | 39-3-1311 Destruction of land or line marks | SP: 2-5 yrs. |
| ● if grand larceny | SP: 3-10 yrs. | 39-3-1313 Destruction of plant | F; SP: 1-10 yrs. |
| ● if petit larceny | SP: 1-5 yrs. | 39-3-1318 Cutting or removing timber from land of another for purpose of marketing | F; SP: 1-3 yrs. |
| 39-3-1116 Receiving stolen valuable papers | SP: 3-10 yrs. | 39-3-1320 Cutting, destroying, or removing timber on public lands--Injuring buildings or fences on public lands | F; SP: 1-5 yrs. |
| 39-3-1117 Wrongful appropriation of found property | SP: 3-10 yrs. | 39-3-1324 Tapping or injuring utility lines and appliances | F |
| ● if grand larceny | SP: 1-5 yrs. | COMPUTER CRIMES | |
| ● if petit larceny | | 39-3-1404 Violations--Penalties | SP: 3-10 yrs. |
| 39-3-1118 Appropriation of property by person having custody | SP: 3-10 yrs. | Offenses Against the Family | |
| ● if grand larceny | SP: 1-5 yrs. | ABANDONMENT OF SPOUSE OR CHILD | |
| ● if petit larceny | | 39-4-111 Leaving state after abandonment of wife--Penalty | F; SP: 1-3 yrs. |
| 39-3-1119 Contract of bailment or agency made for wrongful appropriation | SP: 3-10 yrs. | 39-4-112 Leaving state after abandonment of child--Penalty | F; SP: 1-3 yrs. |
| ● if grand larceny | SP: 1-5 yrs. | 39-4-113 Leaving state and failing to comply with child support order--Penalty--Extradition | F; SP: 1-3 yrs. |
| ● if petit larceny | | | |
| 39-3-1120 Conversion of trust fund | F | | |
| ● if grand larceny | SP: 3-10 yrs. | | |
| ● if petit larceny | SP: 1-5 yrs. | | |
| 39-3-1121 Embezzlement | SP: 3-10 yrs. | | |
| ● if grand larceny | SP: 1-5 yrs. | | |
| ● if petit larceny | | | |
| 39-3-1123 Receiving embezzled property | SP: 3-10 yrs. | | |
| ● if grand larceny | SP: 1-5 yrs. | | |
| ● if petit larceny | | | |
| 39-3-1124* Shoplifting | M; SP: 90 days | | |
| ● 1st conviction | M; SP: 1 yr. | | |
| ● 2nd conviction | F; SP: 1-5 yrs. | | |
| ● 3rd conviction | F; SP: 3-10 yrs. | | |
| ● if value > \$200 | | | |

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| ABORTION | | 39-5-109 Officer accepting bribe to corruptly appoint jurors or permitting deputy to violate law--Penalty | SP: 2-5 yrs. |
| 39-4-201* Criminal abortion and attempt to procure criminal miscarriage--Penalties--lawful abortions and attempts to procure miscarriage | | 39-5-112 Buying and selling in regard to offices--Penalty | F; SP: 10-20 yrs. |
| Requirements | | 39-5-114 Bribery or acceptance of bribe in connection with athletic or sporting event--Penalty | F; SP: 1-5 yrs. |
| ● perform abortion | SP: 5-10 yrs. | | |
| ● attempts | SP: 1-3 yrs. | | |
| ● compels, coerces | M; SP: 11 mos., 29 days | | |
| 39-4-206 Rights to medical treatment of infant prematurely born alive during abortion--violation of section a felony--limitation on wrongful death action | F | 39-5-115* Bribery of witness--Penalties--contempt power preserved | M |
| | | ● civil proceeding | M |
| | | ● offense punishable as misdemeanor | F; SP: 5 yrs. |
| | | ● involved felony | |
| CONTRABAND IN PRISONS | | | |
| 39-4-208 Research, photography, sale, and experimentation upon aborted fetuses--violation of section a felony | F | 39-5-201 Introduction or possession of prohibited items upon grounds of state prisons without consent of warden--Penalty | F; SP: 1-10 yrs. |
| BIGAMY AND INCEST | | | |
| 39-4-301 Bigamy--Penalty | SP: 2-21 yrs. | 39-5-202 Weapons, explosives, intoxicants and drugs on grounds of county jail or workhouse prohibited--List of authorized personnel and items--Penalty | F; SP: 1-10 yrs. |
| 39-4-304 Knowingly marrying husband or wife of another--Penalty | SP: 5 yrs. | FALSE PERSONATION | |
| 39-4-305 Teaching Polygamy or causing other to embrace it--Penalty | SP: 2 yrs. | 39-5-301 Personating another in judicial proceedings--Penalty | SP: 2-5 yrs. |
| 39-4-306 Incest--Penalty | SP: 5-21 yrs. | MISCONDUCT INVOLVING PUBLIC OFFICIALS AND EMPLOYEES | |
| 39-4-307 Begetting child on wife's sister--Penalty | F; SP: 2-10 yrs. | 39-5-407 Receiving interest or reward for deposit of public funds--Penalty | F; SP: 3-20 yrs. |
| CHILDREN | | | |
| 39-4-402 Exposing children or other persons under control to inclemency of weather--Penalty | SP: 5 yrs./ J: 6 mos. | 39-5-408 Use of Public Money--Penalty | F; SP: 3-20 yrs. |
| 39-4-422 Aggravated child abuse | F; SP: 1-5 yrs. | 39-5-409 Embezzlement of public money or property--Penalty | SP: 3-10 yrs. |
| Offenses Against the Administration of Government | | ● if grand larceny | SP: 1-5 yrs. |
| | | ● if petit larceny | |
| BRIBERY | | | |
| 39-5-101 Bribing or offering to bribe officer--Penalty | SP: 2-10 yrs. | 39-5-415* Permitting Escape--Penalty | SP: 2-10 yrs. |
| | | ● if misdemeanor | M |
| 39-5-102 Officer accepting bribe--Penalty | SP: 3-21 yrs. | 39-5-416 Penitentiary official or employee permitting escape--Penalty | SP: 2 yrs. (MIN.) |
| 39-5-103 Bribing or offering to bribe peace officer or state, county, or municipal employee--Penalty | SP: 2-10 yrs. | 39-5-420 Corruptly appointing jurors--Penalty | SP: 2-5 yrs. |
| 39-4-104 Peace officer or state, county or municipal employee accepting bribe--Briber and recipient not accomplices | SP: 2-10 yrs. | 39-5-421 False Certificate of proof or acknowledgment of instrument--Penalty | See 39-3-820 |
| 39-5-105 Bribery of court officials or jurors--Influencing jurors--Penalties | SP: 2-5 yrs. | 39-5-422 False recording or registration of instrument--Penalty | See 39-3-820 |
| 39-5-106 Court officials or jurors accepting bribe--Penalty | SP: 2-5 yrs. | 39-5-433 Lobbying with members of legislature--Penalty | F; SP: 2-5 yrs. |
| 39-5-108 Offering bribe to officer appointing or summoning jury | SP: 2-5 yrs. | 39-5-434 Legislator absenting self for purpose of obstructing business of general assembly--Penalty | F; S: 1-5 yrs. |

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| 39-5-435 Refusal to deliver books or documents to the general assembly--Penalty | SP: 5-10 yrs. | 39-5-804 Misprison of treason | SP: 5 yrs. |
| | | 39-5-805 Sedition | SP: 10 yrs. |
| OBSTRUCTING OF JUSTICE AND LAW ENFORCEMENT | | 39-5-833 Operation of Communist party or membership unlawful | See below |
| 39-5-507 Encouraging disruption of communications to police and firemen--Penalty | F; SP: 1-5 yrs. | 39-5-834 Penalty | SP: 1-21 yrs. |
| 39-5-508 Corruptly stealing, withdrawing, or avoiding records in judicial proceedings--Penalty | SP: 3-15 yrs. | 39-5-843 Defilement prohibited ● flag | |
| 39-5-509 Inteference with working of prisoners--leading mob to so interfere--Penalties | F; SP: 1-5 yrs. | 39-5-845 Penalty for violations of §§ 39-5-842 and 39-5-843 (only 39-5-843 a felony) | SP: 3 yrs. |
| 39-5-521 Intimidation of family or others in residence or office of juror--Penalty | F; SP: 1-3 yrs. | 39-5-847 Wilful destruction or desecration of United States flag | F; SP: 1-3 yrs. |
| 39-5-522 Juror agreeing to give verdict or receiving improper evidence--Penalty--Contempt power preserved | F; SP: 2-5 yrs. | 39-5-848 Destruction of selective serivce registration card | F; SP: 1-3 yrs. |
| PERJURY | | Offenses Against Public Health, Safety or Welfare | |
| 39-5-601 Perjury--Application where penalty not otherwise provided | SP: 1-5 yrs. | MISCELLANEOUS | |
| 39-5-604 Subornation of perjury | SP: 1-5 yrs. | 39-6-108 Gifts of adulterated candy or food | F; SP: 1-5 yrs. |
| 39-5-605 Penalty for perjury and subornation of perjury on trial for felony | SP: 3-20 yrs. | 39-6-109 Adulteration of food, liquids, or pharmaceuticals | F; SP: life-10 yrs. |
| RESCUES AND ESCAPES | | COMMON CARRIERS | |
| 39-5-702 Escape or attempt to escape from penitentiary | SP: 1-5 yrs. | 39-6-202 Obstruction of or injury to railroad tracks or equipment | F; SP: 2-15 yrs. |
| 39-5-703 Aiding and abetting escape from penitentiary | SP: 2-10 yrs. | 39-6-203 Penalty when obstruction or damage results in personal injury | F; SP: 3-15 yrs. |
| 39-5-706* Escape or attempt to escape from workhouse or jail ● on charge/conviction of felony | F; SP: 1-5 yrs. | 39-6-204 Penalty when obstruction or damage results in death | F; SP: life |
| ● on charge/conviction other than felony | M | 39-6-208 Cutting or taking property of electric railway | F; S: 1-5 yrs. |
| 39-5-708 Aiding or assisting escape of other detainees | SP: 10 yrs. | 39-6-210 Racing steamboat resulting in accident | SP: 2 yrs. |
| 39-5-711 Aiding inmates of state institutions to escape | F; SP: 1-5 yrs. | 39-6-211 Destruction of steamboat of value of \geq \$500 | SP: 5-15 yrs. |
| 39-5-712 Rebellion with intent to kill or escape | SP: life | 39-6-212 Destruction of steamboat of value of < \$500 | SP: 1-3 yrs. |
| 39-5-713 Punishment of life prisoner | SP: 2 yrs. solitary confinement | DISORDERLY CONDUCT AND RIOTS | |
| 39-5-720* Bail Jumping ● if misdemeanor | SP: 1-5 yrs. J: 1 yr. | 39-6-310 Entering campuses, buildings or facilities to incite public distrubance or violence | F; SP: 1-10 yrs. |
| TREASON, DISLOYAL CONDUCT, AND SABATOGE | | 39-6-322 Participating in, inciting, or inciting organizing riot | SP: 1-5 yrs. |
| 39-5-802 Treason against the state | See below | 39-6-323 Interference with officers during riot | F; SP: 1-5 yrs. |
| 39-5-803 Punishment for treason | SP: 10-20 yrs. | 39-6-324 Looting--Enforcement during emergencies | SP: 1-15 yrs. |
| | | 39-6-341 Entry on school property to participate in a riot | F; SP: 2-5 yrs. |
| | | 39-6-344 Participation in riot by juvenile confined in institution | F; SP: 2-5 yrs. |

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|--|---|---|--|
| 39-6-345 Rioting or participating in riot by prisoner | SP: 1-3 yrs. | GRAVES AND DEAD BODIES | |
| DRUGS: CONTROLLED SUBSTANCES (inclusive) | | 39-6-701 Destruction or injury of monument, marker, structure or plants in cemetery--Felony--Civil liability | F |
| 39-6-417* Criminal offenses and penalties | See below | | |
| (a) deliver, mfg., etc. | F; 5-15 yrs./4-10 yrs./3-8 yrs./2-5 yrs./1-5 yrs. | 39-6-702 Improper exposition or disposition of dead human body | F; SP: 1-5 yrs. |
| (b)(1) possession | M; 11 mos., 29 days in jail | 39-6-705 Removal or disinterment of dead body for purpose of sale--Mutilation of Body | F; SP: 2-5 yrs. |
| (b)(2) 2nd offense | M; 2 yrs. jail | | |
| ● if third offense | F; 2-3 yrs. | HIGHWAYS | |
| (c) delivery, mfg., certain quantities | FX: 10 yrs.-life/10-20 yrs. | INTOXICATING LIQUORS | |
| (d) habitual drug offender | FX: 10 yrs.-life | 39-6-904 Unlawful sales-persistent violators | F; SP: 1-2 yrs. |
| 39-6-418 Enhanced penalty for distribution to minor | 2 x penalty | 39-6-908 Transportation of intoxicating liquors by common carriers | F; SP: 1-5 yrs. |
| 39-6-419 Penalty for second and subsequent offenses | 2 x penalty | 39-6-909 Personal transportation unlawful--Exception | F; SP: 1-5 yrs. |
| 39-6-451 Substitution of drugs in filling prescriptions prohibited | M; fine | 39-6-915 Intoxicating liquors causing death, paralysis or blindness | FX: death or SP: life/ FX/F; SP: 2-10 yrs. |
| 39-6-452* Inhaling, selling or possession of glue for unlawful purpose | M | | |
| ● if sale | F; 1-5 yrs. | 39-6-921* Storage of liquor for sale--Penalty for subsequent violations | |
| 39-6-453 Manufacture, sale or distribution of products containing butyl nitrate | M | ● 1st conviction | M; J: 6 mos. |
| 39-6-454 Counterfeit controlled substances | F; exactly 1 yr. | ● subsequent convictions | F; SP: 1-5 yrs. |
| 39-6-456* Unlawful drug paraphernalia uses and activities | See below | NUISANCES | |
| (a) use, possess | M | OBSCENITY | |
| (b) sale, etc. | F; 1-5 yrs./3-10 yrs. | 39-6-1104* Importing, preparing, distributing, possessing or appearing in obscene material or exhibition--Distribution to or employment of minors | |
| 39-6-457 Delivery, sale or possession of jimson weed | M | ● 1st, 2nd offense | M; J: 6 mos./M; J: 11 mos., 29 days |
| FRATERNAL ORGANIZATIONS AND SECRET SOCIETIES | | ● 2 prior convictions | F; SP: 2-5 yrs. |
| GAMBLING | | | |
| 39-6-608 Penalties for Professional Gambling | F; SP: 1-5 yrs. | 39-6-1137 Use of minors for obscene purposes | F; SP: 3-21 yrs. |
| 39-6-613 Keeping room or table for certain gaming a felony | F; SP: 1-3 yrs. | 39-6-1138 Promotion of performances including sexual conduct by children | F; SP: 3-21 yrs. |
| 39-6-619 Killing or wounding arresting officer a felony | Punish as murder/F; malicious-stabbing | PROFESSIONAL AND PROFESSIONAL MISCONDUCT PUBLIC EVENTS | |
| 39-6-622 Keeping place for betting on horse race a felony | F; SP: 1-3 yrs. | SOLICITATION OF FUNDS | |
| 39-6-635 Transportation of pinball machines into state and production in state illegal--Exportation excepted | F; SP: 1-5 yrs. | 39-6-1522* Unauthorized solicitation for police, judicial or safety associations | |
| | | ● solicit, accept fee | M; J: 30 days |
| | | ● by mail, electronic device, other means | F; SP: 1-3 yrs. |

WATER AND WATER COURSES

WEAPONS

| | |
|---|--------------------------------------|
| 39-6-1710 Use or possession of firearms or explosives in committing or escaping from a felony | F; SP: 5-10 yrs./ SP: 2-5 yrs. |
| 39-6-1713 Manufacture, possession or sale of sawed-off shotgun or rifle or machine gun | SP: 5 yrs./ J: 1 yr. |
| 39-6-1716 Convicted felon carrying firearm | F; SP: 5 yrs. |
| 39-6-1718 Carrying weapons on school property | F; SP: 1-5 yrs. |
| 39-6-1719 Manufacture, sale, or use of explosive bullets | F; SP: 1-5 yrs. |
| 39-6-1722 Restricted firearm ammunition | F; 5 yrs./ 10 yrs. |

TEXAS

TEX. PENAL CODE ANN. §x (Vernon 1974 & Supp. 1986).

For drugs: TEX. REV. CIV. STAT. ANN. art. x (Vernon 1976 & Supp. 1986).

Criminal Classification Information

§1.07 Definitions

(a) In this code:

* * *

(14) "Felony" means an offense so designated by law or punishable by death or confinement in a penitentiary.

* * *

(21) "Misdemeanor" means an offense so designated by law or punishable by fine, by confinement in jail, or by both fine and confinement in jail.

* * *

§12.02 Classification of Offenses

Offenses are designated as felonies or misdemeanors.

§12.03 Classification of Misdemeanors

(a) Misdemeanors are classified according to the relative seriousness of the offense into three categories:

- (1) Class A misdemeanors;
- (2) Class B misdemeanors;
- (3) Class C misdemeanors.

(b) An offense designated a misdemeanor in this code without specification as to punishment or category is a Class C misdemeanor.

(c) Conviction of a Class C misdemeanor does not impose any legal disability or disadvantage.

§12.04 Classification of Felonies

(a) Felonies are classified according to the relative seriousness of the offense into four categories:

- (1) Capital felonies;
- (2) Felonies of the first degree;
- (3) Felonies of the second degree;
- (4) Felonies of the third degree.

(b) An offense designated a felony in this code without specification as to category is a felony of the third degree.

§12.21 Class A Misdemeanor

An individual adjudged guilty of a Class A misdemeanor shall be punished by:

- (1) A fine not to exceed \$2,000;
- (2) Confinement in jail for a term not to exceed one year; or
- (3) Both such fine and imprisonment.

§12.22 Class B Misdemeanor

An individual adjudged guilty of a Class B misdemeanor shall be punished by:

- (1) A fine not to exceed \$1,000;
- (2) Confinement in jail for a term not to exceed 180 days; or
- (3) Both such fine and imprisonment.

§12.23 Class C Misdemeanor

An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$200.

§12.31 Capital Felony

(a) An individual adjudged guilty of a capital felony shall be punished by confinement in the Texas Department of Corrections for life or by death.

(b) Prospective jurors shall be informed that a sentence of life imprisonment or death is mandatory on conviction of a capital felony. A prospective juror shall be disqualified from serving as a juror unless he states under oath that the mandatory penalty of death or imprisonment for life will not affect his deliberations on any issue of fact.

§12.32 First-Degree Felony Punishment

(a) An individual adjudged guilty of a felony of the first degree shall be punished by confinement in the Texas Department of Corrections for life or for any term of not more than 99 years or less than 5 years.

(b) In addition to imprisonment, an individual adjudged guilty of a felony of the first degree may be punished by a fine not to exceed \$10,000.

§12.33 Second-Degree Felony Punishment

(a) An individual adjudged guilty of a felony of the second degree shall be punished by confinement in the Texas Department of Corrections for any term of not more than 20 years or less than 2 years.

(b) In addition to imprisonment, an individual adjudged guilty of a felony of the second degree may be punished by a fine not to exceed \$10,000.

§12.34 Third-Degree Felony Punishment

(a) An individual adjudged guilty of a felony of the third degree shall be punished by confinement in the Texas Department of Corrections for any term of not more than 10 years or less than 2 years.

(b) In addition to imprisonment, an individual adjudged guilty of a felony of the third degree may be punished by a fine not to exceed \$5,000.

§12.41 Classification of Offenses Outside this Code

For purposes of this subchapter, any conviction not obtained from a prosecution under this code shall be classified as follows:

(1) "Felony of the third degree" if confinement in a penitentiary is affixed to the offense as a possible punishment;

(2) "Class B misdemeanor" if the offense is not a felony and confinement in a jail is affixed to the offense as a possible punishment;

(3) "Class C misdemeanor" if the offense is punishable by fine only.

§12.42 Penalties for Repeat and Habitual Felony Offenders

(a) If it be shown on the trial of a third-degree felony that the defendant has been once before convicted of any felony, on conviction he shall be punished for a second-degree felony.

(b) If it be shown on the trial of a second-degree felony that the defendant has been once before convicted of any felony, on conviction he shall be punished for a first-degree felony.

(c) If it be shown on the trial of a first-degree felony that the defendant has been once before convicted of any felony, on conviction he shall be punished by confinement in the Texas Department of Corrections for life, or for any term of not more than 99 years or less than 15 years. In addition to imprisonment, an individual may be punished by a fine not to exceed \$10,000.

(d) If it be shown on the trial of any felony offense that the defendant has previously been finally convicted of two felony offenses, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction he shall be punished by confinement in the Texas Department of Corrections for life, or for any term of not more than 99 years or less than 25 years.

§15.03 Criminal Solicitation

* * *

(d) An offense under this section is:

- (1) A felony of the first degree if the offense solicited is a capital offense; or
- (2) A felony of the second degree if the offense solicited is a felony of the first degree.

§12.44 Reduction of Third-Degree Felony to Misdemeanor

(a) A court may set aside a judgment or verdict of guilty of a felony of the third degree and enter a judgment of guilt and punish for a Class A misdemeanor if, after considering the gravity and circumstances of the felony committed and the history, character, and rehabilitative needs of the defendant, the court finds that such sentence would best serve the ends of justice.

(b) When a court is authorized to enter judgment of guilt and sentence for a lesser category of offense as provided in Subsection (a) of this section, the court may authorize the prosecuting attorney to prosecute initially for the lesser category of offense.

§12.51 Authorized Punishments for Corporations and Associations

(a) If a corporation or association is adjudged guilty of an offense that provides a penalty consisting of a fine only, a court may sentence the corporation or association to pay a fine in an amount fixed by the court, not to exceed the fine provided by the offense.

(b) If a corporation or association is adjudged guilty of an offense that provides a penalty including imprisonment, or that provides no specific penalty, a court may sentence the corporation or association to pay a fine in an amount fixed by the court, not to exceed:

- (1) \$20,000 if the offense is a felony of any category;
- (2) \$10,000 if the offense is a Class A or Class B misdemeanor, or
- (3) \$2,000 if the offense is a Class C misdemeanor.

(c) In lieu of the fines authorized by Subsections (a) and (b)(1) and (b)(2) of this section, if a court finds that the corporation or association gained money or property or caused personal injury, property damage, or other loss through the commission of a felony or Class A or Class B misdemeanor, the court may sentence the corporation or association to pay a fine in an amount fixed by the court, not to exceed double the amount gained or caused by the corporation to be lost, whichever is greater.

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INCHOATE OFFENSES

§15.01 Criminal Attempt

* * *

(d) An offense under this section is one category lower than the offense attempted, and if the offense attempted is a felony of the third degree, the offense is a Class A misdemeanor.

§15.02 Criminal Conspiracy

* * *

(d) An offense under this section is one category lower than the most serious felony that is the object of the conspiracy, and if the most serious felony that is the object of the conspiracy is a felony of the third degree, the offense is a Class A misdemeanor.

TEXAS CRIMINAL STATUTES

TEX. PENAL CODE ANN. §x
(Vernon 1974 & Supp. 1986).
For drugs: TEX. REV. CIV. STAT. ANN. art. x
(Vernon 1976 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- A,B,C = Crime subclass
- 1,2,3 = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

Statute No. and Title

Class/Title

CRIMINAL INSTRUMENTS

- 16.01 Unlawful use of criminal instrument F3
- 16.02 Unlawful interception, use, or disclosure of wire or oral communications F2

Offenses Against the Person

CRIMINAL HOMICIDE (inclusive)

- 19.02 Murder F1
- 19.03 Capital murder F Capital
- 19.04 Voluntary manslaughter F2
- 19.05 Involuntary manslaughter F3
- 19.07 Criminally negligent homicide MA

KIDNAPPING AND FALSE IMPRISONMENT

- 20.03 Kidnapping F3
- 20.04 Aggravated Kidnapping F1/F2

SEXUAL OFFENSES (inclusive)

- 21.06 Homosexual conduct MC
- 21.07 Public lewdness MA
- 21.08 Indecent exposure MB
- 21.11 Indecency with a child F2/F3

ASSAULTIVE OFFENSES (inclusive)
(Note: Includes sex offenses)

- 22.01 * Assault
• Offense committed by owner or employee
• Person providing medical or psychiatric treatment MA/MB/MC
- 22.011 Sexual assault F3
- 22.02 Aggravated assault F2
- 22.021 Aggravated sexual assault F2/F3
- 22.021 Aggravated sexual assault F1

- 22.03 Deadly assault on law enforcement or corrections officer or court participant F1

- 22.04* Injury to a child or an elderly individual
• If intentional F1/F3
• If reckless MA

- 22.041* Abandoning or endangering a child
• Except in section (e) MA
• Abandons child F3

- 22.05 Reckless conduct MB

- 22.07* Terroristic threats
• §§1, 2, 3(a) MA/MB
• §4(a) F3

- 22.08* Aiding suicide
• Promote suicide by another MC
• Result in serious bodily injury F3

- 22.09 Tampering with consumer product F1/F3

- 22.10 Leaving a child in a vehicle MC

Offenses Against the Family

OFFENSES AGAINST THE FAMILY

- 25.01 Bigamy F3
- 25.02 Incest F3
- 25.03 Interference with child custody F3
- 25.05* Criminal nonsupport
• Except under section (i) MA
• Previous conviction; reside in another state F3

- 25.06 Sale or purchase of child F3/F2

- 25.06* Solicitation of a child [Note: section # may be in error]
• Entices child MA
• Take child from county F3

Offenses Against Property

ARSON, CRIMINAL MISCHIEF, AND OTHER PROPERTY DAMAGE OR DESTRUCTION (inclusive)

- 28.02 Arson F2/F1
- 28.03* Criminal mischief
• Amount < \$20 MC
• Amount ≥ \$20 < \$200 MB
• Amount ≥ \$200 < \$750 MA
• Amount ≥ \$750 < \$20,000 F3
• Amount ≥ \$20,000 F2
- 28.04 Reckless damage or destruction MC

| | | | |
|---|---------------------------|--|----|
| ROBBERY (inclusive) | | ● If proceeds from sale ≥ \$10,000 | F3 |
| 29.02 Robbery | F2 | | |
| 29.03 Aggravated robbery | F1 | | |
| BURGLARY AND CRIMINAL TRESPASS (inclusive) | | | |
| 30.02 Burglary | F1/F2 | | |
| 30.03 Burglary of coin-operated machines | MA | | |
| 30.04 Burglary of vehicles | F3 | | |
| 30.05 Criminal trespass | MA/MB | | |
| THEFT (inclusive) | | | |
| 31.03* Theft | | | |
| ● Property < \$20 | MC | | |
| ● Property ≥ \$20 < \$200 | MB | | |
| ● Property ≥ \$200 < \$750 | MA | | |
| ● > \$750 < \$20,000 | F3 | | |
| ● Property combustible, property > 20K | F2 | | |
| ● Actor is public servant | F1 (next highest offense) | | |
| 31.04* Theft of service | | | |
| ● Service stolen < \$20 | MC | | |
| ● Service stolen ≥ \$20 < \$200 | MB | | |
| ● Service stolen ≥ \$200 < \$750 | MA | | |
| ● Service stolen ≥ \$750 < \$20,000 | F3 | | |
| ● Service stolen ≥ \$20,000 | F2 | | |
| 31.05 Theft of trade secrets | F3 | | |
| 31.07 Unauthorized use of a vehicle | F3 | | |
| 31.11* Tampering with identification numbers | | | |
| ● Commit offense without consent of owner | MA | | |
| ● Tampering with natural gas/petroleum | F3 | | |
| 31.12 Unauthorized use of television decoding and interception device or cable descrambling, decoding, or interception device | MA/MB | | |
| FRAUD | | | |
| FORGERY | | | |
| 32.21* Forgery | | | |
| ● Except under (d) or (e) | MA | | |
| ● Writing is or purports to be will, deed of trust . . . | F3 | | |
| ● Writing is or purports to be part of an issue of money, securities, etc. | F2 | | |
| CREDIT | | | |
| 32.31 Credit card abuse | F3 | | |
| 32.33* Hindering secured creditors | | | |
| ● Except (e) and (f) of section | MA | | |
| ● Actor removes property | F3 | | |
| ● If proceeds from sale < \$10,000 | MA | | |
| | | 32.43 Commercial bribery | F3 |
| | | 32.44* Rigging publicly exhibited contest | |
| | | ● Except Section (d) | MA |
| | | ● Actor's conduct is in connection with wagering on contest | F3 |
| | | 32.45* Misapplication of fiduciary property or property of financial institution | |
| | | ● Property < \$200 | MA |
| | | ● Property ≥ \$200 < \$10,000 | F3 |
| | | ● Property ≥ \$10,000 | F2 |
| | | 32.46 Securing execution of a document by deception | F3 |
| | | 32.47* Fraudulent destruction, removal, or concealment of writing | |
| | | ● Except Section (d) | MA |
| | | ● Writing is will, deed, mortgage, etc. | F3 |
| | | 32.50 Debit card use | F3 |
| | | COMPUTER CRIMES | |
| | | 33.03* Harmful access | |
| | | ● Value of damage < \$200 | MB |
| | | ● Value of damage ≥ \$200 < \$2,500 | MA |
| | | ● Value of damage ≥ \$2,500 | F3 |
| | | Offenses Against Public Administration | |
| | | BRIBERY AND CORRUPT INFLUENCE | |
| | | 36.02 Bribery | F2 |
| | | 36.03* Coercion of public servant or voter | |
| | | ● Coercion | MA |
| | | ● Coercion and threat to commit felony | F3 |
| | | 36.05 Tampering with witness | F3 |
| | | 36.06 Retaliation | F3 |
| | | PERJURY AND OTHER FALSIFICATION | |
| | | 37.03 Aggravated perjury | F3 |
| | | 37.10* Tampering with governmental record | |
| | | ● Make false entry . . . | MA |
| | | ● Intent is to defraud or harm | F3 |
| | | 37.11* Impersonating public servant | |
| | | ● Impersonating | MA |
| | | ● Impersonating a peace officer | F3 |
| | | OBSTRUCTING GOVERNMENTAL OPERATION | |
| | | 38.03* Resisting arrest or search | |
| | | ● Except (d) | MA |
| | | ● Using deadly weapon | F3 |

| | | | |
|--|-------|---|---|
| 38.07* Escape | | 46.04 Places weapons prohibited | F3 |
| ● Except (c) and (d) | MA | | |
| ● Use deadly weapon | F2 | 46.05 Unlawful possession of firearm by felon | F3 |
| ● Felon/contained in penal institution | F3 | | |
| 38.08* Permitting or facilitating escape | | 46.06* Prohibited weapons | |
| ● Except (d) section | MA | ● Switchblade, knuckles | MA |
| ● Person charged with or convicted of felony or use deadly weapon | F3 | ● All others | F2 |
| 38.10 Implements for escape | F3/F2 | 46.10 Components of explosives | F3 |
| 38.11* Bail jumping and failure to appear | | 46.11 Deadly weapon in penal institution | F3 |
| ● Except (e) and (f) | MA | | |
| ● Offense punishable by fine only | MC | GAMBLING | |
| ● Actor's offense is felony | F3 | 47.03 Gambling promotion | F3 |
| ABUSE OF OFFICE | | 47.04 Keep a gambling place | F3 |
| 39.01* Official misconduct | | 47.05 Communicating gambling information | F3 |
| ● Under (a)1 | MA | 47.06 Possession of gambling device or equipment | F3 |
| ● Value < \$20 | MC | CONDUCT AFFECTING PUBLIC HEALTH | |
| ● Value ≥ \$20 < \$200 | MB | 48.02 Prohibition of the purchase and sale of human organs | F3 |
| ● Value ≥ \$200 < \$750 | MA | | |
| ● Value ≥ \$750 < \$20,000 | F3 | ORGANIZED CRIME | |
| ● Value ≥ \$20,000 | F2 | 71.02 Engaging in organized criminal activity | |
| 39.03 Misuse of official information | F3 | -Except in (c), the offense is one category higher than the most serious offense listed in (1-7) that was committed | |
| Public Order and Decency | | ● If most serious offense is MA | F3 |
| DISORDERLY CONDUCT | | ● If most serious offense is F1 | F1 |
| 42.13* Interference with emergency communication | | CONTROLLED SUBSTANCES ACT (inclusive) | |
| ● Any offense | MB | 4476-15:4.01* Classification of offenses and punishment | See below |
| ● Any offense with serious bodily injury or property loss in excess of \$1,000 | F3 | (a)(1) Misdemeanor | 1 year jail |
| Public Indecency | | A punishment | |
| PROSTITUTIONAL | | (a)(2) Misdemeanor | 180 days jail |
| 43.04 Aggravated promotion of prostitution | F3 | B punishment | |
| 43.05 Compelling prostitution | F2 | (a)(3) Misdemeanor | Fine |
| OBSCENITY | | C punishment | |
| 43.24* Sale, distribution, or display of harmful material to minor | | (b)(1) Felony | 5-99 yrs. or life |
| ● Any section except (b3) | MA | (b)(2) Felony | 2-20 years |
| ● Hire minor | F3 | second degree | |
| 43.25 Sexual performance by a child | F2/F3 | (b)(3) Felony | 2-10 years |
| Offenses Against Public Health, Safety, and Morals | | third degree | |
| WEAPONS | | 4476-15:4.011 Preparatory offenses | Same penalty |
| 46.02* Unlawful carrying weapons | | 4476-15:4.012 Repeat offenders | 10-99 yrs. or life/15-99 yrs. or life/20-99 yrs. or life |
| ● Except Section (C) | MA | 4476-15:4.03 Unlawful manufacture delivery of controlled substance in Penalty Group 1 | F1/5-99 or yrs. or life/10-99 yrs. or life/15-99 yrs. or life |
| ● If occurs on any premises licensed or issued permit to sell alcohol | F3 | | |

| | | | |
|--|---|--|---|
| 4476-15:4.031 Unlawful manufacture or delivery of controlled substance Penalty Group 2 | F2/5-99 yrs. or life/ 10-99 yrs. or life | 4476-15:4.081 Unauthorized disclosure of information | F3 |
| 4476-15:4.032 Unlawful manufacture or delivery of controlled substance Penalty Groups 3 or 4 | F3/5-99 yrs. or life/ 10-99 yrs. or life | 4476-15:4.09* Fraud offenses (b)(1) Schedule I, II (b)(2) Schedule III (b)(3) Schedule IV or V (b)(4) Counterfeit drug (b)(5) Prescription Schedule | See below F2 F3 MB MA F2 |
| 4476-15:4.04 Unlawful possession of controlled substance in Penalty Group 1 | F2/5-99 yrs. or life/ 10-99 yrs. or life | II (b)(6) Prescription Schedule III, IV, V (b)(7) Prescription Schedule | F3 F3 |
| 4476-15:4.041 Unlawful possession of controlled substance in Penalty Group 2 | F3/5-99 yrs. or life/ 10-99 yrs. or life | II, III (b)(8) Prescription Schedule IV, V (b)(9) Delivery prescription form (b)(10) Possession prescription form | MB F2 F3 |
| 4476-15:4.042 Unlawful possession of controlled substance in Penalty Group 3 | MA/5-99 yrs. or life/ 10-99 yrs. or life | 4476-15:4.13 Additives required for abusable glue and aerosol paint | MA/MB |
| 4476-15:4.043 Unlawful possession of controlled substance in Penalty Group 4 | MB/5-99 yrs. or life/ 10-99 yrs. or life | 4476-15b:2 Delivery simulated controlled substances | F3 |
| 4476-15:4.044 Manufacture, delivery and possession of substance not in penalty group | MA/MB | | |
| 4476-15:4.05* Unlawful delivery of marijuana | See below | | |
| (b)(1) < 1/4 oz. and a gift | MB | | |
| (b)(2) < 1/4 oz. and paid | MA | | |
| (b)(3) 1/4-4 oz. | F3 | | |
| (b)(4) 4 oz.-5 lbs. | F2 | | |
| (b)(5) 5-50 lbs. | F1 | | |
| (d) > 50 lbs. | 5-99 yrs. or life/ 10-99 yrs. or life/ 15-99 yrs. or life | | |
| 4476-15:4.051* Unlawful possession of marijuana | See below | | |
| (b)(1) < 2 oz. | MB | | |
| (b)(2) 2-4 oz. | MA | | |
| (b)(3) 4 oz.-5 lbs. | F3 | | |
| (b)(4) 5-50 lbs. | F2 | | |
| (d) > 50 lbs. | 5-99 yrs. or life/ 10-99 yrs. or life/ 15-99 yrs. or life | | |
| 4476-15:4.052 Illegal investment | 5-99 yrs. or life | | |
| 4476-15:4.053 Delivery of controlled substance to minor | F1 | | |
| 4476-15:4.07* Possession or delivery of drug paraphernalia | See below | | |
| (d) Uses/possess | MC/MB | | |
| (e) Delivers | MA | | |
| • With certain prior offenses | F3 | | |
| (f) Deliver to minor | F3 | | |
| 4476-15:4.08 Commercial offenses | F2/F1 | | |

UT. CODE ANN. § X (1953 & Supp. 1986)
 For Drugs: UTAH CODE ANN § X (1986)

Criminal Classification Information

76-3-102. Designation of offenses.

Offenses are designated as felonies, misdemeanors, or infractions.

76-3-103. Felonies classified.

(1) Felonies are classified into four categories:

- (a) Capital felonies;
- (b) Felonies of the first degree;
- (c) Felonies of the second degree;
- (d) Felonies of the third degree.

(2) An offense designated as a felony either in this code or in another law, without specification as to punishment or category, is a felony of the third degree.

76-3-104. Misdemeanors classified.

(1) Misdemeanors are classified into three categories:

- (a) Class A misdemeanors;
- (b) Class B misdemeanors;
- (c) Class C misdemeanors

(2) An offense designated a misdemeanor, either in this code or in another law, without specification as to punishment or category, is a class B misdemeanor.

76-3-105. Infractions.

(1) Infractions are not classified. (2) Any offense which is an infraction within this code is expressly designated and any offense defined outside this code which is not designated as a felony or misdemeanor and for which no penalty is specified is an infraction.

76-3-201. Sentences or combination of sentences allowed—Civil penalties—Restitution—Definitions—Resentencing—Aggravation or mitigation of crimes with mandatory sentences.

(1) Within the limits prescribed by this chapter, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or combination of sentences:

- (a) to pay a fine;
- (b) to removal from or disqualification of public or private office;
- (c) to probation unless otherwise specifically provided by law;
- (d) to imprisonment; or
- (e) to death.

(2) This chapter does not deprive a court of authority conferred by law to forfeit property, dissolve a corporation, suspend, or cancel a license or permit removal of a person from office, cite for contempt, or impose any other civil penalty. A civil penalty may be included in a sentence.

(3)(a) When a person is adjudged guilty of criminal activity which has resulted in pecuniary damages, in addition to any other sentence it may impose, the court shall order that the defendant make restitution up to double the amount of pecuniary damages to the victim or victims of the offense of which the defendant has pleaded guilty, is convicted, or to the victim of any other criminal conduct admitted by the defendant to the sentencing court unless the court in applying the criteria in Subsection (3) (b) finds that restitution is inappropriate. Whether the court determines that restitution is appropriate or inappropriate, the court shall make the reasons for the decision a part of its written order.

(b) In determining whether or not to order restitution, or restitution which is complete, partial, or nominal, the court shall take into account:

(i) the financial resources of the defendant and the burden that payment of restitution will impose, with due regard to the other obligations of the defendant;

(ii) the ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court;

(iii) the rehabilitative effect on the defendant of the payment of restitution and the method of payment; and

(iv) other circumstances which in the opinion of the court shall make restitution inappropriate.

(c) If the defendant objects to the imposition, amount, or distribution of the restitution, the court shall at the time of sentencing allow him a full hearing on the issue.

(4) As used in Subsection (3) above:

(a) "Criminal activities" means any offense with respect to which the defendant is convicted or any other criminal conduct for which the defendant admits responsibility to the sentencing court with or without an admission of committing the criminal conduct.

(b) "Pecuniary damages" means all special damages, but not general damages, which a person could recover against the defendant in a civil action arising out of the facts or events constituting the defendant's criminal activities and shall include, but not be limited to, the money equivalent of property taken, destroyed, broken, or otherwise harmed, and losses such as earnings and medical expenses.

(c) "Restitution" means full, partial, or nominal payment for pecuniary damages to a victim, including insured damages.

(d) "Victim" means any person whom the court determines has suffered pecuniary damages as a result of the defendant's criminal activities; "victim" does not include any coparticipant in the defendant's criminal activities.

(5) If a statute under which the defendant was convicted mandates that one of three stated minimum terms must be imposed, the court shall order imposition of the term of middle severity unless there are circumstances in aggravation or mitigation of the crime. Prior to or at the time of sentencing, either party may submit a statement identifying circumstances in aggravation or mitigation, or to present additional facts. If the statement is in writing, it shall be filed with the court and served on the opposing party at least four days prior to the time set for sentencing. In determining whether there are circumstances that justify imposition of the highest or lowest term, the court may consider the record in the case, the probation officer's report, or other reports, including reports received under § 76-3-404, and statements in aggravation or mitigation submitted by the prosecution or the defendant, and any further evidence introduced at the sentencing hearing.

(a) The court shall set forth on the record the facts supporting and reasons for imposing the upper or lower term.

(b) The court in determining a just sentence shall be guided by sentencing rules regarding aggravation and mitigation promulgated by the Utah Judicial Council.

(c) If a defendant subject to Subsection (5) has been sentenced and committed to the Utah State Prison, the court may, within 120 days of the date of commitment on its own motion, or at any time upon the recommendation of the Board of Pardons, recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if he had not previously been sentenced, so long as the new sentence is no greater than the initial sentence nor no less than the mandatory time prescribed by the statute. The resentencing provided for in this section shall comply with sentencing rules of the Utah Judicial Council to eliminate disparity of sentences and to promote uniformity of sentencing. Credit shall be given for time served.

(d) The court shall state the reasons for its sentence choice on the record at the time of sentencing. The court shall also inform the defendant as part of the sentence that if the defendant is released from prison, he may be on parole for a period of ten years.

(e) If during the commission of a crime described as child kidnapping, rape of a child, object rape of a child, sodomy upon a child, or sexual abuse of a child, the actor causes substantial bodily injury to the child, and if the charge is set forth in the information or indictment and admitted by the actor, or found true by a judge or jury at trial, the actor shall, notwithstanding any other provision of law, be sentenced to the aggravated mandatory term in state prison.

76-3-203. Felony conviction—Indeterminate term of Imprisonment—Increase of sentence if firearm used. A person who has been convicted of a felony may be sentenced to imprisonment for an indeterminate term as follows:

(1) In the case of a felony of the first degree, for a term at not less than five years, unless otherwise specifically provided by law, and which may be for life but if the trier of fact finds a firearm or a facsimile or the representation of a firearm was used in the commission or furtherance of the felony, the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently;

(2) In the case of a felony of the second degree, for a term at not less than one year nor more than 15 years but if the trier of fact finds a firearm or a facsimile or the representation of a firearm was used in the commission or furtherance of the felony, the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently;

(3) In the case of a felony of the third degree, for a term not to exceed five years but if the trier of fact finds a firearm or a facsimile or the representation of a firearm was used in the commission or furtherance of the felony, the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently.

(4) Any person who has been sentenced to a term of imprisonment for a felony in which a firearm was used or involved in the accomplishment of the felony and is convicted of another felony when a firearm was used or involved in the accomplishment of the felony shall, in addition to any other sentence imposed, be sentenced for an indeterminate term to be not less than five nor more than ten years to run consecutively and not concurrently.

76-3-204. Misdemeanor conviction—Term of imprisonment.

A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- (1) In the case of a class A misdemeanor, for a term not exceeding one year;
- (2) In the case of a class B misdemeanor, for a term not exceeding six months;
- (3) In the case of a class C misdemeanor, for a term not exceeding ninety days.

76-3-205. Infraction conviction—Fine, forfeiture, and disqualification.

- (1) A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture, and disqualification, or any combination.
- (2) Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

76-3-206. Capital felony—Death or life imprisonment.

- (1) A person who has been convicted of a capital felony shall be sentenced in accordance with section 76-3-207, and sentence shall be death or life imprisonment as the court or jury, in accordance with this section, shall determine.
- (2) The judgment of conviction and sentence of death shall be subject to automatic review by the Utah State Supreme Court within 60 days after certification by the sentencing court of the entire record unless time is extended an additional period not to exceed 30 days by the Utah State Supreme Court for good cause shown. Such review by the Utah State Supreme Court shall have priority over all other cases and shall be heard in accordance with rules promulgated by the Utah State Supreme Court.

76-4-102. Attempt—Classification of offenses.

Criminal attempt to commit:

- (1) A capital felony is a felony of the first degree;
- (2) A felony of the first degree is a felony of the second degree; except that an attempt to commit child kidnapping, or to commit a violation of section 76-5-301.1 or to commit any of those felonies described in part 4 of Chapter 5 of this title which are felonies of the first degree, is a felony of the first degree;
- (3) A felony of the second degree is a felony of the third degree;
- (4) A felony of the third degree is a class A misdemeanor;
- (5) A class A misdemeanor is a class B misdemeanor;
- (6) A class B misdemeanor is a class C misdemeanor;
- (7) A class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.

76-4-202. Conspiracy—Classification of offenses.**Conspiracy to commit:**

- (1) A capital felony is a felony of the first degree;
 (2) A felony of the first degree is a felony of the second degree; except that conspiracy to commit child kidnapping, or to commit a violation of section 76-5-301.1 or to commit any of those felonies described in part 4 of Chapter 5 of this title which are felonies of the first degree, is a felony of the first degree;
 (3) A felony of the second degree is a felony of the third degree;
 (4) A felony of the third degree is a class A misdemeanor;
 (5) A class A misdemeanor is a class B misdemeanor;
 (6) A class B misdemeanor is a class C misdemeanor;
 (7) A class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.

UTAH CRIMINAL STATUTES

UTAH CODE ANN. § X (1953 & Supp. 1986)

For Drugs: UTAH CODE ANN. § X (1986)

KEY

- F = Felony
 M = Misdemeanor
 A, B, C = Crime subclasses
 1, 2, 3 = Crime subclasses
 * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
 > , < = more than, less than
 ≥ , ≤ = more than or equal, less than or equal

Statute No. and Title Class/Time**CHAPTER 5. OFFENSES AGAINST THE PERSON****Part 1. Assault and Related Offenses (inclusive)**

| | |
|--|----------------|
| 76-5-102 Assault | MB |
| 76-5-102.4 Assault against peace officer on duty | MA |
| 76-5-102.5 Assault by prisoner | F3 |
| 76-5-103 Aggravated Assault | F3 |
| 76-5-103.5 Aggravated assault by prisoner | |
| ● Not serving time for F1 | F2 |
| ● Serving time for F1 and serious bodily injury involved | F1 |
| ● Serving time for F1 and serious bodily injury intentionally caused | Capital |
| 76-5-105 Mayhem | F2 |
| 76-5-106 Harassment | MC |
| 76-5-107* Terroristic threat | MB |
| ● If intent is to affect occupants of building, public place of assembly, or facility of public transportation | F3 |
| 76-5-108 Protective orders restraining abuse of another--Violation | MB |
| 76-5-109* Child abuse | |
| ● Intentionally inflict/allow to inflict serious physical injury | F2 |
| ● Recklessly inflict/allow to inflict serious physical injury | F3 |
| ● With criminal negligence inflict/allow to inflict serious physical injury | MA |
| ● Intentionally inflict/allow to inflict physical injury | MA |
| ● Recklessly inflict/allow to inflict physical injury | MB |
| ● With criminal negligence inflict/allow to inflict physical injury | MC |
| Part 2. Criminal Homicide (inclusive) | |
| 76-5-202 Murder in the first degree | Capital degree |

| | | | | |
|---|---|--|--|-------|
| 76-5-203 | Murder in the second degree | F1 | CHAPTER 6. OFFENSES AGAINST PROPERTY | |
| | | | Part 1. Property Destruction | |
| 76-5-205 | Manslaughter | F2 | 76-6-102* Arson | |
| 76-5-206 | Negligent homicide | MA | ● If intent to defraud insurer | F2 |
| 76-5-207 | Automobile homicide | F3/F2 | ● Intentionally damages property of another; value > \$5,000 | F2 |
| | Part 3. Kidnapping | | ● Intentionally damages property of another; value > \$1,000, but < \$5,000 | MA |
| 76-5-301 | Kidnapping | F2 | ● Intentionally damages property of another; value > \$250, but < \$1,000 | MB |
| 76-5-301.1 | Child kidnapping | F1: MIN. of 5, 10, or 15 yrs. or life | ● Any other violation | MC |
| | | | 76-6-103 Aggravated arson | F1 |
| 76-5-302 | Aggravated kidnapping | F1: MIN. of 5, 10, or 15 yrs. or life | 76-6-105* Causing a catastrophe | |
| | | | ● Knowingly cause | F2 |
| | | | ● Recklessly cause | MA |
| | | | 76-6-106* Criminal mischief | |
| 76-5-303* | Custodial interference | MA | ● Defraud insurer | F3 |
| ● If child removed from state | | F3 | ● Tamper with property of another and thereby endanger life, destroy property, etc. | MA |
| | Part 4. Sexual Offenses (inclusive) | | ● Value > \$1,000 | F3 |
| 76-5-401* | Unlawful sexual intercourse | F3 | ● Value > \$500 | MA |
| ● If actor no more than 3 years older than victim | | MB | ● Value > \$250 | MB |
| | | | ● Value < \$250 | MC |
| | | | Part 2. Burglary and Criminal Trespass (inclusive) | |
| 76-5-402 | Rape | F1 | 76-6-202 Burglary | F3/F2 |
| 76-5-402.1 | Rape of a child | F1: MIN. of 5, 10, or 15 yrs. or life | 76-6-203 Aggravated burglary | F1 |
| 76-5-402.2 | Object rape | F1 | 76-6-204 Burglary of a vehicle-- Charge of other offense | MA |
| 76-5-402.3 | Object rape of a child | F1: MIN. of 5, 10, or 15 yrs. or life | 76-6-205 Manufacture or possession of instrument for burglary or theft | MB |
| | | | 76-6-206 Criminal trespass | MC/MB |
| 76-5-403* | Sodomy--Forcible sodomy | MB | Part 3. Robbery (inclusive) | |
| ● Forcible sodomy | | F1 | 76-6-301 Robbery | F2 |
| 76-5-403.1 | Sodomy on a child | F1: MIN. of 5, 10, or 15 yrs. or life | 76-6-302 Aggravated robbery | F1 |
| | | | Part 4. Theft (inclusive) | |
| 76-5-404 | Forcible sexual abuse | F2 | 76-6-405* Theft by deception | F2 |
| 76-5-404.1 | Sexual abuse of child--Aggravated sexual abuse child of | F1/F2: MIN. of 3, 6, or 9 yrs. or life | ● F2 if: | |
| | | | - value of property or services is > \$1,000 | |
| | | | - property stolen is firearm or operable motor vehicle | |
| | | | - actor is armed with deadly weapon at time of theft | |
| | | | - property stolen is from the person of another | |
| 76-5-405 | Aggravated sexual assault | F1: MIN. of 5, 10, or 15 yrs. or life | ● F3 if: | F3 |
| | | | - value of property or services is > \$250 but not > \$1,000 | |
| | | | - actor has been twice before theft of property or services valued is ≤ \$250 | |
| | | | - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | |
| | CHAPTER 5a. SEXUAL EXPLOITATION OF CHILDREN (inclusive) | | | |
| 76-5a-3 | Sexual exploitation of a minor | F2 | | |

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| ● If value of property stolen is \$100 but not > \$250 | MA | - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | |
| ● If value of property stolen is < \$100 | MB | | |
| 76-6-406* Theft by extortion | | | |
| ● F2 if: | F2 | ● If value of property stolen is \$100 but not > \$250 | MA |
| - value of property services is > \$1,000 | | ● If value of property stolen is < \$100 | MB |
| - property stolen is firearm or operable motor vehicle | | | |
| - actor is armed with deadly weapon at time of theft | | 76-6-409* Theft of services | |
| - property stolen is from the person of another | | ● F2 if: | F2 |
| ● F3 if: | F3 | - value of property or services is > \$1,000 | |
| - value of property or services is > \$250 but not > \$1,000 | | - property stolen is firearm or operable motor vehicle | |
| - actor has been twice before convicted of theft of property or services valued is < \$250 | | - actor is armed with deadly weapon at time of theft | |
| - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | | - property stolen is from the person of another | |
| ● If value of property stolen is > \$100 but not > \$250 | MA | ● F3 if: | F3 |
| ● If value of property stolen is < \$100 | MB | - value of property or services is > \$250 but not > \$1,000 | |
| | | - actor has been twice before convicted of theft of property or services valued is < \$250 | |
| | | - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | |
| 76-6-407* Theft of lost, mislaid, or mistakenly delivered property | | ● If value of property stolen is \$100 but not > \$250 | MA |
| ● F2 if: | F2 | ● If value of property stolen is < \$100 | MB |
| - value of property or services is > \$1,000 | | | |
| - property stolen is firearm or operable motor vehicle | | 76-6-409.1 Devices for theft of services--Seizure and destruction--Civil actions for damages | MA |
| - actor is armed with deadly weapon at time of theft | | | |
| - property stolen is from the person of another | | 76-6-410* Theft by person having custody of property pursuant to repair or rental agreement | |
| ● F3 if: | F3 | ● F2 if: | F2 |
| - value of property or services is > \$250 but not > \$1,000 | | - value of property or services is > \$1,000 | |
| - actor has been twice before convicted of theft of property or services valued is < \$250 | | - property stolen is firearm or operable motor vehicle | |
| - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | | - actor is armed with deadly weapon at time of theft | |
| ● If value of property stolen is \$100 but not > \$250 | MA | - property stolen is from the person of another | |
| ● If value of property stolen is < \$100 | MB | ● F3 if: | F3 |
| | | - value of property or services is > \$250 but not > \$1,000 | |
| | | - actor has been twice before convicted of theft of property or services valued is < \$250 | |
| | | - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | |
| 76-6-408* Receiving stolen property--Duties of pawnbrokers | | ● If value of property stolen is > \$100 but not > \$250 | MA |
| ● F2 if: | F2 | ● If value of property stolen is < \$100 | MB |
| - value of property or services is > \$1,000 | | | |
| - property stolen is firearm or operable motor vehicle | | 76-6-412* Theft--Classification of offenses--Action for treble damages against receiver of stolen property | |
| - actor is armed with deadly weapon at time of theft | | ● F2 if: | F2 |
| - property stolen is from the person of another | | - value of property or services is > \$1,000 | |
| ● F3 if: | F3 | | |
| - value of property or services is > \$250 but not > \$1,000 | | | |
| - actor has been twice before convicted of theft of property or services valued is < \$250 | | | |

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| - property stolen is firearm or operable motor vehicle | | 76-6-510 Bribe receiving by a labor official | F3 |
| - actor is armed with deadly weapon at time of theft | | 76-6-512 Acceptance of deposit by insolvent financial institution | F3 |
| - property stolen is from the person of another | | 76-6-513* Unlawful dealing with property by fiduciary | |
| ● F3 if: | F3 | ● F2 if: | F2 |
| - value of property or services is > \$250 but not > \$1,000 | | - value of property or services is > \$1,000 | |
| - actor has been twice before convicted of theft of property or services valued is < \$250 | | - property stolen is firearm or operable motor vehicle | |
| - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | | - actor is armed with deadly weapon at time of theft | |
| ● If value of property stolen is > \$100 but not > \$250 | MA | - property stolen is from the person of another | |
| ● If value of property stolen is < \$100 | MB | ● F3 if: | F3 |
| | | - value of property or services is > \$250 but not > \$1,000 | |
| | | - actor has been twice before convicted of theft of property or services valued is < \$250 | |
| | | - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | |
| | | ● If value of property stolen is \$100 but not > \$250 | MA |
| | | ● If value of property stolen is < \$100 | MB |
| Part 5. Fraud | | | |
| 76-6-501* Forgery--"Writing" defined | | | |
| ● If security, revenue stamp, or any other instrument issued by a government; check ≥ \$100; an issue of stocks, bonds, etc. | F2 | | |
| ● Check amount < \$100 | F3 | | |
| ● All others | MA | | |
| 76-6-502* Possession of forged writing or device for writing | F3 | | |
| ● When object of forgery constitutes MA | MA | | |
| 76-6-503 Fraudulent handling of recordable writings | F3 | | |
| 76-6-505* Issuing a bad check or draft--Presumption | | | |
| ● Sum < \$200 | MB | 76-6-514 Bribery or threat to influence contest | F3 |
| ● Sum > \$200, but < \$300 | MA | | |
| ● Sum > \$300, but < \$1000 | F3 | | |
| ● Sum > \$1,000 | F2 | | |
| 76-6-506.1 Financial transaction card offenses--Falsely making, coding, or signing card--Falsely signing evidence of card transaction | F2 | | |
| 76-6-506.2* Financial transaction card offenses--Unlawful use of card or automated banking device--False application for card | MA | | |
| ● If value ≥ \$250 | F3 | | |
| 76-6-506.3 Financial transaction card offenses--Unlawful acquisition, possession, or transfer of card | MA | | |
| 76-6-506.4* Financial transaction card offenses--Property obtained by unlawful conduct | MA | | |
| ● If value ≥ \$250 | F3 | | |
| 76-6-506.5* Financial transaction card offenses--Classification | | | |
| ● 76-6-506.2, 76-6-506.3, 76-6-506.4 | | | |
| ● If value ≥ \$250 in 76-6-506.2 or 76-6-506.4 | F3 | | |
| 76-6-509 Bribery of a labor official | F3 | | |
| | | 76-6-516 Conveyance of real estate by married man without wife's consent | F3 |
| | | 76-6-518* Criminal simulation | |
| | | ● Value < \$100 | MB |
| | | ● Value > \$100, but < \$1,000 | MA |
| | | ● Value > \$1,000, but < \$2,500 | F3 |
| | | ● Value > \$2,500 | F2 |
| | | 76-6-520 Criminal usury | F3 |
| | | 76-6-521* False or fraudulent insurance claim--Punishment as for theft | |
| | | ● F2 if: | F2 |
| | | - value of property or services exceeds \$1,000 | |
| | | - property stolen is firearm or operable motor vehicle | |
| | | - actor is armed with deadly weapon at time of theft | |
| | | - property stolen is from the person of another | |
| | | ● F3 if: | F3 |
| | | - value of property or services more than \$250 but not more than \$1,000 | |
| | | - actor has been twice before convicted of theft of property or services valued at \$250 or less | |
| | | - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | |
| | | ● If value of property stolen is more than \$100 but not more than \$250 | MA |
| | | ● If value of property stolen is \$100 or less. | MB |

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| Part 6. Retail Theft (inclusive) | | ● If value of property stolen is \$100 or less. | MB |
| 76-6-602* Retail theft, acts constituting | | 76-6-803* Mutilation of library material as library theft | |
| ● F2 if: | F2 | ● F2 if: | F2 |
| - value of property or services exceeds \$1,000 | | - value of property or services exceeds \$1,000 | |
| - property stolen is firearm or operable motor vehicle | | - property stolen is firearm or operable motor vehicle | |
| - actor is armed with deadly weapon at time of theft | | - actor is armed with deadly weapon at time of theft | |
| - property stolen is from the person of another | | - property stolen is from the person of another | |
| ● F3 if: | F3 | ● F3 if: | F3 |
| - value of property or services more than \$250 but not more than \$1,000 | | - value of property or services more than \$250 but not more than \$1,000 | |
| - actor has been twice before convicted of theft of property or services valued at \$250 or less | | - actor has been twice before convicted of theft of property or services valued at \$250 or less | |
| - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | | - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | |
| ● If value of property stolen is more than \$100 but not more than \$250 | MA | ● If value of property stolen is more than \$100 but not more than \$250 | MA |
| ● If value of property stolen is \$100 or less. | MB | ● If value of property stolen is \$100 or less. | MB |
| 76-6-606 Penalty | See above | 76-6-805 Penalty | See above |
| Part 7. Computer Crimes | | CHAPTER 6a. PYRAMID SCHEMES | |
| 76-6-703* Computer crimes and penalties | | 76-6a-4 Operation as felony-- Investigation--Prosecution | F3 |
| ● Access/attempt to access without authorization computer, computer system, software, etc., and alters, damages, or modifies | F3 | CHAPTER 7. OFFENSES AGAINST THE FAMILY | |
| ● Without authorization use a computer etc., and alters, damages, or modifies | F3 | Part 1. Marital Violations | |
| ● Use/allow another to use computer to defraud | F2 | 76-7-101 Bigamy | F3 |
| ● Without authorization interfere or attempt to interrupt computer services to another | MA | 76-7-102 Incest | F3 |
| ● Damage/destroy all or part of any computer, computer network, etc. | MA | Part 2. Nonsupport and Sale of Children | |
| - if damage more than \$3,000 | F3 | 76-7-201* Criminal nonsupport | MA |
| | | ● If actor previously convicted of same or if actor committed offense while in another state | F3 |
| Part 8. Library Theft (inclusive) | | 76-7-203 Sale of child | F3 |
| 76-6-801* Acts constituting library theft | | Part 3. Abortion | |
| ● F2 if: | F2 | 76-7-307 Medical procedure required to save life of unborn child | F3 |
| - value of property or services exceeds \$1,000 | | 76-7-308 Medical skills required to preserve life of unborn child | F3 |
| - property stolen is firearm or operable motor vehicle | | 76-7-310 Experimentation with unborn children prohibited--Testing for genetic defects | F3 |
| - actor is armed with deadly weapon at time of theft | | 76-7-311 Selling and buying unborn children prohibited | F3 |
| - property stolen is from the person of another | | 76-7-312 Intimidation or coercion of person to obtain abortion prohibited | F3 |
| ● F3 if: | F3 | | |
| - value of property or services more than \$250 but not more than \$1,000 | | | |
| - actor has been twice before convicted of theft of property or services valued at \$250 or less | | | |
| - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | | | |
| ● If value of property stolen is more than \$100 but not more than \$250 | MA | | |

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| 76-7-314* Violations of abortion laws-- Classifications | | 76-8-412 Stealing, destroying, or mutilating public records by custodian | F3 |
| ● Perform unlawful abortion | F2 | | |
| ● Violate 76-6-307, 76-7-308, 76-7-310, 76-7-311, or 76-7-312 | F3 | 76-8-414 Recording false or forged instruments | F3 |
| ● Violate any other provision of act | MA | 76-8-418 Injuring jails | F3 |
| CHAPTER 8. OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT | | | |
| Part 1. Corrupt Practices | | | |
| 76-8-103 Bribery to influence official or political actions | F3 | 76-8-502 False or inconsistent material statements | F2 |
| 76-8-107 Alteration of proposed legislative bill or resolution | F3 | 76-8-508 Tampering with witness--Retaliation against witness or informant--Bribery | F3 |
| 76-8-108 Alteration of engrossed copy of legislative bill or resolution | F3 | 76-8-509 Extortion or bribery to dismiss criminal proceeding | F2 |
| Part 2. Abuse of Office | | | |
| Part 3. Obstructing Governmental Operations | | | |
| 76-8-303 Prevention of legislature or public servants from meeting or organizing | F3 | 76-8-510 Tampering with evidence | F2 |
| 76-8-306* Obstructing justice | MB | Part 6. Abuse of Process | |
| ● If actor knows offense committed Capital/F1 offense | F2 | Part 7. Colleges and Universities | |
| 76-8-309* Escape--Term for escape from state prison | MB | 76-8-715 Damage or destruction of property by explosives or flammable materials | F2 |
| ● Actor employs force, threat, or a deadly weapon to affect escape or escapes from state prison | F2 | Part 8. Sabotage Prevention | |
| 76-8-310* Aiding escape | MA | 76-8-802 Destruction of property to interfere with preparation for defense or war | F2 |
| ● If corrections personnel involved F2 in escape, state prisoner involved, or item given to aid in escape is a deadly weapon | | 76-8-803 Causing or omitting to note defects in articles used in preparation for defense or war | F3 |
| 76-8-311 Providing contraband to person in custody | F3 | 76-8-804 Attempts to commit crimes of sabotage | See 76-4-102 |
| 76-8-312* Bail-jumping | | 76-8-805 Conspiracy to commit crimes of sabotage (Punish as if sabotage were committed) | F? |
| ● If offense charged is felony | F3 | Part 9. Syndicalism and Sabotage | |
| ● If offense charged is misdemeanor | MB | 76-8-902 Advocating criminal syndicalism and sabotage | F3 |
| 76-8-313* Threatening elected officials--Commission of assault | MB | 76-8-903 Assembly for advocating criminal syndicalism or sabotage | F3 |
| ● If bodily injury attempted or occurs | F3 | Part 10. Habitual Criminals | |
| 76-8-315* Threatening elected officials--Penalties for assault | See above | 76-8-1001 Habitual criminal--Determination | Prison: 5 yrs. to life |
| CHAPTER 9. OFFENSES AGAINST PUBLIC ORDER AND DECENCY | | | |
| Part 4. Offenses Against Public Property | | | |
| 76-8-402 Misusing public moneys | F3 | Part 1. Breaches of the Peace and Related Offenses | |
| 76-8-403 Failure to keep and pay over public moneys | F3 | 76-9-101* Riot | MB |
| 76-8-404 Making profit out of, or misusing public moneys--Disqualification from office | F3 | ● If bodily injury, substantial property damage, arson occurs, or defendant armed with a deadly weapon | F3 |
| Part 2. Telephone abuse | | | |
| Part 3. Cruelty to Animals | | | |

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| 76-9-304* Allowing vicious animals to go at large | MB | Part 11. Gambling | |
| ● If death of human results | F3 | 76-10-1103* Gambling fraud | F2 |
| Part 4. Offenses Against Privacy | | ● F2 if: | |
| Part 5. Libel and Slander | | - value of property or services exceeds \$1,000 | |
| Part 6. Miscellaneous Provisions | | - property stolen is firearm or operable motor vehicle | |
| CHAPTER 10. OFFENSES AGAINST PUBLIC HEALTH, SAFETY, WELFARE, AND MORALS | | - actor is armed with deadly weapon at time of theft | |
| Part 1. Cigarettes and Tobacco and Psychotic Chemical Solvents | | - property stolen is from the person of another | F3 |
| Part 2. Waters | | ● F3 if: | |
| 76-10-204 Injuring bridge, dam, canal, or other water-related structure | F3 | - value of property or services more than \$250 but not more than \$1,000 | |
| Part 3. Explosives | | - actor has been twice before convicted of theft of property or services valued at \$250 or less | |
| 76-10-307 Infernal machine--Delivery to common carrier, mailing, or placement on premises | F2 | - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | MA |
| 76-10-308 Infernal machine--Construction or possession | F3 | ● If value of property stolen is more than \$100 but not more than \$250 | MB |
| Part 4. Fences | | ● If value of property stolen is \$100 or less. | |
| Part 5. Weapons | | 76-10-1104* Gambling promotion | MA |
| 76-10-503* Possession of dangerous weapon--Persons not permitted to have | MA | ● If twice convicted | F3 |
| ● Possession proscribed for specified persons | F3 | 76-10-1105* Possessing a gambling device or record | MB |
| ● If dangerous weapon is a firearm or sawed-off shotgun | F3 | ● If twice convicted | MA |
| ● Persons on parole for felony or state prison | F2 | ● If convicted three or more times | F3 |
| ● If same possesses explosive or infernal machine | | 76-10-1109* Confidence game--Punishment as for theft--Description in charge | |
| 76-10-504* Carrying concealed dangerous weapon | MB | ● F2 if: | F2 |
| ● If contains no ammunition | MA | - value of property or services exceeds \$1,000 | |
| ● If contains ammunition | F3 | - property stolen is firearm or operable motor vehicle | |
| ● If sawed-off shotgun or firearm used to commit crime of violence | F2 | - actor is armed with deadly weapon at time of theft | |
| ● Carrying loaded firearm in vehicle | MB | - property stolen is from the person of another | F3 |
| Part 6. Charity Drives | | ● F3 if: | |
| Part 7. Corporator Frauds | | - value of property or services more than \$250 but not more than \$1,000 | |
| 76-10-703 Fraudulent documents relating to organization or increase of capital stock | F3 | - actor has been twice before convicted of theft of property or services valued at \$250 or less | |
| 76-10-706 Unlawful acts by director, officer, or agent | F3 | - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | MA |
| Part 8. Nuisances | | ● If value of property stolen is not more than \$250 | MB |
| Part 9. Trade and Commerce | | ● If value of property stolen is \$100 or less. | |
| Part 10. Trademarks, Trade Names, and Devices | | Part 12. Pornographic and Harmful Materials and Performances | |
| | | 76-10-1204* Distributing pornographic material | MA: 7 days MIN. |
| | | ● If previous conviction | F3: 30 days MIN. |
| | | 76-10-1206 Dealing in harmful material to a minor | F3 |
| | | ● If previous conviction | F2 |

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| 76-10-1214 Conspiracy an offense--Punishment--Any act in Part 12 | F3 | ● If value of property stolen is more than \$100 but not more than \$250 | MA |
| ● If previous conviction | F2 | ● If value of property stolen is \$100 or less. | MB |
| 76-10-1222* Distribution of pornographic film--Penalties for violations | MA | Part 16. Racketeering Enterprises | |
| ● If previous conviction | F3 | 76-10-1603 Unlawful Acts--Felony--Forfeitures | F2 |
| Part 13. Prostitution | | Part 17. Cable Television Programming Decency Act | |
| 76-10-1305 Exploiting prostitution | F3 | Part 18. Communications Fraud | |
| 76-10-1306 Aggravated exploitation of prostitution | F2 | 76-10-1801* Communications fraud | |
| Part 14. Repealer | | ● If value < \$100 | MB |
| Part 15. Bus Passenger Safety Act | | ● If value > \$100, but < \$1,000 | MA |
| 76-10-1504 Bus hijacking--Assault with intent to commit hijacking--Dangerous weapon or firearm | | ● If value > \$1,000, but < \$10,000 | F3 |
| ● Bus hijacking | F1 | ● If value > \$10,000, but < \$100,000 | F2 |
| ● Assault with intent to commit hijacking | F2 | ● If something other than of monetary value | F2 |
| ● Assault with intent to commit hijacking when dangerous weapon or firearm involved | F1 | ● If value ≥ \$100,000 | F1 |
| ● Boarding bus with concealed, dangerous weapon or firearm | F2 | CHAPTER 37. CONTROLLED SUBSTANCES (inclusive) | |
| 37-10-1505 Bombing or placing bomb or explosive in, upon, or near terminal or bus--Threats--Firearms and missiles | | 57-37-8* Prohibited acts--Penalties | |
| ● Place bomb in inhabited terminal | F1 | (1)(a) No manufacture, selling, or possession with intent to manufacture controlled/counterfeit drug | |
| ● Place bomb in terminal where goods are stored | F2 | (1)(b) If violation: | |
| ● Threaten either of above | F3 | - first offense Schedule I or II | F2 |
| ● Discharge firearm or missile | F3 | - second offense Schedule I or II | F1 |
| 76-10-1507* Exclusion of persons without bona fide business from terminal--Firearms and dangerous materials--Surveillance devices and seizure of offending materials--Detention of violators. Private security personnel | | - first offense Schedule III, IV, or marijuana | F3 |
| ● Person refuses to comply with departure order | MC | - second offense of Schedule III, IV, or marijuana | F2 |
| ● Carrying concealed dangerous weapons, firearm, or any explosive material, etc. into a terminal or aboard a bus | F3 | - first offense Schedule V | MA |
| 76-10-1508* Theft of baggage or cargo | | - second offense Schedule V | F3 |
| ● F2 if: | F2 | (1)(c) If gift: | |
| - value of property or services exceeds \$1,000 | | - first offense Schedule I or II | F3 |
| - property stolen is firearm or operable motor vehicle | | - second offense Schedule I or II | F2 |
| - actor is armed with deadly weapon at time of theft | | - first offense Schedule III, IV, or marijuana | MA |
| - property stolen is from the person of another | | - second offense of Schedule III, IV, or marijuana | F3 |
| ● F3 if: | F3 | - first offense Schedule V | MB |
| - value of property or services more not more than \$1,000 | | - second offense Schedule V | MA |
| - actor has been twice before convicted of theft of property or services valued at \$250 or less | | (2)(a)(i) Possession or use without prescription | |
| - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry | | - first offense Schedule I, II, or marijuana | F3 |
| | | - first offense marijuana > 1 ounce, but < 16 ounces | MA |
| | | - second offense Schedule I, II, or marijuana | F2 |
| | | - first offense Schedule III-V, < 1 ounce marijuana | MB |
| | | - second offense Schedule III-V, < 1 ounce marijuana | MA |
| | | - third offense Schedule III-V, < 1 ounce marijuana | F3 |
| | | (ii) Have place and allow use/distribution of drugs | |
| | | - first offense | MB |
| | | - second offense | MA |
| | | - third offense | F3 |
| | | (iii) Knowingly in presence of drugs used | |
| | | - first offense | MB |
| | | - second offense | MA |
| | | - third offense | F3 |

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| (iv) Possession of forged prescription | |
| - first offense | MB |
| - second offense | MA |
| - third offense | F3 |
| (v) Doctor gives minor drugs without parental consent | |
| - first offense | MB |
| - second offense | MA |
| - third offense | F3 |
| (vi) Doctor prescribes excessive dosage | |
| - first offense | MB |
| - second offense | MA |
| - third offense | F3 |
| (vii) Prescribing drugs knowingly using false name | |
| - first offense | MB |
| - second offense | MA |
| - third offense | F3 |
| (3)(a) Unlawful to violate this law, exceed scope of manufacturing license, false labeling, fail to submit records, refuse inspection | F3 |
| (4)(a) Falsely represent self as a doctor, manufacturer, etc., forge prescription, falsify required records, counterfeit equipment | F3 |
| (5) Enhanced penalties for drugs at school and sales to minors | Additional yrs. |
| (6) If no penalty specified | M |
| (7) Conspiracy, use | One degree less than maximum |
| 58-37-14 Resort for illegal use or possession of controlled substances deemed common nuisance. District court to suppress and enjoin | Nuisance |

CHAPTER 37a. DRUG PARAPHERNALIA (inclusive)

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| 58-37a-5* Unlawful acts | |
| (1) Use, possess with intent to use paraphernalia to plant, convert, introduce to body, etc., a controlled substance | MB |
| (2) Deliver, possess with intent to deliver, or manufacture with intent to deliver, paraphernalia | MA |
| (3) Person more than 18 years old delivers paraphernalia to person less than 18 years old and 3 or more years younger | F3 |
| (4) Advertise paraphernalia sale | MB |

CHAPTER 37b. IMITATION CONTROLLED SUBSTANCES (inclusive)

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| 38-37b-4 Manufacture, distribution, or possession of substance unlawful--Penalty | MB |
| 58-37b-5 Distribution of substance to minor--Penalty | MC |
| 58-37b-6 Use of substance unlawful--Penalty | MC |
| 58-37b-7 Advertisement of substance unlawful--Penalty | MB |

VERMONT

VT. STAT. ANN. Tit. 13, §x (1974 & Supp. 1985).
 For drugs: VT. STAT. ANN. Tit. 18, §x (1982 & Supp. 1985).

Criminal Classification Information

§1 Felonies and misdemeanors defined.

Any other provision of law notwithstanding any offense whose maximum term of imprisonment is more than two years, for life or which may be punished by death is a felony. Any other offense is a misdemeanor.

§11 Habitual criminals.

A person who, after having been three time convicted within this state of felonies or attempts to commit felonies, or under the law of any other state, government or country, of crimes which, if committed within this state, would be felonious, commits a felony other than murder within this state, may be sentenced upon conviction of such fourth or subsequent offense to imprisonment for the term of his natural life.

INCHOATE CRIMES

§7 Inciting to felony.

A person who endeavors to incite, procure or hire another person to commit a felony, though a felony is not actually committed as a result of such inciting, hiring or procuring, shall be imprisoned not more than five years or fined not more than \$500.00, or both.

§8 Compounding felony.

A person having knowledge of the commission of a felony who takes money, or a gratuity or reward, or an engagement therefor, upon an agreement or understanding, expressed or implied, to compound or conceal such felony or not to prosecute therefor, or not to give evidence thereof, shall be imprisoned not more than ten years or fined not more than \$1,000.00, or both.

§9 Attempts.

A person who attempts to commit an offense and does an act toward the commission thereof, but by reason of being interrupted or prevented fails in the execution of the same, shall be punished as herein provided unless other express provision is made by law for the punishment of such attempt. If the offense attempted to be committed is a felony, a person shall be punished by the least severe of the two following punishments:
 (1) imprisonment for not more than ten years and fined not more than \$10,000.00, or both; or
 (2) as the offense attempted to be committed is by law punishable.

If the offense attempted to be committed is a misdemeanor, a person shall be imprisoned or fined, or both, in an amount not to exceed one-half the maximum penalty for which the offense so attempted to be committed is by law punishable.

29:1409 (Conspiracy) Penalties.

The penalty for conspiracy is the same as that authorized for the crime which is the object of the conspiracy, except that no term of imprisonment shall exceed five years, and no fine shall exceed \$10,000.00. A sentence imposed under this section shall be concurrent with any sentence imposed for an offense which was an object of the conspiracy.

VERMONT CRIMINAL STATUTES

VT. STAT. ANN. Tit. 13, §x (1974 & Supp. 1985).

For drugs: VT. STAT. ANN. Tit. 18, §x (1982 & Supp. 1985).

KEY

* = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

> , < = More than, less than

≥ , ≤ = More than or equal, less than or equal

NOTE: Maximum term is recorded, unless sentence range is specified. For classifications that are NOT inclusive, crimes with penalties of 2 years or less are NOT recorded.

| | |
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| Statute No. and Title | Class/Time |
|-----------------------|------------|

ABORTION

| | |
|---|-------------------------|
| 13:101 Definition and punishment | 5-20 yrs./ 3-10 yrs. |
| 13:104 Advertising or dealing in anything cause miscarriage | 3-10 yrs./ 1-3 yrs. |

ADULTERY AND BIGAMY

| | |
|---|--------|
| 13:205 Intermarriage of or fornication by persons prohibited to marry | 5 yrs. |
| 13:206 Bigamy | 5 yrs. |

ANIMALS

| | |
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| 13:405 Wilful and malicious injury of animals; poisoning | 5 yrs. |
| 13:454 Power of arrest; penalty for impeding | Punished as provided in section 3001 |

ARSON AND BURNING (inclusive)

| | |
|-----------------------------------|-----------------|
| 13:501 Arson causing death | Prison for life |
| 13:502 First degree arson | 2-10 yrs. |
| 13:503 Second degree arson | 1-5 yrs. |
| 13:504 Third degree arson | 1-3 yrs. |
| 13:505 Fourth degree arson | 1-2 yrs. |
| 13:506 Burning to defraud insurer | 1-5 yrs. |
| 13:507 Burning forests | 5 yrs. |
| 13:508 Setting fires | 30-60 days |

ASSAULTS (inclusive)

| | |
|----------------------------|------------------------------|
| 13:608 Assault and robbery | 10 yrs./1-15 yrs./ 1-20 yrs. |
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|---|-----------------|--|---------|
| BARRATRY | | 13:1506 Officer aiding or voluntarily allowing escape | 5 yrs. |
| BREACH OF THE PEACE; DISTURBANCES (inclusive) | | EXPLOSIVES | |
| 13:902 Rioters refusing to disperse | 6 mos. | 13:1601 Willful and malicious injuries caused by explosives | 20 yrs. |
| 13:903 Hindering officer | 6 mos. | 13:1602 Attempts | 10 yrs. |
| 13:905 Rioters injuring building or vessel | 5 yrs. | 13:1604 Possession of destructive devices | 10 yrs. |
| 13:1022 Noise in the nighttime | Fine | 13:1605 Injuries caused by destructive devices | 20 yrs. |
| 13:1023 Simple assault | 1 yr./60 days | 13:1606 Possession and use of explosives | 5 yrs. |
| 13:1024 Aggravated assault | 15 yrs./5 yrs. | 13:1607 Sale of explosives | 5 yrs. |
| 13:1025 Recklessly endangering another person | 1 year | 13:1608 Injuries caused by explosives | 20 yrs. |
| 13:1026 Disorderly conduct | 60 days | 13:1612 Placing a hoax device | 10 yrs. |
| 13:1027 Disturbing peace by use of telephone | 3 mos./6 mos. | EXTORTION AND THREATS | |
| 13:1028* Assault of law enforcement officer | 30 days-1 yr. | 13:1701 Definition and penalty | 3 yrs. |
| ● second and subsequent offenses | 2-10 yrs. | FALSE ALARMS AND REPORTS | |
| BRIBERY | | 13:1751* False alarms to agencies of public safety | 1 yr. |
| 13:1101 Bribing public officers | 5 yrs. | ● bodily injury or death is sustained by any person as a result of a violation of this section | 5 yrs. |
| 13:1102 Public officers accepting bribes | 10 yrs. | FORGERY AND COUNTERFEITING | |
| 13:1103 Bribing triers of causes | 5 yrs. | 13:1801 Forgery and counterfeiting of papers, documents, etc. | 10 yrs. |
| 13:1104 Triers of causes accepting bribes | 5 yrs. | 13:1802 Uttering forged or counterfeited instruments | 10 yrs. |
| BURGLARY (inclusive) | | 13:1803 Counterfeiting or altering peddler's license | 10 yrs. |
| 13:1201 Burglary | 25 yrs./15 yrs. | 13:1804 Counterfeiting paper money | 14 yrs. |
| 13:1204 Making or having burglar's tools | 20 yrs. | 13:1805 Counterfeiting scrip | 10 yrs. |
| CHILDREN AND INCOMPETENT PERSONS | | 13:1806 Affixing false signature to obligation of corporation | 14 yrs. |
| 13:1303 Abandonment or exposure of baby | 10 yrs. | 13:1807 Making or repairing tools for counterfeit money | 14 yrs. |
| CONSPIRACY | | 13:1808 Joining parts of several bills or instruments | 14 yrs. |
| DISCRIMINATION | | 13:1809 Counterfeiting coin | 15 yrs. |
| ESCAPE | | 13:1810 Making or repairing tools for counterfeiting coin | 15 yrs. |
| 13:1501* Escapes and attempts to escape | 10 yrs/5 yrs. | 13:1811 Making imitation of gold or silver | 10 yrs. |
| ● escapes or attempts to escape from an officer while in custody as a result of a misdemeanor | 2 yrs. | | |
| 13:1502 Unlawfully aiding prisoners | 5 yrs. | | |
| 13:1503 Giving prisoner tools for escape; aiding escaped prisoner | 5 yrs. | | |
| 13:1505 Aiding in escape from Weeks School | 5 yrs. | | |

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| FLAGS AND ENSIGNS | | 13:2403 With intent to extort money | Prison for life/death |
| FRAUDS | | CUSTODIAL INTERFERENCE | |
| 13:2001 False personation | 10 yrs. | 13:2451 Custodial interference | 5 yrs. |
| 13:2002 False pretenses or tokens | 10 yrs. | LARCENY AND EMBEZZLEMENT (inclusive) | |
| 13:2015 Transferring realty without notice of encumbrance | 3 yrs. | 13:2501 Grand larceny | 10 yrs. |
| 13:2016 Signing or issuing false certificates of stock | 1-10 yrs. | 13:2502 Petit larceny | 1 yr. |
| FRAUD IN COMMERCIAL TRANSACTIONS | | 13:2503 Larceny from the person | 10 yrs. |
| 13:2051 Issue of bill of lading for goods not received | 5 yrs. | 13:2504 Taking parcel of realty | 10 yrs. |
| 13:2053 Issue of duplicate bills of lading not so marked | 5 yrs. | 13:2505 Unauthorized use of boats or aircraft | 1 yr. |
| 13:2055 Negotiation of bill of lading when goods are not in carrier's possession | 5 yrs. | 13:2531 Embezzlement generally | 10 yrs. |
| 13:2056 Inducing carrier to issue bill of lading when goods have not been received | 5 yrs. | 13:2532 Officer or servant of incorporated bank | 10 yrs. |
| 13:2057 Issue of nonnegotiable bill of lading not so marked | 5 yrs. | 13:2533 Receiver or trustee | 10 yrs. |
| 13:2061 Issue of warehouse receipt for goods not received | 5 yrs. | 13:2534 Executor or administrator | 10 yrs. |
| 13:2063 Issue of duplicate warehouse receipts not so marked | 5 yrs. | 13:2535 Guardian | 10 yrs. |
| GAMBLING AND LOTTERIES | | 13:2536 Carrier | 10 yrs. |
| 13:2151* Bookmaking; pool selling; off-track wagers | See below | 13:2537 Person holding property in official capacity or belonging to state or municipality | 10 yrs. |
| 13:2152* Penalty ● subsequent offense | 6 mos. 5 yrs. | 13:2561* Penalty for receiving stolen property; venue ● Grand larceny ● Petit larceny | 10 yrs. 1 yr. |
| HOMICIDE (inclusive) | | 13:2575* Offense of retail theft | See below |
| 13:2301 Murder - degrees defined | | 13:2577* Penalty ● retail theft of merchandise having a retail value > \$100 | 6 mos./2 yrs. 10 yrs. |
| 13:2302 Determination of degree | | 13:2582* Theft of services ● services ≤ \$500 | 10 yrs. 1 yr. |
| 13:2303 Penalties ● If corrections/police officer ● Murder I ● Murder II | Death Prison for life Prison for life | 13:2591* Theft of rented property ● value of property ≤ \$100 | 10 yrs. 6 mos. |
| 13:2304 Manslaughter - penalties | 1-15 yrs. | LEWDNESS AND PROSTITUTION | |
| 13:2306 Poisoning food, drink, medicine or water | 20 yrs. | 13:2601 Lewd and lascivious conduct | 5 yrs. |
| 13:2307 Attempted murder | 20 yrs. | 13:2602 Lewd and lascivious conduct with child | 1-5 yrs. |
| 13:2308 False testimony with intent to cause death | Prison for life | 13:2632* Prohibited acts (prostitution) ● second offense | 1 yr. 3 yrs. |
| KIDNAPPING | | 13:2635 White slave traffic | 1-10 yrs. |
| 13:2401 Definition and punishment | 25 yrs. | 13:2636 Unlawful procurement | 1-10 yrs. |
| 13:2402 Child under sixteen | 30 yrs. | 13:2637 Appropriating or levying upon earnings of prostitute | 1-10 yrs. |

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| MAIMING | | 13:3434 Attempts | 1/2 punishment |
| 13:2701 Definition of and penalty for maiming | 7 yrs.-life | 13:3435 Conspiracy | Same punishment |
| OBSCENITY | | 13:3481 Obtaining maps and plans | 10 yrs. |
| SEXUAL EXPLOITATION OF CHILDREN | | 13:3482 Furnishing information to enemy | 10 yrs. |
| 13:2822 Use of a child in a sexual performance | See below | 13:3483 Injuries to certain property; penalty | 20 yrs. |
| 13:2823 Consenting to a sexual performance | See below | 13:3484 Concerted action by three or more | Death |
| 13:2824 Promoting a recording of a sexual act | See below | TREES AND PLANTS | |
| 13:2825 Penalties | 10 yrs./1-15 yrs. | TRESPASSES AND MALICIOUS INJURIES TO PROPERTY | |
| PERJURY | | 13:3701* Unlawful mischief ● damage to property > \$250 ● damage to property < \$250 | 5 yrs. 1 yr. 6 mos. |
| 13:2901 Punishment for perjury | 15 yrs. | 13:3705* Unlawful trespass ● trespasses in a dwelling house | 3 mos./1 yr. 3 yrs. |
| 13:2902 Subornation of perjury | 15 yrs. | 13:3729 Fire protection apparatus | 10 yrs. |
| 13:2903 Attempt to suborn | 5 yrs. | 13:3733 Mills, dams or bridges | 5 yrs. |
| 13:2904 False swearing | 15 yrs. | 13:3761 Unauthorized removal of dead bodies | 1-15 yrs. |
| 13:2905 In proof of loss to fire insurance company | 15 yrs. | 13:3764 Cemeteries and monuments - grave markers and historical tablets | See below |
| PUBLIC JUSTICE AND PUBLIC OFFICERS | | 13:3765 Burial grounds | See below |
| 13:3001 Impeding public officers | 3 yrs. | 13:3766 Grave markers and ornaments | See below |
| 13:3015 Obstruction of justice | 5 yrs. | 13:3767 Penalties | 5 yrs. |
| RAILROADS | | VAGRANTS | |
| 13:3101 Tampering with equipment resulting in death | 1-15 yrs. | 13:3906 Injury to person or property; procuring food by threat or force | 1-5 yrs. |
| 13:3102* Injuring or endangering traveler's person or property ● serious bodily injury as consequence | 2 yrs. 10 yrs. | WEAPONS | |
| 13:3103* Discharging firearms or throwing missiles at train ● serious bodily injury as consequence | 2 yrs. 10 yrs. | 13:4001 Sling shot, blackjack, brass knuckles - use or possession | 5 yrs. |
| SEXUAL ASSAULT (inclusive) | | 13:4005 While committing a crime | 5 yrs. |
| 13:3252 Sexual assault | 20 yrs. | 13:4009 Negligent use of gun | 5 yrs. |
| 13:3253 Aggravated sexual assault | 25 yrs. | POSSESSION AND CONTROL OF REGULATED DRUGS (inclusive) | |
| TREASON AND OTHER OFFENSES AGAINST THE GOVERNMENT | | 18:4224* Violations; penalties (a) Possessing marijuana - second or subsequent violation of the provisions of section 4223 relative to any possession of marijuana | See below 6 mos./2 yrs. |
| 13:3401 Definition and punishment of treason | Death | | |
| 13:3403 Misprision of treason | 5-10 yrs. | | |
| 13:3405 Promotion of anarchy | 3 yrs. | | |
| 13:3432 Interference with defense or war effort | 1-10 yrs. | | |
| 13:3433 Defective materials | 1-10 yrs. | | |

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| (b) Possessing a depressant or stimulant drug, narcotic drug or hallucinogenic drug | 1 yr. |
| ● second or subsequent violation of the provisions of section 4223 relative to any possession of drugs enumerated in this subsection | 2 yrs. + 1 day |
| (e) Person knowingly and unlawfully possessing a regulated drug with the intent to sell the same or in a specified amount | 3 yrs. |
| (f) Person knowingly and unlawfully possessing a regulated drug with an intent to sell the same or in a specified amount | 5 yrs. |
| (g) Knowingly and unlawfully manufacturing, cultivating, compounding, dispensing, administering, prescribing, or selling for a consideration a regulated drug | 5 yrs. |
| (h) Knowingly and unlawfully dispensing, administering, prescribing or selling to a person under the age of 18 a narcotic, depressant or stimulant drug or hallucinogenic drug | 25 yrs. |
| (i) Second or subsequent offense of subsection (g) or (h) | 25 yrs. |
| 18:4228 Unlawful manufacture, distribution, dispensing or sale of a noncontrolled drug or substance | 1 yr. |
| DRUG PARAPHERNALIA (inclusive) | |
| 18:4476 Offenses and penalties | 1 yr./2 yrs. |

VA. CODE ANN. §x (1982 & Supp. 1986).

Criminal Classification Information

§18.2-8 Felonies, misdemeanors and traffic infractions defined.

Offenses are either felonies or misdemeanors. Such offenses as are punishable with death or confinement in the penitentiary are felonies; all other offenses are misdemeanors. Traffic infractions are violations of public order as defined in §46.1-1(40) and not deemed to be criminal in nature.

§18.2-9 Classification of criminal offenses.

(1) Felonies are classified, for the purposes of punishment and sentencing, into six classes:

- (a) Class 1 felony
- (b) Class 2 felony
- (c) Class 3 felony
- (d) Class 4 felony
- (e) Class 5 felony
- (f) Class 6 felony.

(2) Misdemeanors are classified, for the purposes of punishment and sentencing, into four classes:

- (a) Class 1 misdemeanor
- (b) Class 2 misdemeanor
- (c) Class 3 misdemeanor
- (d) Class 4 misdemeanor.

§18.2-10 Punishment for conviction of felony.

The authorized punishments for conviction of a felony are:

- (a) For Class 1 felonies, death, or imprisonment for life.
- (b) For Class 2 felonies, imprisonment for life or for any term not less than twenty years.
- (c) For Class 3 felonies, a term of imprisonment of not less than five years nor more than twenty years.
- (d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than ten years.
- (e) For Class 5 felonies, a term of imprisonment of not less than one year nor more than ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$1,000, either or both.
- (f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$1,000, either or both.

§18.2-11 Punishment for conviction of misdemeanor.

The authorized punishments for conviction of a misdemeanor are:

- (a) For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than \$1,000, either or both.
- (b) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$500, either or both.
- (c) For Class 3 misdemeanors, a fine of not more than \$500.
- (d) For Class 4 misdemeanors, a fine of not more than \$100.

§18.2-12 Same; where no punishment or maximum punishment prescribed.

A misdemeanor for which no punishment or no maximum punishment is prescribed by statute shall be punishable as a Class 1 misdemeanor.

§18.2-13 Same; by reference.

Where a statute in this Code prescribes punishment by stating that the offense is a misdemeanor, or that it is punishable as provided for in §18.1-9, the offense shall be deemed to be a Class 1 misdemeanor.

§18.2-14 How unclassified offenses punished.

Offenses defined in Title 18.2 and in other titles in the Code, for which punishment is prescribed without specification as to the class of the offense, shall be punished according to the punishment prescribed in the section or sections thus defining the offense.

§18.2-15 Place of punishment.

Imprisonment for conviction of a felony shall be by confinement in the penitentiary, unless in Class 5 and Class 6 felonies the jury or court trying the case without a jury fixes the punishment at confinement in jail. Imprisonment for conviction of a misdemeanor shall be by confinement in jail.

§18.2-16 How common-law offenses punished.

A common-law offense, for which punishment is prescribed by statute, shall be punished only in the mode so prescribed.

INCHOATE OFFENSES

§18.2-22 Conspiracy to commit felony.

(a) If any person shall conspire, confederate or combine with another, either within or without this Commonwealth, to commit a felony within this Commonwealth, or if he shall so conspire, confederate or combine with another within this Commonwealth to commit a felony either within or without this Commonwealth, he shall be guilty of a felony which shall be punishable as follows:

- (1) Every person who so conspires to commit an offense which is punishable by death shall be guilty of a Class 3 felony;
- (2) Every person who so conspires to commit an offense which is a noncapital felony shall be guilty of a Class 5 felony; and
- (3) Every person who so conspires to commit an offense the maximum punishment for which is confinement in the penitentiary for a period of less than five years shall be confined in the penitentiary for a period of one year, or, in the discretion of the jury or the court trying the case without a jury, may be confined in jail not exceeding twelve months and fined not exceeding \$500, either or both.

(b) However, in no event shall the punishment for a conspiracy to commit an offense exceed the maximum punishment for the commission of the offense itself.

* * *

§18.2-23 Conspiring to trespass after having been forbidden to do so.

If any person shall conspire, confederate or combine with another or others in this State to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a Class 3 misdemeanor.

* * *

§18.2-25 Attempts to commit capital offenses; how punished.

If any person attempts to commit an offense which is punishable with death, he shall be guilty of a Class 2 felony.

§18.2-26 Attempts to commit noncapital felonies; how punished.

Every person who attempts to commit an offense which is a noncapital felony shall be punished as follows:

- (1) If the felony attempted is punishable by a maximum punishment of life imprisonment; an attempt threat shall be punishable as a Class 4 felony.
- (2) If the felony attempted is punishable by a maximum punishment of twenty years' imprisonment, an attempt threat shall be punishable as a Class 5 felony.
- (3) If the felony attempted is punishable by a maximum punishment of less than twenty years' imprisonment, an attempt thereat shall be punishable as a Class 6 felony.

§18.2-27 Attempts to commit misdemeanors; how punished.

Every person who attempts to commit an offense which is a misdemeanor shall be punishable by the same punishment prescribed for the offense the commission of which was the object of the attempt.

§18.2-28 Maximum punishment for attempts.

Any provision in this article notwithstanding, in no event shall the punishment for an attempt to commit an offense exceed the maximum punishment had the offense been committed.

§18.2-29 Criminal solicitation; penalty.

Any person who commands, entreats, or otherwise attempts to persuade another person to commit a felony, shall be guilty of a Class 6 felony.

VIRGINIA CRIMINAL STATUTES

VA. CODE ANN. §x (1982 & Supp. 1986)

KEY

- F = Felony
- M = Misdemeanor
- SP = State Prison
- J = Jail
- ? = Unspecified classification
- 1,2,3,4,5,6 = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

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| Statute No. and Title | Class/Time |
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Crimes Against the Person

HOMICIDE (inclusive)

| | |
|--|-------|
| 18.2-31 Capital murder defined; punishment | F1 |
| 18.2-32 First and second degree murder defined; punishment | F2/F3 |
| 18.2-33 Felony homicide defined; punishment | F3 |
| 18.2-35 How voluntary manslaughter punished | F5 |
| 18.2-36 How involuntary manslaughter punished | F5 |

CRIMES BY MOBS

| | |
|---|------------------|
| 18.2-40 Lynching deemed murder | Punish as murder |
| 18.2-41 Shooting, stabbing, etc., with intent to maim, kill, etc., by mob | F3 |

KIDNAPPING AND RELATED OFFENSES

| | |
|---|-------|
| 18.2-47* Abduction and kidnapping defined punishment | F5/F6 |
| • offense committed by parent of person and punishable as contempt of court | M1 |
| 18.2-48 Abduction with intent to extort money or for immoral purpose | F2 |
| 18.2-48.1 Abduction by prisoners; penalty | F3 |
| 18.2-49 Threatening, attempting or assisting in such abduction | F5 |

ASSAULTS AND BODILY WOUNDINGS (inclusive)

| | |
|---|-------|
| 18.2-51 Shooting, stabbing, etc., with intent to maim, kill, etc. | F3/F6 |
| 18.2-51.1 Malicious bodily injury to law enforcement officers; penalty; lesser included offense | F3/F6 |
| 18.2-51.2 Aggravated malicious wounding; penalty | F2 |

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| 18.2-52 Malicious bodily injury by means of any caustic substance or agent or use of any explosive | F: 5-30 yrs./F6 | 18.2-67.3 Aggravated sexual battery | F: 1-20 yrs. |
| 18.2-53 Shooting, etc., in committing or attempting a felony | F6 | 18.2-67.4 Sexual battery | M1 |
| 18.2-53.1 Use or display of firearm in committing felony | F: 2 yrs./4 yrs. | 18.2-67.5* Attempted rape, forcible sodomy, inanimate object sexual penetration, aggravated sexual battery, and sexual battery | F4/F6 |
| 18.2-54.1 Attempts to poison | F3 | ● attempt to commit sexual battery | M1 |
| 18.2-54.2 Adulteration of food, drink, drugs, cosmetics, etc.; penalty | F3 | SEDUCTION | |
| 18.2-55 Bodily injuries caused by prisoners, probationers or parolees | F5 | 18.2-68 Seduction of female of previous chaste character; reputation for chastity | F4 |
| 18.2-56* Hazing unlawful; civil and criminal liability; duty of school, etc., officials | M1 | ABORTION | |
| ● injury would be such as to constitute a felony | Felony | 18.2-71 Producing abortion or miscarriage, etc.; penalty | F4 |
| 18.2-56.1 Reckless handling of firearms; reckless handling while hunting | M2 | 18.2-76.1 Encouraging or promoting abortion | M3 |
| 18.2-57 Assault and battery | M1 | Crimes Against Property | |
| 18.2-57.1 Assault and battery against law enforcement officers; penalty; lesser included offenses | M1 | ARSON AND RELATED CRIMES (inclusive) | |
| ROBBERY (inclusive) | | 18.2-77 Burning or destroying dwelling house, etc. | F2/F3 |
| 18.2-58 How punished | SP: 5 yrs.-life | 18.2-79 Burning or destroying meeting house, etc. | F4/F3 |
| EXTORTION AND OTHER THREATS | | 18.2-80* Burning or destroying any other building or structure | F3/F4 |
| 18.2-59 Extorting money, etc., by threats | F5 | ● no person is in building or structure and the value of the property is less than \$200 | M1 |
| 18.2-60 Threats of death or bodily injury to a person or member of his family | F6 | 18.2-81* Burning or destroying personal property, standing grain, etc. | F4 |
| 18.2-60.1 Threatening the Governor or his immediate family | F6 | ● value of the property is less than \$200 | M1 |
| CRIMINAL SEXUAL ASSAULT (inclusive) | | 18.2-82 Burning building or structure while in such building or structure with intent to commit felony | F4 |
| 18.2-61 Rape | SP: 5 yrs.-life | 18.2-83* Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue | F5 |
| 18.2-63* Carnal knowledge of child between thirteen and fifteen years of age | F4/F6 | ● accused is under 15 years of age | M1 |
| ● consenting child is less than three years the accused's junior | Punish as fornication | 18.2-84 Causing, inciting, etc., commission of act proscribed by §18.2-83 | F5 |
| 18.2-64.1* Carnal knowledge of certain minors | F6 | 18.2-85 Manufacture, possession; use, etc., of fire bombs or explosive materials or devices | F5 |
| ● minor is less than three years the junior of the accused | Punish as fornication | 18.2-86 Setting fire to woods, fences, grass, etc. | F6 |
| 18.2-67.1 Forcible sodomy | F: 5 yrs.-life | 18.2-87 Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized | M2 |
| 18.2-67.2 Inanimate object sexual penetration; penalty | F: 5 yrs.-life | | |
| 18.2-67.2:1 Marital sexual assault | SP: 1-20 yrs. or J: 12 mos. | | |

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| 18.2-87.1 Setting off chemical bombs capable of producing smoke in certain public buildings | M2 | 18.2-103* Concealing or taking possession of merchandise; altering price tags; transferring goods from one container to another in performance of such acts | |
| 18.2-88 Carelessly damaging property by fire | M4 | | |
| BURGLARY AND RELATED OFFENSES (inclusive) | | 18.2-104* Punishment for conviction under §18.2-103 | M1/J: 30 days-12 mos. |
| 18.2-89 Burglary; how punished | F3/F2 | ● third or subsequent offense | F6 |
| 18.2-90 Entering dwelling house, etc., with intent to commit murder, rape or robbery | F3/F2 | ● value of goods and merchandise is F5 \$200 or more | |
| 18.2-91 Entering dwelling house, etc., with intent to commit larceny or other felony | F: 1-20 yrs. or J: 12 mos./F2 | 18.2-105.2 Manufacture, sale, etc., of devices to shield against electronic detection of shoplifting prohibited; penalty | M3 |
| 18.2-92 Breaking and entering dwelling house with intent to commit assault or other misdemeanor | F6/F2 | 18.2-107 Theft or destruction of public records by others than officers | F6 |
| 18.2-93 Entering bank, armed, with intent to commit larceny | F2 | 18.2-108* Receiving, etc., stolen goods | |
| 18.2-94 Possession of burglarious tools, etc. | F5 | ● if grand larceny | SP: 1-20 yrs. or J:12 mos. |
| LARCENY AND RECEIVING STOLEN GOODS (inclusive) | | ● if petit larceny | M1 |
| 18.2-95 Grand larceny defined; how punished | SP: 1-20 yrs. or J: 12 mos. | 18.2-109 Receipt or transfer of possession of stolen vehicle, aircraft or boat | F6 |
| 18.2-96 Petit larceny defined; how punished | M1 | EMBEZZLEMENT AND FRAUDULENT CONVERSIONS | |
| 18.2-96.1* Identification of certain personalty | M1 | 18.2-111* Embezzlement deemed larceny; indictment; statement from attorney for the Commonwealth | |
| ● value of personalty is \$200 or more | F5 | ● if grand larceny | SP: 1-20 yrs. or J: 12 mos. |
| 18.2-97 Larceny of certain animals and poultry | F5/F6 | ● if petit larceny | M1 |
| 18.2-98* Larceny of banknotes, checks, etc., or any book of accounts | | 18.2-111.1* Conversion of military property by person discharged from national guard or naval militia | |
| ● if grand larceny | SP: 1-20 yrs. or J:12 mos. | ● if grand larceny | SP: 1-20 yrs. or J: 12 mos. |
| ● if petit larceny | M1 | ● if petit larceny | M1 |
| 18.2-100 Removal of crop by tenants before rents and advances are satisfied | M3 | 18.2-112 Embezzlement by officers, etc., of public or other funds; default in paying over funds evidence of guilt | F4 |
| 18.2-101* Selling, etc., of goods distrained or levied on | | 18.2-113 Fraudulent entries, etc., in accounts by officers or clerks of banks or joint stock companies | F4 |
| ● if grand larceny | SP: 1-20 yrs. or J: 12 mos. | 18.2-114* Sale, etc., of goods, etc. of another and failure to pay over proceeds | |
| ● if petit larceny | M1 | ● if grand larceny | SP: 1-20 yrs. or J: 12 mos. |
| 18.2-102* Unauthorized use of animal, aircraft, vehicle or boat; consent; accessories or accomplices | F6 | ● if petit larceny | M1 |
| ● value of vehicle is less than \$200 | M1 | 18.2-114.1* When collection of money by commissioner, etc., larceny | |
| 18.2-102.1 Removal of shopping cart from store premises | M3 | ● if grand larceny | SP: 1-20 yrs. or J: 12 mos. |
| | | ● if petit larceny | M1 |

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| 18.2-115* Fraudulent conversion or removal of property subject to lien or title to which is in another | | 18.2-154 Shooting at or throwing missiles, etc., at train, car, vessel, etc. | F4/F6/punish as murder/punish as involuntary manslaughter |
| ● if grand larceny | SP: 1-20 yrs. or J: 12 mos. | | |
| ● if petit larceny | M1 | 18.2-155* Injuring etc., signal used by railroad | F4/punish as murder/punish as involuntary manslaughter |
| 18.2-116* Failure to pay for or return goods delivered for selection on approval | | | M1 |
| ● if grand larceny | SP: 1-20 yrs. or J: 12 mos. | ● act done unlawfully but not maliciously | |
| ● if petit larceny | M1 | 18.2-156 Taking or removing waste or packing from journal boxes | F6 |
| 18.2-117* Failure of bailee to return animal, aircraft, vehicle or boat | | | |
| ● if grand larceny | SP: 1-20 yrs. or J: 12 mos. | 18.2-162* Injury to oil, telegraph, telephone, electric, gas or water facility | F4/F2/F3 |
| ● if petit larceny | M1 | ● damage may be remedied for \$200 or less (non-radioactive) | M3 |
| 18.2-118* Fraudulent conversion or removal of leased personal property | | 18.2-165.1* Tampering with or unlawful use of cable television service | F6 |
| ● if grand larceny | SP: 1-20 yrs. or J: 12 mos. | ● value of the service is less than \$200 | M1 |
| ● if petit larceny | M1 | | |
| TRESPASS TO REALTY | | | |
| 18.2-126 Violation of sepulcher | F4 | Crimes Involving Fraud | |
| DAMAGE TO REALTY AND PERSONALTY THEREON | | | |
| DAMAGE TO AND TAMPERING WITH PROPERTY | | | |
| 18.2-144* Maiming, killing or poisoning animals, fowl, etc. | F5 | 18.2-168 Forging public records, etc. | F4 |
| ● commit offense upon any fowl or any companion animal | M1 | 18.2-169 Forging, or keeping an instrument for forging, a seal | F4 |
| 18.2-147.1 Breaking and entering into railroad cars, motortrucks, aircraft, etc., or pipeline systems | F4/F3 | 18.2-170 Forging coin or bank notes | F4 |
| 18.2-151 Opening or carrying away pumps, etc., used for dispensing gasoline, etc. | F6 | 18.2-171 Making or having anything designed for forging any writing, etc. | F4 |
| 18.2-152* Stealing from or tampering with parking meter, vending machine, pay telephone, etc. | M1 | 18.2-172 Forging, uttering, etc., other writings | F5 |
| ● any subsequent conviction | F6 | 18.2-173* Having in possession forged coin or bank notes | F6 |
| COMPUTER CRIMES | | | |
| 18.2-152.3* Computer fraud | F5 | ● number of coins or notes is less than ten | M3 |
| ● value of property or services obtained is less than \$200 | M1 | IMPERSONATION, FALSE PRETENSES | |
| OFFENSES RELATING TO RAILROADS AND OTHER UTILITIES | | | |
| 18.2-153 Obstructing or injuring canal, railroad, power line, etc., | F4/F6/punish as murder/punish as involuntary manslaughter | 18.2-178 Obtaining money for signature, etc., by false pretense | F4 |
| | | BAD CHECK LAW | |
| | | 18.2-181* Issuing bad checks, etc., larceny | F6 |
| | | ● value is less than \$200 | M1 |
| | | FALSE REPRESENTATIONS TO OBTAIN PROPERTY | |
| | | 18.2-186* False statement to obtain property or credit | F6 |
| | | ● value is less than \$200 | M4 |

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| 18.2-187.1* Obtaining or attempting to obtain oil, electric, gas, water, telephone, telegraph or cable television service without payment; penalty ● value less than \$200 | F6 M1 | MISREPRESENTATION AND OTHER OFFENSES CONNECTED WITH SALES 18.2-238 Buying, etc., pig iron, etc. with intent to defraud; possession; evidence of intent | F6 |
| 18.2-188* Defrauding hotels, motels, campgrounds, boarding houses, etc. ● value less than \$200 | F5 M1 | Crimes Involving Health and Safety DRUGS (inclusive) | |
| OFFENSES RELATING TO CREDIT CARDS | | | |
| 18.2-192 Credit card theft | SP: 1-20 yrs. or J: 12 mos. | 18.2-248* Manufacturing, selling, giving, distributing or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties | |
| 18.2-193 Credit card forgery | F5 | (a) violation of this section with respect to a controlled substance classified in Schedules I, II | ?: 5-40 yrs./ 5 yrs.-life/ F5 |
| 18.2-195* Credit card fraud ● value exceeds \$200 in any 6-month period | M1 F6 | (a)(1) prescription violation | M4 |
| 18.2-196 Criminal possession of credit card forgery devices | F6 | (b) violation of this section with respect to a controlled substance classified in Schedules III, IV or V | M1 |
| 18.2-197* Criminally receiving goods and services fraudulently obtained ● value exceeds \$200 in any six-month period | M1 F6 | (d) violation of this section with respect to an imitation controlled substance | M1 |
| 18.2-198 Obtaining airline, railroad, steamship, etc., ticket at discount price | See below | (.1)* Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana | F5/F: 5-30 yrs. |
| 18.2-199 Penalties for violation of article | F6 | (a)(1) violation of section with not more than 1/2 ounce of marijuana | M1 |
| MISCELLANEOUS FALSE AND FRAUDULENT ACTS | | | |
| 18.2-200* Failure to perform promise to deliver crop, etc. in return for advances ● if grand larceny ● if petit larceny | SP: 1-20 yrs. or J: 12 mos. M1 | (a)(3) gave, possessed, etc. marijuana only as an accommodation to another individual | M1 |
| 18.2-200.1* Failure to perform promise for construction, etc., in return for advances ● if grand larceny ● if petit larceny | SP: 1-20 yrs. or J: 12 mos. M1 | 18.2-248.4 Advertisement of imitation controlled substances prohibited; penalty | M1 |
| 18.2-204* False statement for the purpose of defrauding industrial sick benefit company ● willfully makes a false statement of any material in a sworn statement | M3 F5 | 18.2-248.5 Illegal stimulants; penalty | M1 |
| 18.2-204.1* Fraudulent use of birth certificates, drivers' licenses, etc. ● intent to use certificate or document to purchase a firearm | M1 F6 | 18.2-250* Possession of controlled substances unlawful ● violation of this section with respect to any controlled substance classified in Schedules I or II | M1/M2/ M3/M4 F5 |
| | | .1 Possession of marijuana unlawful | M: 30 days/M1 |
| | | 18.2-255 Distribution of certain drugs to persons under eighteen prohibited; penalty | SP: 10-50 yrs./F6 |
| | | .1 Distribution, sale or display of printed material advertising instruments for use in administering marijuana or controlled substances to minors; penalty | M1 |
| | | .2* Prohibiting the sale of certain controlled substances or marijuana on school property; penalty provided | F6 |

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| (b) violation only as an accommodation to another individual with no intent to profit | M1 | 18.2-309 Furnishing certain weapons to minors | F4 |
| MISCELLANEOUS DANGEROUS CONDUCT | | | |
| 18.2-256 Conspiracy | Same as offense | 18.2-312 Illegal use of teargas, phosgene and other gases | F3/F6 |
| 18.2-257* Attempts ● attempts to commit any offense defined in this article or in the Drug Control Act which is a misdemeanor | ?: 1-10 yrs. M2/same as offense if lesser penalty | Crimes Involving Morals and Decency GAMBLING | |
| 18.2-258.1 Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit or forgery | F6 | 18.2-328 Conducting illegal gambling operation; penalties BINGO AND RAFFLES | F6/?: 1-10 yrs. |
| 18.2-260 Prescribing dispensing, etc., drug except as authorized in article and Drug Control Act; violations for which no penalty provided | M1 | 18.2-340.9 Prohibited practices 18.2-340.10* Denial suspension or revocation of permit; penalties ● violation of the provisions of §18.2-340.9 | See below M1 F6 |
| 18.2-264 Inhaling drugs or other noxious chemical substances or causing, etc., others to do so | M1/M2 | SUNDAY OFFENSES SEXUAL OFFENSES, PROSTITUTION, ETC. | |
| DRUG PARAPHERNALIA (inclusive) | | | |
| 18.2-265.3* Penalties for sale, etc., of drug paraphernalia ● person eighteen years of age or older who sells drug paraphernalia to a minor who is at least 3 years his junior | M1 F6 | 18.2-355 Taking, detaining, etc., person for prostitution, etc., or consenting thereto 18.2-356 Receiving money for procuring person 18.2-357 Receiving money from earnings of male or female prostitute | F4 F4 F4 |
| DRIVING MOTOR VEHICLE, ETC. WHILE INTOXICATED | | | |
| TRANSPORTATION OF HAZARDOUS MATERIALS | | | |
| 18.2-279 Discharging firearms or missiles within or at occupied buildings | F4/punish as murder/F6/ punish as involuntary manslaughter | 18.2-358 Detaining male or female in bawdy place against his or her will 18.2-361 Crimes against nature | F4 F6/F3 |
| DANGEROUS USE OF FIREARMS OR OTHER WEAPONS | | | |
| 18.2-281 Setting spring gun or other deadly weapon | F6 | 18.2-362 Person marrying when husband or wife is living 18.2-366* Adultery and fornication by persons forbidden to marry; incest ● incest with grandson, granddaughter, son or daughter, father or more ● parental incest with child at least 13 but under 15 | F4 M1 F5 F3 |
| UNIFORM MACHINE GUN ACT | | | |
| 18.2-289 Use of machine gun for crime of violence | F2 | 18.2-367 Conspiring to cause spouse to commit adultery | F5/F6 |
| 18.2-290 Use of machine gun for aggressive purpose | F4 | 18.2-368 Placing or leaving wife for prostitution 18.2-370 Taking indecent liberties with children | F5 F6 |
| "SAWED-OFF" SHOTGUN ACT | | | |
| 18.2-300 Possession or use of "sawed-off" shotgun | F2/F4 | 18.2-370.1 Taking indecent liberties with child by person in custodial or supervisory relationship | F6 F6 |
| OTHER ILLEGAL WEAPONS | | | |
| 18.2-308.2 Possession or transportation of handguns or concealed weapons by convicted felons; penalties | F6 | | |

OBSCENITY AND RELATED OFFENSES

18.2-374* Production, publication, sale, possession, etc., of obscene items

- first offense M1
- subsequent offense F6

18.2-374.1 Production, publication, sale, possession with intent to distribute, financing, etc., of sexually explicit items involving children; presumptions as to age; severability F5/F4

18.2-375* Obscene exhibitions and performances

- first offense M1
- subsequent offense F6

18.2-376* Advertising, etc., obscene items, exhibitions or performances

- first offense M1
- subsequent offense F6

18.2-377* Placards, bills, etc.

- first offense M1
- subsequent offense F6

18.2-378* Coercing acceptance of obscene articles or publications

- first offense M1
- subsequent offense F6

18.2-379* Employing or permitting minor to assist in offense under article

- first offense M1
- subsequent offense F6

18.2-380 Punishment for first offense

- 18.2-374 to 18.2-379 M1

18.2-381 Punishment for subsequent offenses; additional penalty for owner

- 18.2-374 to 18.2-379 F6

PROHIBITED SALES AND LOANS TO JUVENILES

CRUELTY TO ANIMALS

Crimes Against Peace and Order

RIOTS AND UNLAWFUL ASSEMBLY

18.2-405* What constitutes a riot; punishment

- carrying firearm at time of riot M1

18.2-406* What constitutes an unlawful assembly; punishment

- carrying firearm at time of unlawful assembly F5

18.2-408 Conspiracy; incitement, etc., to riot F5

18.2-413 Commission of certain offenses in county, city or town declared by Governor to be in state of riot or insurrection F5

18.2-414 Injury to property or persons by persons unlawfully or riotously assembled F6

DISORDERLY CONDUCT

ABUSIVE AND INSULTING LANGUAGE

PICKETING OF DWELLING PLACES

ACTIVITIES TENDING TO CAUSE VIOLENCE

18.2-422 Prohibition of wearing of masks in certain places; exceptions F6

18.2-423 Burning cross on property of another or public place with intent to intimidate; penalty; prima facie evidence of intent F6

18.2-423.1 Placing swastika on certain property with intent to intimidate; penalty; prima facie evidence of intent F6

UNLAWFUL USE OF TELEPHONES

PLACES OF AMUSEMENT AND DANCE HALLS

Crimes Against the Administration of Justice

PERJURY

18.2-434 What deemed perjury; punishment and penalty F5

18.2-435 Giving conflicting testimony on separate occasions as to same matter; indictment; sufficiency of evidence F5

18.2-436 Inducing another to give false testimony; sufficiency of evidence F5

BRIBERY AND RELATED OFFENSES

18.2-438 Bribes to officers or candidates for office F4

18.2-439 Acceptance of bribe by officer or candidate F4

18.2-441 Giving bribes to, or receiving bribes by, commissioners, jurors, etc. F4

18.2-441.1 Bribery of witnesses F6

18.2-442 Bribery of participants in games, contests or sports F5

18.2-443 Solicitation or acceptance of bribes by participants or by managers, coaches or trainers F5

18.2-444.2 Giving or accepting a fee or gift for procuring a loan F6

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| BRIBERY OF PUBLIC SERVANTS AND PARTY OFFICIALS | | 18.2-485 Conspiring to incite one race to insurrection against another race | F4 |
| 18.2-447 When person guilty of bribery | See below | UNIFORM FLAG ACT | |
| 18.2-449 Punishment | F4 | Miscellaneous | |
| BARRATRY | | LIQUIFIED PETROLEUM GAS CONTAINERS | |
| CONTEMPT OF COURT | | VIRGINIA GOVERNMENTAL FRAUDS ACT | |
| INTERFERENCE WITH ADMINISTRATION OF JUSTICE | | 18.2-498.3 Misrepresentations prohibited | F6 |
| 18.2-460* Obstructing justice by threats or force | M1 | CONSPIRACY TO INJURE ANOTHER IN TRADE, BUSINESS OR PROFESSION | |
| • threats of bodily harm | F5 | MISCELLANEOUS OFFENSES IN GENERAL | |
| 18.2-468 Making sound recordings of jury deliberations | F6 | 18.2-504 Destroying or concealing wills | F6 |
| ESCAPE OF, COMMUNICATIONS WITH AND DELIVERIES TO PRISONERS | | | |
| 18.2-473* Persons aiding escape of prisoner or child detained on conviction, commitment or charge of felony | SP: 1-5 yrs. | | |
| • escape not effected or prisoner or child was not detained on conviction, commitment or charge of felony | M1 | | |
| 18.2-474.1 Delivery of drugs, firearms, explosives, etc., to prisoners | F5/F3 | | |
| 18.2-475 Officers, etc., voluntarily allowing prisoner convicted of or charged with felony to escape; penalty | F4 | | |
| 18.2-477 Prisoner escaping from jail; how punished | F6 | | |
| 18.2-477.1 Escapes from residential care facility | Unlawful | | |
| 18.2-478 Escape from jail or custody by force or violence without setting fire to jail | F6 | | |
| 18.2-479* Escape without force or violence or setting fire to jail | M1 | | |
| • person in custody for felony escape | F6 | | |
| 18.2-480 Escape, etc., by setting fire to jail | F4 | | |
| TREASON AND RELATED OFFENSES | | | |
| 18.2-481 Treason defined; how proved and punished | F2 | | |
| 18.2-482 Misprison of treason | F6 | | |
| 18.2-484 Advocacy of change in government by force, violence or other unlawful means | F6 | | |

WASHINGTON

WASH. REV. CODE ANN. Sx (1977, 1985 & Supp. 1987).

Criminal Classification Information

9A.04.040 Classes of crimes.

- (1) An offense defined by this title or by any other statute of this state, for which for a sentence of imprisonment is authorized, constitutes a crime. Crimes are classified as felonies, gross misdemeanors, or misdemeanors.
- (2) A crime is a felony if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for a term in excess of one year. A crime is a misdemeanor if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for no more than ninety days. Every other crime is a gross misdemeanor.

9A.20.010 Classification and designation of crimes

- (1) Classified Felonies.
 - (a) The particular classification of each felony defined in Title 9A RCW is expressly designated in the section defining it.
 - (b) For purposes of sentencing, classified felonies are designated as one of three classes, as follows:
 - (i) Class A felony; or
 - (ii) Class B felony; or
 - (iii) Class C felony.
- (2) Misdemeanors and Gross Misdemeanors.
 - (a) Any crime punishable by a fine of not more than one thousand dollars, or by imprisonment in a county jail for not more than ninety days, or by both such fine and imprisonment is a misdemeanor. Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.
 - (b) All crimes other than felonies and misdemeanors are gross misdemeanors.

9A.20.021 Maximum sentences for crimes committed July 1, 1984, and after

- (1) Felony. No person convicted of a classified felony shall be punished by confinement or fine exceeding the following:
 - (a) For a class A felony, by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both such confinement and fine;
 - (b) For a class B felony, by confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of twenty-thousand dollars; or by both confinement and fine;
 - (c) For a class C felony, by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine.
- (2) Gross Misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

- (3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.
- (4) This section applies to only those crimes committed on or after July 1, 1984.

9.92.010 Punishment of felony when not fixed by statute

Every person convicted of a felony for which no punishment is specially prescribed by any statutory provision in force at the time of conviction and sentence, shall be punished by confinement or fine which shall not exceed confinement in a state correctional or institution for a term of ten years, or by a fine in an amount fixed by the court of not more than twenty thousand dollars, or by both such confinement and fine.

9.92.020 Punishment of gross misdemeanor when not fixed by statute

Every person convicted of a gross misdemeanor for which no punishment is prescribed in any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars or by both such imprisonment and fine.

9.92.030 Punishment of misdemeanor when not fixed by statute

Every person convicted of a misdemeanor for which no punishment is prescribed by any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars or both such imprisonment and fine.

9.92.050 Commitment to state reformatory.

Whenever any male person, between the ages of sixteen and thirty years, is convicted of any felony the court may, in its discretion, order such person to be committed to and confined in the Washington state reformatory.

INCHOATE OFFENSES

9A.28.020 Criminal attempt

* * *

- (3) An attempt to commit a crime is a:
 - (a) Class A felony when the crime attempted is murder in the first degree or arson in the first degree;
 - (b) Class B felony when the crime attempted is a class A felony other than murder in the first degree or arson in the first degree;
 - (c) Class C felony when the crime attempted is a class B felony;
 - (d) Gross misdemeanor when the crime attempted is a class C felony;
 - (e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

9A.28.030 Criminal solicitation.

* * *

- (2) Criminal solicitation shall be punished in the same manner as criminal attempt under RCW 9A.28.020

9A.28.040 Criminal conspiracy.

(3) Criminal conspiracy is a:

- (a) Class A felony when an object of the conspiratorial agreement is murder in the first degree;
- (b) Class B felony when an object of the conspiratorial agreement is a class A felony other than murder in the first degree;
- (c) Class C felony when an object of the conspiratorial agreement is a class B felony;
- (d) Gross misdemeanor when an object of the conspiratorial agreement is a class C felony;
- (e) Misdemeanor when an object of the conspiratorial agreement is a gross misdemeanor or misdemeanor.

10.95.030 Sentences for aggravated first degree murder

- (1) Except as provided in subsection (2) of this section, any person convicted of the crime of aggravated first degree murder shall be sentenced to life imprisonment without possibility of release or parole. A person sentenced to life imprisonment under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer and the board of prison terms and paroles or its successor may not parole such prisoner nor reduce the period of confinement in any manner whatsoever including but not limited to any sort of good-time calculation. The department of social and health services or its successor or any executive official may not permit such prisoner to participate in any sort of release or furlough program.
- (2) If, pursuant to a special sentencing proceeding held under RCW 10.95.050, the trier of fact finds that there are not sufficient mitigating circumstances to merit leniency, the sentence shall be death.

WASHINGTON CRIMINAL STATUTES

WASH. REV. CODE ANN. Sx (1977, 1985 & Supp. 1987).

KEY

- F = Felony
- M = Misdemeanor
- GM = Gross misdemeanor
- A,B,C,D = Crime subclass
- J = Jail
- SP = State penitentiary
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

NOTE: Maximum sentence is given, unless range or minimum (MIN.) is specified.

| Statute No. and Title | Class/Time |
|--|---------------------------|
| ABORTION | |
| 9.02.010* Defined | SP: 5 yrs. or J: 1 yr. |
| 9.02.020 Pregnant women attempting abortion | SP: 5 yrs. |
| ANARCHY AND SABOTAGE | |
| 9.05.010 Criminal anarchy defined | F |
| 9.05.020 Advocating criminal anarchy--Penalty | SP: 10 yrs. |
| 9.05.030 Assemblages of anarchists | SP: 10 yrs. |
| 9.05.060 Sabotage defined--Penalty | F |
| 9.05.070 Interference with owner's control | F |
| 9.05.080 Penalty for advocating sabotage | F |
| 9.05.100 Displaying emblems seditious and anarchistic groups | See below |
| 9.05.120 Penalty | F |
| BRANDS AND MARKS, CRIMES RELATING TO | |
| 9.16.010* Removing lawful brands | SP: 5 yrs. or J: 1 yr. |
| 9.16.020* Imitating lawful brand | |
| • If done with intent to confuse | F; SP: 5 yrs. |
| • If done without intent to confuse | M |
| CORPORATIONS, CRIMES RELATING TO | |
| 9.24.020 Fraudulent issue of stock, scrip, etc. | SP: 10 yrs. |
| 9.24.030 Insolvent bank receiving deposit | SP: 10 yrs. |
| 9.24.050 False report of corporation | SP: 10 yrs. |

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|---|--|---|-----------------|
| 9.24.125 Filing false statements - penalty | See RCW 43.07.210 | GAMBLING - 1973 ACT | |
| FIRES, CRIMES RELATING TO | | 9.46.155 Applicants and licensees-Bribes by to public officials and employees or agents thereof--Penalty | F; SP: 5 yrs. |
| 9.40.110 "Incendiary devices" - Definitions | | 9.46.160 Conducting gambling activity without license as violation--Penalties | F; SP: 5 yrs. |
| 9.40.120 "Incendiary defices" - Penalty | F; SP: 25 yrs. | 9.46.180 Causing person to violate chapter as violation--Penalty | F; SP: 5 yrs. |
| FIREARMS - DANGEROUS WEAPONS | | 9.46.220 Professional gambling as violation--Penalty | F; SP: 5 yrs. |
| 9.41.040 Unlawful possession of a short firearm or pistol - certain persons not precluded from ownership of firearms | FC | 9.46.230 Seizure and disposition of gambling devices owning, buying, selling, etc., gambling devices or records--Penalties | F; SP: 5 yrs. |
| 9.41.180* Setting spring gun ● no injury ● non-fatal injuries ● death results | J: 1 yr. SP: 20 yrs. SP: 20 yrs. | 9.47.090 Maintaining bucket shop-Penalty | F; SP: 5 yrs. |
| 9.41.190 Machine guns prohibited - Exception | See below | 9.47.120 Bunco steering | F; SP: 10 yrs. |
| 9.41.210 Penalty | F | MALICIOUS MISCHIEF--INJURY TO PROPERTY | |
| 9.41.220 Machine guns and parts contraband | F | 9.61.180 Threats to bomb or injure property | F |
| FRAUDS AND SWINDLES | | 9.61.230* Telephone calls to harass, intimidate, torment or embarrass ● no prior conviction ● previous conviction | GM FC |
| 9.45.020 Substitution of child | SP: 10 yrs. | MALICIOUS PROSECUTION--ABUSE OF PROCESS | |
| 9.45.070* Mock auctions ● Obtain money or property ● Buy, sell, pretend to buy, sell property | SP: 10 yrs. or J: 1 yr. M | 9.62.010* Malicious prosecution ● when crime felony ● when crime gross misdemeanor or misdemeanor | SP: 5 yrs. M |
| 9.45.124 Measurement of goods, raw materials and agricultural products--measuring inaccurately--altering measuring devices--penalty | F; SP: 10 yrs. | OBSCENITY AND PORNOGRAPHY | |
| 9.45.126 Measurement of goods, raw materials and agricultural violations-products--inducing penalty | F; SP: 10 yrs. | 9.68.140 Promoting pornography--class C felony--Penalties | FC |
| 9.45.160 Fraud in liquor warehouse receipts | | SEXUAL EXPLOITATION OF CHILDREN | |
| 9.45.170 Penalty | SP: 5 yrs. | 9.68A.040 Sexual exploitation of a minor--elements of crime--Penalties | FB/FC |
| 9.45.210 Altering sample or certificate of assay | F; SP: 5 yrs. | 9.68A.050 Dealing in depictions of minor engaged in sexually explicit conduct | FC |
| 9.45.220 Making false sample or assay of ore | F; SP: 5 yrs. | 9.68A.060 Sending, bringing into state depictions of minor engaged in sexually explicit conduct | FC |
| 9.45.230 Penalty | See above | 9.68A.090* Communication with minor for immoral purposes ● no previous conviction ● previous conviction/felony conviction | GM FC FC |
| 9.45.240* Fraud in obtaining telephone or telegraph service - penalty ● value > \$50 ● value > \$250 ● possession or sale of devices to fraudulently obtain telephone or television services | GM FC FC | 9.68A.100 Patronizing juvenile prostitute | FC |

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| TREASON | | 46.61.520 Vehicular homicide | FB |
| 9.82.030* Misprision of treason | SP: 5 yrs. or J: 1 yr. | 46.61.522 Vehicular assault | FC |
| MISCELLANEOUS CRIMES | | KIDNAPPING, UNLAWFUL IMPRISONMENT, AND CUSTODIAL INTERFERENCE | |
| 9.91.090* Fraudulent destruction of insured property | SP: 10 yrs. or J: 1 yr. | 9A.40.020 Kidnapping in the first degree | FA |
| PRISONERS--STATE PENAL INSTITUTIONS | | 9A.40.030 Kidnapping in the second degree | FB |
| 9.94.020 Prison riot--Penalty | SP: 10 yrs. | 9A.40.060 Custodial interference in the first degree | FC |
| 9.94.030 Holding person hostage-- interference with officer's duties | F; SP: 10 yrs. | 9A.40.070* Custodial interference in the second degree | GM |
| 9.94.040 Weapons--possession, etc. by prisoner prohibited--Penalty | FB | ● prior conviction | FC |
| 9.94.041 Narcotic drugs, controlled substances--possession, etc., by prisoners--Penalty | FC | CRIMINAL MISTREATMENT | |
| 9.94.043 Deadly weapons-- possession on premises by person not a prisoner--Penalty | FB | 9A.42.020 Criminal mistreatment in the first degree | FB |
| 9.94.045 Narcotic drugs or controlled substances--possession by person not a prisoner--Penalty | FC | 9A.42.030 Criminal mistreatment in the second degree | FC |
| HOMICIDE (inclusive) | | SEXUAL OFFENSES (inclusive) | |
| 9A.32.030 Murder in the first degree | FA | 9A.44.040 Rape in the first degree | FA |
| 9A.32.040 Murder in the first degree--sentence | Death/SP: Life | 9A.44.050 Rape in the second degree | FB |
| 9A.32.050 Murder in the second degree | FA | 9A.44.060 Rape in the third degree | FC |
| 9A.32.060 Manslaughter in the first degree | FB | 9A.44.070 Statutory rape in the first degree | FA |
| 9A.32.070 Manslaughter in the second degree | FC | 9A.44.080 Statutory rape in the second degree | FB |
| ASSAULT AND OTHER CRIMES INVOLVING PHYSICAL HARM (inclusive) | | 9A.44.090 Statutory rape in the third degree | FC |
| 9A.36.011 Assault in the first degree | FA | 9A.44.100 Indecent liberties | FB |
| 9A.36.021 Assault in the second degree | FB | HARASSMENT | |
| 9A.36.031 Assault in the third degree | FC | 9A.46.020* Definition--Penalties ● previous conviction | GM FC |
| 9A.36.041 Assault in the fourth degree | GM | ARSON, RECKLESS BURNING AND MALICIOUS MISCHIEF (inclusive) | |
| 9A.36.050 Reckless endangerment | GM | 9A.48.020 Arson in the first degree | FA |
| 9A.36.060 Promoting a suicide attempt | FC | 9A.48.030 Arson in the second degree | FB |
| 9A.36.070 Coercion | GM | 9A.48.040 Reckless burning in the first degree | FC |
| 9A.36.080 Malicious harassment | FC | 9A.48.050 Reckless burning in the second degree | GM |
| 9A.36.090 Threats against governor or family | FC | 9A.48.070 Malicious mischief in the first degree | FB |
| | | 9A.48.080 Malicious mischief in the second degree | FC |

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| 9A.48.090 Malicious mischief in the third degree | M/GM | 9A.56.200 Robbery in the first degree | FA |
| BURGLARY AND TRESPASS (inclusive) | | 9A.56.210 Robbery in the second degree | FB |
| 9A.52.020 Burglary in the first degree | FA | 9A.56.220 Theft of cable television services | GM |
| 9A.52.030 Burglary in the second degree | FB | 9A.56.230 Unlawful sale of cable television services | GM |
| 9A.52.060 Making or having burglar tools | GM | 9A.56.270 Shopping cart theft | M |
| 9A.52.070 Criminal trespass in the first degree | GM | FRAUD | |
| 9A.52.080 Criminal trespass in the second degree | M | 9A.60.020 Forgery | FC |
| 9A.52.095 Vehicle prowling in the first degree | FC | 9A.60.030 Obtaining a signature by deception or duress | FC |
| 9A.52.100 Vehicle prowling in the second degree | GM | FAMILY OFFENSES | |
| 9A.52.110 Computer trespass in the first degree | FC | 9A.64.010 Bigamy | FC |
| 9A.52.120 Computer trespass in the second degree | GM | 9A.64.020 Incest | |
| THEFT AND ROBBERY (inclusive) | | • I | FB |
| 9A.56.030 Theft in the first degree | FB | • II | FC |
| 9A.56.040 Theft in the second degree | FC | 9A.64.030 Child selling-- child buying | FC |
| 9A.56.050 Theft in the third degree | GM | BRIBERY AND CORRUPT INFLUENCE | |
| 9A.56.060* Unlawful issuance of checks or drafts | | 9A.68.010 Bribery | FB |
| • value ≤ \$250 | GM | 9A.68.020 Requesting unlawful compensation | FC |
| • value > \$250 | FC | 9A.68.030 Receiving or granting unlawful compensation | FC |
| 9A.56.070 Taking motor vehicle without permission | FC | 9A.68.040 Trading in public office | FC |
| 9A.56.080 Theft of livestock | | 9A.68.050 Trading in special influence | FC |
| • I | FB | PERJURY AND INTERFERENCE WITH OFFICIAL PROCEEDINGS | |
| • II | FC | 9A.72.020 Perjury in the first degree | FB |
| 9A.56.095 Criminal possession of leased or rented machinery, equipment, or motor vehicle | FC | 9A.72.030 Perjury in the second degree | FC |
| 9A.56.120 Extortion in the first degree | FB | 9A.72.090 Bribing a witness | FB |
| 9A.56.130 Extortion in the second degree | FC | 9A.72.100 Bribe receiving by a witness | FB |
| 9A.56.150 Possessing stolen property in the first degree | FB | 9A.72.110 Intimidating a witness | FB |
| 9A.56.160 Possessing stolen property in the second degree | FC | 9A.72.120 Tampering with a witness | FC |
| 9A.56.170 Possessing stolen property in the third degree | GM | 9A.72.130 Intimidating a juror | FB |
| 9A.56.180 Obscuring identity of a machine | GM | 9A.72.160 Intimidating a judge | FB |

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| OBSTRUCTING GOVERNMENTAL OPERATION | | 9A.88.080 Promoting prostitution in the second degree | FC |
| 9A.76.070* Rendering criminal assistance in the first degree | GM | | |
| ● if established by preponderance of evidence that actor is a relative | | | |
| ● all other cases | FC | | |
| 9A.76.110 Escape in the first degree | FB | | |
| 9A.76.120 Escape in the second degree | FC | | |
| 9A.76.140 Introducing contraband in the first degree | FB | | |
| 9A.76.150 Introducing contraband in the second degree | FC | | |
| 9A.76.170* Bail jumping | | | |
| ● charged with murder or convicted of murder or felony | FA/FB/FC | | |
| ● convicted of GM or M | M | | |
| 9A.76.180 Intimidating a public servant | FB | | |
| 9A.76.200 Harming a police dog | FC | | |
| CRIMINAL PROFITEERING ACT | | | |
| 9A.82.020 Extortionate extension of credit | FB | | |
| 9A.82.030 Advancing money or property to be used for extortionate credit | FB | | |
| 9A.82.040 Use of extortionate means to collect extensions of credit | FB | | |
| 9A.82.045 Collection of unlawful debt | FC | | |
| 9A.82.050 Trafficking in stolen property | | | |
| ● I | FB | | |
| ● II | FC | | |
| 9A.82.060 Leading organized crime | FA/FB | | |
| 9A.82.070 Influencing outcome of a sporting event | FC | | |
| 9A.82.080 Use of proceeds of criminal profiteering | FB/FC | | |
| PUBLIC DISTURBANCE | | | |
| 9A.84.010* Riot | | | |
| ● armed with deadly weapon | FC | | |
| ● all other tries | GM | | |
| PUBLIC INDECENCY--PROSTITUTION | | | |
| 9A.88.020 Communication with a minor for immoral purposes | FC | | |
| 9A.88.070 Promoting prostitution in the first degree | FB | | |
| | | 9A.88.080 Promoting prostitution in the second degree | FC |
| | | CONTROLLED SUBSTANCES ACT (inclusive) | |
| | | 69.50.401* Prohibited acts: | See below |
| | | A--Penalties | |
| | | (b) Manufacture or deliver | Crime: 5 yrs./10 yrs. Crime: 5 yrs. |
| | | (c) Arrange, negotiate a sale of counterfeit controlled substance | |
| | | (d) Posses controlled substance without prescription | Crime: 5 yrs. |
| | | (e) Possess \leq 40 gms. marijuana | M |
| | | 69.50.402 Prohibited acts: | Crime: 2 yrs. |
| | | B--Penalties | |
| | | (a)(1-4) Prescription violations | See above |
| | | (a)(6) Refuse entry, maintain drug haven | See above |
| | | 69.50.403 Prohibited acts: | Crime: 2 yrs. |
| | | C--Penalties | |
| | | ● prescription violations | |
| | | 69.50.406 Distribution to persons under age eighteen | 2 x penalty |
| | | 69.50.407 Conspiracy for offense | Max. penalty |
| | | 69.50.408 Second or subsequent offense | 2 x penalty |
| | | 69.50.410 Prohibited acts: D--Penalties | Unlawful: 5 yrs. 5 yrs. |
| | | ● Sell Schedule I controlled or counterfeit substance | MIN./2 yrs./10 yrs. MIN. |
| | | 69.50.412 Prohibited acts: | M/GM |
| | | E--Penalties | |
| | | ● Paraphernalia violations | |
| | | 69.52.030 Violations--Exceptions | FC/FB |
| | | ● Imitation substances | |

W. VA. CODE §x (1984 & Supp. 1986)

Criminal Classification Information

§61-11-1 Classification of offenses.

Offenses are either felonies or misdemeanors. Such offenses as are punishable by confinement in the penitentiary are felonies; all other offenses are misdemeanors.

The word "penitentiary" as used in this section shall mean and include any and all institutions provided by the State for the confinement of persons sentenced to confinement in the penitentiary, notwithstanding that transfers of such persons from any one of such institutions to another may be authorized.

§61-11-2 Capital punishment abolished.

Capital punishment is hereby abolished for all offenses against the laws of the State of West Virginia, and no person heretofore or hereafter convicted of any offense in violation of said laws shall be executed, irrespective of whether the crime was committed, the conviction had, or the sentence imposed, before or after the enactment of this section.

§61-11-3 Punishment for common-law offenses.

A common-law offense for which punishment is prescribed by statute shall be punished only in the mode so prescribed.

§61-11-16 Term of imprisonment for felony; indeterminate sentence.

Every sentence to the penitentiary of a person convicted of a felony for which the maximum penalty prescribed by law is less than life imprisonment, except offenses committed by convicts in the penitentiary punishable under chapter sixty-two, article eight, section one [§62-8-1] of the Code, shall be a general sentence of imprisonment in the penitentiary. In imposing this sentence, the judge may, however, designate a definite term, which designation may be considered by the board of probation and parole as the opinion of the judge under the facts and circumstances then appearing of the appropriate term recommended by him to be served by the person sentenced. Imprisonment under a general sentence shall not exceed the maximum term prescribed by law for the crime for which the prisoner was convicted, less such good time allowance as is provided by sections twenty-seven and twenty-seven-a [§§28-5-27, 28-5-27a], article five, chapter twenty-eight of this Code, in the case of persons sentenced for a definite term. Every other sentence of imprisonment in the penitentiary shall be for a definite term or for life, as the court may determine. The term of imprisonment in jail, where that punishment is prescribed in the case of conviction for felony, shall be fixed by the court.

§61-11-17 Court to fix imprisonment and fine for misdemeanor.

The term of confinement in jail of a person found guilty of a misdemeanor, where that punishment is prescribed, shall, unless otherwise provided, be ascertained by the court, and the amount of the fine, where the punishment is by fine, shall, except where it is otherwise provided, be assessed by the court, so far as the term of confinement and the amount of the fine are not fixed by law.

§61-11-20 Second conviction for petit larceny a felony; penalty.

When a person is convicted of petit larceny, and it is alleged in the indictment on which he is convicted, and admitted, or by the jury found, that he has been before sentenced in the United States for the like offense, he shall be sentenced to be confined in the penitentiary for the term of one year.

INCHOATE OFFENSES

§61-11-8 Attempts; classification and penalties therefore.

Every person who attempts to commit an offense, but fails to commit or is prevented from committing it, shall, where it is not otherwise provided, be punished as follows: If the offense attempted be punishable with life imprisonment, the person making such attempt shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than one nor more than five years. If it be punishable by confinement in the penitentiary for a term less than life, he shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not less than six nor more than twelve months, and fined not exceeding five hundred dollars. If it be punishable by confinement in jail, he shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not more than six months, or fined not exceeding one hundred dollars.

WEST VIRGINIA CRIMINAL STATUTES

W. VA. CODE §x (1984 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- SP = State penitentiary
- J = Jail
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

NOTE: All terms are maximum unless range or minimum (MIN.) is specified.

Statute No. and Title Class/Time

CRIMES AGAINST THE GOVERNMENT

| | | |
|---------|--|--------------------|
| 61-1-1 | Treason defined, degree of proof | |
| 61-1-2 | Punishment | SP: life/3-10 yrs. |
| 61-1-3 | Failure to give information of treason; penalty | F: 1-5 yrs. |
| 61-1-5* | Unlawful speeches, publications and communications | See below |
| 61-1-6* | Display of red or black flag unlawful | See below |
| 61-1-7* | Penalty for violations of 61-1-5 and 61-1-6 | M: 12 mos. |
| ● | second offense | F: 1-5 yrs. |

CRIMES AGAINST THE PERSON (inclusive)

| | | |
|---------|--|-------------------------------|
| 61-2-1 | First and second degree murder defined; allegations in indictment for homicide | |
| 61-2-2 | Penalty for murder of first degree | SP: Life |
| 61-2-3 | Penalty for murder of second degree | SP: 5-18 yrs. |
| 61-2-4 | Voluntary manslaughter; penalty | SP: 1-5 yrs. |
| 61-2-5 | Involuntary manslaughter; penalty | J: 1 yr. |
| 61-2-7 | Attempt to kill or injure by poison; penalty | F: 3-18 yrs. |
| 61-2-8 | Abortion; penalty | F: 3-10 yrs. |
| ● | if mother dies | Murder |
| 61-2-9* | Malicious or unlawful assault; battery; penalties | F: 2-10 yrs./1-5 yrs./12 mos. |
| ● | Assault | M: 6 mos. |
| ● | Battery | M: 12 mos. |
| 61-2-10 | Assault during commission of or attempt to commit a felony; penalty | F: 2-10 yrs./1 yr. |

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| 61-2-11 | Unlawful shooting at another in street, alley or public resort; penalty | M: 6 mos.-3 yrs. |
| 61-2-12 | Robbery or attempted robbery; bank robbery and assaults in committing or attempting; penalties | F: 10 yrs./5-18 yrs./10-20 yrs./10-25 yrs. |
| 61-2-13* | Extortion or attempted extortion by threats; penalties | F: 1-5 yrs. |
| ● | fails to extort money, but attempts to extort | M: 2 mos.-12 mos. |
| 61-2-14 | Abduction of person; kidnapping or concealing child; penalties | F: 3-10 yrs./1-10 yrs. |
| a | Penalty for enticing away or otherwise kidnapping any person; when kidnapped person returned alive and uninjured after ransom paid and without ransom paid; discretion of jury or court as to parole when life imprisonment imposed | F: life/20 yrs.-life/10 yrs.-life |
| c | Penalty for threats to kidnap or demand ransom | F: 5 yrs.-life |
| d | Concealment or removal of minor child from custodian or from person entitled to visitation; penalties; defenses | F: 1-5 yrs./1 yr. |
| e | One aiding or abetting in offense under and to §61-2-14, §61-2-14a, §61-2-14c or same extent as is §61-2-14d guilty as principal; venue provided in said sections | Same manner |
| 61-2-15 | Assault, battery on school employees; penalties | M: 5-6 mos./10 days-12 mos. |
| 61-2-16 | Injury to passenger by person in charge of public conveyance or boat; penalty | M: 2-6 mos. |
| 61-2-17 | Keeping doors of vehicles for hire locked while in motion; penalty | M: 1 yr. |
| 61-2-18 | Murder in dueling; death without State | Punish as murder |
| 61-2-19 | Second in dueling accessory before the fact | Accessory before fact to murder |
| 61-2-21 | Dueling without ensuring death; challenge; aiding, advising or promoting duel; penalty | M: 1 yr. |
| 61-2-22 | Dueling out of State by a resident; penalty | Subject to like punishment as if offense had been committed in State |
| 61-2-24 | Taunting for non-participation in duel; penalty | M: 6 mos. |

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| -2-26 Doors to be removed in abandoned refrigerators, freezers, and other appliances; penalties | M: 6 mos. | 61-3-19* Bringing into this State, receiving or disposing of property stolen in another state; penalty ● simple larceny of goods or chattels of less than \$200 value | F: 1-10 yrs./ 1 yr. M: 1 yr. |
| RIMES AGAINST PROPERTY (inclusive) | | | |
| -3-1 Burning, etc., of dwelling house, outhouse, etc.; first degree arson | SP: 2-20 yrs. | 61-3-20* Embezzlement ● simple larceny of goods or chattels of less than \$200 value | F: 10 yrs. MIN./F: 1-10 yrs./1 yr. M: 1 yr. |
| 1-3-2 Burning, etc., of other building or structure; second degree arson | SP: 1-10 yrs. | 61-3-21* Embezzlement by carrier or other person ● simple larceny of goods or chattels of less than \$200 value | F: 1-10 yrs./1 yr. M: 1 yr. |
| 1-3-3 Burning personal property of another of value of fifty dollars; third degree arson | SP: 1-3 yrs. | 61-3-22 Falsifying accounts; penalty | F: 1-10 yrs. |
| 1-3-4 Attempts to commit arson above degrees are fourth degree arson | SP: 1-2 yrs. | 61-3-23* Destroying or concealing will; embezzlement by fiduciary; penalty ● simple larceny of goods or chattels of less than \$200 value | F: 1-5 yrs./ M: 1 yr. |
| 1-3-5 Burning, or attempting to burn insured property | F: 1-5 yrs. | 61-3-24* Obtaining money, property and services by false pretenses; disposing of property to defraud creditors; penalties ● value of money, goods, or property days is less than \$200 or remove property worth < \$50 to prevent levy of execution a* Obtaining or attempting to obtain goods, property or service by false or fraudulent use of credit cards or other false or fraudulent means; penalties ● less than \$100 of value ● attempt to commit an offense under the provisions of this section b Making, selling, possessing, transferring or advertising for sale a device or plans for a device designed to obtain or use telephone or telegraph service or facilities by false or fraudulent means; penalty c Intercepting or monitoring customer telephone calls; penalty | F: 1-10 yrs./1 yr./1-5 yrs. M: 1 yr./30 days F: 1-10 yrs. M: 1 yr. M: 6 mos. M: 12 mos. |
| 61-3-7 Placing or possessing explosives with criminal intent | F: 1-5 yrs./ 5 yrs. | | |
| 61-3-8 Prohibitions as to molotov cocktails; penalty | F: 1-5 yrs. | | |
| 61-3-11 Burglary; entry of dwelling or outhouse; penalties | F: 1-15 yrs./1-10 yrs. | | |
| 61-3-12* Entry of building other than dwelling; entry of railroad, traction or motorcar, steamboat or other vessel; penalties; counts in indictment ● break and enter, or enter without breaking any automobile, motorcar or bus with intent to commit a felony or any larceny | F: 1-10 yrs. M: 2-12 mos. | | |
| 61-3-13* Grand and petit larceny distinguished; penalties ● simple larceny of goods or chattels of less than \$200 value | F: 1-10 yrs./1 yr. M: 1 yr. | | M: 1 yr. |
| 61-3-14* Larceny of bank notes, checks, writings of value and book accounts; penalty ● simple larceny of goods or chattels of less than \$200 value | F: 1-10 yrs./1 yr. M: 1 yr. | 61-25 Casting away, destroying or interfering with floating craft or material; penalty | F: 1-5 yrs. |
| 61-3-16* Larceny of things savoring realty ● simple larceny of goods or chattels of less than \$200 value | F: 1-10 yrs./1 yr. M: 1 yr. | 61-26 Interference with or destruction of buoys, signal lights or other aids to navigation; penalty | M: 6 mos. |
| 61-3-17* Larceny of skiff, boat, timber and appliances; penalty ● value less than \$50 | F: 1-5 yrs. M: petit larceny | 61-3-27* Malicious killing of animals by poison or otherwise; penalty ● animal of less than \$50 value (except dogs) | F: 1- 5 yrs. M: 3 mos. |
| 61-3-18* Receiving or transferring stolen goods ● simple larceny of goods or chattels of less than \$200 value | F: 1-10 yrs./1 yr. M: 1 yr. | 61-3-28 Obstruction or removal of, or injury to, any part of railroad or canal; penalty | F: 1 yr. MIN. |

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| 61-3-29 Injuries to public utility property; penalty; damages in civil actions | M: 12 mos. | 61-3-42* Intoxication of person in charge of locomotive engine or car; penalties ● second offense | M: 2-12 mos. F: 1-3 yrs. |
| 61-3-30 Removal, injury to or destruction of property, monuments designating land boundaries and of certain no trespassing signs; penalties | M: 1 yr./1-6 mos. | 61-3-43 Jumping on or off car or train in motion; driving vehicle upon track or bridge except at crossings; penalty | M: 30 days |
| 61-3-31 Damage to or destruction of property by bailee for hire or loan; penalty; damages recoverable in civil action | M: 30 days | 61-3-44 Procuring gas, water or electricity, by device, with intent to defraud; penalty | M: 12 mos. |
| 61-3-32* Removal out of county of property securing claim; penalties; fraudulent disposition of personal property in possession by virtue of lease; notice to return; failure to return; penalty; right to immediate possession ● sell/dispose with intent to defraud | M: 6 mos./1 yr. Punish as larceny | 61-3-45 Tampering with pipes, tubes, wires or electrical conductors; penalty a* Unlawful opening of pipes, pipelines, tanks, etc.; penalties ● second or subsequent offense | M: 12 mos. M: 2-12 mos. F: 1-3 yrs. |
| 61-3-33 Entry upon enclosed lands; penalty; liability for damages | M: 5 days MIN. | 61-3-46 Use of slugs, false coins, etc., in coin-box telephone; penalty | M: 12 mos. |
| 61-3-34* Taking or injuring garden or field crops; penalties ● property injured, destroyed, taken away etc. is of value of more than \$50 | M: 6 mos. F: 1-2 yrs. | 61-3-47 Dams or obstructions in watercourses; penalty | M: 1 yr. |
| 61-3-35 Digging ginseng or other medical roots; penalty | M: 2 mos. | 61-3-48 Damaging or carrying away, without written permission, shrubbery, flowers, etc., growing within one hundred yards of public road or trees growing on lands of another; limitation of section; penalty | M: 3 mos./3 mos. MIN. |
| 61-3-36 Anchoring or beaching shanty boats on lands of another; penalty | M: 30 days | 61-3-49 Purchase of copper wire, etc., by junk dealers; penalty a Unlawful sale of used, secondhand, rebuilt, repossessed, etc., watches and clocks; penalty; revocation of license to sell | M: fine M: 10-60 days/30 days-6 mos. |
| 61-3-37 False statement as to financial condition of person, firm or corporation; penalty | M: 1 yr. | 61-3-50 Unauthorized transferral of recorded sounds; sale and possession; penalties; civil action; definition | M: fine |
| 61-3-38 Publication of false advertisements; penalty | M: fine | 61-3-51 Precious metal and gem dealers; records; prohibited acts | F: 1-2 yrs./1 yr. |
| 61-3-39* Obtaining property in return for worthless check; penalty ● amount of check, etc., is \$200 or more a Making, issuing, etc., worthless checks; penalty d Prima facie evidence of knowledge; identity; penalty for providing false information | M: 6 mos. F: 1-5 yrs. M: 10 days M: 30 days | SHOPLIFTING | |
| 61-3-40 Fraudulently obtaining food or lodging; penalty | M: 10-30 days | 61-3A-1 Shoplifting defined | See below |
| 61-3-41* Wilful injury to railroad property; shooting or throwing missiles into passenger car; misconduct of passenger employees conservators of the peace; special railroad policeman; penalties ● death of any person occur in consequence of any sch unlawful act ● person maimed or disfigured by reason of any such unlawful act ● shoot or throw dangerous missile at or into any passenger car | M: 6 mos./1-6 mos. Punish as murder F: 1-20 yrs. F: 1-10 yrs. | 61-3A-3* Penalties ● third conviction | M: 60 days/6 mos./6 mos.-1 yr. F: 1-10 yrs. |
| | | TRESPASS | |
| | | FORGERY AND CRIMES AGAINST THE CURRENCY | |
| | | 61-4-1 Forgery of public record, certificate, return or attestation of court or officer; penalty | F: 2-10 yrs. |
| | | 61-4-2 Forgery of official seals; keeping or concealing instrument for forging same; penalty | F: 2-10 yrs. |
| | | 61-4-3 Counterfeiting; penalty | F: 2-10 yrs. |

61-4-4 Making plates, etc., for forgery; possession of same; penalty

F: 2-10 yrs.

BRIBERY AND CORRUPT PRACTICES

61-4-5 Forging or uttering other writing;

F: 1-10 yrs./ 1 yr. penalty

61-5A-3 Bribery in official and political matters

F: 1-10 yrs.

61-4-6* Possession of counterfeit with intent to utter; penalty
• less than 10 notes or coins

F: 1-5 yrs.

61-5A-5* Threats in official and political matters
• if threaten crime or try to influence legislature or judicial proceeding

M: 3 mos.-1 yr.
F: 1-10 yrs.

M: 6 mos.-1 yr.

61-5A-9* Penalties; disqualification to hold office; statute of limitations for misdemeanor offenses

See above

CRIMES AGAINST PUBLIC JUSTICE

61-5-3* Penalties for perjury, subornation of perjury
• false swearing

F: 1-10 yrs.

CRIMES AGAINST THE PEACE

M: 1 yr.

61-6-6* Destruction of building by rioters; penalty therefor and for rioting without such injury
• rioter with no such building injured

F: 1-10 yrs.

61-5-4 Bribery or attempted bribery; penalty

F: 1-10 yrs.

M: 1 yr.

61-5-5 Demanding or receiving bribes; penalty

F: 1-10 yrs.

61-6-7* Conspiracy to inflict injury to persons or property; infliction of injury or death in pursuance thereof; penalties
• bodily injury or destruction or theft of property results from offense
• death of person results from offense

M: 1-12 mos.

61-5-7 Bribery of commissioner of court, auditor, justice of the peace, arbitrator, umpire, juror, or other county official, either elected or appointed; penalty

F: 1-10 yrs.

F: 1- 10 yrs.

61-5-8* Aiding escape and other offenses relating to adults and juveniles in custody, imprisoned or in detention, penalties
• conveying alcohol, drug, poison, explosive, etc., into jail or prison without authority; or obtaining prison property from any inmate; or persuade, entice, etc. inmate or prisoner to escape

F: 1-5 yrs.

61-6-8 Release or rescue of person in custody charged or convicted under §61-6-7; penalty

F: 1-10 yrs.

M: 3-12 mos.

61-6-9 Intimidation of witness for State in conspiracy prosecutions; penalties

F: 1-10 yrs./ 3-12 mos.

61-5-9* Permitting escape; refusal to custody of prisoner; penalties
• jailer of other officer aids or voluntarily suffers a prisoner convicted or charged with felony to escape from his custody

M: 6 mos.
MIN.
F: 1-5 yrs.

61-6-11* Employment of nonresidents as police; penalties
• violation of any provision of the third paragraph of this section
• person killed

M: 12 mos.

M

Punish as murder

61-5-10* Jail breaking by convicted or unconvicted prisoner; penalties
• previously sentenced to confinement in jail or confined upon a charge of misdemeanor

F: 1-5 yrs.

61-6-12* Mobs and lynchings; penalties liability of county or city

M: 30 days-12 mos.

M: 1 yr.

• damage or injury to person or property charged with crime
• serious injury to property or to person of any other person or persons

F: 1-10 yrs.

F: 5 yrs.

61-5-12* Escapes from, and other offenses relating to, state benevolent and correctional institutions or mental health facilities; penalties

F: 1-5 yrs.

• putting to death by a mob or riotous assemblage

Punish as murder

• induces inmate or patient to escape from institution
• unlawful trespass or loiter on grounds of institution or facility or unlawful communication with patient or inmate
• with intent to defraud, accepts as gift or trades for any article of clothing given to inmate or patient by facility or institution

M: fine

DANGEROUS WEAPONS

M: 1-6 mos.

61-7-1* Carrying dangerous or deadly weapon without license or other authorization; penalties; second offense a felony
• second conviction

M: 6 mos.-12 mos.

M: 10-30 days

F: 1-5 yrs.

**CRIMES AGAINST CHASTITY, MORALITY,
AND DECENCY**

61-8-1 Bigamy-penalty F: 1-5 yrs.

61-8-5* Houses of ill fame and assignment; penalties; jurisdiction of courts
 ● conviction of subsequent offenses
 ● engaging in prostitution

● third or subsequent convictions

61-8-6* Detention of person in place of prostitution; penalty
 ● subsequent convictions
 ● person detained is minor

J: 6 mos.-1 yr.
 SP: 1-3 yrs.
 SP: 2-5 yrs.

61-8-7* Procuring for house prostitution; penalty; venue; competency as witness; marriage no defense
 ● subsequent convictions
 ● where inmate is minor

J: 6 mos.-1 of yr.
 SP: 1-5 yrs.
 SP: 2-5 yrs.

61-8-8* Receiving support from prostitution; pimping; penalty; prostitute may testify
 ● subsequent convictions
 ● prostitute is minor

J: 6 mos.-1 yr.
 SP: 1-3 yrs.
 SP: 1 yrs.
 MIN.

61-8-12 Incest; penalty F: 5-10 yrs.

61-8-14 Disinterment or displacement of dead body or part thereof; penalty F: 2-5 yrs.

PREPARATION, DISTRIBUTION OR EXHIBITION OF OBSCENE MATTER TO MINORS

SEXUAL OFFENSES (inclusive)

61-8B-3 Sexual assault in the first degree F: 15-25 yrs.

4 Sexual assault in the second degree F: 10-20 yrs.

5 Sexual assault in the third degree F: 1-5 yrs.

6 Sexual assault of a spouse F: 2-10 yrs.

7 Sexual abuse in the first degree F: 1-5 yrs.

8 Sexual abuse in the second degree M: 12 mos.

9 Sexual abuse in the third degree M: 90 days

10 Indecent exposure M: 90 days

FILMING OF SEXUALLY EXPLICIT CONDUCT OF MINORS

61-8C-2 Use of minors in filming sexually explicit conduct prohibited; penalty F: 10 yrs.

61-8C-3* Distribution and exhibiting of material depicting minors engaged in sexually explicit conduct prohibited; penalty
 ● subsequent convictions M: 12 mos.
 F: 2 yrs.

EQUITABLE REMEDIES IN AID OF CHASTITY, MORALITY AND DECENCY

CRIMES AGAINST PUBLIC POLICY

61-10-11a "Policy" or "numbers"; penalty F: 1-5 yrs. or 6-12 mos./2-10 yrs.

b Possession of "policy" or "numbers" slips unlawful F: 1-5 yrs. or 6-12 mos./2-10 yrs.

61-10-18 Conducting bucket shop; penalty F: 2-5 yrs.

61-10-22 Bribery of participants in professional or amateur games and horse racing; penalty F: 1-3 yrs.

61-10-31* Conspiracy; construction of section; penalties F: 1-5 yrs.
 ● conspire to commit misdemeanor M: 1 yr.

UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)

60A-4-401* Prohibited acts A; penalties See below

(a) Unlawful to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance See below

(a)(i) Controlled substance classified in Schedule I or II which is a narcotic drug F: 1-15 yrs.

(a)(ii) Any other controlled substance classified in Schedule I or II or III F: 1-5 yrs.

(a)(iii) A substance classified in Schedule IV F: 1-3 yrs.

(a)(iv) A substance classified in Schedule V M: 6 mos.-1 yr.

(b) Unlawful to create, deliver, or possess with intent to deliver a counterfeit substance See below

(b)(i) Counterfeit substance classified in Schedule I or II which is a narcotic drug F: 1-15 yrs.

(b)(ii) Any other counterfeit substance classified in Schedule I, II, or III F: 1-5 yrs.

(b)(iii) Counterfeit substance classified in Schedule IV F: 1-3 yrs.

(b)(iv) Counterfeit substance classified in Schedule V M: 6 mos.-1 yr.

(c) Unlawful of knowingly or intentionally possess a controlled substance unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner M: 90 days-6 mos. or disposition made under §60A-4-407

(d) Unlawful to create, distribute or deliver or possess with intent to distribute or deliver an imitation controlled substance or to create, possess or sell or otherwise transfer any equipment with the intent that such equipment shall be used to feign, or imitation substance, or their container or label

M: 6 mos.-1 yr.

● person 18 years of age or older distributes or delivers an imitation controlled substance to a minor child who is at least three years younger than such person

F: 1-3 yrs.

60A-4-402 Prohibited acts B; penalties (distribution, refuse entry, run drug haven)

M: 6 mos.-1 yr.

60A-4-403 Prohibited acts C; penalties (registrant/prescription violation)

F: 1-4 yrs.

a Prohibition of illegal drug paraphernalia businesses; definitions; places deemed common and public nuisances; abatement; suite to abate nuisances; injunction; search warrants; forfeiture of property; penalties

M: 6 mos-1 yr./6 mos.

60A-4-406 Distribution to persons under age eighteen

2 x penalty

60A-4-408 Second or subsequent offenses

2 x penalty

WIS. STAT. ANN. §x (West 1982 & Supp. 1986).

Criminal Classification Information

939.12 Crime defined

A crime is conduct which is prohibited by State law and punishable by fine or imprisonment or both. Conduct punished only by forfeiture is not a crime.

939.50 Classification of felonies

(1) Except as provided in §§946.83 and 946.85, felonies in chs. 939 to 948 are classified as follows:

- (a) Class A felony.
- (b) Class B felony.
- (c) Class C felony.
- (d) Class D felony.
- (e) Class E felony.

(2) A felony is a Class A, B, C, D or E felony when it is so specified in chs. 939 to 948.

(3) Penalties for felonies are as follows:

- (a) For a Class A felony, life imprisonment.
- (b) For a Class B felony, imprisonment not to exceed 20 years.
- (c) For a Class C felony, a fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both.
- (d) For a Class D felony, a fine not to exceed \$10,000 or imprisonment not to exceed 5 years, or both.
- (e) For a Class E felony, a fine not to exceed \$10,000 or imprisonment not to exceed 2 years, or both.

939.51 Classification of misdemeanors

(1) Misdemeanors in chs. 939 to 948 are classified as follows:

- (a) Class A misdemeanor.
- (b) Class B misdemeanor.
- (c) Class C misdemeanor.

(2) A misdemeanor is a Class A, B, or C misdemeanor when it is so specified in chs. 939 to 948.

(3) Penalties for misdemeanors are as follows:

- (a) For a Class A misdemeanor, a fine of not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.
- (b) For a Class B misdemeanor, a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both.
- (c) For a Class C misdemeanor, a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

939.60 Felony and misdemeanor defined

A crime punishable by imprisonment in the Wisconsin state prisons is a felony. Every other crime is a misdemeanor.

939.61 Penalty when none expressed

- (1) If a person is convicted of an act or omission prohibited by statute and for which no penalty is expressed, the person shall be subject to a forfeiture not to exceed \$200.
- (2) If a person is convicted of a misdemeanor under state law for which no penalty is expressed, the person may be fined not more than \$500 or imprisoned not more than 30 days or both.
- (3) Common law penalties are abolished.

939.30 Solicitation

Whoever, with intent that a felony be committed, advises another to commit that crime under circumstances which indicate unequivocally that he or she has such intent is guilty of a Class D felony; except that for a solicitation to commit a crime for which the penalty is life imprisonment the actor is guilty of a Class C felony and for a solicitation to commit a Class E felony the actor is guilty of a Class E felony.

939.31 Conspiracy

Except as provided in §§161.41(1x), 940.43(4) and 940.45(4), whoever, with intent that a crime be committed, agrees or combines with another for the purpose of committing that crime may, if one or more of the parties to the conspiracy does an act to effect its object, be fined or imprisoned or both not to exceed the maximum provided for the completed crime; except that for a conspiracy to commit a crime for which the penalty is life imprisonment, the actor is guilty of a Class B felony.

939.32 Attempt

(1) Whoever attempts to commit a felony or a battery as defined by §940.19 or theft as defined by §943.20 may be fined or imprisoned or both not to exceed one-half the maximum penalty for the completed crime; except

(a) Whoever attempts to commit a crime for which the penalty is life imprisonment is guilty of a Class B felony.

(b) Whoever attempts to commit a battery as defined in §940.20(2) is guilty of a Class A misdemeanor.

(c) Whoever attempts to commit a crime under §§940.42 to 940.45 is subject to the penalty for the completed act, as provided in §940.46.

(2) Whoever attempts to commit a misdemeanor under §943.70 is subject to:

- (a) A Class D forfeiture if it is the person's first violation under §943.70.
- (b) A Class C forfeiture if it is the person's second violation under §943.70.
- (c) A Class B forfeiture if it is the person's third violation under §943.70.
- (d) A Class A forfeiture if it is the person's fourth or subsequent violation under §943.70.

(3) An attempt to commit a crime requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such crime and that he does acts toward the commission of the crime which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the crime except for the intervention of another person or some other extraneous factor.

WISCONSIN CRIMINAL STATUTES

WIS. STAT. ANN. Sx (West 1982 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- A,B,C, D,E = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

NOTE: Periods of confinement are maximums, unless a sentence range is specified.

| Statute No. and Title | Class/Time | | |
|---|---------------------------------|--|-------------------|
| CRIMES AGAINST LIFE AND BODILY SECURITY (inclusive) | | | |
| 940.01 First-degree murder | FA | 940.24 Injury by negligent use of weapon | FE |
| 940.02 Second-degree murder | FB | 940.245 Injury by negligent use of a vehicle | FE |
| 940.04* Abortion ● Any pregnant woman who intentionally destroys the life of her unborn child or consents to such destruction by another | 15 yrs./3 yrs. 2 yrs./6 mos. | 940.25 Injury by intoxicated use of a vehicle | FE |
| 940.05 Manslaughter | FC | 940.26* Hazing ● If the act results in great bodily harm or death to another | MA FE |
| 940.06 Homicide by reckless conduct | FC | 940.27* Failure to support ● Person fails to provide support for less than 120 consecutive days | FE MA |
| 940.07 Homicide resulting from negligent control of vicious animal | FC | 940.28 Abandonment of young child | FD |
| 940.08 Homicide by negligent use of vehicle or weapon | FD | 940.285 Abuse of vulnerable adults | MA |
| 940.09 Homicide by intoxicated user of vehicle or firearm | FD | 940.29 Abuse of residents of facilities | FE |
| 940.12 Assisting suicide | FD | 940.30 False imprisonment | FE |
| 940.15 Abortion | FE | 940.305 Taking hostages | FB/FA |
| 940.19 Battery; aggravated battery | FA/FE/FC | 940.31 Kidnapping | FB/FA |
| 940.20 Battery; special circumstances | FD/FE | 940.32 Abduction | FC |
| 940.201 Abuse of children | FE | 940.34 Duty to aid victim or report crime | MC |
| 940.203 Sexual exploitation of children | FC | 940.42 Intimidation of witnesses; misdemeanor | MA |
| 940.205 Battery or threat to Department of Revenue Employee | FD | 940.43 Intimidation of witnesses; felony | FD |
| 940.21 Mayhem | FB | 940.44 Intimidation of victims; misdemeanor | MA |
| 940.22 Sexual exploitation by therapist | FD | 940.45 Intimidation of victims; felony | FD |
| 940.225* Sexual assault ● Fourth degree sexual assault | FB/FC/FD MA | 940.46* Attempt prosecuted as completed act ● Whoever attempts any act prohibited under sections 940.42-940.45 is guilty of the offense attempted | FD/MA |
| 940.23 Injury by conduct regardless of life | FC | 940.48 Violation of court orders | Contempt of court |
| CRIMES AGAINST PUBLIC HEALTH AND SAFETY | | | |
| | | 941.03 Highway obstruction | FC |
| | | 941.04 Mooring watercraft to railroad tracks or fixtures | FD |
| | | 941.11 Unsafe burning of buildings | FD |
| | | 941.12* Interfering with fire fighting ● Removes, tampers, or interferes with firefighting equipment ● Interferes with accessibility to a fire hydrant by piling or dumping material near it | FE MA MC |

| | | | |
|---|----------------|---|---|
| 941.20* Reckless use of weapons ● Intentionally discharges firearm into vehicle or building in which he should realize there might be a human being present; sets a spring gun; creates a situation of unreasonable risk and high probability of death or great bodily harm to another | MA FE | 943.05 Placing of combustible materials an attempt | Guilty of 943.01, .02, .03, or .04, depending on case |
| 941.21 Disarming a peace officer | FE | 943.06 Molotov cocktails | FE |
| 941.26 Machine guns and other weapons; use in certain cases; penalty | FE | 943.07 Criminal damage to railroads | MA/MB |
| 941.28 Possession of short-barreled shotgun or short-barreled rifle | FE | 943.10 Burglary | FC |
| 941.29 Possession of a firearm | FE | 943.11 Entry into locked vehicle | MA |
| 941.295 Possession of electric weapon | FE | 943.12 Possession of burglarious tools | FE |
| 941.30 Endangering safety by conduct regardless of life | FD | 943.125 Entry into locked coin box | MA |
| 941.31 Possession of explosives for unlawful purpose | FC | 943.13 Criminal trespass to land | "Class B forfeiture" |
| 941.32 Administering dangerous or stupefying drug | FC | 943.14 Criminal trespass to dwellings | MA |
| 941.35 Placing foreign objects in edibles | FE | 943.145 Criminal trespass to a medical facility | MB |
| 941.37* Obstructing emergency or rescue personnel ● Reasonable grounds to believe that the interference may endanger another's safety ● Contributes to death of another | MA FE FC | 943.15 Entry onto a construction site or into a locked building, dwelling or room | MA |
| CRIMES AGAINST REPUTATION AND CIVIL LIBERTIES | | 943.20* Theft ● Value of property does not exceed \$500 | FE/FC/FD MA |
| CRIMES AGAINST PROPERTY (inclusive) | | 943.205 Theft of trade secrets | FE |
| 943.01* Criminal damage to property ● Property damaged is a vehicle or highway and is likely to cause injury or further property damage; property damaged belongs to a public utility to a common carrier, or belongs to a person who is or was a witness, or total property damage is more than \$1,000 | MA FD | 943.206 Battery witness or jurors | F |
| 943.015 Criminal damage; threat; property of Department of Revenue employee | FD | 943.207 Transfer of recorded sounds for unlawful use; sale | MB/MA |
| 943.02 Arson of buildings; damage of property by explosives | FB | 943.21* Fraud on hotel or restaurant keeper ● Value of any food, lodging, accommodation or any other service exceeds \$500 | MA FE |
| 943.03 Arson of property other than building | FE | 943.22 Use of cheating tokens | "Class C forfeiture" |
| 943.04 Arson with intent to defraud | FD | 943.23* Operating vehicle without owner's consent ● Abandons vehicle without damage within 24 hours | FE MA |
| | | 943.24* Issue of worthless check ● Total value of \$500 or more in single check or more than one check within 15 day period adding up to \$500 or more | MA FE |
| | | 943.25 Transfer of encumbered property | FE |
| | | 943.26* Removing or damaging encumbered real property ● If the security is impaired by more than \$1,000 | MA FE |
| | | 943.27 Possession of records of certain usurious loans | FE |

| | | | |
|--|-----------------------------------|--|-------|
| 943.28 Loan sharking prohibited | FC | 943.62* Unlawful receipt of payments to obtain loan for another | FE/FC |
| 943.30 Threats to injure or accuse of crime | FD | ● Value of advance payment or required refund, as applicable, does not exceed \$500 | MA |
| 943.31 Threats to communicate derogatory information | FE | | |
| 943.32 Robbery | FC/FB | 943.70* Computer crimes | MA |
| 943.34* Receiving stolen property | MA | ● Offense is committed to defraud or obtain property | FE |
| ● Value of property exceeds \$500, but not more than \$2,500, or if property is received from a person under the age of 18 years | FE | ● Damage to the computer, computer system, computer network, equipment or supplies is greater than \$2,500 | FD |
| ● Value of property exceeds \$2,500 | FC | ● Offense creates a situation of unreasonable risk and high probability of death or great bodily harm to another | FC |
| 943.35 Receiving property from children | MA | | |
| 943.37 Alteration of property identification marks | MA | CRIMES AGAINST SEXUAL MORALITY (inclusive) | |
| 943.38* Forgery | FC | 944.05 Bigamy | FE |
| ● Falsely makes or alters object so that it appears to have value because of antiquity, rarity, etc.; false common writing of identification; false merchandise identifying label or stamp; false membership card; false abstract of title to real estate; false transportation rights | MA | 944.06 Incest | FC |
| | | 944.12 Enticing a child for immoral purposes | FC |
| 943.39 Fraudulent writings | FD | 944.15 Fornication | MA |
| 943.395 Fraudulent insurance and employee benefit program claims | MA | 944.16 Adultery | FE |
| 943.40 Fraudulent destruction of certain writings | FD | 944.17 Sexual gratification | MA |
| 943.41* Financial transaction card crimes | MA | 944.20 Lewd and lascivious behavior | MA |
| ● Violation of any provision of sub. (3)(e), (4)(a), or (6)(c) or violation of any provision of sub. (5) or (6)(a) and value of money, goods, services or property exceeds \$500 but not \$2,500 in a single transaction or in separate transactions within a 6-month period | FE | 944.21 Lewd, obscene or indecent matter, pictures and performances | FD |
| ● Violation of any provision of sub. (5) or (6)(a) and value of money, goods, services or property exceeds \$2,500 | FC | 944.23 Making lewd, obscene or indecent drawings | MC |
| 943.45* Obtaining telecommunications service by fraud | MA | 944.25 Exposing minors to harmful materials | MA |
| ● Charges for the service obtained, or attempted to be obtained exceed \$500 | FE | 944.30 Prostitution | MA |
| 943.50* Retail theft | FE/FC | 944.31 Patronizing prostitutes | MA |
| ● If value of merchandise does not exceed \$500 | MA | 944.32 Soliciting prostitutes | FD/FC |
| 943.55 Removal of shopping cart | Forfeit amount not to exceed \$50 | 944.33 Pandering | MA |
| 943.60 Criminal slander of title | FE | 944.34 Keeping place of prostitution | FD |
| 943.61* Theft of library material | FE/FC | 944.36 Solicitation of drinks prohibited | MB |
| ● Value of library materials does not exceed \$500 | MA | GAMBLING | |
| | | 945.03 Commercial gambling | FE |
| | | 945.05 Dealing in gambling devices | FE |
| | | 945.08* Bribery of participant in contest | FD |
| | | ● Participant who agrees to bribe | MA |

CRIMES AGAINST GOVERNMENT AND ITS ADMINISTRATION

| | | |
|---------|---|-------|
| 946.01 | Treason | FA |
| 946.02 | Sabotage | FC |
| 946.03 | Sedition | FC |
| 946.05 | Flag desecration | FE |
| 946.10 | Bribery of public officers and employees | FD |
| 946.11 | Special privileges from public utilities | FE |
| 946.12 | Misconduct in public office | FE |
| 946.13 | Private interest in public contract prohibited | FE |
| 946.14 | Purchasing claims at less than full value | FE |
| 946.15* | Public construction contracts at less than full rate | FE |
| | ● Person employed pursuant to a public contract who gives up, waives, or returns to the employer or any agent thereof any compensation he is entitled to under contract | MC |
| 946.31 | Perjury | FD |
| 946.32 | False swearing | FD |
| 946.42* | Escape | FE |
| | ● In custody for a lesser crime | MA |
| 946.43 | Assaults by prisoners | FC |
| 946.44 | Assisting or permitting escape | FD |
| 946.47 | Harboring or aiding felons | FE |
| 946.48 | Kidnapped or missing persons; false information | FD |
| 946.49* | Bail jumping | FE/FD |
| | ● Offense with which person is charged is a misdemeanor | MA |
| 946.60 | Destruction of documents subject to subpoena | FE |
| 946.61 | Bribery of witnesses | FD |
| 946.62 | Concealing Identity | FD |
| 946.63 | Concealing death of child | FE |
| 946.64 | Communicating with jurors | FE |
| 946.65 | Obstructing justice | FE |
| 946.71 | Interference with custody of child | FE |
| 946.715 | Interference by parent with parental rights of other parent | FE |
| 946.716 | Unauthorized placement for adoption | FE |

946.72 Tampering with public records and notices FD

946.74* Aiding escape from mental institution MA
 ● Violation with intent to commit a crime against sexual morality with or upon the inmate of the institution FD

946.76 Search warrant; premature disclosure FE

946.80 Wisconsin Organized Crime Control Act See below

946.84 Penalties FC

946.85 Continuing criminal enterprise 10-20 yrs.

CRIMES AGAINST PUBLIC PEACE, ORDER AND OTHER INTERESTS

947.015 Bomb scares FE

947.15* Contributing to the delinquency of children; neglect; neglect contributing to death MA
 ● Death is a consequence FD

CRIMES AGAINST ANIMALS

UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)

161.41* Prohibited acts A - Penalties See below

(1) Manufacture or deliver (1)(a) Classified in Schedule I or II which is a narcotic drug 15 yrs.

(1)(b) Except as provided in par. (c) any other controlled substance classified in Schedule I, II, or III 5 yrs.

(1)(c) Controlled substance included under S161.16(2)(b) See below 5 yrs.

(1)(c)(1) ≤ 10 grams 6 mos.-5 yrs.

(1)(c)(2) > 10 grams ≤ 30 grams 1 yr.-15 yrs.

(1)(c)(3) > 30 grams 3 yrs.

(1)(d) Substance classified in Schedule IV 1 yr.

(1)(e) Substance classified in Schedule V See below 15 yrs.

(1m) Possession violations (1m)(a) Schedule I, II narcotic 5 yrs.

(1m)(b) Schedule I, II, III substance See below 5 yrs.

(1m)(c) Schedule II substance (1m)(c)(1) Possess ≤ 10 grams 5 yrs.

(1m)(c)(2) Possess with intent to deliver > 10 grams 6 mos.-5 yrs. < 30 grams

(1m)(c)(3) Possess with intent to deliver > 30 grams 1-15 yrs.

(1m)(d) Schedule IV 3 yrs.

(1m)(e) Schedule V 1 yr.

(1x) Conspiracy 5 yrs./6 mos.-5 yrs./1-15 yrs.

| | |
|---|-----------------------------------|
| (2) Counterfeit | 15 yrs./5 yrs./3 yrs. 1 yr. |
| (2m) Arrange sale | 6 mos. |
| (2r)(a) Possession | 1 yr./2 yrs. |
| (3) Possession | M |
| (3m) Prescription offense | 1 yr. jail |
| (4)(c) Deliver, etc. | 1 yr. |
| 161.42 Prohibited acts B-penalties (Maintain drug haven) | 1 yr. |
| 161.43 Prohibited acts C-penalties (Forgery, fraud violations) | 4 yrs. |
| 161.46 Distribution to persons under age 18 | 2 x penalty |
| 161.48 Second or subsequent offenses | 2 x penalty |

WYOMING

WYO. STAT. §x (1983).

Criminal Classification Information

§6-10-101. "Felony" and "misdemeanor" defined.
Crimes which may be punished by death or by imprisonment for more than one (1) year are felonies. All other crimes are misdemeanors.

§6-10-102. Imposition of fine for any felony; maximum fine where not established by statute.
The court may impose a fine as part of the punishment for any felony. If the statute does not establish a maximum fine, the fine shall be not more than ten thousand dollars (\$10,000.00)

§6-10-103. Penalties for misdemeanors where not prescribed by statute.
Unless a different penalty is prescribed by law, every crime declared to be a misdemeanor is punishable by imprisonment in the county jail for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

§6-10-107. Minimum term of imprisonment in penitentiary.
The minimum term of imprisonment in the penitentiary is not less than one (1) year.

§6-10-109. Sentences for felonies to be to the Wyoming state penitentiary or Wyoming women's center.
Wherever in this title a statute makes reference to a term of imprisonment or a sentence to the penitentiary or other references to incarceration in a state penal institution, such references shall include both the Wyoming state penitentiary and the Wyoming women's center.

§6-10-201. "Habitual criminal" defined; penalties
* * *
(b) An habitual criminal shall be punished by imprisonment for:
(i) Not less than ten (10) years nor more than fifty (50) years; if he has two (2) previous convictions;
(ii) Life, if he has three (3) or more previous convictions.

INCHOATE OFFENSES

1-304. Grading.
The penalty for attempt, solicitation and [or] conspiracy is the same as the penalty for the most serious crime which is attempted, solicited or is an object of the conspiracy except that an attempt, solicitation or conspiracy to commit a capital crime is not punishable by the death penalty if the capital crime is not committed.

WYOMING CRIMINAL STATUTES

WYO. STAT. §X (1983).

KEY

- F = Felony
- M = Misdemeanor
- SP = State penitentiary
- J = County jail
- ? = Classification/place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = Greater than, less than
- ≥ , ≤ = Greater than or equal, less than or equal

NOTE: Maximum sentence given, unless sentence range or minimum (MIN.) is specified. For classifications that are NOT inclusive, offenses with penalties of less than one year are NOT recorded.

| Statute No. and Title | Class/Time |
|---|--|
| Offenses Against the Person | |
| HOMICIDE (inclusive) | |
| 6-2-101 Murder in the first degree; penalty | Death/life |
| 6-2-104 Murder in the second degree; penalty | SP: 20 yrs.-life |
| 6-2-105 Manslaughter; penalty | F: SP 20 yrs. |
| 6-2-106* Homicide by vehicle; aggravated homicide by vehicle; penalties ● if aggravated | J: 1 yr. SP: 20 yrs. |
| 6-2-107 Criminally negligent homicide | M: 1 yr. |
| KIDNAPPING AND RELATED OFFENSES | |
| 6-2-201 Kidnapping; penalties; effect of release of victim | F: 20 yrs./20 yrs. MIN./life |
| 6-2-202 Felonious restraint; penalty | F: 5 yrs. |
| 6-2-204 Interference with custody; presumption of knowledge of child's age; affirmative defenses; penalties | F: 5 yrs./1 yr. 1 day |
| SEXUAL ASSAULT (inclusive) | |
| 6-2-306(a)* Penalties for sexual assault ● first degree ● second degree ● third degree ● fourth degree (b) Penalties for sexual assault; extended terms and punishment | F: 5-50 yrs. F: 20 yrs. F: 5 yrs. M: 1 yr. F: 5 yrs./life/ 10 yrs./5 yrs. |
| 6-2-310 Names not to be released; restrictions on disclosure or publication of information; violations; penalties; effect of disclosure; "minor victim" | J: 90 days |

| | | | |
|--|----------------------|--|-------------------|
| ROBBERY AND BLACKMAIL (inclusive) | | 6-3-304 Possession of burglar's tools; penalties | F: 3 yrs. |
| 6-2-401* Robbery; aggravated robbery; penalties | 25 yrs. | 6-3-305 Breaking, opening or entering of coin machine with intent to commit larceny; penalties | M: 1 yr. |
| • any property; value < \$200 | M: 6 mos. | | |
| • any property; value ≥ \$200 but < \$2,000 | M: 1 yr. | | |
| • any property; value ≥ \$2,000 | F: 10 yrs. | 6-3-306 Forcible entry or detainer; penalty | M: fine |
| 6-2-402 Blackmail; aggravated blackmail; penalties | F: 10 yrs./5-25 yrs. | | |
| ASSAULT AND BATTERY (inclusive) | | LARCENY AND RELATED OFFENSES (inclusive) | |
| 6-2-501 Simple assault; battery; penalties | M: 6 mos. | 6-3-402* Larceny; penalties; former offenses consolidated | |
| 6-2-502 Aggravated assault and battery; penalties | F: 10 yrs. | • any property; value < \$200 | M: 6 mos. |
| 6-2-503 Child abuse; penalty | F: 5 yrs. | • any property; value ≥ \$200 but < \$2,000 | M: 1 yr. |
| 6-2-504 Reckless endangering; penalty | M: 1 yr. | • any property; value ≥ \$2,000 | F: 10 yrs. |
| 6-2-505 Terroristic threats; penalty | F: 3 yrs. | 6-3-403* Buying, receiving, etc. stolen property; venue of indictment | |
| Offenses Against Property | | • any property value ≥ \$500 | F: 10 yrs. |
| ARSON AND RELATED OFFENSES (inclusive) | | • any property value < \$500 | M: 6 mos. |
| 6-3-101 Arson; first degree; penalties | F: 20 yrs. | 6-3-404* Shoplifting; altering, defacing, etc. price tags and markers; penalties | |
| 6-3-102 Same; second degree; penalties | F: 10 yrs. | • shoplifting; value ≥ \$2,000 | F: 10 yrs. |
| 6-3-103 Arson; third degree; penalties | F: 5 yrs. | • shoplifting; value ≥ \$200 but < \$2,000 | M: 1 yr. |
| 6-3-104 Arson; fourth degree; penalties | M: 1 yr. | • shoplifting; value < \$200 | M: 6 mos. |
| 6-3-105 Negligently burning woods, prairie or grounds; penalties | M: 6 mos. | • alter/deface; value < \$200 | M: 6 mos. |
| 6-3-106 Failure to extinguish or contain fire in woods or prairie; penalty | M: fine | • alter/deface; value ≥ \$2,000 | F: 10 yrs. |
| 6-3-107 Throwing burning substance from vehicle; penalties | M: 6 mos. | • alter/deface; value ≥ \$200 but < \$2,000 | M: 1 yr. |
| PROPERTY DESTRUCTION AND DEFACEMENT | | 6-3-406* Defrauding an inkeeper; penalties; definitions | |
| 6-3-201* Property destruction and defacement; grading; penalties; aggregated costs or values | | • value > \$2,000 | F: 10 yrs. |
| • cost or value < \$500 | M: 6 mos. | • value ≥ \$200 but < \$2,000 | M: 1 yr. |
| • cost or value ≥ \$500 but < \$1,000 | M: 1 yr. | • value < \$200 | M: 6 mos. |
| • cost or value ≥ \$1,000 | F: 5 yrs. | 6-3-407* Obtaining property by false pretenses; penalties | |
| BURGLARY AND CRIMINAL INTRUSION (inclusive) | | • value ≥ \$2,000 | F: 10 yrs. |
| 6-3-301 Burglary; aggravated burglary; penalties | F: 10 yrs./5-25 yrs. | • value ≥ \$200 but < \$2,000 | M: 1 yr. |
| 6-3-302 Criminal entry; penalties; affirmative defenses | M: 6 mos. | • value < \$200 | M: 6 mos. |
| 6-3-303 Criminal trespass; penalties | M: 6 mos. | 6-3-408* Theft of services; penalties | |
| | | • value ≥ \$2,000 | F: 10 yrs. |
| | | • value ≥ \$200 but < \$2,000 | M: 1 yr. |
| | | • value < \$200 | M: 6 mos. |
| | | 6-3-409 Fraudulently obtaining tele-communication services deemed misdemeanor | M: 6 mos. |
| | | COMPUTER CRIMES | |
| | | 6-3-502 Crimes against intellectual property; penalties | F: 3 yrs./10 yrs. |
| | | 6-3-503* Crimes against computer equipment or supplies; interruption or impairment of governmental operations or public service; penalties | |
| | | • with intent to defraud | F: 10 yrs. |
| | | • without intent to defraud | M: 6 mos. |
| | | • interruption of governmental or public services | F: 3 yrs. |

| | | | |
|---|-------------------------------------|--|-------------------------------------|
| 6-3-504 Crimes against computer users; penalties | F: 3 yrs./ 10 yrs. | PUBLIC INDECENCY | |
| FRAUD | | OBSCENITY | |
| 6-3-602* Forgery; penalties • writing is permit under WS 11-21-101 through 11-21-104 or a check number on a pitcar | F: 10 yrs. M: 6 mos. | OFFENSES AGAINST THE FAMILY | |
| 6-3-603 Possession of forged writings and forgery devices; penalties | F: 5 yrs. | 6-4-401 Bigamy | F: 5 yrs. |
| 6-3-604 Fraud against testamentary instruments and government records; penalties; "government record" defined | F: 10 yrs. | 6-4-402* Incest; penalties; restrictions on disclosure or publication of identifying information; violations; penalties; effect of disclosure; "minor victim" • incest • disclosure of identity; penalties | F: 5 yrs. J: 90 days |
| 6-3-607* Defrauding creditors; penalties • value \geq \$2,000 • value \geq \$200 but $<$ \$2,000 • value $<$ \$200 | F: 10 yrs. M: 1 yr. M: 6 mos. | 6-4-403* Abandoning or endangering children; penalties; "child"; restrictions on disclosure or publication of identifying information; violations; penalties; effect of disclosure; "minor victim" • first offense • second offense • disclosure of identity; penalties | M: 1 yr. F: 5 yrs. J: 90 days |
| 6-3-608* Fraudulent use of materials; fraudulent obtaining of money by contractor; penalties • fraudulent use of materials • fraudulent obtaining of money by contractors | M: 6 mos. F: 5 yrs. | DESECRATING GRAVES AND BODIES | |
| 6-3-609 Sports bribery; definitions; penalties; venue; bonuses not prohibited | F: 5 yrs. | 6-4-502 Mutilation of dead human bodies; penalties; exceptions | F: 3 yrs. |
| 6-3-612 False written statements to obtain property or credit; penalties | F: 5 yrs. | Offenses Against Public Administration | |
| 6-3-613 False representations of value of shares; bonds or property; penalties | F: 5 yrs. | OFFENSES BY PUBLIC OFFICIALS | |
| CHECK FRAUD | | 6-5-102 Bribery; penalties | F: 10 yrs. |
| 6-3-702* Fraud by check; penalties; restitution • value $<$ \$200 • value \geq \$200 but $<$ \$2,000 • value \geq \$2,000 or \geq 2 check fraud convictions within 60 days with total sum \geq \$500 | M: 6 mos. M: 1 yr. F: 10 yrs. | 6-5-103 Compensation for past official behavior; penalties | F: 10 yrs. |
| CREDIT CARD FRAUD | | 6-5-104 Soliciting unlawful compensation penalties | F: 10 yrs. |
| 6-3-802* Unlawful use of credit card; penalties • value $>$ \$2,000 • value $>$ \$200 but $<$ \$2,000 • value $<$ \$200 | F: 10 yrs. M: 1 yr. M: 6 mos. | 6-5-108 Issuing false certificate; penalties | F: 10 yrs. |
| Offenses Against Morals, Decency and Family | | 6-5-109* Embezzlement of public property; penalties • value \geq \$2,000 • value \geq \$200 $<$ \$2,000 • value $<$ \$200 | F: 10 yrs. M: 1 yr. M: 6 mos. |
| PROSTITUTION | | 6-5-111 Failure or refusal to account for, deliver or pay over property; penalties | F: 5 yrs. |
| 6-4-103 Promoting prostitution; penalties | F: 3 yrs./ 5 yrs. | 6-5-112 Mistreating persons in institutions or mental hospitals; penalties; no bar to other criminal action | F: 3 yrs. |
| | | 6-5-117 Public officer demanding kickback from deputy; penalties | F: 3 yrs. |

HINDERING GOVERNMENT OPERATIONS

| | |
|--|--|
| 6-5-202* Accessory after the fact; penalties ● crime of felony; accessory not relative ● crime of felony; accessory is relative ● crime of misdemeanor, accessory not relative ● principal is a minor | F: 3 yrs. M: 6 mos. M: 6 mos. M: 6 mos. |
| 6-5-203* Compounding; penalties ● compound prosecuting without evidence, encourage absence of witness, if misdemeanor is compounded or violation for which a penalty or forfeiture is prescribed is compounded ● felony punishable by imprisonment ● felony punishable by death | M: 1 yr. F: 3 yrs. F: 5 yrs. |
| 6-5-204* Interference with peace officer ● if attempts bodily injury | M: 1 yr. F: 10 yrs. |
| 6-5-206 Escape from official detention penalties | F: 10 yrs./ 3 yrs. |
| 6-5-207 Escape by violence or assault while armed; penalty | F: 10 yrs. |
| 6-5-208 Taking controlled substances or liquor into jails, penal institutions or mental hospitals; penalties | F: 3 yrs. |
| 6-5-209 Taking deadly weapons into jails, penal institution or mental hospitals; penalties | F: 10 yrs. |
| 6-5-210* False reporting to authorities; penalties ● that a crime has been committed ● an emergency exists ● an emergency exists and person suffers serious bodily harm as a result ● an emergency exists and person years suffers death | M: 6 mos. M: 1 yr. F: 5 yrs. F: SP 20 |

PERJURY AND CRIMINAL FALSIFICATION

| | |
|--|------------------------|
| 6-5-301 Perjury in judicial, legislative or administrative proceedings; penalties | F: 5 yrs. |
| 6-5-303 False swearing in nonjudicial or nonadministrative proceeding; false claims or vouchers; penalties | F: 2 yrs./ 2 yrs. |
| 6-5-304 Offering mining claims for filing without meeting legal prerequisites; penalties | F: 2 yrs. |
| 6-5-305* Influencing, intimidating or impeding jurors, witnesses and officers; obstructing or impeding justice; penalties ● juror, witness or officer ● impeding administration of justice | F: 10 yrs. M: 1 yr. |

Offenses Against Public Peace

DISTURBANCE OF PUBLIC ORDER

NUISANCES

UNLAWFUL CONDUCT WITHIN GOVERNMENTAL FACILITIES

Offenses Against Public Policy

GAMBLING

| | |
|---|------------------------|
| 6-7-102* Gambling; professional gambling; penalties ● if professional gambling | M: 6 mos. F: 3 yrs. |
|---|------------------------|

Weapons

WEAPONS OFFENSES

| | |
|--|------------------------|
| 6-8-101 Use of firearm while committing felony; subsequent convictions; penalties; applicability of provisions | ?: 10 yrs./ 20 yrs. |
| 6-8-102 Use or possession of firearm by person convicted of violent felony; penalties | F: 3 yrs. |
| 6-8-103 Possession, manufacture, etc. of deadly weapon with unlawful intent; penalties | F: 5 yrs. |

FIREARMS REGULATION

RIFLES AND SHOTGUNS

Miscellaneous Offenses

DISCRIMINATION

OTHER

Sentencing

GENERALLY HABITUAL CRIMINALS

| | |
|---|-----------------------|
| 6-10-201 "Habitual criminal" defined; penalties | ?: 10-15 yrs./life |
|---|-----------------------|

Food and Drugs

CONTROLLED SUBSTANCES ACT (inclusive)

| | |
|--|---|
| 35-7-1031* Unlawful manufacture or delivery; counterfeit substance; unlawful possession (a)(i) controlled substance in Schedule I or II - narcotic drug (a)(ii) any other controlled substance in Schedule I, II or III (a)(iii) substance in Schedule IV (a)(iv) substance in Schedule V (b) create, deliver or possess with intent to deliver a counterfeit substance (b)(i) counterfeit substance in Schedule I or II - narcotic drug | See below ?: 20 yrs. ?: 10 yrs. ?: 2 yrs. ?: 1 yr. See below ?: 20 yrs. |
|--|---|

| | |
|--|--|
| (b)(ii) any other counterfeit substance in Schedule I, II or III | ?: 10 yrs. |
| (b)(ii) counterfeit substance in Schedule IV | ?: 2 yrs. |
| (b)(iii) counterfeit substance in Schedule V | ?: 1 yr. |
| (c) possession offense; controlled substance | M: 6 mos. |
| • third or subsequent offense | SP: 5 yrs. |
| 35-7-1032 Certain unlawful acts particularly applicable to registrants | ?: 1 yr. |
| 35-7-1033 Distribution by registrants of certain substances without required order form; use of fictitious, revoked, etc. registration number; acquiring substance by misrepresentation, etc., furnishing false or fraudulent information or omitting information; punch, die, plate, etc. designed for counterfeiting | ?: 5 yrs. |
| 35-7-1036 Sale, etc. to person under 18 | ?: 40 yrs./ 20 yrs./4 yrs./2 yrs. |
| 35-7-1038 Second or subsequent offenses (35-7-1038 does not apply to 31(c){35-7-1031(c)}) | Up to twice term otherwise authorized |
| 35-7-1039 Person using or under influence of controlled substance in Schedule I, II or III | M: 90 days |
| 35-7-1040 Planting, cultivating, etc. marijuana, peyote or opium poppy | M: 6 mos. |
| 35-7-1041 Sale, etc. of liquid, substance or material in lieu of controlled substance | ?: 1 yr. |
| 35-7-1042 Attempts and conspiracies | Not to exceed maximum prescribed for the attempted offense |
| 35-7-1056 Delivery of, or possession with intent to deliver, drug paraphernalia | ?: 6 mos. |
| 35-7-1057 Delivery of drug paraphernalia to a minor | ?: 5 yrs. |

Justice Statistics

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nn Arbor, MI 48106
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