

SENTENCING GUIDE

MASSACHUSETTS SENTENCING GUIDELINES



Massachusetts Sentencing Commission

**The Honorable Robert A. Mulligan,
Chairman**

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Massachusetts Sentencing Commission

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Introduction

The Massachusetts Sentencing Commission was established in 1994 by the truth in sentencing law as a response to the escalating concern for sentencing reform. The goal of the commission is to promote truth in sentencing by developing uniform sentencing guidelines, including guidelines for the appropriate use of intermediate sanctions.

On April 11, 1996, the commission submitted its *Report to the General Court*, culminating an intense two-year effort of research, debate, and deliberations. The result is a comprehensive and balanced set of guidelines that will provide greater uniformity and certainty in sentencing so that victims and offenders alike will understand the meaning and effect of the sentence imposed. The guidelines will promote fairness and reduce disparity while preserving that degree of judicial discretion necessary to fashion the sentence appropriate for the individual offender and the specific offense.

The *Report to the General Court*, which was unanimously adopted by commission members, presents the philosophical and policy bases for the guidelines. The recommendations of the *Report* have been incorporated into the sentencing guidelines legislation, which is presently before the Legislature. If passed, the policies and procedures contained in this *Sentencing Guide* would become effective. Until then, they should be considered proposed policies and procedures.

The purpose of this document is to provide a practical guide for the application of the guidelines in sentencing a convicted defendant. Ten specific steps are set forth and a set of attachments is included for reference. The objective is to give “hands-on” directions for making the sentencing guidelines operational. The audience is intended to be judges, prosecutors, defense counsel, probation personnel, and others concerned with the practical application of the sentencing guidelines.

1 Determining the offense seriousness level of each current conviction by referring to the Master Crime List.

The Master Crime List contains over 1,800 offenses, each ranked and placed into one of nine levels of seriousness. To determine the offense seriousness level of a particular crime, locate the offense on the Master Crime List using either the offense name (*offense*) or General Law reference (*offense reference*). The offense seriousness level is indicated to the left of each entry.

Where multiple offense convictions result from the same criminal conduct, the most serious offense according to the rankings in the Master Crime List should be treated as the governing offense for determining the base sentence.

Considerations

✓ STAIRCASING

Some crimes broadly defined to encompass a wide range of behavior were *staircased* (i.e., placed at more than one level on the sentencing guidelines grid) based on a specified factor. These offenses are identified by a notation on the Master Crime List. When offenses are staircased, determine the appropriate level by taking into account:

- the value of property lost (e.g., Larceny); or
- the degree of injury to victim (e.g., Assault and Battery with a Dangerous Weapon); or
- the display of a gun (e.g., Armed Robbery); or
- dwelling versus non-dwelling (e.g., Breaking and Entering).

ILLUSTRATION 1: An Assault and Battery with a Dangerous Weapon resulting in no or minor injury has been placed at offense seriousness level 3; resulting in moderate injury at offense seriousness level 4; and resulting in significant injury at offense seriousness level 6. Degree of injury is defined in Attachment A.

1. OFFENSE SERIOUSNESS

✓ RANKING MISDEMEANORS

If a misdemeanor **does not appear** on the Master Crime List its offense seriousness level may be determined by its maximum sentence by statute, such that:

- Level 2: Maximum statutory penalty of incarceration for more than 6 months up to and including 2 1/2 years.
- Level 1: Maximum statutory penalty of incarceration for 6 months or less.

✓ SECOND AND SUBSEQUENT CONVICTIONS

There are certain offenses for which the statute sets forth a more severe penalty upon a second or subsequent conviction (e.g., Assault to Rape). In these cases the offense has been elevated one level on the offense seriousness scale.

ILLUSTRATION 2: The offense of Assault to Rape has been placed at offense seriousness level 6. The offense of Assault to Rape - Subsequent Offense has been placed at offense seriousness level 7.

Where the offense is already at Level 8 (e.g., Home Invasion) and could not be elevated one level, the guidelines call for the offender to be moved over one cell to the right.

✓ OFFENSES PUNISHABLE BY FINE ONLY

The guidelines do not apply to offenses punishable only by a fine (e.g., failure to report hazing). For purposes of criminal history, these offenses have been assigned to offense seriousness level 1.

2 Determining the defendant's criminal history category.

Based on the number and seriousness of prior convictions, offenders are to be placed in one of five criminal history categories: *No/Minor Record*, *Moderate Record*, *Serious Record*, *Violent or Repetitive Record*, or *Serious Violent Record*.

The commission adopted an incident-based approach for determining placement within a criminal history category. This means that multiple prior convictions with the same arraignment date are presumed to have arisen from the same criminal conduct, and are to be **counted as one prior conviction based on the most serious offense of conviction**. The presumption that several offenses arraigned on the same date arose from the same criminal conduct is rebuttable.

A conviction is defined as any final disposition requiring a finding of guilt. Examples of final dispositions considered to be convictions include: Guilty Filed; Guilty; Probation; Fine; House of Correction Commitment; State Prison Commitment; Split Sentence; and Suspended Sentence. Examples of final dispositions not considered to be convictions include: Dismissed; Continued Without a Finding; Filed (absent a finding of guilt); and Not Guilty.

The commission established a policy that prior convictions should only include those offenses which reached final disposition prior to the disposition date of the current offense for which the defendant is being sentenced.

To place a defendant into a criminal history group:

- Group defendant's prior convictions by arraignment date into criminal incidents;
- Using the Master Crime List, assign an offense seriousness level to each criminal incident based on the most serious offense of conviction;
- Record the number of criminal incidents at offense seriousness level 9, level 8, level 7, ... level 1.
- Using the criminal history definitions, assign the defendant to the appropriate criminal history category.

2. CRIMINAL HISTORY CATEGORY

All delinquency adjudications for offenses in level 7, 8, and 9 should be treated as prior convictions purposes of determining the criminal history category. In addition, all federal or out-of-state convictions should be translated into the equivalent Massachusetts offenses and included.

Considerations

✓ STAIRCASING/PRIOR CONVICTIONS

Where a prior conviction is for a crime which has been staircased, if none of the staircasing factors such as amount stolen or lost, injury, display of gun, or dwelling/non-dwelling is ascertainable, the conviction should be assigned the lowest seriousness level for that crime.

ILLUSTRATION 3: A defendant has a prior conviction for Assault and Battery with a Dangerous Weapon, though the degree of injury to the victim is unknown. This conviction should be placed at offense seriousness level 3, the lowest of the three seriousness levels to which a conviction for Assault and Battery with a Dangerous Weapon may be assigned.

✓ MULTIPLE INCIDENTS/SINGLE ARRAIGNMENT DATE

The presumption that several offenses arraigned on the same date arose from the same criminal conduct is rebuttable. Multiple convictions with the same arraignment date may each be counted for purposes of criminal history placement on the sentencing guidelines grid where the court is satisfied that each such conviction represents separate criminal conduct.

✓ SINGLE INCIDENT/MULTIPLE ARRAIGNMENT DATES

Multiple convictions with different arraignment dates may be treated as the same criminal conduct for purposes of criminal history placement on the sentencing guidelines grid where the court is satisfied that such convictions represent the same criminal conduct.

✓ MINI-MASTER CRIME LIST

To guide the determination of a defendant's criminal history, a "mini-master" crime list has been developed. The mini-master crime list facilitates a preliminary "match" between offense abbreviations appearing on the Court Activity Record Information (CARI) file, and offenses on the master crime list (see Attachment B).

3 Locating the appropriate grid cell on the sentencing guidelines grid.

The appropriate sentencing guidelines range for the offense/offender may be determined by identifying that grid cell which represents the intersection of the offense seriousness level of the governing offense (vertical axis) and the classification of the criminal history (horizontal axis).

Intermediate Sanction Zone

For the least serious crimes, the sentencing guidelines grid contains a zone where only intermediate sanctions are within the guidelines (green zone). To impose a sentence of incarceration upon a defendant whose crime and criminal record fall within the intermediate sanction zone, a judge must depart from the guidelines.

Discretionary Zone

The middle zone (yellow zone) on the sentencing guidelines grid is discretionary; either incarceration or an intermediate sanctions is within the guidelines.

Incarceration Zone

For the more serious crimes, (red zone), intermediate sanctions are not within the applicable guideline ranges. In order to impose an intermediate sanction, the sentencing judge must depart from the guidelines in these cells.

The sentencing guidelines range contained in the grid cell represents the range from which the maximum, or Not More Than (NMT), sentence is selected.

ILLUSTRATION 4: A defendant is convicted of Unarmed Robbery, a level 5 offense. Based on the defendant's prior record of convictions, the defendant's criminal history category is determined to be category C or *Serious Record*. The grid cell which represents the intersection of level 5 and category C has a range of 36 to 54 months. If the judge chooses to sentence within the sentencing guidelines range, the judge may impose a Not More Than sentence as low as 36 months, as high as 54 months, or any length in between. The Not Less Than (NLT) sentence will automatically be set at two-thirds the NMT sentence.

ILLUSTRATION 5: A defendant is convicted of Disorderly Conduct, a level 1 offense. Based on the defendant's prior record of convictions, the defendant's criminal history category is determined to be category D or *Violent or Repetitive*. The grid cell which represents the intersection of level 1 and category D has a range of 0 to 3 months. If the judge chooses to sentence within the sentencing guidelines range, the judge may impose a Not More Than sentence up to and including 3 months. The Not Less Than (NLT) sentence will automatically be set at two-thirds the NMT sentence. In the alternative the judge may sentence the defendant to no jail time, but instead to an intermediate sanction in levels IS-I to IS IV.

3. LOCATING GRID CELL

No sentence selected by a judge shall exceed the statutory maximum penalty allowed by law.

4 Imposing an incarceration sentence within the sentencing guidelines range.

To impose an incarcerative sentence within the sentencing guidelines range:

- Identify the appropriate sentencing guidelines grid cell.
- Select the maximum (NMT) sentence from within the sentencing guidelines range presented in the applicable grid cell.
- The minimum, or Not Less Than (NLT), sentence will automatically be set at two-thirds of the maximum sentence. This applies to sentences to Houses of Correction and State Prison.

If the (NMT) sentence is selected from the appropriate sentencing guidelines range on the grid, the sentence will be within the guidelines and no explanation is necessary. The Sentencing Chart in Attachment C may be helpful in selecting sentences.

When appropriate a judge should order fines or restitution or both as part of any sentence. Restitution to the victim should be a priority of the judge at the time of sentencing.

Considerations

✓ ACCOMMODATING DISTRICT COURT JURISDICTION

In cases where a defendant in the district court falls into a cell on the sentencing guidelines grid where the sentencing guidelines range exceeds the district court sentencing jurisdiction, the sentencing guidelines range shall revert to an incarceration zone range of 20 to 30 months, and it shall not constitute a departure for a district court judge to impose a sentence of incarceration from within the 20 to 30 month range.

ILLUSTRATION 6: A defendant with no prior convictions is found guilty in the District Court of Assault and Battery with a Dangerous Weapon (significant injury), a level 6 offense. However, the prescribed guideline range at level 6 for criminal history group A (*No/Minor Record*) is 40 to 60 months, beyond the district courts' sentencing jurisdiction (i.e., greater than 2 1/2 years). In such a case the sentencing guidelines range would revert to an incarceration zone range of 20 to 30 months to enable the District Court judge to impose a sentence. A Not More Than (NMT) sentence within the 20 to 30 month sentencing range would not constitute a departure.

4. INCARCERATIVE SENTENCES

5 Imposing a non-incarcerative sentence.

It was a priority of the commission to integrate intermediate sanctions into the sentencing guidelines so that the guidelines may provide a framework for sentencing a defendant to intermediate sanctions and for the development of intermediate sanctions. The commission worked closely with the Office of Community Corrections (OCC) to ensure that there would be compatibility between the sentencing guidelines and the planning and development efforts of OCC.

An intermediate sanction is defined as a non-incarcerative sentence, or portion thereof, which includes a level of restriction, such as standard probation, intensive supervision probation, community service, home confinement, and day reporting, and which may be coupled with components, such as residential programming, substance abuse treatment, restitution, continuing education, vocational training, special education, and psychological counseling.

The commission adopted the concept of a continuum of intermediate sanctions, according to the severity of the punishment or constraint on personal liberty associated with the sanction, and identified four levels of intermediate sanctions, as follows:

Level IV - 24-Hour Restriction

The offender is *subject to* 24-hour restriction/accountability of his whereabouts. This represents the maximum level of restriction/accountability short of incarceration.

Level III - Daily Accountability

The offender is *subject to* daily accountability of his whereabouts. This represents the level of restriction/accountability that falls in between 24-hour accountability and standard probation supervision.

Level II - Standard Supervision

The offender is *subject to* weekly accountability of his whereabouts. This represents the level of restriction/accountability that is typically associated with standard probation supervision.

Level I - Financial Accountability

This represents the level of restriction/accountability that is typically associated with administrative probation. It is primarily designed to monitor the timely payment of restitution, fines, victim/witness fees, and the like, by the offender.

As noted earlier, there are three sentencing zones on the grid: an intermediate sanctions zone (green zone); a discretionary zone (yellow zone); and, an incarceration zone (red zone). Ordinarily, sentences to intermediate sanctions would occur for a defendant in the intermediate sanctions zone or the discretionary zone. Sentencing to intermediate sanctions is permissible for a defendant in the incarceration zone, but such a sentence would constitute a departure from the guidelines, and, as such, would require written reasons by the judge, as described in the following section.

Imposing an Intermediate Sanction

Intermediate sanctions are to be imposed as a condition of probation. As under current law, there is no limit on the length of the probation period that may be imposed. To impose such a condition the judge must specify:

- (1) the intermediate sanction level at which the offender will start serving the term of probation and may include a minimum period during which the offender would be required to be supervised at that level; and,
- (2) any program components in which the offender is required to participate (e.g., drug and alcohol counseling).

ILLUSTRATION 7: A defendant is convicted of Possession Class B Substance, a level 2 offense. Based on the defendant's record of convictions, the defendant's criminal history is determined to be category B or Moderate Record. The grid cell which represents the intersection of level 2 and category B is in the discretionary zone including an incarceration sentence range of 0 to 6 months and intermediate sanction levels IS-1 to IS-III. Without departing, the judge could impose a sentence of 12 months probation to begin at IS-III for a period of no less than 3 months.

The supervising probation officer, may in his or her discretion move a probationer down in level(s) in appropriate circumstances, without judicial consultation, consistent with any special conditions or time restrictions that may have been specified by the judge. Such a reduction in the intermediate sanction level by a probation officer may not go below the guideline levels set forth in the grid cell in which the offender was sentenced.

The supervising probation officer may also move a probationer back up in level(s) to the original level set by the judge. Only a judge, however, has the authority to increase an intermediate sanction level beyond the original level or add program components.

Considerations**✓ DISTINCTION BETWEEN SANCTIONS AND PROGRAMS**

The commission distinguished between an intermediate sanction, which refers to the degree of restriction or constraint on personal liberty imposed by the order of the court, and a program, which may be a component of an intermediate sanction. For example, an intermediate sanction - such as day reporting, house arrest and electronic monitoring - may incorporate a program - such as job training, education, and any treatment - but such a program is not the sanction.

ILLUSTRATION 8: If a judge requires, as a condition of probation, an offender to report daily to a day reporting center, that is a restriction on personal liberty and is considered a *sanction*. While there, if the offender engages in substance abuse treatment or job training, or attends AA meetings or GED classes, those are *programs*.

Program components, such as drug and alcohol counseling, education, and job training, are available at every level of intermediate sanction.

✓ EXCLUDED OFFENSES

In some cases a defendant may not be eligible for intermediate sanctions under any circumstances due to the nature of the offense (e.g., Escape From State Work Release Program). These offenses are noted on the Master Crime List.

✓ FINES AND RESTITUTION

When appropriate a judge should order fines or restitution or both as part of any sentence. Restitution to the victim should be a priority of the judge at the time of sentencing.

✓ PROBATION REVOCATION

The sentencing guidelines do not apply to incarceration sentences imposed at a probation revocation hearing - i.e., the judge may impose any sentence up to the statutory maximum.

5. NON-INCARCERATIVE SENTENCES

6 Departing from the sentencing guidelines range.

The sentencing judge may impose a sentence below or above the sentencing guidelines range by setting forth in writing reasons for departing from that range on a sentencing statement, giving the “facts, circumstances, evidence, opinions, and any other matters considered” (G.L. c. 211E, § 3(h)). A sentencing judge may also depart from the guidelines by imposing a sentence of incarceration where the guidelines prescribe intermediate sanctions only (green zone), or by imposing a sentence of intermediate sanctions where the guidelines prescribe incarceration only (red zone). Any departure must be based on a finding that one or more mitigating or aggravating circumstances exist.

In imposing a sentence of incarceration that departs from the guidelines, the Not Less Than sentence shall automatically be set at two-thirds of the Not More Than sentence.

The commission established non-exclusive aggravating and mitigating circumstances to guide the sentencing judge (see Attachment D). The presence of any such circumstance may warrant departure in the discretion of the sentencing judge. In determining mitigation or aggravation, the sentencing judge shall consider:

- any evidence received during the proceedings;
- any pre-sentence report, when the judge requests one; and
- any other information that the judge deems credible.

The sentencing judge is not required to conduct an evidentiary hearing in determining aggravating or mitigating factors.

ILLUSTRATION 9: A 65 year old defendant has been convicted of Larceny (\$10,000 to \$50,000), a level 4 offense. The defendant has one prior conviction, incurred at age 18, for Involuntary Manslaughter (level 6), placing the defendant in criminal history category C (*Serious Record*). The grid cell which represents the intersection of level 4 and category C presumes incarceration and has a range of 20 to 30 months. Prior to the defendant’s conviction on the Larceny charge, full restitution to the victim was made.

Citing the age of the defendant’s prior criminal record and his act of restitution, the sentencing judge has decided to depart below the prescribed sentencing guidelines range and sentence the defendant to 60 days in the house of correction. The Not Less Than sentence is automatically set at 40 days, two-thirds of the Not More Than sentence.

✓ STATUTORY MINIMUM TERMS OF INCARCERATION

The criminal penalty provisions of some offenses do not require incarceration, but specify the minimum term of incarceration when incarceration is imposed. For these crimes it is **not a departure for a judge to impose a sentence within the applicable sentencing guidelines range**, including intermediate sanctions, even though the sentence may be below the statutory minimum term. At the same time, if the statutory minimum term exceeds the sentencing guidelines range, **the imposition of the statutory minimum is not a departure.**

ILLUSTRATION 10: A defendant with no prior record has been convicted of Home Invasion, a level 8 offense. The applicable sentencing guidelines range for a defendant in criminal history category A (*No/Minor Record*) convicted of a level 8 offense is 96 to 144 months. However, G.L. c. 265, § 18C directs the sentencing judge to impose a minimum sentence of 20 years in state prison if a sentence of incarceration is imposed.

Under these circumstances the guidelines permit a judge to sentence the defendant to a Not More Than (NMT) term of incarceration in accordance with the prescribed sentencing guidelines range of 96 to 144 months, even though the sentence would be below the statutory minimum. Such a sentence would not constitute a departure.

The imposition of the statutory minimum term would also not constitute a departure. The guidelines permit the judge to sentence the defendant to the statutory minimum 20 years in state prison even though the sentence would be above the prescribed sentencing guidelines range.

ILLUSTRATION 11: A defendant with no prior record has been convicted of Use of Motor Vehicle Without Authority. The applicable sentencing guidelines range for a defendant in criminal history category A (*No/Minor Record*) convicted of a level 2 offense prescribes intermediate sanctions levels I through III. However, G.L. c. 90 § 24 allows a judge to impose a term of imprisonment of no less than 30 days.

Under these circumstances the guidelines permit a judge to sentence the defendant in accordance with the prescribed sentencing guidelines range of intermediate sanctions levels I through III, or in the alternative, to the minimum 30 days in the house of correction. Such sentences would not constitute a departure.

7 Sentencing for offenses with mandatory minimum sentences of incarceration.

In general, sentences that depart from mandatory minimum sentences of incarceration prescribed by statute are prohibited by the guidelines. Offenses affected by mandatory minimum terms are indicated by a notation on the Master Crime List.

OUI and Firearms

For OUI and firearm offenses punishable by mandatory minimum sentences, the commission adopted as its sentencing guidelines the current statutory penalty provisions associated with these offenses (see Attachment E), allowing for no departures from the minimum term of incarceration, except for OUI offenses:

- pursuant to G.L. c. 90 § 24, a judge may sentence a second OUI offender to a residential alcohol treatment program of not less than 14 days as a condition of probation as an alternative to the mandatory sentence under certain circumstances; and
- a judge may sentence a defendant, who has been previously convicted of a violation of G.L. c. 90 § 24 (1)(a)(1) or c. 90B § 8 (a)(1)(A) or assigned to an alcohol or controlled substance education, treatment, or rehabilitation program by a court of the commonwealth or any other jurisdiction because of a like violation not more than two times within ten years preceding the date of the commission of the operating under the influence offense for which he has been convicted, to a long term residential substance abuse treatment program, approved by the office of community corrections, as established in G.L. c. 211F § 2(a), in lieu of imposing the mandatory minimum sentence.

Although neither OUI or firearm offenses appear on the sentencing guidelines grid, all have been assigned an offense seriousness level and placed on the Master Crime List for purposes of determining a defendant's criminal history only.

ILLUSTRATION 12: A defendant has been convicted of Possession of a Sawed-Off Shotgun, a felony requiring a mandatory minimum sentence to incarceration of 1 year.

In determining the sentence, the judge must abide by the statutory penalty provisions set forth in G.L. c. 269 § 10(c). Under no circumstances can the judge depart from the statutory provisions and impose a sentence below the mandatory minimum.

The judge's discretion is limited only by the required mandatory minimum term and the statutory maximum penalty. Accordingly, the above defendant could be sentenced to 1 year up to life.

Other Non-Drug Offenses

For all other non-drug offenses punishable by mandatory sentences of incarceration, the commission retained the mandatory minimum term as prescribed by statute. Unlike OUI and firearm offenses, these crimes have been assigned an offense seriousness level for purposes of placement on the sentencing guidelines grid.

Though in some instances the applicable sentencing guidelines range may encompass a sentence which would be below the mandatory minimum term prescribed by statute, such a sentence is prohibited by the guidelines.

ILLUSTRATION 13: A defendant has been convicted of Stalking In Violation of a Restraining Order, a level 5 offense. Based on the defendant's prior record of convictions, the defendant's criminal history group is determined to be category A (*No/Minor Record*). The grid cell which represents the intersection of level 5 and category A has a range of 12 to 36 months and allows for intermediate sanctions. The judge in this instance is prohibited from imposing a sentence which would result in a term of incarceration of less than one year, the mandatory minimum term prescribed by statute, even though such a sentence would be consistent with the sentencing guidelines range.

In contrast, where the applicable sentencing guidelines range requires a sentence of incarceration which exceeds the mandatory minimum term, it would be considered a departure for a judge to sentence below the range, even when sentencing the defendant to the mandatory minimum.

ILLUSTRATION 14: A defendant is convicted of Stalking - Subsequent Offense, a level 5 offense with a mandatory minimum term of two years and statutory maximum sentence of 10 years. Based on the defendant's prior record of convictions, the defendant's criminal history group is determined to be category E (*Serious Violent*). The grid cell which represents the intersection of level 5 and category A has a range of 60 to 90 months. The judge in this instance cannot impose a sentence below the sentencing guidelines range without writing a departure, even if the sentence the judge wishes to impose is consistent with the two year mandatory minimum term prescribed by statute. Furthermore, under no circumstances can the judge impose a sentence that would result in a term of incarceration of less than two years.

Drug Offenses

Under limited circumstances a sentencing judge may depart from a mandatory minimum sentence of incarceration as prescribed in G.L. c. 94C, and impose a sentence in accordance with the sentencing guidelines range. For this reason drug offenses have been placed on the Master Crime List and assigned an offense seriousness level.

The departure standard for going below a mandatory minimum term is more stringent than the general standard for departure from a sentencing guidelines range. Specifically, to make such a departure:

- (1) the defendant may not have a prior conviction for a drug trafficking offense at seriousness levels 7 or 8; and
- (2) the judge must set forth in writing on a sentencing statement the reasons for departing from the mandatory minimum sentence of incarceration, giving the facts, circumstances, evidence, opinions, and any other matters considered.

ILLUSTRATION 15: A 17 year old defendant with no prior record has been convicted of Trafficking in Marijuana (100 to 2,000 lb.), an offense which carries a mandatory minimum sentence of incarceration of three years. It is revealed at trial that the defendant played a minor role in the criminal conduct and was suffering from a mental disorder at the time of the commission of the offense.

In this instance because the defendant has no prior conviction for a level 7 or level 8 drug trafficking offense, the judge has the discretion, upon finding one or more mitigating factors, of departing from the mandatory minimum sentence and sentencing the defendant in accordance with the guidelines. Factors that may warrant mitigation in the above example include the defendant's age, role, and/or mental health at the time of the offense.

Under no circumstances, however, is the judge obligated to depart from the mandatory minimum sentence of incarceration.

In addition, the commission decided to allow limited departures below the sentencing guidelines range in exceptional circumstances, where the defendant does not have a serious record and where there is a substantial mitigating factor.

7. MANDATORY MINIMUMS

Specifically, a judge may impose a sentence below the sentencing guidelines range in this context, provided that:

- (1) the criminal history of the defendant falls in category A or B; and
- (2) there is a substantial mitigating factor in addition to the mitigating circumstance or circumstances that justified the departure below the mandatory minimum sentence, that should result in a sentence below the sentencing guidelines range.

ILLUSTRATION 16: A 19 year old defendant with no prior record has been convicted of Trafficking in Heroin (28 to 100 g.), an offense which carries a mandatory minimum sentence of incarceration of seven years. A pre-sentence report indicates the defendant was suffering from severe drug addiction at the time of the offense but has since completed a long-term drug treatment program.

Based on the defendant's youthfulness at the time of the offense, the sentencing judge has decided a sentence below the mandatory minimum sentence is warranted.

In this example, because the defendant falls into either category A or B, the judge may make further written findings that a substantial mitigating factor exists in addition to the mitigating circumstance (i.e., defendant's age) and should result in a departure below the sentencing guidelines range. Factors that may warrant departure below the sentencing guidelines range, in this example, may include the defendant's physical condition at the time of the offense and/or subsequent participation in a long-term drug treatment program.

Under no circumstances, however, is the judge required to depart below the mandatory minimum sentence or sentencing guidelines range.

In imposing a sentence of incarceration that departs from the sentencing guidelines range, the Not Less Than sentence shall be automatically fixed at two-thirds of the Not More Than sentence.

Therefore, if the judge departs below the mandatory minimum sentence and imposes a sentence within or below the sentencing guidelines range, the minimum sentence shall be two-thirds of the maximum sentence, and the defendant shall be eligible for parole at the minimum sentence. Similarly, if the judge departs below the mandatory minimum sentence and imposes a sentence within or below the sentencing guidelines range, the defendant shall be eligible for earned good time,

work release, and other pre-release programs deemed appropriate by the correctional authority with custody responsibility, notwithstanding the provisions of G.L. c. 94C § 32 (H).

On the other hand, if the judge does **not** depart from the mandatory minimum sentence and imposes a sentence pursuant to the mandatory sentencing provisions, the minimum sentence need not be two-thirds of the maximum, and the defendant shall not be eligible for parole, earned good time, work release, or other pre-release programs until he has served the mandatory minimum sentence.

The sentencing judge is not required to conduct an evidentiary hearing in determining mitigating factors when departing from a mandatory minimum sentence of incarceration.

7. MANDATORY MINIMUMS

8 Determining the nature of the sentence.

When more than one offense arises out of the same criminal conduct, the governing offense is that crime in the highest level of seriousness pursuant to the sentencing guidelines grid. In all but a limited number of circumstances, i.e., violations of G.L. c. 94C, § 32J, the governing offense will always be associated with the base sentence.

ILLUSTRATION 17: As the result of the same criminal conduct a defendant with no prior record has been convicted of Armed Robbery - Display of Gun (level 7), Assault and Battery With a Dangerous Weapon - Significant Injury (level 6), and Possession of a Controlled Substance - Class E (level 1).

The governing offense is Armed Robbery - Display of Gun, the crime with the highest level of seriousness pursuant to the guidelines. The base sentence must be imposed according to the applicable sentencing guidelines range associated with the Armed Robbery - Display of Gun conviction. Neither of the convictions for Assault and Battery With a Dangerous Weapon - Significant Injury nor for Possession of a Controlled Substance - Class E may serve as the basis for the defendant's sentence.

The following sentence would be permissible under the guidelines: 60 to 90 months committed (Armed Robbery), two years probation on and after (A&B DW), guilty filed (Possession Class E).

In contrast, the following sentence would be impermissible under the guidelines: 40 to 60 months committed (A&B DW), five years probation on and after (Armed Robbery), guilty filed (Possession Class E). In this example, the Assault and Battery With a Dangerous Weapon - Significant Injury has improperly served as the governing offense for the defendant's sentence.

Considerations

✓ SCHOOL/PARK ZONE (G.L. c. 94C, § 32J)

When sentencing for a violation of G.L. c. 94C, § 32J (school or park zone), a level 4 offense, it is possible for the underlying drug distribution offense to have a lower seriousness ranking (e.g., Distribute Class D - level 2), because the statute requires that the sentence for the school or park zone offense be served consecutive to the sentence for the underlying drug distribution offense. Where this situation arises, the underlying drug distribution offense is to be treated as the governing offense.

✓ CONCURRENT SENTENCES

When a defendant is convicted of multiple offenses arising out of the same criminal conduct, the judge may impose concurrent sentences. In imposing a concurrent sentence, the judge may base the sentence upon the sentencing guidelines range of the applicable grid cell for that defendant, or impose any sentence below the sentencing guidelines range without it being considered a departure. A concurrent sentence above the sentencing guidelines range in the applicable grid cell would constitute a departure.

When a defendant is convicted of multiple offenses which do not arise out of the same criminal conduct or when a defendant at the time of sentencing is currently serving a sentence for another criminal offense, the judge may impose a concurrent sentence from within the sentencing guidelines range. A concurrent sentence above or below the sentencing guidelines range in the applicable grid cell would constitute a departure.

ILLUSTRATION 18: As the result of the same criminal conduct a defendant with no prior record has been convicted of Armed Robbery - Display of Gun (level 7) and Unarmed Robbery (level 5).

The governing offense is Armed Robbery - Display of Gun, the crime with the highest level of seriousness pursuant to the guidelines. Under guidelines, the base sentence must be imposed according to the applicable sentencing guidelines range associated with the Armed Robbery - Display of Gun conviction. If the judge chooses to sentence concurrently on the Unarmed Robbery, however, the judge has total discretion to impose a NMT sentence of incarceration of 36 months, i.e., the upper limit of the applicable grid cell, or any lesser sentence, including probation. Such a sentence would not constitute a departure because the Unarmed Robbery was part of the same criminal conduct as the Armed Robbery.

In contrast, if the Unarmed Robbery conviction did not arise out of the same criminal conduct as the Armed Robbery, the judge in imposing a concurrent sentence would be required to select a sentence from the applicable sentencing guidelines range for Unarmed Robbery.

✓ CONSECUTIVE SENTENCES

In general, when a defendant is being sentenced on multiple convictions arising from the same criminal conduct, the judge may impose consecutive sentences. The defendant's criminal history may be considered for each consecutive sentence imposed, although it is not required. Where consecutive sentences are

imposed for multiple offenses arising from the same criminal conduct, the judge may impose a consecutive sentence within or below the applicable guideline range, including probation. Such a consecutive sentence below the guideline range, including probation, does not constitute a departure.

ILLUSTRATION 19: As the result of the same criminal conduct, a defendant is convicted of Breaking and Entering - Dwelling (level 4) and Assault (level 2). Based on the defendant's criminal record, the defendant's criminal history group is determined to be category B (*Moderate Record*).

Under the guidelines, the conviction for Breaking and Entering - Dwelling determines the base sentence. In this example, the cell representing the intersection of level 4 and category B allows for incarceration and prescribes a range of 3 to 30 months. It is from within this range the judge selects the Not More Than sentence.

The commission's consecutive sentencing policy also allows the judge to impose a consecutive sentence for the Assault conviction. The cell representing the intersection of level 2 and category B allows for a maximum sentence of 6 months incarceration. In imposing a consecutive sentence for the Assault conviction, the judge can impose a sentence of probation or up to 6 months incarceration without writing a departure. Any sentence above 6 months incarceration, however, would require a departure.

Consecutive sentences to state prison are subject to the following limitation. The total of consecutive sentences to the state prison may be combined up to twice the upper limit of the sentencing guidelines range in the grid cell of the governing offense. Where the total of the combined sentences exceeds twice the upper limit, it shall be considered a departure from the guidelines. The existence of multiple victims is recognized as an aggravating circumstance which may justify such a departure.

ILLUSTRATION 20: As the result of the same criminal conduct, a defendant is convicted of three counts of Rape, a level 7 offense. Based on the defendant's criminal record, the defendant's criminal history group is determined to be category A (*No/Minor Record*). Under the commission's consecutive sentencing policy, a judge would be permitted to give the defendant an aggregate sentence of 180 months, twice the upper limit of the applicable sentencing guidelines range, without writing a departure. The imposition of consecutive sentences resulting in an aggregate term of 181 months or longer, however, would require written reasons.

8. NATURE OF SENTENCE

In the above example, the fact that the rape convictions involved three different victims would justify a departure and the imposition of consecutive sentences totaling more than 180 months.

When a defendant is convicted of multiple offenses which do not arise out of the same criminal conduct or when a defendant at the time of sentencing is currently serving a sentence for another criminal offense, the judge may impose a consecutive sentence from within the sentencing guidelines range of the applicable grid cell. The limitation on consecutive sentences to state prison does not apply to multiple offenses which do not arise out of the same criminal conduct.

✓ FINANCIAL SANCTIONS

The commission recommends that restitution be imposed in every appropriate case. The commission recognizes the importance of restitution to the victim as a means of restoring the victim and of holding the offender accountable. Financial sanctions should be ordered by the court at any level and without regard to whether or not the offender is incarcerated. The guidelines are not intended to supersede the court's ability to issue fines, fees, or restitution when appropriate.

✓ SPLIT SENTENCES

The sentencing commission has recommended that the split sentence to the house of correction be retained. The split sentence to state prison, in contrast, has been eliminated.

ILLUSTRATION 21: A defendant is convicted of a single count of Indecent Assault and Battery, a level 4 offense. Based on the defendant's criminal record, the defendant's criminal history group is considered to be group B (*Moderate Record*).

Under the commission's split sentence policy, a judge would be permitted to give the defendant a sentence of 20 to 30 months in the house of correction with six months to serve, the remainder suspended, and three years probation subject to intermediate sanctions.

9 Recording a sentence.

General Laws chapter 211E requires all sentences to be recorded on a sentencing statement. A separate sentencing statement has been developed for the District and Superior Courts. Upon completion, all sentencing statements are to be submitted to the sentencing commission.

10

Appealing a sentence.

As provided in G.L. c. 211E, § (4), the defendant and the commonwealth have limited rights to appeal a sentence to the appeals court. Provisions of G.L. c. 278, § 28B for appeal to the appellate division of the superior court do not apply to sentences under the guidelines.

Attachment A

Level of Injury Scale

Level 3 - No Injury, Minor Injury

Minor injury includes: injuries which require some emergency treatment, such as lacerations, contusions, or abrasions, which have no residual effect; concussions without lasting neurological impact; physical injuries that are painful and obvious but not in any way disabling; and minimal, psychological trauma without lasting effect.

Level 4 - Moderate Injury

Moderate injury includes: injuries which involve extreme physical pain and some discernible disability or loss of function of some body member, organ, or mental faculty, such as fractures, internal injuries or wounds which are serious but not life threatening; and, psychological trauma that results in some temporary or partial disability.

Level 6 - Significant Injury

Significant injury includes: injuries which are characterized by a protracted period of total disability or long term impairment of function, loss of function of any body members, organ, or mental faculty; injuries, not necessarily permanently disabling, which require long term medical care or rehabilitative therapy; injuries which involve a gross disfigurement; and, injuries which result in a permanent residual disability or loss of function to a significant degree.

Attachment B Mini-Master Crime List

Offense Abbreviation	Offense Label	Application of Grid for Current Offense	Possible Starting Level	Possible M.G.L. Reference	District Court Juris.	Comments
110A	OPERATING RECKLESSLY	Yes	2	c. 90 s. 24(2)(a)		
111A	OPER UND INFL OF LIQ	No	2,3,4	c. 90 s. 24(1)(a)(1)		Mandatory / subsequent penalties
111B	OPER UND INFL OF DRUG	No	2,3,4	c. 90 s. 24(1)(a)(1)		Mandatory / subsequent penalties
111C	HOM BY MV WHILE UND INFL LIQ	Yes	4	c. 90 s. 24G(b)		
111D	OP MV WHILE DRNK FROM OPN CONT	No	1	c. 90 s. 24I		Fine only
112A	OPER TO END (LIVES&SAFTEY)	Yes	2	c. 90 s. 24(2)(a)		
113A	LEAVING SCENE:PROPERTY DAMAGE	Yes	3	c. 90 s. 24(2)(a)		
113B	LEAVING SCENE:PERSON INJURED	Yes	3	c. 90 s. 24(2)(a-1/2)(1)		
114A	USE WITHOUT AUTHORITY	Yes	2	c. 90 s. 24(2)(a)		3rd or subseq-level 3
114A AFT 114B	USE W/O AUTH AFTER SUS/REV LIC	Yes	2	c. 90 s. 24(2)(a)		
114B	OPERATING AFTER	Yes	1,2	c. 90 s. 23		Subsequent offense penalty
114B AFT 111A	OPER REVOKE AFT OPER UNDER	No	2	c. 90 s. 23		Mandatory OUI
114B-REV	OPERATING AFTER REVOKE LICENSE	Yes	1,2	c. 90 s. 23		Subsequent offense penalty
114B-SUS	OPERATING AFTER SUSPEND LIC	Yes	1,2	c. 90 s. 23		Subsequent offense penalty
114C-REV	OPERATING AFTER REVOKE REG	Yes	1,2	c. 90 s. 23		Subsequent offense penalty
114C-SUS	OPERATING AFTER SUSPEND REG	Yes	1,2	c. 90 s. 23		Subsequent offense penalty
114G	FALSE STATEMENT ON APPLICATION	Yes	2	c. 90 s. 24(2)(a)		
114H	IMPERSONATING (MV VIOLATION)	Yes	1	c. 90 s. 23		
114I	LOANING MV LICENSE	Yes	2	c. 90 s. 24(2)(a)		
114K	NON RESIDENT FAIL REG MV	No	1	c. 90 s. 3		Fine only
114M	ALT MV LICENSE/REGISTRATION	Yes	2	c. 90 s. 24B		
114N	COUNTERFEITING MV DOCUMENT	Yes	2	c. 90 s. 24B		
115S	RACING TO WIN A BET	Yes	2	c. 90 s. 24(2)(a)		
115Z	FL STOP FOR SCHOOL BUS	No	1	c. 90 s. 14		Fine only
116C	SPEEDING TO MAKE RECORD	Yes	2	c. 90 s. 24(2)(a)		
118A	COMPULSORY INSURANCE VIOLATION	Yes	2	c. 90 s. 34J		
118A REM ON HWY	UNINSURED VEH REMAIN HWY	Yes	2	c. 90 s. 34J		
122A	ALTERING MV ID NUMBER	Yes	2	c. 266 s. 139(a)		
124P	ATTACHING WRONG MV PLATES	Yes	1	c. 90 s. 23		
124Q	POSS MASTER KEY MV	Yes	3	c. 266 s. 49		
124R	OVERWEIGHT TRUCK	No	1	c. 90 s. 19A		Fine only
125A	OPERATING AIRCRAFT W/O LIC	Yes	1	c. 90 s. 47		
125B	OPER UNREG AIRCRAFT	Yes	1	c. 90 s. 48		
125C	VIOLATION AIRCRAFT RESTRICTION	Yes	1	c. 90 s. 39B		
126C	OPER BOAT UNDER INFLUENCE	No	2	c. 90B s. 8(a)(1)(A)		Mandatory / subsequent penalties
127C	RECREAT VEHICLE ON PUBLIC WAY	Yes	1	c. 90B s. 25		
A&B	ASSAULT AND BATTERY	Yes	3	c. 265 s. 13A		
A&B COLL LOAN	A&B TO COLLECT LOAN	Yes	4	c. 265 s. 13C		Subsq. offense-level 5
A&B DW	A&B DANGEROUS WEAPON	Yes	3,4, 6	c. 265 s. 15A(b)		Staircased
A&B DW+65	A&B W DW ON PER OVER 65	Yes	3,4, 6	c. 265 s. 15A(a)		Subsq. offense-levels 4,5, 7
A&B GUARD	A&B ON CORR INSTITUTION GUARD	Yes	4	c. 127 s. 38B	No	
A&B IND	INDECENT ASSAULT AND BATTERY	Yes	4	c. 265 s. 13H		
A&B IND CH	INDECENT A&B ON CHILD	Yes	5	c. 265 s. 13B		Subsq. offense-level 6
A&B IND MENT RET	INDECENT A&B MENTALLY RETARDED	Yes	6	c. 265 s. 13F	No	Subsq. offense-level 7
A&B PO	A&B ON POLICE OFFICER	Yes	3	c. 265 s. 13D		
AB CARN	ABUSE CARNAL	Yes	6	c. 265 s. 23	No	Subsq. offense-level 7
AB CH	ABUSE CHILD UNDER SIXTEEN	Yes	6	c. 265 s. 23	No	Subsq. offense-level 7
AB CH UND 16	ABUSE OF CHILD UND 16	Yes	6	c. 265 s. 23	No	Subsq. offense-level 7
AB PATIENT/FAC	ABUSE PATIENT LG TRM CARE FACL	Yes	3	c. 265 s. 38		
AB PREV ACT	ABUSE PREVENTION ACT	Yes	3	c. 209A		
ABAND	ABANDONING	Yes	3	c. 273 s. 1		
ABDUCT	ABDUCTION	Yes	3	c. 272 s. 2		See c. 265 s. 26A
ABORT	ABORTION	Yes	2	c. 112 s. 12J		
ACC AFT	ACCESSORY AFTER	Yes	1	c. 274 s. 4		Contingent on Offense
ACC BEF	ACCESSORY BEFORE	Yes	1	c. 274 s. 2		Contingent on Offense

Attachment B Mini-Master Crime List

Offense Abbreviation	Offense Label	Application of Grid for Current Offense	Possible Starting Level	Possible M.G.L. Reference	District Court Juris.	Comments
ACC BEF/AFT	ACCESSORY BEFORE & AFTER	Yes	1	c. 274 s. 4		Contingent on Offense
ACCOST	ACCOSTING	Yes	2	c. 272 s. 53		
ACT UNNAT	UNNATURAL ACTS	Yes	3	c. 272 s. 35		
ADULT	ADULTERY	Yes	1	c. 272 s. 14		
AFFRAY	AFFRAY	Yes	1	c. 179 s. 5		
AID ABET	AIDING AND ABETTING	Yes	1	c. 274 s. 2		Contingent on Offense
AID PRZ FIGHT	AIDING A PRIZE FIGHT	Yes	3	c. 265 s. 10		
ALIEN	ALIEN VIOLATION (SPECIFY)	Yes	1			Offense/Penalty Unknown
ANNY PERS OP SEX	ANNOY PERSON OPPOSITE SEX	Yes	2	c. 272 s. 53		
APPROP UNL	APPROPRIATION UNLAWFUL	Yes	1			Offense/Penalty Unknown
ARSON	ARSON	Yes	3	c. 266 s. 5		
ASLT	ASSAULT	Yes	2	c. 265 s. 13A		
ASLT & ROB ARM	ASSAULT & ROBBERY ARMED	Yes	6	c. 265 s. 18(b)	No	
ASLT ARM	ARMED ASSAULT	Yes	6	c. 265 s. 18(b)	No	Also c. 265 s. 15B, Level 3
ASLT ARM DWL	ARMED ASSAULT IN DWELL HOUSE	Yes	8	c. 265 s. 18A	No	
ASLT ARM DWL HO	ARMED ASLT IN DWELLING HOUSE	Yes	8	c. 265 s. 18A	No	
ASLT ARM W/I ROB	ARMED ASSAULT TO ROB	Yes	6	c. 265 s. 18(b)	No	
ASLT CH RAPE	ASSAULT OF CHILD TO RAPE	Yes	7	c. 265 s. 24B	No	
ASLT DW	ASSAULT DANGEROUS WEAPON	Yes	3	c. 265 s. 15B		
ASLT DW W/I ROB	ASLT BY MEANS OF DW W/I ROB	Yes	6	c. 265 s. 18(b)	No	
ASLT DWL	ASSAULT IN DWELLING	Yes	8	c. 266 s. 14	No	
ASLT DWL HO	ASSAULT IN A DWELLING HOUSE	Yes	8	c. 266 s. 14	No	
ASLT IND	INDECENT ASSAULT	Yes	4	c. 265 s. 13H		
ASLT IND CH	INDECENT ASSAULT ON CHILD	Yes	5	c. 265 s. 13B		Subsq. offense-level 6
ASLT KILL	ASSAULT TO KILL	Yes	6	c. 265 s. 15	No	
ASLT MAIM	ASSAULT TO MAIM	Yes	6	c. 265 s. 15	No	
ASLT PO	ASSAULT ON POLICE OFFICER	Yes	2	c. 265 s. 13A		
ASLT RAPE	ASSAULT TO RAPE	Yes	6	c. 265 s. 24	No	
ASLT ROB	ASSAULT TO ROB	Yes	4	c. 265 s. 20	No (?)	
ASLT ROB ARM	ASSAULT TO ROB	Yes	6	c. 265 s. 18(b)	No	
ASLT ROB/MUR+65	ASLT W INT ROB/M OVER 65	Yes	4	c. 265 s. 20	No (?)	Subsq. offense-level 5
ATT	ATT TO COM CRIME (SPICIFY)	Yes	1	c. 274 s. 6		Contingent on Offense
ATT ARSON MV	ATTEMPT ARSON OF MV	Yes	3	c. 266 s. 5A		
ATT B&E	ATTEMPT BREAKING & ENTERING	Yes	2	c. 274 s. 6		Contingent on Offense
ATT B&E DT	ATTEMPT BREAKING & ENTERING DT	Yes	2	c. 274 s. 6		Contingent on Offense
ATT B&E NT	ATTEMPT BREAKING & ENTERING NT	Yes	2	c. 274 s. 6		Contingent on Offense
ATT B&E NT DWL	ATT BREAKING & ENTERING NT DWL	Yes	2	c. 274 s. 6		Contingent on Offense
ATT COM CRIME	ATTEMPT TO COMMIT CRIME	Yes	1	c. 274 s. 6		Contingent on Offense
ATT LAR	ATTEMPT LARCENY	Yes	1	c. 274 s. 6		Contingent on Offense
B&E	BREAKING AND ENTERING	Yes	3,4	c. 266 s. 18		Staircased
B&E DT	BREAKING AND ENTERING DT	Yes	3,4	c. 266 s. 18		Staircased
B&E DT W/I FEL	B&E DT W/I COM FEL	Yes	3,4	c. 266 s. 18		Staircased
B&E MV	BREAKING & ENTERING MV	Yes	2	c. 266 s. 16A		
B&E NT	B&E NIGHT	Yes	3,4	c. 266 s. 16		Staircased
B&E NT W/I FEL	B&E NT W/I COM FEL	Yes	3,4	c. 266 s. 16		Staircased
B&E W/I LAR	B&E W/I TO COM LAR	Yes	3,4	c. 266 s. 18		Staircased
B&E&L	B&E AND LARCENY	Yes	3,4	c. 266 s. 18		Staircased
B&E&L BLDG	B&E&L BUILDING	Yes	3,4	c. 266 s. 16		Staircased
B&E&L BLDG NT	BREAKING&ENTERING&LAR BLDG NT	Yes	3,4	c. 266 s. 16		Staircased
B&E&L DW NT	B&E&L W/DW IN THE NT	Yes	8	c. 266 s. 14	No	
B&E&L MV NT	BREAKING&ENTERING & LAR MV NT	Yes	3	c. 266 s. 16		
B&E&L NT	B&E NIGHT & LAR	Yes	3,4	c. 266 s. 16		Staircased
BAIL LAW	VIOLATION OF BAIL LAW	Yes	2	c. 276 s. 82A		
BIGAMY	BIGAMY	Yes	3	c. 272 s. 15		
BLDG LAW	BUILDING LAW VIOLATION	No	1	c. 143 s. 91		Fine only

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Offense Abbreviation	Offense Label	Application of Grid for Current Offense	Possible Starting Level	Possible M.G.L. Reference	District Court Juris.	Comments
BLUE LAW	BLUE LAW VIOLATION	No	1	c. 136 s. 5		Fine only
BMB HX	BOMB HOAX	Yes	4	c. 269 s. 14	No	
BRD VSL WO AUTH	BOARDING VESSEL W/O AUTHORITY	Yes	1	c. 266 s. 120		
BRIBE	BRIBERY	Yes	4	c. 271 s. 39(a)		
BRN	BURNING (ARSON)	Yes	3	c. 266 s. 5		
BRN BLDG	BURNING BUILDING	Yes	4	c. 266 s. 2	No	
BRN DFRD	BURNING TO DEFRAUD	Yes	4	c. 266 s. 10		
BRN DWL	BURNING DWELLING HOUSE	Yes	6	c. 266 s. 1	No	
BRN DWL HO	BURNING DWELLING HOUSE	Yes	6	c. 266 s. 1	No	
BRN MV	BURNING MOTOR VEHICLE	Yes	3	c. 266 s. 5		
BURG	BURGLARY	Yes	5	c. 266 s. 15	No	
BUSN PRAC	BUSINESS PRACTICE	No	1	c. 149		Fine only
BUY RCV STL PROP	BUYING & RECEIVE STOLEN PROP	Yes	2	c. 266 s. 60		
CARJACK	CARJACKING	Yes	6	c. 265 s. 21A	No	
CARRY ALC BEV	CARRYING ALCOHOLIC BEVERAGE	No	1	c. 90 s. 24I		Fine only
CITY ORD	CITY ORDINANCE VIOLATION	No	1	c. 40 s. 21D		Fine only
CNTMPT CRT	CONTEMPT OF COURT	Yes	3	c. 179 s. 5		
CNTRFT	COUNTERFEIT	Yes	2	c. 267 s. 12		
CNW	COMMON NIGHT WALKER	Yes	1	c. 272 s. 53		
COMN RSG	COMMON RECEIVER STOLEN GOODS	Yes	3	c. 266 s. 62	No	
COMN THF	COMMON (NOTORIOUS) THEIF	Yes	5	c. 266 s. 40	No	
CONC MORG PROP	CONCEALING MORTGAGED PROPERTY	Yes	2	c. 266 s. 82		
CONF PUT IN FEAR	CONFINE AND PUT IN FEAR	Yes	7	c. 265 s. 21	No	
CONF TO STEAL	CONFINING TO STEAL	Yes	7	c. 265 s. 21	No	
CONGREGATE	CONGREGATING	Yes	2	c. 269 s. 2		
CONSP	CONSPIRACY	Yes	1,2,3,4,5,6,7,8	c. 274 s. 7		Contingent on offense
CONTR DEL	CONTRIBUTING TO DELIQUENCY	Yes	2	c. 119 s. 63		
CRDT CARD	CREDIT CARD MISUSE	Yes	2	c. 266 s. 37B		
CRIME OF	CRIME OF (SPECIFY IN FULL)	Yes	1			Offense/Penalty Unknown
CRU ANMLS	CRUELTY TO ANIMALS	Yes	2	c. 272 s. 77		
CSA CONSP	CONSPIRACY TO VIO CONT SUB ACT	Yes	1,2,3,4,5,6,7,8	c. 94C s. 40		Contingent on offense
CSA CONSP TRAFF	CONSPIRACY TRAFFICKING HEROIN	Yes	5	c. 94C s. 40	No	
CSA DIST	DISTRIBUTING CONT SUB	Yes	2	c. 94C s. 32D		
CSA DIST A	DISTRIBUTE/DISPENSE CLASS A	Yes	4	c. 94C s. 32(a)		
CSA DIST B	DISTRIBUTE/DISPENSE CLASS B	Yes	4	c. 94C s. 32A(a)		DIST COCAINE -No District Ct
CSA DIST C	DISTRIBUTE/DISPENSE CLASS C	Yes	3	c. 94C s. 32B(a)		
CSA DIST D	DISTRIBUTE/DISPENSE CLASS D	Yes	2	c. 94C s. 32C(a)		
CSA DIST E	DISTRIBUTE/DISPENSE CLASS E	Yes	2	c. 94C s. 32D(a)		
CSA FORG PRESC	FORG PRESCRIPTION FOR CONT SUB	Yes	2	c. 94C s. 33(b)		
CSA FRD OBT	FRAUDULENTLY OBT CONT SUB	Yes	2	c. 94C s. 33(b)		
CSA GIV PRIS	GIVING PRISONER CONT SUB	Yes	4	c. 268 s. 28		
CSA HYPO/SYR	POSS HYPODERMIC OR SYRINGE	Yes	2	c. 94C s. 27		
CSA INH TX VAP	INHALING TOXIC VAPORS	Yes	1	c. 270 s. 18		
CSA LAR	LARCENY CONT SUB	Yes	4	c. 94C s. 37		
CSA MFG A	MFG CLASS A CONT SUB	Yes	4	c. 94C s. 32(a)		
CSA MFG B	MFG CLASS B CONT SUB	Yes	4	c. 94C s. 32A(a)		MFG COCAINE -No District Ct
CSA MFG C	MFG CLASS C CONT SUB	Yes	3	c. 94C s. 32B(a)		
CSA MFG D	MFG CLASS D CONT SUB	Yes	2	c. 94C s. 32C(a)		
CSA MFG E	MFG CLASS E CONT SUB	Yes	2	c. 94C s. 32D(a)		
CSA PARK/PLAYGRD	DRUGS W/1 1000' PARK/PLAYGRND	Yes	4	c. 94C s. 32J		
CSA POSS	POSS CONTROLLED SUBSTANCE	Yes	1	c. 94C s. 34		
CSA POSS A	POSS CLASS A CONT SUB	Yes	2	c. 94C s. 34		
CSA POSS B	POSS CLASS B CONT SUB	Yes	2	c. 94C s. 34		
CSA POSS C	POSS CLASS C CONT SUB	Yes	2	c. 94C s. 34		
CSA POSS CNTRFT	POSS COUNTERFEIT NARCOTICS	Yes	2	c. 94C s. 32G		

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Offense Abbreviation	Offense Label	Application of Grid for Current Offense	Possible Starting Level	Possible M.G.L. Reference	District Court Juris.	Comments
CSA POSS D	POSS CLASS D CONT SUB	Yes	2	c. 94C s. 34		
CSA POSS DIST	POSS CONTROLLED SUBS W/I DIST	Yes	2	c. 94C s. 32D		
CSA POSS DIST A	POSS TO DISTRIBUTE CLASS A	Yes	4	c. 94C s. 32(a)		
CSA POSS DIST B	POSS TO DISTRIBUTE CLASS B	Yes	4	c. 94C s. 32A(a)		POSS DIST COCAINE -No District Ct
CSA POSS DIST C	POSS TO DISTRIBUTE CLASS C	Yes	3	c. 94C s. 32B(a)		
CSA POSS DIST D	POSS TO DISTRIBUTE CLASS D	Yes	2	c. 94C s. 32C(a)		
CSA POSS DIST E	POSS TO DISTRIBUTE CLASS E	Yes	2	c. 94C s. 32D(a)		
CSA POSS E	POSS CLASS E CONT SUB	Yes	1	c. 94C s. 34		
CSA PRES A	KNOWING CLASS A CONT SUB PRES	Yes	2	c. 94C s. 35		
CSA REF ENT WARR	REF ENT TO ADMINISTER WAR(CSA)	Yes	1			Offense/Penalty Unknown
CSA SALE	SALE OF CSA	Yes	2	c. 94C s. 32D		
CSA SCHOOL	CONTROL SUBSTANCE SCHOOL	Yes	4	c. 94C s. 32J		
CSA SMUG	SMUGGLING CONT SUB	Yes	4	c. 268 s. 28		
CSA TRAFF	TRAFFICKING CONT SUB	Yes	5	c. 94C s. 32E(b)(1)		Note marijuana is level 4
CSA TRAFF HEROIN	TRAFFICKING HEROIN	Yes	6	c. 94C s. 32E(b)(1)	No	
CSA VIOL	VIOLATION CONT SUB	Yes	1	c. 94C s. 34		
CURFEW	CURFEW	Yes	2	c. 40 s. 37A		
DFRD INNKPR	DEFRAUDING INNKEEPER	Yes	2	c. 140 s. 12		
DFRD INSUR	DEFRAUDING INSURER	Yes	2	c. 266 s. 111B		
DFRD VICT	DEFRAUDING VICTUALER	Yes	1	c. 140 s. 12		
DIS COND	DISORDERLY CONDUCT	Yes	1	c. 272 s. 53		
DIS PERS	DISORDERLY PERSON	Yes	1	c. 272 s. 53		
DISGUISE	DISGUIISING	Yes	2	c. 268 s. 34		
DISORD	DISORDERLY	Yes	1	c. 272 s. 53		
DISTURB	DISTURBANCE	Yes	1	c. 272 s. 53		
DP	DISTURBING THE PEACE(BREACH)	Yes	1	c. 272 s. 53		
DPA	DISTURBING PUBLIC ASSEMBLY	Yes	1	c. 272 s. 40		
DRINK PUB	DRINKING ALCOHOL IN PUBLIC	No	1	c. 90 s. 24I		Fine only
DRP OBJ OVRPS	DROPPING OBJECT OF OVERPASS	Yes	3	c. 265 s. 35		
DSA	DISTURBING SCHOOL ASSEMBLY	Yes	1	c. 272 s. 40		
DSRTN	DESERTION	Yes	3	c. 273 s. 1		
DW MFG	MANUFACTURING DANGEROUS WEAPON	Yes	1	c. 269 s. 12		
DWC	CARRYING DANGEROUS WEAPON	Yes	3	c. 269 s. 10(b)		
ELCTN LAW	ELECTION LAW VIOLATION	Yes	2	c. 56		
EMBEZZ	EMBEZZLEMENT	Yes	3,4, 5	c. 266 s. 57		Staircased
EMPL PRAC	EMPLOYMENT PRACTICES	No	1	c. 149		Fine only
ENT WO BRK	ENTERING W/O BREAKING	Yes	3,4	c. 266 s. 18		Staircased
ESCP	ESCAPE	Yes	4	c. 268 s. 16		
ESCP AID	AIDING AN ESCAPE	Yes	2	c. 268 s. 15		
ESCP WK REL PRG	ESCAPE WORK RELEASE PROGRAM	Yes	2	c. 127 s. 49		
EVAD FARE	EVADING FARE	No	1	c. 159 s. 101		Fine only
EXPL VIOL	VIOLATION OF EXPLOSIVES	Yes	2	c. 148 s. 35		
EXPL VIOL THR	THROWING EXPLOSIVES	Yes	7	c. 266 s. 102	No	
EXPL/INFRNL MACH	POSS EXPLOSIVE DEVICE	Yes	6	c. 266 s. 102A	No	
EXTORT	EXTORTION	Yes	4	c. 265 s. 25		
F&U	FORGERY AND UTTERING	Yes	3	c. 267 s. 5		
FAIL TO DISPERSE	FAILURE TO DISPERSE	Yes	2	c. 269 s. 2		
FIR	FIREARM VIOLATION(SPECIFY)	Yes	2	c. 269 s. 10(h)		
FIR ALIEN POSS	ALIEN POSS FIREARM	Yes	1	c. 140 s. 131H		
FIR BART FOX	BARTLEY-FOX MANDATORY SENTENCE	No	4	c. 269 s. 10(a)		Mandatory Gun
FIR DISCH	DISCHARGING A FIREARM	Yes	1	c. 269 s. 12E		
FIR GN NUM	GUN SERIAL NUMBER	Yes	3	c. 269 s. 11C		
FIR ID	FIREARM ID CARD	Yes	2	c. 269 s. 10(h)		
FIR MACE WO ID	MACE W/O FIREARM ID	Yes	2	c. 269 s. 10(h)		
FIR POSS	POSS OF FIREARM	Yes/No	2,4	c. 269 s. 10(a) or 10(h)		Mandatory Gun

Attachment B Mini-Master Crime List

Offense Abbreviation	Offense Label	Application of Grid for Current Offense	Possible Starting Level	Possible M.G.L. Reference	District Court Juris.	Comments
FIR POSS ALT	POSS ALTERED FIREARM	No	5	c. 269 s. 10C		Mandatory Gun
FIR POSS SILNCR	POSS OF FIREARM SILENCER	Yes	3	c. 269 s. 10A		
FIR POSS WO PERM	POSS FIREARM W/O PERMIT	Yes/No	2,4	c. 269 s. 10(a) or 10(h)		Mandatory Gun
FIR PRES KPT	PRESENT WHERE FIREARMS KEPT	Yes	1	c. 269 s. 10(?)		
FIR SW SHTGN	POSS SAWED OFF SHOTGUN	No	5	c. 269 s. 10(c)		Mandatory Gun
FIR THEFT	THEFT OF A FIREARM	Yes	3	c. 266 s. 30		
FIRE SET OPEN	SETTING FIRE IN OPEN	Yes	2	c. 266 s. 8		
FIREWORK SALE	UNLAWFUL SALE OF FIREWORKS	Yes	2	c. 148 s. 39		
FIREWORKS	FIREWORKS	Yes	2	c. 148 s. 39		
FISH AND GAME	FISH AND GAME	No	1	c. 131		Fine only
FL APR PER RECOG	FAIL TO APPEAR ON PERS RECOG	Yes	2	c. 276 s. 82A		
FL OBEY PO	FAILURE TO OBEY POLICE OFFICER	Yes	1	c. 268 s. 24		
FL REP CHG ADD	FAIL TO REPORT CHANGE ADDRESS	No	1	c. 90 s. 26A		Fine only
FL RET LEAS PROP	FAILURE TO RETURN LEASED PROP	Yes	2	c. 266 s. 87		
FL SEND CH SCH	FAILURE TO SEND CHILD TO SCH	No	1	c. 76 s. 2		Fine only
FLS ALARM	FALSE ALARM	Yes	2	c. 269 s. 13		
FLS ARST	FLASE ALARM	Yes	2	c. 269 s. 13		
FLS INFO VST MCI	GIVING FALSE INFO TO VISIT MCI	Yes	1			Offense/Penalty Unknown
FLS LIC	FALSE LICENSE	Yes	2	c. 90 s. 24B		
FLS REP LOC EXPL	FLS REPORT OF LOCATION OF EXPL	Yes	4	c. 269 s. 14	No	
FLS STMNT	FALSE STATEMENT	Yes	2	c. 266 s. 33		
FORG	FORGERY	Yes	3	c. 267 s. 1		
FORG MV LIC	FORGED DRIVERS LICENSE	Yes	2	c. 90 s. 24B		
FORN	FORNICATION	Yes	1	c. 272 s. 18		
FRD	FRAUD (SPECIFY)	Yes	3	c. 266 s. 76		
FUG JUS	FUGITIVE FROM JUSTICE	No	1	c. 276 s. 20A		Fine only
GAM	GAMING	Yes	1	c. 271 s. 5		
GAM IMPL	GAMING IMPLEMENTS	No	1	c. 271 s. 5A		Fine only
GLS BRK	BREAKING GLASS	Yes	1	c. 266 s. 114 (?)		
GLS THRW PUB WAY	THROWING GLASS ON PUBLIC WAY	Yes	1	c. 265 s. 32		
HEALTH VIOL	HEALTH CODE VIOLATION	No	1	c. 111 s.		Fine only
HITCH	HITCHHIKING	No	1	c. 90 s. 18A		Fine only
HLTH AND FD LAW	HEALTH & FOOD VIOLATION	No	1	c. 94		Fine only
HO ILL FAME	KEEPING A HOUSE OF ILL FAME	Yes	2	c. 272 s. 24		
HOME INVASION	HOME INVASION	Yes	8	c. 265 s. 18C	No	
I&D	IDLE AND DISORDERLY	Yes	1	c. 272 s. 53		
ID VIOL	IDENTIFICATION VIOLATION	No	1	c. 90 s. 8H		Fine only
ILLEGIT	ILLEGITIMATE	Yes	3	c. 273 s. 15		
IMPER	IMPERSONATION	Yes	2	c. 268 s. 33		
INCEST	INCEST	Yes	7	c. 272 s. 17	No	
IND EXP	INDECENT EXPOSURE	Yes	1	c. 272 s. 53		
INDUC MNR SX	INDUCING MINOR TO SEX	Yes	5	c. 272 s. 4A		
INJ BLDG	INJURING A BUILDING	Yes	2	c. 266 s. 127		
INTIM	INTIMIDATION	Yes	5	c. 268 s. 13B		
JURY NON-ATTND	NON ATTENDENCE OF JUROR	No	1	c. 234 s. 36		Fine only
KDNP	KIDNAPPING	Yes	3	c. 265 s. 26A	No	See c. 265 s. 26A
KEEP BLDG BET	KEEP BLDG FOR REGISTER BETS	Yes	1	c. 271 s. 5		
KEEP GAM HO	KEEP GAMMING HOUSE	Yes	1	c. 271 s. 5		
LAR	LARCENY	Yes	2 or 3,4, 5	c. 266 s. 30		Staircased
LAR BLDG	LARCENY FROM A BUILDING	Yes	2 or 3,4, 5	c. 266 s. 20		Staircased
LAR CK	LARCENY BY CHECK	Yes	2 or 3,4, 5	c. 266 s. 37		Staircased
LAR FLS PRT	LARCENY BY FALSE PRETENSES	Yes	2 or 3,4, 5	c. 266 s. 34		Staircased
LAR FRM MV	LARCENY FROM MOTOR VEHICLE	Yes	2	c. 266 s. 30		
LAR LESS	LARCENY LESS	Yes	2	c. 266 s. 30		
LAR MORE	LARCENY MORE	Yes	3,4, 5	c. 266 s. 30		Staircased

Attachment B Mini-Master Crime List

Offense Abbreviation	Offense Label	Application of Grid for Current Offense	Possible Starting Level	Possible M.G.L. Reference	District Court Juris.	Comments
LAR MV	LARCENY OF A MV	Yes	3	c. 266 s. 28(a)		
LAR PERS	LARCENY FROM A PERSON	Yes	4	c. 266 s. 25		
LEWD	LEWDNESS	Yes	1	c. 272 s. 53		
LEWD & L ACT	LEWD AND LASCIVIOUS ACTS	Yes	1	c. 272 s. 53		
LEWD & L COH	LEWD AND LASCIV COHABITATION	Yes	1	c. 272 s. 53		
LEWD & LASC	LEWD AND LASCIVIOUS	Yes	1	c. 272 s. 53		
LIBEL	LIBEL	Yes	1	c. 279 s. 5		
LIC LAW	LICENSE LAW VIOLATION(NOT MV)	No	1	c. 140		Fine only
LIQ LAW	LIQUOR LAW VIOLATION	No	1	c. 138		Fine only
LITTER	LITTERING	No	1	c. 270 s. 16		Fine only
LOANSHRK	LOANSHARKING	Yes	4	c. 271 s. 49(a)	No	
LODG HO LAW	LODGING HOUSE VIOLATION	Yes	1	c. 140 s. 24		
LOITER	LOITERING	No	1	c. 161 s. 95		Fine only
LOITER & SAUNTER	SAUNTERING AND LOITERING	No	1	c. 161 s. 95		Fine only
LOTT	ILLEGAL LOTTERY	Yes	3	c. 271 s. 7		
LOTT TKT ALT	LOTTERY TICKET ALTERING	Yes	2	c. 10 s. 30		
MAL DAM RL PROP	MALICIOUS DAMAGE REAL PROP	Yes	2	c. 266 s. 126A		
MAL MISCH	MALICIOUS MISCHIEF	Yes	1	c. 266 s. 127		
MANS	MANSLAUGHTER	Yes	6,8	c. 265 s. 13	No	Staircased
MAYHEM	MAYHEM	Yes	7	c. 265 s. 14	No	
MDC OFF AUTH RD	MDC WATERSHED RES: OFF AUTH RD	No	1	c. 350CMR s. 201		Fine only
MDC RULES	MDC RULE VIOLATION	No	1	c. 350CMR s. 201		Fine only
MDC SIGN VIOL	MDC WATERSHED RES: SIGN VIOL	No	1	c. 350CMR s. 201		Fine only
MISS THR	MISSILE THROWING	Yes	3	c. 265 s. 35		
MNR POSS ALC	MINOR POSS ALCOHOLIC BEV (UNL)	No	1	c. 138 s. 34C		Fine only
MNR TRNS ALC	MINOR TRANSPORTING ALCOHOL	No	1	c. 138 s. 34C		Fine only
MURD	MURDER	Yes	9	c. 265 s. 1	No	
MURD ATMP	MURDER ATTEMPTED	Yes	7	c. 265 s. 16	No	
MURD ATT	MURDER ATTEMPT	Yes	7	c. 265 s. 16	No	
MV 111B NEGL INJ	OUI DRUG OPER NEGL SER INJ	Yes	4	c. 90 s. 24L(1)		
MV ABAND	ABANDONING MV	No	1	c. 90 s. 22B		Fine only
MV AIR OP UNREG	OPER UNREG AIRCRAFT	Yes	1	c. 90 s. 48		
MV AIR OP WO LIC	OPERATING AIRCRAFT W/O LIC	Yes	1	c. 90 s. 47		
MV AIR RESTRCT	VIOLATION AIRCRAFT RESTRICTION	Yes	1	c. 90 s. 39B		
MV ALT LIC/REG	ALT MV LICENSE/REGISTRATION	Yes	2	c. 90 s. 24B		
MV ATT WRNG PLT	ATTACHING WRONG MV PLATES	Yes	1	c. 90 s. 23		
MV BOAT OP UND	OPER BOAT UNDER INFLUENCE	No	2	c. 90B s. 8B(a)(1)(A)		Mandatory / subsequent penalties
MV BOAT OPR NEGL	MOTORBOAT NEGL	Yes	2	c. 90B s. 8(e)(1)		Fine only
MV BT NEGL DEATH	MOTORBOAT NEGL, DEATH	Yes	3	c. 90B s. 8B(2)		
MV CIG/MATCH THR	CIGARETTE/MATCH THROWN FR VEH	Yes	1	c. 148 s. 54		
MV CNTRFT DOCMNT	COUNTERFEITING MV DOCUMENT	Yes	2	c. 90 s. 24B		
MV COMP INSUR	COMPULSORY INSURANCE VIOLATION	Yes	2	c. 90 s. 34J		
MV EVAD TOLL	EVADING TOLL ON MV	No	1	c. 730CMR s. 503		Fine only
MV EXH ANOTH LIC	EXHIBIT ANOTHER LIC	Yes	1	c. 90 s. 23		
MV FL REG NONRES	NON RESIDENT FAIL REG MV	No	1	c. 90 s. 3		Fine only
MV FLS STMNT APL	FALSE STATEMENT ON APPLICATION	Yes	2	c. 90 s. 24(2)(a)		
MV HOMICIDE	HOMICIDE BY MV	Yes	3	c. 90 s. 24G(b)		
MV ID NUM	ALTERING MV ID NUMBER	Yes	2	c. 266 s. 139(a)		
MV IMPERS	IMPERSONATING (MV VIOLATION)	Yes	1	c. 90 s. 23		
MV L FL MAIN INS	LEASE VEH LESSOR FL MAINT INSR	Yes	1	c. 90 s. 32C		
MV L INTOX DR	LEASE VEH TO INTOX DRIVER	Yes	1	c. 90 s. 32C		
MV L LES UNAUTH	LEASE VEH LESSEE UNAUTH PERS	Yes	1	c. 90 s. 32C		
MV L WO SEE LIC	LEASE VEH W/O SEEING LIC	Yes	1	c. 90 s. 32C		
MV LOAN LIC	LOANING MV LICENSE	Yes	2	c. 90 s. 24(2)(a)		
MV LV SCENE INJ	LEAVING SCENE:PERSON INJURED	Yes	3	c. 90 s. 24(2)(a1/2)(1)		

Attachment B Mini-Master Crime List

Offense Abbreviation	Offense Label	Application of Grid for Current Offense	Possible Starting Level	Possible M.G.L. Reference	District Court Juris.	Comments
MV LV SCENE PROP	LEAVING SCENE PROPERTY DAMAGE	Yes	3	c. 90 s. 24(2)(a)		
MV MAK REC	SPEEDING TO MAKE RECORD	Yes	2	c. 90 s. 24(2)(a)		
MV MAST KEY	POSS MASTER KEY MV	Yes	3	c. 266 s. 49		
MV NMVTA	NATIONAL MV THEFT	Yes	3	c. 266 s. 28(a)		
MV OBSCR/CONC PL	NUM PLT OBSCR/NOT DISP/CONC ID	Yes	1	c. 90 s. 23		
MV OBST EMER VEH	OBSTRUCT EMERGENCY VEH	No	1	c. 89 s. 7		Fine only
MV OBST RR/MBTA	OBSTRUCT RR/MBTA CAR W/MV	Yes	6	c. 160 s. 226	No	
MV OBST/ENDG RR	OBSTRUCT RR/MBTA CAR ENDG	Yes	6	c. 160 s. 226	No	
MV OP DRUG	OPER UND INFL OF DRUG	No	2,3,4	c. 90 s. 24(1)(a)(1)		Mandatory / subsequent penalties
MV OP END	OPER TO END(LIVE&SAFETY)	Yes	2	c. 90 s. 24(2)(a)		
MV OP LIQ	OPER UNDER INFLUENCE LIQUOR	No	2,3,4	c. 90 s. 24(1)(a)(1)		Mandatory / subsequent penalties
MV OP NEG	OPER NEGLIGENTLY	Yes	2	c. 90 s. 24(2)(a)		
MV OP RECKLESS	OPERATING RECKLESSLY	Yes	2	c. 90 s. 24(2)(a)		
MV OP REV LIC	OPERATING AFTER REVOKE LICENSE	Yes	1,2	c. 90 s. 23		Subsequent offense penalty
MV OP REV REG	OPERATING AFTER REVOKE REG	Yes	1,2	c. 90 s. 23		Subsequent offense penalty
MV OP SUS LIC	OPERATING AFTER SUSPENDED LIC	Yes	1,2	c. 90 s. 23		Subsequent offense penalty
MV OP SUS REG	OPERATING AFTER SUSPENDED REG	Yes	1,2	c. 90 s. 23		Subsequent offense penalty
MV OVCROWD P TRN	PUPIL TRANSPORT OVERCROWDED	Yes	1	c. 90 s. 7B		
MV OVCROWD SCH	SCHOOLBUS OVERCROWDED	Yes	1	c. 90 s. 7B		
MV OVER WT TRK	OVERWEIGHT TRUCK	No	1	c. 90 s. 19A		Fine only
MV RACE	RACING	Yes	2	c. 90 s. 24(2)(a)		
MV RACE WIN BET	RACING TO WIN A BET	Yes	2	c. 90 s. 24(2)(a)		
MV RV ON PUB WAY	RECREAT VEHICLE ON PUBLIC WAY	Yes	1	c. 90B s. 25		
MV USE WO	USE WITHOUT AUTHORITY	Yes	2	c. 90 s. 24(2)(a)		3rd or subseq-level 3
MV USE WO AFT	USE W/O AUTH AFTER SUS/REV LIC	Yes	2	c. 90 s. 24(2)(a)		
NEG	NEGLECT	Yes	3	c. 273 s. 1		
NS	NO SUPPORT (SPECIFY)	Yes	3	c. 273 s. 1		
O&G	OPEN AND GROSS	Yes	2	c. 272 s. 16		
OBSC	OBSCENE	Yes	1	c. 272 s. 53		
OBSC LANG	OBSCENE LANGUAGE	Yes	1	c. 272 s. 53		
OBSC MTRL	OBSCENE MATERIAL	Yes	1	c. 272 s. 29		
OBSTR FIREF	OBSTRUCTING FIREFIGHTER	Yes	3	c. 268 s. 32A		
OBSTR JUST	OBSTRUCTING JUSTICE	Yes	1	c. 279 s. 5		
OBSTR STA BUSN	OBSTRUCTING STATE BUSINESS	Yes	2	c. 150A s. 8		
OBT UND FLS PRT	OBT UNDER FALSE PRET (SPECIFY)	Yes	3	c. 266 s. 73		
OFF REF AID	REFUSING TO AID POLICE OFFICER	Yes	1	c. 268 s. 24		
OUI24L1	OUI SERIOUS INJ, FEL	Yes	4	c. 90 s. 24L(1)		
OUI24L2	OUI SERIOUS INJ, MISD	Yes	3	c. 90 s. 24L(2)		
PARK RULES	PARK RULES VIOLATION	No	1	c. 45 s. 24		Fine only
PAROLE VIOL	PAROLE VIOLATION	No	0			Parole Violation only
PBT	POSS BURGLARIOUS TOOLS	Yes	3	c. 266 s. 49		
PEDES HWY	PEDSTRN ON LMTD ACC STATE HWY	No	1	c. 90 s. 18A		Fine only
PEEP TOM	PEEPING TOM	Yes	1	c. 272 s. 53		
PERJ	PERJURY	Yes	5	c. 268 s. 1		
PERJ SUB	SUBORNATION(SOLICIT PERJURY)	Yes	5	c. 268 s. 2		
PERMIT LOTT BLDG	UNLAWFUL PERMITTING LOTT BLDG	Yes	2	c. 271 s. 8		
PO ASSUM	ASSUME TO BE A POLICE OFFICER	Yes	2	c. 268 s. 33		
PO INTF	INTERFERING WI POLICE OFFICER	Yes	3	c. 179 s. 5		
POLYGAMY	POLYGAMY	Yes	3	c. 272 s. 15		
PORN	PORNOGRAPHY	Yes	1	c. 272 s. 29		
PORN CH	CHILD PORNOGRAPHY	Yes	6	c. 272 s. 29B	No	
POSS AIR RIFLE	POSS AIR RIFLE W/O FID CARD	No	1	c. 269 s. 12B		Fine only
POSS ALC BEV	POSS ALCOHOLIC BEVERAGE	No	1	c. 138 s. 34C		Fine only
POSS AMMO	POSS OF AMMUNITION	Yes	2	c. 269 s. 10(h)		
POSS DW	POSS DANGEROUS WEAPON	Yes	2	c. 269 s. 10(h)		

Attachment B Mini-Master Crime List

Offense Abbreviation	Offense Label	Application of Grid for Current Offense	Possible Starting Level	Possible M.G.L. Reference	District Court Juris.	Comments
POSS FLS ID	POSS IF FALSE ID	No	1	c. 90 s. 8H		Fine only
POSS MACE	POSS OF MACE	Yes	2	c. 269 s. 10(h)		
POSS OPEN CONT	POSS OPEN CONTAINER LAW	No	1	c. 90 s. 24I		Fine only
POSS STLN STKER	POSS STLEN STICKER	Yes	2	c. 90 s. 24B		
PROB VIOL	VIOLATION OF PROBATION	No	0			Probation violation only
PROC ALC MNR	PROCURING ALCOHOL FOR MINOR	Yes	1	c. 138 s. 34		
PROF	PROFANITY	No	1	c. 272 s. 36A		Fine only
PROP BUY STLN	BUYING STOLEN PROPERTY	Yes	2	c. 266 s. 60		
PROP CONCL DBTR	CONCEALING PROP FROM DEBTORS	Yes	2	c. 266 s. 82		
PROP CONCL DFRD	CONCEALING PROPERTY TO DEFRAUD	Yes	2	c. 266 s. 82		
PROP CONCL L	CONCEALING LEASED PROPERTY	Yes	2	c. 266 s. 87		
PROP CONCL STLN	CONCEALING STOLEN PROPERTY	Yes	2	c. 266 s. 60		
PROP CONV M	CONVEYING MORTGAGED PROPERTY	Yes	2	c. 266 s. 83		
PROP DES	DESTRUCTION OF PROPERTY	Yes	2,3	c. 266 s. 127		Malicious >\$250 is level 3
PROP MAL DES	MAL DESTRUCTION OF PROPERTY	Yes	2,3	c. 266 s. 127		Malicious >\$250 is level 3
PROP POSS STLN	POSS STOLEN PROPERTY	Yes	2	c. 266 s. 60		
PROP RCV STLN	RECEIVING STOLEN PROPERTY	Yes	2 or 3,4,5	c. 266 s. 60		Staircased
PROP VIOL	PROPERTY VIOLATION	Yes	2	c. 266 s. 126B		
PROST	PROSTITUTION	Yes	2	c. 272 s. 53A		
PROST DERIV SUP	DERIV SUPPORT BY PROSTITUTION	Yes	4	c. 272 s. 7		
PROST INDUC FM	INDUC FEMALE TO PROSTITUTION	Yes	2	c. 272 s. 12		
PUB ORD VIOL	PUBLIC ORDER VIOLATION	Yes	1	c. 272 s. 53		
R&D	RUDE AND DISORDERLY	Yes	1	c. 272 s. 53		
RAPE	RAPE	Yes	7	c. 265 s. 22(b)	No	Aggravated rape is level 8
RAPE CH	RAPE OF CHILD	Yes	6	c. 265 s. 23	No	
RAPE STAT	STATUTORY RAPE	Yes	6	c. 265 s. 23	No	
REF ENT WARR	REFUSING ENTRY TO ADMIN WARRANT	Yes	1			Offense/Penalty Unknown
RESC PRIS	RESCUING A PRISONER	Yes	2	c. 268 s. 15		
RESC PRIS ATT	ATTEMPT TO RESCUE PRISONER	Yes	2	c. 268 s. 15		
RESIST ARST	RESISTING ARREST	Yes	2	c. 268 s. 32B		
RESTRN ORD	RESTRAINING ORDER VIOLATION	Yes	3	c. 209A		
ROB	ROBBERY	Yes	5	c. 265 s. 19(b)	No	Armed robbery is level 6 or 7
ROB ARM	ARMED ROBBERY	Yes	6,7	c. 265 s. 17	No	Staircased
RR LAW	RAILROAD LAW VIOLATION	No	1	c. 160		Fine only
RR LAW TAMP	TAMPERING WITH RR CAR	Yes	2	c. 159 s. 103		
RR LAW VIO	RAILROAD LAW VIOLATION	No	1	c. 160		Fine only
RSG	KNOWINGLY REC STOLEN PROP	Yes	2 or 3,4,5	c. 266 s. 60		Staircased
RUB THRW PUB WAY	THROWING RUBBISH PUBLIC WAY	No	1	c. 270 s. 16		Fine only
SEX COND FEE	SEXUAL COND FOR FEE	Yes	2	c. 272 s. 53A		
SHOPLIFT	SHOPLIFTIN	No	1	c. 266 s. 30A		Fine only
SODOMY	SODOMY	Yes	4	c. 272 s. 34	No	
SOLICIT	SOLICITING	Yes	2	c. 272 s. 8		
SPEED	SPEEDING	Yes	2	c. 90 s. 24(2)(a)		
ST COM RULES	VIOL STREET COMMISSIONER RULES	No	1	c. 720CMR s. 908		Fine only
STALK A	STALK/FOLLOWING	Yes	4	c. 265 s. 43(a)		
STALK B	STALK/FOLLOWING IN VIOL ORDER	Yes	5	c. 265 s. 43(b)		
STALK B RSTR ORD	STALK IN VIOL 208,209A/INJUNC	Yes	5	c. 265 s. 43(b)		
STALK C	STALK/FOLLOWING, SUBSQ OFF	Yes	5	c. 265 s. 43(c)	No	
STALK C 2ND/SBSQ	2ND/SUBSQ AFTER C265 A,B CVICT	Yes	5	c. 265 s. 43(c)	No	
STALK D	STALK/FOLLOW, VIOL ORD, SUBSEQ	Yes	5	c. 265 s. 43(c)	No	
STALK E	STALK/HARRASSMENT	Yes	4	c. 265 s. 43(a)		
STALK F	STALK/HARRASS IN VIOL ORDER	Yes	5	c. 265 s. 43(b)		
STALK G	STALK/HARRASS, SUBSQ OFF	Yes	5	c. 265 s. 43(c)	No	
STALK H	STALK/HARRASS, VIO ORD SUBSQ	Yes	5	c. 265 s. 43(c)	No	
TAG PROP	TAGGING PROPERTY	No	1	c. 266 s. 30A (?)		Fine only

Attachment B Mini-Master Crime List

Offense Abbreviation	Offense Label	Application of Grid for Current Offense	Possible Starting Level	Possible M.G.L. Reference	District Court Juris.	Comments
TEL CLS	TELEPHONE CALLS	Yes	1	c. 269 s. 14A		
TEL CLS FRD USE	FRAUDULENT USE OF PHONE	Yes	2	c. 166 s. 42A		
TEL CLS OBSCENE	ANNOYING PHONE CALLS IN LANG	Yes	1	c. 269 s. 14A		
THREAT	THREATENING	Yes	1	c. 275 s. 2		
THRW OBJ PUB WAY	THROW OBJECT ON PUBLIC WAY	Yes	3	c. 265 s. 35		
TRES	TRESPASSING	Yes	1	c. 266 s. 120		
TRNS ALC	TRANSPORTING ALCOHOL	Yes	1	c. 138 s. 22		
TRUE NM LAW	TRUE NAME VIOLATION	No	1	c. 40 s. 21D		Fine only
TSMVI	TRANSPORT STOLEN MV INTERSTATE	Yes	3	c. 266 s. 28(a)		
UNL ASSEM	UNLAWFUL ASSEMBLY	Yes	2	c. 269 s. 2		
USE AUT AMUS GAM	USE AUTOMATIC AMUSE GAM DEV	No	1	c. 271 s. 5A		Fine only
UTIL MTR Tmpr	TAMPERING WITH UTILITY METER	Yes	2	c. 164 s. 126		
UTTER	UTTERING	Yes	3	c. 267 s. 5		
VAND	VANDALISM	Yes	1	c. 266 s. 94		
VAND PROP	VANDALIZE PROPERTY	Yes	1	c. 266 s. 94		
VIOL CIVIL RIGHT	VIOLATION OF CIVIL RIGHTS	Yes	3	c. 265 s. 37		
VIOL CONST RIGHT	VIOL CONSTITUTIONAL RIGHTS	Yes	3	c. 265 s. 37		
VIOL LAW ROAD	VIOLATION LAW OF ROAD	No	1	c. 90 s. 16		Fine only
VIOL OF PRIV	VIOLATION OF PRIVACY	Yes	1			Offense/Penalty Unknown
VIOL TOWN BY LAW	VIOLATION TOWN BY LAW	No	1	c. 40 s. 21D		Fine only
WELFARE	WELFARE VIOLATION	Yes	2	c. 18 s. 5B		
WTS & MEAS	WEIGHTS AND MEASURES VIOLATION	No	1	c. 98 s. 48		Fine only

Attachment C

Sentencing Chart

	Not More Than - Months	Not Less Than - Months
0 Years	0 Months	0 Months
	<i>1 Months</i>	<i>20 Days</i>
	<i>2 Months</i>	<i>40 Days</i>
	3 Months	2 Months
	<i>4 Months</i>	<i>2 Months 20 Days</i>
	<i>5 Months</i>	<i>3 Months 10 Days</i>
	6 Months	4 Months
	<i>7 Months</i>	<i>4 Months 20 Days</i>
	<i>8 Months</i>	<i>5 Months 10 Days</i>
	9 Months	6 Months
	<i>10 Months</i>	<i>6 Months 20 Days</i>
<i>11 Months</i>	<i>7 Months 10 Days</i>	
1 Years	12 Months	8 Months
	<i>13 Months</i>	<i>8 Months 20 Days</i>
	<i>14 Months</i>	<i>9 Months 10 Days</i>
	15 Months	10 Months
	<i>16 Months</i>	<i>10 Months 20 Days</i>
	<i>17 Months</i>	<i>11 Months 10 Days</i>
	18 Months	12 Months
	<i>19 Months</i>	<i>12 Months 20 Days</i>
	<i>20 Months</i>	<i>13 Months 10 Days</i>
	21 Months	14 Months
	<i>22 Months</i>	<i>14 Months 20 Days</i>
	<i>23 Months</i>	<i>15 Months 10 Days</i>
	2 Years	24 Months
<i>25 Months</i>		<i>16 Months 20 Days</i>
<i>26 Months</i>		<i>17 Months 10 Days</i>
27 Months		18 Months
<i>28 Months</i>		<i>18 Months 20 Days</i>
<i>29 Months</i>		<i>19 Months 10 Days</i>
30 Months		20 Months
<i>31 Months</i>		<i>20 Months 20 Days</i>
<i>32 Months</i>		<i>21 Months 10 Days</i>
33 Months		22 Months
<i>34 Months</i>		<i>22 Months 20 Days</i>
<i>35 Months</i>		<i>23 Months 10 Days</i>

	Not More Than - Months	Not Less Than - Months
3 Years	36 Months 39 Months 42 Months 45 Months	24 Months 26 Months 28 Months 30 Months
4 Years	48 Months 51 Months 54 Months 57 Months	32 Months 34 Months 36 Months 38 Months
5 Years	60 Months 63 Months 66 Months 69 Months	40 Months 42 Months 44 Months 46 Months
6 Years	72 Months 75 Months 78 Months 81 Months	48 Months 50 Months 52 Months 54 Months
7 Years	84 Months 87 Months 90 Months 93 Months	56 Months 58 Months 60 Months 62 Months
8 Years	96 Months 99 Months 102 Months 105 Months	64 Months 66 Months 68 Months 70 Months
9 Years	108 Months 111 Months 114 Months 117 Months	72 Months 74 Months 76 Months 78 Months
10 Years	120 Months 123 Months 126 Months 129 Months	80 Months 82 Months 84 Months 86 Months
11 Years	132 Months 135 Months 138 Months 141 Months	88 Months 90 Months 92 Months 94 Months
12 Years	144 Months 147 Months 150 Months 153 Months	96 Months 98 Months 100 Months 102 Months

	Not More Than - Months	Not Less Than - Months
13 Years	156 Months	104 Months
	159 Months	106 Months
	162 Months	108 Months
	165 Months	110 Months
14 Years	168 Months	112 Months
	171 Months	114 Months
	174 Months	116 Months
	177 Months	118 Months
15 Years	180 Months	120 Months
	183 Months	122 Months
	186 Months	124 Months
	189 Months	126 Months
16 Years	192 Months	128 Months
	195 Months	130 Months
	198 Months	132 Months
	201 Months	134 Months
17 Years	204 Months	136 Months
	207 Months	138 Months
	210 Months	140 Months
	213 Months	142 Months
18 Years	216 Months	144 Months
	219 Months	146 Months
	222 Months	148 Months
	225 Months	150 Months
19 Years	228 Months	152 Months
	231 Months	154 Months
	234 Months	156 Months
	237 Months	158 Months
20 Years	240 Months	160 Months
	243 Months	162 Months
	246 Months	164 Months
	249 Months	166 Months
21 Years	252 Months	168 Months
	255 Months	170 Months
	258 Months	172 Months
	261 Months	174 Months
22 Years	264 Months	176 Months
	267 Months	178 Months
	270 Months	180 Months
	273 Months	182 Months

	Not More Than - Months	Not Less Than - Months
23 Years	276 Months	184 Months
	279 Months	186 Months
	282 Months	188 Months
	285 Months	190 Months
24 Years	288 Months	192 Months
	291 Months	194 Months
	294 Months	196 Months
	297 Months	198 Months
25 Years	300 Months	200 Months
	303 Months	202 Months
	306 Months	204 Months
	309 Months	206 Months
26 Years	312 Months	208 Months
	315 Months	210 Months
	318 Months	212 Months
	321 Months	214 Months

Attachment D

Non-exclusive List of Mitigating and Aggravating Factors

Mitigating Circumstances

1. The defendant was a minor participant in the criminal conduct.
2. The defendant was suffering from a mental or physical condition that significantly reduced his culpability for the offense.
3. The victim was an initiator, aggressor, or provoker of the offense.
4. The sentence was imposed in accordance with a jointly agreed recommendation.
5. The age of the defendant at the time of the offense.
6. The defendant verifies current involvement in, or successful completion of, a substance abuse or other treatment program that began after the date of the offense.

Aggravating Circumstances

1. The victim was especially vulnerable due to age or physical or mental disability.
2. The victim was treated with particular cruelty.
3. The defendant used position or status to facilitate commission of the offense, such as a position of trust, confidence or fiduciary relationship.
4. The defendant was a leader in the commission of an offense involving two or more criminal actors.
5. The defendant committed the offense while on probation, on parole, or during escape.
6. The defendant has committed repeated offenses against the same victim.

Attachment E Mandatory Offenses

MGL	Offense Literal	Criminal History Equi.	Penalty Type	Mand. Time	Min H/C	Max H/C	Min Prison	Max Prison
FIREARMS RELATED OFFENSES								
c. 269 s. 10(d)	DANGEROUS WEAPON, CARRY, 4TH OFF.	8	Felony	10 years			10 years	15 years
c. 269 s. 10(d)	FIREARM, CARRY W/O LICENSE, 4TH OFF.	8	Felony	10 years			10 years	15 years
c. 269 s. 10(d)	MACHINE GUN/SAWED-OFF SHOTGUN, 4TH OFF.	8	Felony	10 years			10 years	15 years
c. 269 s. 10E	FIREARMS, TRAFFICKING IN +19	8	Felony	10 years			10 years	Life
c. 269 s. 10(d)	DANGEROUS WEAPON, CARRY, 3RD OFF.	7	Felony	7 years			7 years	10 years
c. 269 s. 10(d)	FIREARM, CARRY W/O LICENSE, 3RD OFF.	7	Felony	7 years			7 years	10 years
c. 269 s. 10(d)	MACHINE GUN/SAWED-OFF SHOTGUN, 3RD OFF.	7	Felony	7 years			7 years	10 years
c. 269 s. 10(d)	DANGEROUS WEAPON, CARRY, 2ND OFF.	6	Felony	5 years			5 years	7 years
c. 269 s. 10(d)	FIREARM, CARRY W/O LICENSE, 2ND OFF.	6	Felony	5 years			5 years	7 years
c. 269 s. 10(d)	MACHINE GUN/SAWED-OFF SHOTGUN, 2ND OFF.	6	Felony	5 years			5 years	7 years
c. 269 s. 10E	FIREARMS, TRAFFICKING IN 10-19	6	Felony	5 years			5 years	10 years
c. 269 s. 10E	FIREARMS, TRAFFICKING IN 3-9	5	Felony	3 years			3 years	10 years
c. 269 s. 10(c)	MACHINE GUN/SAWED-OFF SHOTGUN	5	Felony	1 year	1 year	2 1/2 years	2 1/2 years	Life
c. 269 s. 10(a)	FIREARM, CARRY W/O LICENSE	4	Felony	1 year	1 year	2 1/2 years	2 1/2 years	5 years
OUI (MOTOR VEHICLE AND BOAT) RELATED OFFENSES								
c. 90 s. 24(1)(a)(1)	OUI LIQUOR OR DRUGS, 5TH OFF.	4	Felony	24 Months	2 1/2 years		2 1/2 years	5 years
c. 90B s. 8(a)(1)(A)	BOAT OUI LIQUOR OR DRUGS, 5TH OFF.	4	Felony	2 years	2 years	2 1/2 years	2 1/2 years	10 years
c. 90 s. 24(1)(a)(1)	OUI LIQUOR OR DRUGS, 4TH OFF.	4	Felony	12 Months	2 years	2 1/2 years	2 1/2 years	5 years
c. 90B s. 8(a)(1)(A)	BOAT OUI LIQUOR OR DRUGS, 4TH OFF.	4	Felony	1 year	1 year	2 1/2 years	2 1/2 years	10 years
c. 90 s. 24(1)(a)(1)	OUI LIQUOR OR DRUGS, 3RD OFF.	3	Felony	150 Days	180 days	2 1/2 years	2 1/2 years	5 years
c. 90B s. 8(a)(1)(A)	BOAT OUI LIQUOR OR DRUGS, 3RD OFF.	3	Misd.	6 months	6 months	2 1/2 years		
c. 90 s. 23	LICENSE SUSPENDED FOR OUI, OPER MV WITH	2	Misd.	60 days	60 days	2 1/2 years		
c. 90 s. 24(1)(a)(1)	OUI LIQUOR OR DRUGS, 2ND OFF.	2	Misd.	30 Days	60 days	2 1/2 years		
c. 90B s. 8(a)(1)(A)	BOAT OUI LIQUOR OR DRUGS, 2ND OFF.	2	Misd.	14 days	14 days	2 1/2 years		
c. 90 s. 24(1)(a)(1)	OUI LIQUOR OR DRUGS, 1ST OFF.	2	Misd.			2 1/2 years		
c. 90B s. 8(a)(1)(A)	BOAT OUI LIQUOR OR DRUGS, 1ST OFF.	2	Misd.			2 1/2 years		

Attachment E Mandatory Offenses

MGL	Offense Literal	Criminal History Equi.	Penalty Type	Mand. Time	Min H/C	Max H/C	Min Prison	Max Prison
DRUG RELATED OFFENSES								
c. 94C s. 32E(b)(4)	COCAINE, TRAFFICK IN (200+)	8	Felony	15 years			15 years	20 years
c. 94C s. 32E(b)(4)	PHENMETRAZINE, TRAFFICK IN (200+)	8	Felony	15 years			15 years	20 years
c. 94C s. 32E(c)(4)	HEROIN/MORPHINE/OPIUM, TRAFFICK IN (200+)	8	Felony	15 years			15 years	20 years
c. 94C s. 32E(a)(4)	MARIJUANA, TRAFFICK IN (10000+)	7	Felony	10 years			10 years	15 years
c. 94C s. 32E(b)(3)	COCAINE, TRAFFICK IN (100-200)	7	Felony	10 years			10 years	20 years
c. 94C s. 32E(b)(3)	PHENMETRAZINE, TRAFFICK IN (100-200)	7	Felony	10 years			10 years	20 years
c. 94C s. 32E(c)(3)	HEROIN/MORPHINE/OPIUM, TRAFFICK IN (100-200)	7	Felony	10 years			10 years	20 years
c. 94C s. 32E(c)(2)	HEROIN/MORPHINE/OPIUM, TRAFFICK IN (28-100)	7	Felony	7 years			7 years	20 years
c. 94C s. 32(b)	DRUG, DIST OR POSS W/I, CLASS A, SUBSQ.	6	Felony	5 years			5 years	15 years
c. 94C s. 32A(d)	COCAINE, DIST OR POSS W/I, SUBSQ.	6	Felony	5 years			5 years	15 years
c. 94C s. 32A(d)	METHAMPHETAMINE, DIST OR POSS W/I, SUBSQ.	6	Felony	5 years			5 years	15 years
c. 94C s. 32A(d)	PHENCYCLIDINE, DIST OR POSS W/I, SUBSQ.	6	Felony	5 years			5 years	15 years
c. 94C s. 32E(a)(3)	MARIJUANA, TRAFFICK IN (2000-10000)	6	Felony	5 years			5 years	15 years
c. 94C s. 32E(b)(2)	COCAINE, TRAFFICK IN (28-100)	6	Felony	5 years			5 years	20 years
c. 94C s. 32E(b)(2)	PHENMETRAZINE, TRAFFICK IN (28-100)	6	Felony	5 years			5 years	20 years
c. 94C s. 32E(c)(1)	HEROIN/MORPHINE/OPIUM, TRAFFICK IN (14-28)	6	Felony	5 years			5 years	20 years
c. 94C s. 32F(a)	DRUG, DIST OR POSS W/I TO MINOR CLASS A	6	Felony	5 years			5 years	15 years
c. 94C s. 32F(d)	COCAINE, DIST OR POSS W/I, TO MINOR	6	Felony	5 years			5 years	15 years
c. 94C s. 32A(b)	DRUG, DIST OR POSS W/I, CLASS B, SUBSQ.	5	Felony	3 years			3 years	10 years
c. 94C s. 32B(b)	DRUG, DIST OR POSS W/I CLASS C, SUBSQ.	5	Felony	2 years	2 years	2 1/2 years	2 1/2 years	10 years
c. 94C s. 32E(a)(2)	MARIJUANA, TRAFFICKING IN (100-2000)	5	Felony	3 years			3 years	15 years
c. 94C s. 32E(b)(1)	COCAINE, TRAFFICKING IN (14-28)	5	Felony	3 years			3 years	15 years
c. 94C s. 32E(b)(1)	PHENMETRAZINE, TRAFFICKING IN (14-28)	5	Felony	3 years			3 years	15 years
c. 94C s. 32F(b)	DRUG, DIST OR POSS W/I TO MINOR CLASS B	5	Felony	3 years			3 years	15 years
c. 94C s. 32F(c)	DRUG, DIST OR POSS W/I TO MINOR CLASS C	5	Felony	2 years	2 years	2 1/2 years	2 1/2 years	15 years
c. 94C s. 32J	DRUG VIOLATION NEAR SCHOOL/PARK	4	Felony	2 years	2 years	2 1/2 years	2 1/2 years	15 years
c. 94C s. 32J	DRUG VIOLATION NEAR SCHOOL	4	Felony	2 years	2 years	2 1/2 years	2 1/2 years	15 years
c. 94C s. 32A(c)	METHAMPHETAMINE, DIST OR POSS W/I	4	Felony	1 year	1 year	2 1/2 years	2 1/2 years	10 years
c. 94C s. 32A(c)	COCAINE, DIST OR POSS W/I	4	Felony	1 year	1 year	2 1/2 years	2 1/2 years	10 years
c. 94C s. 32A(c)	PHENCYCLIDINE, DIST OR POSS W/I	4	Felony	1 year	1 year	2 1/2 years	2 1/2 years	10 years
c. 94C s. 32E(a)(1)	MARIJUANA, TRAFFICKING IN (50-100)	4	Felony	1 year	1 year	2 1/2 years	2 1/2 years	15 years

Attachment E Mandatory Offenses

MGL	Offense Literal	Criminal History Equi.	Penalty Type	Mand. Time	Min H/C	Max H/C	Min Prison	Max Prison
OTHER MANDATORY OFFENSES								
c. 90 s. 24(2)(a ^{1/2})(2)	LEAVE SCENE OF PERSONAL INJURY & DEATH	4	Felony	1 year	1 year	2 1/2 years	2 1/2 years	10 years
c. 90 s. 24G(a)	MV HOMICIDE OUI LIQUOR OR DRUGS & NEGLIGENT	6	Felony	1 year	1 year	2 1/2 years	2 1/2 years	15 years
c. 90 s. 24G(a)	MV HOMICIDE OUI LIQUOR OR DRUGS & RECKLESS	6	Felony	1 year	1 year	2 1/2 years	2 1/2 years	15 years
c. 90 s. 24L(1)	OUI LIQUOR OR DRUGS & SERIOUS INJURY & NEGLIGENT	4	Felony	6 months	6 months	2 1/2 years	2 1/2 years	10 years
c. 90 s. 24L(1)	OUI LIQUOR OR DRUGS & SERIOUS INJURY & RECKLESS	4	Felony	6 months	6 months	2 1/2 years	2 1/2 years	10 years
c. 90B s. 8A(1)	BOAT OUI & SERIOUS INJURY, RECKLESS/NEGLIGENT	4	Felony	6 months	6 months	2 1/2 years	2 1/2 years	10 years
c. 90B s. 8B(1)	BOAT OUI & DEATH, RECKLESS OR NEGLIGENT	6	Felony	1 year	1 year	2 1/2 years	2 1/2 years	15 years
c. 265 s. 1	MURDER	9	Felony	Life				Life
c. 265 s. 43(b)	STALKING IN VIOL OF RESTRAINING ORDER	5	Felony	1 year	1 year	2 1/2 years	1 year	5 years
c. 265 s. 43(c)	STALKING, SUBSQ.	5	Felony	2 years	2 years	2 1/2 years	2 years	10 years
c. 266 s. 27A	MV, REMOVE TO DEFRAUD, SUBSQ.	4	Felony	1 year		2 1/2 years		5 years
c. 266 s. 28(a)	MV, LARCENY, SUBSQ.	4	Felony	1 year		2 1/2 years		15 years
c. 268 s. 1	PERJURY IN TRIAL OF CAPITAL CASE	8	Felony	Life				Life
c. 268 s. 2	PERJURY, SUBORN IN TRIAL OF CAPITAL CASE	8	Felony	Life				Life
c. 272 s. 4A	PROSTITUTION, INDUCE MINOR TO	5	Felony	3 years			3 years	5 years
c. 272 s. 4B	PROSTITUTION, DERIVE SUPPORT FROM CHILD	6	Felony	5 years			5 years	
c. 272 s. 6	PROSTITUTION, MAINTAIN HOUSE OF	4	Felony	2 years			5 years	5 years
c. 272 s. 7	PROSTITUTION, DERIVE SUPPORT FROM	4	Felony	2 years			5 years	5 years

MASSACHUSETTS SENTENCING COMMISSION GUIDELINE SENTENCE FORM (SUPERIOR COURT)

I. Identification Section

Offender's Name	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	Offender's Birthdate	Probation Central File Number
Judge's Name	Offender's Race <input type="checkbox"/> White <input type="checkbox"/> African American <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> N.A.	Offender's Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-hispanic <input type="checkbox"/> N.A.	
Name of Person Completing Form	Type of Conviction <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Negotiated Plea <input type="checkbox"/> Non-neg. Plea		
Court	Date of Sentence		

II. Criminal History

Prior Convictions for Level 7, Level 8, or Level 9	None		One	Two or More
Prior Convictions for Level 5 or Level 6 Offenses	None	One	Two or	
Prior Convictions for Level 3, 4, 5, or 6 Offenses	None		Six or More	
Prior Convictions for Level 3 or Level 4 Offenses	None	One or Two	Three to Five	Six or More
Prior Convictions for Level 1 or Level 2 Offenses	Zero to Five	Six or More		
Final Criminal History Group	Group A	Group B	Group C	Group D Group E

III. Severity of Instant Offense

Name of Offense No. 1			Name of Offense No. 2				
Chapter and Section:		Date of Offense:	Chapter and Section:		Date of Offense:		
Docket Number(s):	No. Of Counts:	Level:	Docket Number(s):	No. Of Counts:	Level:		
Staircasing Factor:			Staircasing Factor:				
<input type="checkbox"/> A&B DW	<input type="checkbox"/> No/Minor	<input type="checkbox"/> Moderate	<input type="checkbox"/> Significant	<input type="checkbox"/> A&B DW	<input type="checkbox"/> No/Minor	<input type="checkbox"/> Moderate	<input type="checkbox"/> Significant
<input type="checkbox"/> Arm Robbery	<input type="checkbox"/> No Gun	<input type="checkbox"/> Gun		<input type="checkbox"/> Arm Robbery	<input type="checkbox"/> No Gun	<input type="checkbox"/> Gun	
<input type="checkbox"/> Larceny	<input type="checkbox"/> Under \$10,000	<input type="checkbox"/> \$10 to \$50,000	<input type="checkbox"/> Over \$50,000	<input type="checkbox"/> Larceny	<input type="checkbox"/> Under \$10,000	<input type="checkbox"/> \$10 to \$50,000	<input type="checkbox"/> Over \$50,000
<input type="checkbox"/> Manslaughter	<input type="checkbox"/> Involuntary	<input type="checkbox"/> Voluntary		<input type="checkbox"/> Manslaughter	<input type="checkbox"/> Involuntary	<input type="checkbox"/> Voluntary	
<input type="checkbox"/> B&E	<input type="checkbox"/> Non-dwelling	<input type="checkbox"/> Dwelling		<input type="checkbox"/> B&E	<input type="checkbox"/> Non-Dwelling	<input type="checkbox"/> Dwelling	
Sentence Type:			Sentence Type:				
<input type="checkbox"/> Life			<input type="checkbox"/> Life				
<input type="checkbox"/> State Prison	_____ NLT	_____ NMT	<input type="checkbox"/> State Prison	_____ NLT	_____ NMT		
<input type="checkbox"/> County	_____ NLT	_____ NMT	<input type="checkbox"/> County	_____ NLT	_____ NMT		
<input type="checkbox"/> County/Split	_____ CMT	_____ Probation	<input type="checkbox"/> County/Split	_____ CMT	_____ Probation		
	_____ NLT	_____ NMT		_____ NLT	_____ NMT		
	_____ SS	_____ SS		_____ SS	_____ SS		
<input type="checkbox"/> Probation	_____ Mos		<input type="checkbox"/> Probation	_____ Mos			
<input type="checkbox"/> Filed	_____ Level of Int. Sanc.		<input type="checkbox"/> Filed	_____ Level of Int. Sanc.			
Imposed: <input type="checkbox"/> Concurrent <input type="checkbox"/> On & After <input type="checkbox"/> N.A.			Imposed: <input type="checkbox"/> Concurrent <input type="checkbox"/> On & After <input type="checkbox"/> N.A.				
Financial Sanctions:		Imposed	Waived	Financial Sanctions:		Imposed	Waived
<input type="checkbox"/> Fine	\$ _____			<input type="checkbox"/> Fine	\$ _____		
<input type="checkbox"/> Restitution	\$ _____			<input type="checkbox"/> Restitution	\$ _____		
<input type="checkbox"/> Victim / Witness Fee	<input type="checkbox"/> \$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Victim / Witness Fee	<input type="checkbox"/> \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Drug / Alcohol Fee	<input type="checkbox"/> \$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Drug / Alcohol Fee	<input type="checkbox"/> \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Probation Supervision	<input type="checkbox"/> \$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Probation Supervision	<input type="checkbox"/> \$ _____	<input type="checkbox"/>	<input type="checkbox"/>

Note: Use Additional Forms if more than two charges.

IV. Aggravating/Mitigating Factors Related to Departure

<input type="checkbox"/> Departure	
Signature of Judge:	Date:

Criminal History Groups

- E** **Serious Violent Record**
Two or more prior convictions in any combination for offenses in level 7 through 9
- D** **Violent or Repetitive Record**
Six or more prior convictions in any combination for offenses in levels three, four, five, or six; or
Two or more prior convictions in any combination for offenses in levels five or six; or
One prior conviction for offenses in levels seven through nine.
- C** **Serious Record**
Three to five prior convictions in any combination for offenses in levels three or four; or
One prior conviction for offenses in levels five or six.
- B** **Moderate Record**
Six or more prior convictions in any combination for offenses in levels one or two; or
One or two prior convictions in any combination for offenses levels three or four.
- A** **No/Minor Record**
No prior convictions of any kind; or
One to five prior convictions in any combination for offenses in levels one or two.

Sentencing Guidelines Grid

Level	Illustrative Offense	Sentence Range				
9	Murder	Life	Life	Life	Life	Life
8	Manslaughter (Voluntary) Rape of Child with Force Aggravated Rape Armed Burglary	96 - 144 Mos.	108 - 162 Mos.	120 - 180 Mos.	144 - 216 Mos.	204 - 306 Mos.
7	Armed Robbery (Gun) Rape Mayhem	60 - 90 Mos.	68 - 102 Mos.	84 - 126 Mos.	108 - 162 Mos.	160 - 240 Mos.
6	Manslaughter (Involuntary) Armed Robbery (No gun) A&B DW (Significant injury)	40 - 60 Mos.	45 - 67 Mos.	50 - 75 Mos.	60 - 90 Mos.	80 - 120 Mos.
5	Unarmed Robbery Stalking In Violation of Order Unarmed Burglary Larceny (\$50,000 and over)	12 - 36 Mos. IS-IV IS-III IS-II	24 - 36 Mos. IS-IV IS-III IS-II	36 - 54 Mos.	48 - 72 Mos.	60 - 90 Mos.
4	Larceny From a Person A&B DW (Moderate injury) B&E (Dwelling) Larceny (\$10,000 to \$50,000)	0 - 24 Mos. IS-IV IS-III IS-II	3 - 30 Mos. IS-IV IS-III IS-II	6 - 30 Mos. IS-IV IS-III IS-II	20 - 30 Mos.	24 - 36 Mos.
3	A&B DW (No or minor injury) B&E (Not dwelling) Larceny (\$250 to \$10,000)	0 - 12 Mos. IS-IV IS-III IS-II IS-I	0 - 15 Mos. IS-IV IS-III IS-II IS-I	0 - 18 Mos. IS-IV IS-III IS-II IS-I	0 - 24 Mos. IS-IV IS-III IS-II	6 - 24 Mos. IS-IV IS-III IS-II
2	Assault Larceny Under \$250	IS-III IS-II IS-I	0 - 6 Mos. IS-III IS-II IS-I	0 - 6 Mos. IS-III IS-II IS-I	0 - 9 Mos. IS-IV IS-III IS-II IS-I	0 - 12 Mos. IS-IV IS-III IS-II IS-I
1	Operating Aft Suspended Lic Disorderly Conduct Vandalism	IS-II IS-I	IS-III IS-II IS-I	IS-III IS-II IS-I	0 - 3 Mos. IS-IV IS-III IS-II IS-I	0 - 6 Mos. IS-IV IS-III IS-II IS-I
Criminal History Scale		A No/Minor Record	B Moderate Record	C Serious Record	D Violent or Repetitive	E Serious Violent

Sentencing Zones

	Incarceration Zone
	Discretionary Zone (incarceration/intermediate sanction)
	Intermediate Sanction Zone

Intermediate Sanctions Levels

IS-IV	24-Hour Restriction
IS-III	Daily Accountability
IS-II	Standard Supervision
IS-I	Financial Accountability

The numbers in each cell represent the range from which the judge selects the maximum sentence (Not More Than);
The minimum sentence (Not Less Than) is 2/3rds of the maximum sentence and constitutes the initial parole eligibility date.