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

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Introduction

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

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

How to use the listings

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

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

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

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

Felony definitions

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

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

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

Felony classifications

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

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

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

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

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

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

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

Minimum and maximum felony sentences

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

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

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

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

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

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

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

Inchoate offenses

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

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

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

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

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

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

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

Misdemeanor definitions and classifications

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

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

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

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

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

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

Methodology

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Source: Annotated code of each State, 1986.

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

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

Source: Annotated code for each State, 1986.

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

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

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

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

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

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

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

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

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

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

Source: Annotated code of each State, 1986.

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

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

Source: Annotated code of each State, 1986.

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

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

Source: Annotated code of each State, 1986.

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

<p>Alabama. Misdemeanor. An offense for which a sentence to a term of imprisonment not in excess of one year may be imposed. (The criminal code designates 3 misdemeanor classes: A (maximum 1 year imprisonment), B, C.)</p> <p>Alaska. "Misdemeanor" means a crime for which a sentence of imprisonment for a term of more than one year may not be imposed. (The criminal code designates 2 misdemeanor classes: A (maximum 1 year imprisonment), B.)</p> <p>Arizona. "Misdemeanor" means an offense for which a sentence to a term of imprisonment other than to the custody of the department of corrections is authorized by any law of this state. (The criminal code designates 3 misdemeanor classes: 1 (maximum 6 months imprisonment), 2, 3.)</p> <p>Arkansas. An offense is a misdemeanor if: it is so designated by this Code; it is so designated by a statute not a part of this Code, except as provided in section 114; or it is not designated a felony and a sentence to imprisonment is authorized upon conviction thereof. (The criminal code designates 4 misdemeanor classes: A (maximum 1 year imprisonment), B, C, unclassified.)</p> <p>California. A felony is a crime which is punishable with death or by imprisonment in the state prison. Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions. (The criminal code does not divide misdemeanors into classes.)</p> <p>Colorado. (The criminal code designates class 1 (maximum 2 years imprisonment), class 2 and class 3 misdemeanors, but does not give an overall definition of misdemeanor.)</p> <p>Connecticut. An offense for which a person may be sentenced to a term of imprisonment of not more than one year is a misdemeanor. (The criminal code designates 4 misdemeanor classes: class A (maximum 1 year imprisonment), B, C, unclassified.)</p> <p>Delaware. Any offense not specifically designated by law to be a felony or a violation is a misdemeanor. (The criminal code designates 4 misdemeanor classes: A (maximum 2 years imprisonment), B, C, unclassified.)</p> <p>District of Columbia. Any offense punishable by death or imprisonment for a term exceeding one year is a felony. Any other offense is a misdemeanor. (The criminal code does not divide misdemeanors into classes.)</p> <p>Florida. The term "misdemeanor" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. (The criminal code designates 2 misdemeanor classes: 1st degree (maximum 1 year imprisonment), 2nd degree.)</p>	<p>Georgia. "Misdemeanor" and "misdemeanor of a high and aggravated nature" mean any crime other than a felony. (The criminal code designates 2 misdemeanor classes: aggravated misdemeanor, misdemeanor.)</p> <p>Hawaii. A crime is a misdemeanor if it is so designated in this Code or in a Statute other than this Code enacted subsequent thereto, or if it is defined in a statute other than this Code which provides for a term of imprisonment the maximum of which is one year. (The criminal code designates 2 misdemeanor classes: misdemeanor (maximum 1 year imprisonment), petty misdemeanor.)</p> <p>Idaho. A felony is a crime which is punishable with death or by imprisonment in the state prison. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars and for which no period of incarceration may be imposed. Every other crime is a misdemeanor. (The criminal code does not divide misdemeanors into classes.)</p> <p>Illinois. "Misdemeanor" means any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed. (The criminal code designates 3 misdemeanor classes: A (maximum less than 1 year imprisonment), B, C.)</p> <p>Indiana. (The criminal code designates class A (maximum of 1 year imprisonment), class B and class C misdemeanor, but does not give an overall definition of misdemeanor.)</p> <p>Iowa. All public offenses which are not felonies are misdemeanors. (The criminal code designates 3 misdemeanor classes: aggravated (maximum 2 years imprisonment), serious, simple.)</p> <p>Kansas. A felony is a crime punishable by death or by imprisonment in any state penal institution. All other crimes are misdemeanors. (The criminal code designates 3 misdemeanor classes: A (maximum 1 year imprisonment), B, C.)</p> <p>Kentucky. Offenses punishable by confinement other than in the penitentiary, whether or not a fine or other penalty may also be assessed, are misdemeanors. (The criminal code designates 2 misdemeanor classes: A (maximum 1 year imprisonment), B.)</p> <p>Louisiana. "Misdemeanor" is any crime other than a felony. (The criminal code does not divide misdemeanors into classes.)</p> <p>Maine. (The criminal code does not use the term misdemeanor.)</p> <p>Maryland. (The criminal code does not define the term misdemeanor and does not divide misdemeanors into classes.)</p> <p>Massachusetts. A crime punishable by death or imprisonment in the state prison is a felony. All other crimes are misdemeanors. (The criminal code does not divide misdemeanors into classes.)</p>	<p>Michigan. When any act or omission, not a felony, is punishable according to law, by a fine, penalty or forfeiture, and imprisonment, or by such fine, penalty or forfeiture, or imprisonment, in the discretion of the court, such act or omission shall be deemed a misdemeanor. When the performance of any act is prohibited by this or any other statute, and no penalty for the violation of such statute is imposed, whether in the same section containing such prohibition, or in any other section or statute, the doing of such act shall be deemed a misdemeanor. (The criminal code does not divide misdemeanors into classes.)</p> <p>Minnesota. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than \$700, or both, may be imposed. . . "Gross misdemeanor" means any crime which is not a felony or misdemeanor. The maximum fine which may be imposed for a gross misdemeanor is \$3,000. . . "Petty misdemeanor" means a petty offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than \$100 may be imposed. (The criminal code designates 3 misdemeanor classes: gross (maximum 1 year imprisonment), misdemeanor, petty.)</p> <p>Mississippi. (The criminal code does not define the term misdemeanor and does not divide misdemeanors into classes.)</p> <p>Missouri. A crime is a "misdemeanor" if it is so designated or if persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is one year or less. (The criminal code designates 3 misdemeanor classes: A (maximum 1 year imprisonment), B, C.)</p> <p>Montana. "Misdemeanor" means an offense in which the sentence imposed upon conviction is imprisonment in the county jail for any term or a fine, or both, or the sentence imposed is imprisonment in the state prison for any term of 1 year or less. (The criminal code does not divide misdemeanors into classes.)</p> <p>Nebraska. (The criminal code designates class I (maximum 1 year imprisonment), class II, class III, class IIIA, class IV, and class V misdemeanors, but does not give an overall definition of misdemeanor.)</p> <p>Nevada. Every crime punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than 6 months, is a misdemeanor. (The criminal code designates 2 misdemeanor classes: gross (maximum 1 year imprisonment), misdemeanor.)</p> <p>New Hampshire. A misdemeanor is any crime so designated by statute within or outside this code and any crime defined outside of this code for which the maximum penalty, exclusive of fine, is imprisonment not in excess of one year; provided, however, that a crime defined by statute outside of this code is a misdemeanor when committed by a corporation or an unincorporated association if the maximum fine wherein provided is more than \$50 but no more than \$200. (The criminal code does not divide misdemeanors into classes.)</p>
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Source: Annotated code of each State, 1986.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Source: Annotated code of each State, 1986.

HOW TO USE THIS BOOK

ARIZONA

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

Legal citation showing the source of the statutes

Criminal Classification Information

KEY

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

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

ALABAMA

ALA. CODE §x (1984 & Supp. 1986).

Criminal Classification Information

§13A-1-2. Definitions

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

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

§13A-5-2. Authorized dispositions

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

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

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

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

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

§13A-5-3. Classification of offenses

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

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

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

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

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

§13A-5-4. Designation of offenses

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

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

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

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

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

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

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

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

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

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

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

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

Commentary:

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

Table with 2 columns: Degree of offense and Authorized term. Rows include Class A, B, and C felonies, Class A, B, and C misdemeanors, and Violation.

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

Table with 3 columns: Classification of present offense, Number of prior felony convictions, and Mandatory sentence. Rows show various combinations of offense classes and conviction counts.

INCHOATE OFFENSES

§13A-4-1. Criminal solicitation

* * *

(f) Criminal solicitation is a:

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

* * *

§13A-4-2. Attempt

* * *

(d) An attempt is a:

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

* * *

§13A-4-3. Criminal conspiracy generally

* * *

(g) Criminal conspiracy is a:

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

* * *

ALABAMA CRIMINAL STATUTES

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

KEY

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

Statute No. and Title Class/Time

HOMICIDE (inclusive)

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

ASSAULTS (inclusive)

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

KIDNAPPING, UNLAWFUL IMPRISONMENT AND RELATED OFFENSES

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

SEXUAL OFFENSES (inclusive)

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

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

COMPUTER CRIME ACT

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

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

BRIBERY AND CORRUPT INFLUENCE

13A-10-61 Bribery of public servants FC

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

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

THEFT OF CABLE TELEVISION SERVICES

THEFT BY FRAUDULENT LEASING OR RENTAL PROPERTY

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

ABUSE OF PUBLIC OFFICE

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

PERJURY AND RELATED OFFENSES

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

OFFENSES RELATING TO JUDICIAL AND OTHER PROCEEDINGS

13A-10-121 Bribing a witness FC

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

13A-10-123 Intimidating a witness FC

13A-10-125 Bribing a juror FC

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

13A-10-127 Intimidating a juror FC

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

OFFENSES AGAINST PUBLIC ORDER AND DECENCY

13A-11-2 Treason FA

OFFENSES AGAINST PRIVACY

13A-11-33 Installing eaves-dropping device FC

OFFENSES RELATING TO FIREARMS AND WEAPONS

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

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

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

BUSINESS FRAUDS

OBSTRUCTION OF PUBLIC ADMINISTRATION

13A-10-8 Rendering a false alarm FC

13A-10-11 Impersonating a police officer FC

ESCAPE AND OTHER OFFENSES RELATING TO CUSTODY

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

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

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

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

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

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

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

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

F

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

- (a) manufacture, distribution
- (b) Distribution to a minor
- (c) Possession
- (d) Advertisement

MA
FC
MC
MB

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

* * *

ALASKA STAT. §x (1986).

Criminal Classification Information

11.81.250. Classification of offenses

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

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

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

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

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

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

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

11.81.900. Definitions

* * *

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

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

* * *

12.55.125. Sentences of imprisonment for felonies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12.55.135. Sentences of imprisonment for misdemeanors.

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

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

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

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

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

INCHOATE OFFENSES

11.31.100. Attempt

* * *

(d) An attempt is a

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

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

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

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

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

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

11.31.110. Solicitation

* * *

(c) Solicitation is a

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

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

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

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

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

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

ALASKA CRIMINAL STATUTES

ALASKA STAT. §x (1986).

Criminal Classification Information

KEY

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

Statute No. and Title Class/Time

HOMICIDE (inclusive)

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

ASSAULT AND RECKLESS ENDANGERMENT (inclusive)

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

KIDNAPPING AND CUSTODIAL INTERFERENCE

11.41.300	Kidnapping	FU
11.41.320	Custodial interference in the first degree	FC

SEXUAL OFFENSES (inclusive)

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

11.41.440 Sexual abuse of a minor in the fourth degree MA

11.41.450 Incest FC

11.41.455 Unlawful exploitation of a minor FB

11.41.460 Indecent exposure MB

ROBBERY, EXTORTION AND COERCION (inclusive)

11.41.500 Robbery in the first degree FA

11.41.510 Robbery in the second degree FB

11.41.520 Extortion FB

11.41.530 Coercion FC

THEFT AND RELATED OFFENSES (inclusive)

11.46.120 Theft in the first degree FB

11.46.130 Theft in the second degree FC

11.46.140 Theft in the third degree MA

11.46.150 Theft in the fourth degree MB

11.46.220* Concealment of merchandise

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

11.46.260* Removal of identification marks

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

11.46.270* Unlawful possession

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

11.46.280* Issuing a bad check

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

11.46.285* Fraudulent use of a credit card

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

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

FC
 MA

BURGLARY AND CRIMINAL TRESPASS (inclusive)

11.46.300 Burglary in the first degree

FB

11.46.310 Burglary in the second degree

FC

11.46.320 Criminal trespass in the first degree

MA

11.46.330 Criminal trespass in the second degree

MB

ARSON, CRIMINAL MISCHIEF AND RELATED OFFENSES (inclusive)

11.46.400 Arson in the first degree

FA

11.46.410 Arson in the second degree

FB

11.46.430 Criminally negligent burning

MA

11.46.450 Failure to control or report a dangerous fire

MA

11.46.480 Criminal mischief in the first degree

FB

11.46.482 Criminal mischief in the second degree

FC

11.46.484* Criminal mischief in the third degree
 ● if person has previously been convicted of same

MA
 FC

11.46.486 Criminal mischief in the fourth degree

MB

FORGERY AND RELATED OFFENSES

11.46.500 Forgery in the first degree

FB

11.46.505 Forgery in the second degree

FC

11.46.520 Criminal possession of a forgery device

FC

11.46.530* Criminal simulation
 ● if value of object purports to represent is \geq \$500
 ● if value of object purports to represent is $>$ \$50 $<$ \$500
 ● if value of object purports to represent is $<$ \$50

FC
 MA
 MB

11.46.550 Offering a false instrument for recording

FC

BUSINESS AND COMMERCIAL OFFENSES

11.46.600 Scheme to defraud

FB

11.46.620* Misapplication of property
 ● if property misapplied is \geq \$500
 ● if property misapplied is $<$ \$500

FC
 MA

11.46.630 Falsifying a business record

FC

11.46.670 Commercial bribery

FC

11.46.730* Defrauding creditors
 ● unless that secured party, judgement creditor, creditor incurs a pecuniary loss of \$500 or more as a result to the defendant's conduct
 ● if loss is \$25,000 or more
 ● if loss is $<$ \$25,000 and more than \$500

MA
 FB
 FC

11.46.740 Criminal use of a computer

FC

OFFENSES AGAINST THE FAMILY

11.51.100 Endangering the welfare of a minor

FC

BRIBERY AND RELATED OFFENSES

11.56.100 Bribery

FB

11.56.110 Receiving a bribe

FB

PERJURY AND RELATED OFFENSES

11.56.200 Perjury

FB

11.56.230 Perjury by inconsistent statements

FC

ESCAPE AND RELATED OFFENSES

11.56.300 Escape in the first degree

FA

11.56.310 Escape in the second degree

FB

11.56.320 Escape in the third degree

FC

11.56.370 Permitting an escape

FC

11.56.375 Promoting contraband in the first degree

FC

OFFENSES RELATING TO JUDICIAL PROCEEDINGS

11.56.510 Interference with official proceedings

FB

11.56.520 Receiving a bribe by a witness or juror

FB

11.56.540 Tampering with a witness in the first degree

FC

11.56.590 Jury tampering

FC

11.56.600 Misconduct by a juror

FC

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

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

§13-105. Definitions

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

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

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

§13-601. Classification of offenses

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

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

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

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

C. Petty offenses are not classified.

§13-602. Designation of offenses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

K. In this section:

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

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

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

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

§13-604.02. Offenses committed while released from confinement

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

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

§13-701. Sentence of imprisonment for felony

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

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

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

§13-702. Sentencing

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

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

[1]Section 23-101 et seq.

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

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

[See D for aggravating circumstances]

[See E for mitigating circumstances]

[See F for victim presentation]

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

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

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

§13-707. Sentence of imprisonment for misdemeanor

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

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

§13-1001. Attempt; classifications

* * *

C. Attempt is a:

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

§13-1002. Solicitation; classifications

* * *

B. Solicitation is a:

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

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

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

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

§13-1003. Conspiracy; classification

* * *

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

§13-1004. Facilitation; classification

* * *

B. Facilitation is a:

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

ARIZONA CRIMINAL STATUTES

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

Criminal Classification Information

KEY

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

Statute No. and Title Class/Time

HOMICIDE (inclusive)

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

ASSAULT AND RELATED OFFENSES (inclusive)

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

KIDNAPPING AND RELATED OFFENSES

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

SEXUAL OFFENSES (inclusive)

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

CRIMINAL TRESPASS AND BURGLARY (inclusive)

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

- 13-1506 Burglary in the third degree; classification F4
- 13-1507 Burglary in the second degree; classification F3
- 13-1508 Burglary in the first degree; classification F3/F2

CRIMINAL DAMAGE TO PROPERTY

- 13-1602* Criminal damage; classification F4/F5/F6
- Damage of one hundred dollars or less and doesn't cause the impairment of the functioning of any utility M2
- 13-1604* Aggravated criminal damage; classification F4/F5/F6
- Damage of one hundred dollars or less M1

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

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

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

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

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

Criminal Classification Information

41-111. Offenses

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

(2) Offenses are classified as follows:

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

41-112. Felonies

(1) An offense is a felony if:

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

(2) Felonies are classified as follows:

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

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

41-113. Misdemeanors

(1) An offense is a misdemeanor if:

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

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

(2) Misdemeanors are classified as follows:

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

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

41-901. Sentence to imprisonment

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

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

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

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

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

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

INCHOATE OFFENSES

41-703. Criminal attempt - Grading

A criminal attempt is a:

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

41-705. Criminal solicitation

(2) Criminal solicitation is a:

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

41-714. Criminal conspiracy - Grading

Criminal conspiracy is a:

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

ARKANSAS CRIMINAL STATUTES

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

KEY

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

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

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

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

KIDNAPPING AND RELATED OFFENSES

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

SEXUAL OFFENSES (inclusive)

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

ARSON AND RELATED OFFENSES (inclusive)

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

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

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

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

GAMBLING

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

WATER AND WATERCOURSES

41-4057 Public levee - penalty
for injuring F

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

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

MISCELLANEOUS OFFENSES AFFECTING BUSINESS EXPLOITATION OF CHILDREN

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

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

41-4205 Transportation of minors
for prohibited sexual conduct FC

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

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

ILLEGAL FOOD COUPONS

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

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

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

MEDICAID FRAUD

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

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

INTERCEPTION OF COMMUNICATION

CONTROLLED SUBSTANCES (inclusive)

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

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

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

82-2618 Distribution - Criminal
penalties FD

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

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

82-2624.1 Breaking or entering
to steal controlled substances Unlawful

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

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

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

Criminal Classification Information

§15. Crime and public offense defined

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

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

§16. Crimes; kinds

Crimes and public offenses include:

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

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

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

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

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

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

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

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

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

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

§19. Punishment for misdemeanor; punishment not otherwise prescribed

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

§19a. Punishment for misdemeanor; maximum confinement

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

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

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

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

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

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

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

§664. Attempts; punishment

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

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

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

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

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

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

CALIFORNIA CRIMINAL STATUTES

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

KEY

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

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

Statute No. and Title Class/Time

TITLE 1. OF PERSONS LIABLE TO PUNISHMENT FOR CRIME

TITLE 2. OF PARTIES TO CRIME

TITLE 3. OFFENSES AGAINST THE SOVEREIGNTY OF THE STATE

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

38 Misprision of treason; definition; punishment Prison

TITLE 4. OF CRIMES AGAINST THE ELECTIVE FRANCHISE

Repealed

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

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

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

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

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

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

71* Threatening public officers and employees and school officials

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

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

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

76* Threatening certain state officials and judges

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

TITLE 6. OF CRIMES AGAINST THE LEGISLATIVE POWER

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

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

TITLE 7. OF CRIMES AGAINST PUBLIC JUSTICE

Chapter 1. Bribery and Corruption

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

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

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

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

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

100 Superintendent of state printing; collusion; penalty Prison

Chapter 2. Rescues

Chapter 3. Escapes and Aiding Therein

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

109 Public training school or reformatory; assisting; punishment Prison

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

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

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

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

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

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

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

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

<ul style="list-style-type: none"> ● Victim unable to give consent because of mental disability and both in institution for mentally disordered ● Unconscious victim 	Jail: 1 yr. maximum	311.10* Advertising for sale or distribution or obscene matter depicting a person jail:under age 18 engaging in or simulating sexual conduct; felony; punishment	Prison: 2, 3, 4 yrs. or 1 yr. maximum
<ul style="list-style-type: none"> ● Victim subjected to intoxicating substance, etc.or ● False belief of spouse status induced ● By threat to use authority of public or official to arrest, etc. ● Victim is less than 18 years old ● More than 21 years old and victim less than 16 years old ● Sodomizes another less than 14 years old and more than 10 years younger 	Prison: 3, 6, or 8 yrs. Prison: 3, 6, 8 yrs. Prison: 3, 6, or 8 yrs. Prison: 3, 6, 8 yrs. Jail: 1 yr. maximum F	Chapter 7.6 Harmful Matter	
Chapter 6. Violating Sepulture and the Remains of the Dead		313.1* Distribution or exhibition to, or admittance of, a minor; sale or offer to sell from vending machine near school	M
Repealed		● If previous violation of chapter	F
Chapter 7. Of Crimes Against Religion and Conscience, and Other Offenses Against Good Morals	Prison: 3, 6, or 8 yrs.	Chapter 8. Indecent Exposure, Obscene Exhibitions, and Bawdy and Other Disorderly Houses	
Chapter 7.5 Obscene Matter		314* Lewd or obscene conduct; indecent exposure; obscene exhibitions; punishment	M
311.2* Sending or bringing into state for sale or distribution; printing, exhibiting, distributing, exchanging or possessing within state; matter depicting sexual conduct by minor; transaction with minor; exemptions		● If enters inhabited dwelling or trailer	Jail: 1 yr. maximum or prison Prison
<ul style="list-style-type: none"> ● First offense, adult subjects ● Subject is less than 18 years old, for commercial consideration ● Subject is less than 17 years old, for commercial consideration ● Distribute, etc. to user under age 18 with subject under age 17 	M Prison: 2, 3, or 6 yrs. Jail: 1 yr. maximum F	● Expose self in public place, second offense, or after a previous conviction under 288	
311.3* Depiction by film, photograph, videotape, etc. sexual conduct by person under age 14; punishment; exemptions	Jail: 1 yr. maximum	Chapter 9. Lotteries	
● If previous conviction	Prison	Chapter 10. Gaming	
311.4* Employment or use of minor to perform prohibited acts; previous conviction; exception		332* Winning by fraudulent means, trick, or cheating	Jail: 1 yr. maximum or prison Jail: 6 mos. maximum
<ul style="list-style-type: none"> ● Hire or use minor for acts in 311.2 ● For commercial purposes uses person or under age 17 in film, performance etc. ● Not necessarily for commercial purposes uses person under age 17 in film, performance, etc. 	M Prison: 3, 6, 8 yrs. F	<ul style="list-style-type: none"> ● As grand theft ● As petty theft 	
311.7* Requiring receipt of obscene matter as condition to sale or delivery of papers, magazines, books, etc.; denying or threatening to deny franchise	M	334* Use, manufacture, or sale of hidden device to diminish chance, or any other fraudulent means of winning at concession; owning or operation of game of razzle-dazzle	Jail: 1 yr. maximum or prison Jail: 6 mos. maximum M M
● Two previous convictions of chapter	F	<ul style="list-style-type: none"> ● As grand theft ● As petty theft ● Manufacture, sell device ● Own or operate game of razzle-dazzle 	
311.9 Punishment	See above	337a* Bookmaking or pool selling; keeping or occupying place with paraphernalia for recording wages, etc; stake holding; recording wages; permitting unlawful use of room or enclosure; making or accepting wagers; prior convictions; punishment; application of section	Jail: 1 yr. maximum or prison
		b Sporting events; offering or attempting to bribe player; punishment	Prison
		c Sporting events; player accepting or attempting to accepting bribe; punishment	Prison
		d Sporting events; offer to attempt to bribe official; punishment	Prison
		e Sporting events; official receiving or attempting to receive bribe; punishment	Prison

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

TITLE 11.5. TERRORIST THREATS

422 Felony; elements of crime; punishment F - prison

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

Prison: 16 mos., 2 or 3 yrs.

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

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

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

M

425 Neglect to keep or pay over public funds F

Chapter 2. Burglary (inclusive)

459 Definition (Burglary)

460 Degrees; construction of section

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

461* Punishment

• Burglary I

Prison: 2, 4, or 6 yrs.

• Burglary II

Jail: 1 yr. maximum or prison

TITLE 13. OF CRIMES AGAINST PROPERTY

Chapter 1. Arson (inclusive)

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

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

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

• Inhabited structure/property

Prison: 5, 7, or 9 yrs.

• Felony custodial institution burglary

F

• Forest land

Prison: 3, 5, or 8 yrs.

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

Prison: 3, 5, or 7 yrs.

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

Prison: 2, 4, or 6 yrs.

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

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

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

M

• Inhabited structure/property

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

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

M

• Forest land

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

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

Jail: 1 yr. maximum

• Property

Prison: 16 mos., 2 or 3 yrs.

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

M

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

Jail: 1 yr. maximum or prison

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

M

• Possess, manufacture, or dispose of a firebomb

F

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

M

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

Prison: 3, 5, or 7 yrs.

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

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

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

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

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

Chapter 3. Immigration Matters

TITLE 16. GENERAL PROVISIONS

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

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

TITLE 5. OFFENSES RELATING TO PRISONS AND PRISONERS

Chapter 1. Offenses by Prisoners (inclusive)

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

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

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

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

Chapter 2. Escapes and Rescues

Article 1. Escapes

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

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

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

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

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

4550 Punishment See above

Chapter 3. Unauthorized Communications with Prisons and Prisoners

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

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

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

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

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

Chapter 4. Demolishing Prisons and Jails

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

[NOTE: Violations interrupted here]

Title 1. Investigation and Control of Crimes and Criminals

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

Chapter 2. Control of Crimes and Criminals

Chapter 3. Prevention and Abatement of Unlawful Activities

Article 1. Unlawful Liquor Sale Abatement Law

Article 2. Red Light Abatement Law

Article 3. Control of Gambling Ships

Article 4. Criminal Syndicalism

11401 Offense; punishment F - prison

Article 4.5 Terrorizing

11412 Threats obstructing exercise of religion F

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

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

TITLE 2. CONTROL OF DEADLY WEAPONS

Chapter 1. Concealed Weapons

Article 1. General Provisions

Article 2. Unlawful Carrying and Possession of Concealed Weapons

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

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

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

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

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

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

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

11681 Distribution of imitation controlled substance to person under 18

● Subsequent convictions

Jail: 6 mos.
maximum

Jail: 1 yr.
maximum and
fine

DIVISION 11. EXPLOSIVES

Part 1. High Explosives

Chapter 1. Definition and Scope

Chapter 2. Enforcement

Chapter 3. General

Chapter 4. Permits

Chapter 5. Sale or Other Disposition

Chapter 6. Storage

Chapter 7. Illegal Use or Possession

13205 Unlawful possession;
felony

F - jail:
1 yr.
maximum or
prison

Chapter 8. Confiscation

Chapter 9. Penalties

12401 Felonies

See above

Part 2. Fireworks and Pyrotechnic Devices

Chapter 1. General Provisions and Definitions

Chapter 2. Exceptions

Chapter 3. Administration

Chapter 4. Classification of Fireworks and Pyrotechnic Devices

Chapter 5. Licenses

Chapter 6. Permits

Chapter 7. Violations

Chapter 8. Penalties

Chapter 9. Remedies

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

Criminal Classification Information

16-11-309. Mandatory sentences for violent crimes

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

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

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

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

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

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

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

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

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

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

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

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

16-13-101. Punishment for habitual criminals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18-1-106. Misdemeanors classified — penalties
Misdemeanors are divided into three classes which are distinguished from one another by the following penalties which are authorized upon conviction:

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

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

18-1-107. Petty offenses classified—penalties
A violation of a statute of this state is a "petty offense" if specifically classified as a class 1 or class 2 petty offense. The penalty for commission of a class 1 petty offense, upon conviction, is a fine of not more than five hundred dollars, or imprisonment for not more than six months other than in the correctional facilities at Canon City, or both. The penalty for commission of a class 2 petty offense is a fine specified in the section defining the offense. The penalty assessment procedure of section 16-2-201, C.R.S., is available for the payment of fines in class 2 petty offense cases.

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

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

18-2-101. Criminal attempt

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

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

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

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

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

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

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

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

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

18-2-201. Conspiracy

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

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

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

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

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

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

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

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

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

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

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

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

18-2-301. Criminal solicitation

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

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

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

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

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

COLORADO CRIMINAL STATUTES

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

KEY

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

Statute No. and Title Class/Time

ARTICLE 22. DRUGS AND DRUGGISTS (inclusive)

Part 1. General Provisions

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

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

12-22-315 Fraud and deceit F5/F4

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

12-22-320 Records confidential M

Part 4. Dangerous Drugs

Repealed

Part 5. Control of Drug Paraphernalia

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

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

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

ARTICLE 3. OFFENSES AGAINST THE PERSON

Part 1. Homicide and Related Offenses (inclusive)

18-3-102 Murder in the first degree F1

18-3-103 Murder in the second degree F2

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

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

Part 5. Trespass, Tampering, and Criminal Mischief

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

18-4-502 First degree criminal trespass F5

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

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

Part 6. Theft of Sound Recordings (inclusive)

18-4-602 Unlawful transfer for sale F5

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

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

Part 7. Theft of Cable Television Service (inclusive)

18-4-701 Theft of cable television service M2

ARTICLE 5. OFFENSES INVOLVING FRAUD

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

18-5-102 First degree forgery F4

18-5-103 Second degree forgery F4

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

18-5-109 Criminal possession of forgery devices F5

18-5-113 Criminal impersonation F5

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

18-5-115 Charitable fraud F5

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

Part 2. Fraud in Obtaining Property or Services

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

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

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

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

Part 3. Fraudulent and Deceptive Sales and Business Practices

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

Part 4. Bribery and Rigging of Contests

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

18-5-403 Bribery in sports F5

Part 5. Offenses Relating to the Uniform Commercial Code

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

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

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

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

Part 5. Sexually Explicit Materials
Harmful to Children

ARTICLE 8. OFFENSES--GOVERNMENTAL
OPERATIONS

Part 1. Obstruction of Public Justice

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

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

18-8-116 Disarming a peace officer F5

Part 2. Escape and Offenses Relating to Custody

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

18-8-201.1 Aiding escape from mental institution F5

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

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

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

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

18-8-207 Holding hostages F2

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

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

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

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

Part 3. Bribery and Corrupt Influences

18-8-302 Bribery F3

18-8-303 Compensation for past official behavior F5

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

18-8-307 Designation of supplier prohibited F5

Part 4. Abuse of Public Office

18-8-402 Misuse of official information F5

18-8-406 Issuing a false certificate F5

18-8-407 Embezzlement of public property F4

Part 5. Perjury and Related Offenses

18-8-502 Perjury in the first degree F4

Part 6. Offenses Relating to Judicial and Other Proceedings

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

18-8-606 Bribing a juror F4

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

18-8-608 Intimidating a juror F4

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

18-8-610 Tampering with physical evidence F5

Part 7. Victims and Witnesses Protection

18-8-703 Bribing a witness or victim F4

18-8-704 Intimidating a witness or victim F4

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

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

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

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

Part 1. Public Peace and Order

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

18-9-103 Arming rioters F4

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

18-9-115 Endangering public F3
transportation

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

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

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

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

Part 2. Cruelty to Animals

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

Part 3. Offenses Involving Communications

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

18-9-303 Wiretapping prohibited-- F5
penalty

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

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

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

ARTICLE 10. GAMBLING

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

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

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

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

ARTICLE 11. OFFENSES INVOLVING DISLOYALTY

Part 1. Treason and Related Offenses

18-11-101 Treason F1

18-11-102 Insurrection F4

Part 2. Anarchy--Sedition

18-11-201 Advocating overthrow F4
of government

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

ARTICLE 12. OFFENSES RELATING TO FIREARMS
AND WEAPONS

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

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

18-12-104 Defacing a firearm F5

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

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

18-12-107 Penalty for second F5
offense

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

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

ARTICLE 13. MISCELLANEOUS OFFENSES

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

18-13-105 Criminal libel F5

18-13-112 Hazardous waste F4
violations

ARTICLE 14. HOTEL FACILITY RATES:
POSTING--NOTICE

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

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

18-15-104 Engaging in criminal F5
usury

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

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

Criminal Classification Information

§53a-24. Offense defined.

Application of sentencing provisions to motor vehicle and drug selling violators

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INCHOATE OFFENSES

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

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

CONNECTICUT CRIMINAL STATUTES

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

KEY

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

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

Statute No. and Title Class/Time

Crimes

OFFENSES AGAINST THE PERSON

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

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

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

53-30 Abortion or miscarriage 2 yrs.

53-31a Abortion or miscarriage FD

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

OFFENSES AGAINST PRIVATE PROPERTY

53-80a Manufacture of bombs FB

OFFENSES AGAINST PUBLIC JUSTICE

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

OFFENSES AGAINST PUBLIC PEACE AND SAFETY

53-201 Witnessing or aiding prize fights 2 yrs.

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

• failure of manufacturer to keep a register Fine

53-206b Unlawful training in use of firearms FC

CONCEALMENT OF DELIVERY OF CHILD

CRUELTY TO ANIMALS

OFFENSES AGAINST PUBLIC POLICY

53-278d* Transmission of gambling information MA

• use fictitious name for service FD

e* Gambling premises as nuisance MA

• if electrical/alarm system FD

53-289* Ticket scalping MC/MA

• third offense FD

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

53-334 Unlawful disinterment 5 yrs.

FORGERY AND COUNTERFEITING

FRAUDS AND FALSE PRETENSES

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

EXTORTIONATE CREDIT TRANSACTIONS

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

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

ACADEMIC CRIMES

CORRUPT ORGANIZATIONS AND RACKETEERING ACTIVITY ACT

53-394 Definitions

53-395 Prohibited activities See below

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

COMMUNICATIONS CONSUMER PRIVACY ACT

Penal Code

HOMICIDE (inclusive)

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

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

53a-55 Manslaughter in the first degree FB

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

53a-56 Manslaughter in the second degree FC

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

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

53a-57 Misconduct with a motor vehicle FD

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

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

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

DELAWARE

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

Criminal Classification Information

§233. Definition and classification of offenses

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

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

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

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

§4201. Classification of felonies

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

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

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

§4202. Classification of misdemeanors

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

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

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

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

§4203. Violations

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

§4204. Authorized disposition of convicted offenders

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

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

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

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

§4205. Sentence for felonies

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

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

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

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

§4206. Sentence for misdemeanors

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

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

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

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

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

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

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

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

§4214. Habitual criminal; life sentence

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

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

Such felonies shall be:

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

Title 16, Section

4751	Manufacture, delivery or possession with intent to manufacture or deliver a narcotic drug
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4752	Manufacture, delivery or possession with intent to manufacture or deliver nonnarcotic, controlled substance
4752A	Unlawful delivery or attempt to deliver noncontrolled substance
4753A	Trafficking in marijuana, cocaine, illegal drugs or methamphetamine.

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

Such felonies include:

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

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

INOCHATE OFFENSES

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

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

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

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

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

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

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

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

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

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

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

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

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

Conspiracy in the third degree is a class A misdemeanor.

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

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

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

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

Conspiracy in the second degree is a class E felony.

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

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

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

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

Conspiracy in the first degree is a class D felony.

§531. Attempt to commit a crime

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

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

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

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

DELAWARE CRIMINAL STATUTES

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

KEY

F = Felony

M = Misdemeanor

A,B,C,

D,E = Crime subclass

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

> , < = More than, less than

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

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

Statute No. and Title Class/Time

INCHOATE CRIMES

11:502 Criminal solicitation in the second degree FE

11:503 Criminal solicitation in the first degree FD

11:512 Conspiracy in the second degree FE

11:513 Conspiracy in the first degree FD

ASSAULTS AND RELATED OFFENSES (inclusive)

11:601 Offensive touching MB

11:602 Menacing MB

11:603 Reckless endangering in the second degree MA

11:604 Reckless endangering in the first degree FD

11:611 Assault in the third degree MA

11:612 Assault in the second degree FC

11:613 Assault in the first degree FB

11:621 Terroristic threatening MA

11:625 Unlawfully administering drugs MA

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

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

11:628 Vehicular assault in the second degree MB

11:629 Vehicular assault in the first degree MA

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

FORGERY AND RELATED OFFENSES

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

OFFENSES INVOLVING FALSIFICATION OF RECORDS

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

BRIBERY NOT INVOLVING PUBLIC SERVANTS

FRAUDS ON CREDITORS

OTHER FRAUDS AND CHEATS

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

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

COMPUTER RELATED OFFENSES

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

OFFENSES RELATING TO MARRIAGE

11:1001 Bigamy FE

OFFENSES RELATING TO CHILDREN AND INCOMPETENTS

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

BRIBERY AND IMPROPER INFLUENCE

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

ABUSE OF OFFICE

PERJURY AND RELATED OFFENSES

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

OFFENSES INVOLVING OBSTRUCTION OF GOVERNMENTAL OPERATIONS

ESCAPE AND OTHER OFFENSES RELATING TO CUSTODY

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

OFFENSES RELATING TO JUDICIAL AND SIMILAR PROCEEDINGS

11:1261 Bribing a witness FD
 11:1262 Bribe receiving by a witness FD
 11:1263 Tampering with a witness FD
 11:1263A Interfering with a child witness FE/FD
 11:1264 Bribing a juror FD
 11:1265 Bribe receiving by a juror FD
 11:1269 Tampering with physical evidence FE

RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES

11:1302 Riot FD
 11:1338 Bombs, incendiary devices, Molotov cocktails and explosive devices FC

11:1339 Adulteration	FE/FC/FA	16:4756 Prohibited acts I; penalties (distribute schedule I or II)	10 yrs.
OFFENSES INVOLVING PUBLIC INDECENCY			
11:1351 Promoting prostitution in the third degree	FE	16:4757 Hypodermic syringe or needle; delivering or possessing; disposal; exceptions, penalties ● possess ● deliver	1 yr. 10 yrs.
11:1352 Promoting prostitution in the second degree	FD		
11:1353 Promoting prostitution in the first degree	FB	16:4758 Keeping drugs in original containers	10 yrs.
OBSCENITY			
11:1361 Obscenity; acts consti- tuting	FE/FD	16:4761 Distribution to minors; penalties ● Schedule I or II - narcotic ● Schedule I, II, III, IV, V-non- narcotic	F: 30 yrs. F: 15 yrs.
OFFENSES INVOLVING GAMBLING			
OFFENSES INVOLVING DEADLY WEAPONS AND DANGEROUS INSTRUMENTS			
11:1442 Carrying a concealed deadly weapon	FE	16:4771 Possession	Crime: 2 yrs.
11:1444 Possessing a destructive weapon	FD	16:4772 Manufacture or delivery	Crime: 1-5 yrs.
11:1447 Possession of a deadly weapon during commission of a felony	FB	16:4773 Delivery to a minor	Special offense: 1-10 yrs.
11:1448 Purchase and possession of deadly weapons by certain persons prohibited	FE	16:4774 Advertisement	Crime: 1 yr.
11:1449 Wearing body armor during commission of felony	FB		
11:1450 Receiving a stolen firearm	FE		
11:1451 Theft of a firearm	FE		
CONTROLLED SUBSTANCES ACT: OFFENSES AND PENALTIES (inclusive)			
16:4751 Prohibited acts A; penalties (possess with intent to manufacture or deliver narcotics) ● where death occurs			F: 15 yrs. F: life
16:4752 Prohibited acts B; penalties (Schedule I, II, III, IV, V-not narcotic) A Unlawful delivery of non-controlled substance			F: 10 yrs. F: See §4751
16:4753 Prohibited acts C; penalties (possess, use or consume) A Trafficking in mari- juana, cocaine, illegal drugs or methamphetamine			F: 5 yrs. FB
16:4754 Prohibited acts D; penalties (possess, use, consume Schedules I-V - not narcotic)			2 yrs.
16:4755 Prohibited acts E; penalties (distribute or dispense)			10 yrs.

DISTRICT OF COLUMBIA

§ 22-107. Punishment for offenses not covered by provisions of Code

Whoever shall be convicted of any criminal offense not covered by the provisions of any section of this Code, or of any general law of the United States not locally inapplicable in the District of Columbia, shall be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 5 years, or both.

D.C. CODE Ann. § X (1981 & Supp. 1986)

Criminal Classification Information

[U.S. CODE Ann. tit. 18 (1986)]

§18-1. Offenses classified

- (1) Any offense punishable by death or imprisonment for a term exceeding one year is a felony.
- (2) Any other offense is a misdemeanor.]

§ 22-103. Attempts to commit crime

Whoever shall attempt to commit any crime, which attempt is not otherwise made punishable by this title, shall be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 1 year, or both.

§ 22-105a. Conspiracy to commit crime

(a) If 2 or more persons conspire either to commit a criminal offense or to defraud the District of Columbia or any court or agency thereof in any manner or for any purpose, each shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both, except that if the object of the conspiracy is a criminal offense punishable by less than 5 years, the maximum penalty for the conspiracy shall not exceed the maximum penalty provided for that offense.

(b) No person may be convicted of conspiracy unless an overt act is alleged and proved to have been committed by 1 of the conspirators pursuant to the conspiracy and to effect its purpose.

(c) When the object of a conspiracy contrived within the District of Columbia is to engage in conduct in a jurisdiction outside the District of Columbia which would constitute a criminal offense under an act of Congress applicable exclusively to the District of Columbia if performed therein, the conspiracy is a violation of this section if:

(1) Such conduct would also constitute a crime under the laws of the other jurisdiction if performed therein or;

(2) Such conduct would constitute a criminal offense under an act of Congress exclusively applicable to the District of Columbia even if performed outside the District of Columbia.

(d) A conspiracy contrived in another jurisdiction to engage in conduct within the District of Columbia which would constitute a criminal offense under an act of Congress exclusively applicable to the District of Columbia if performed within the District of Columbia is a violation of this section when an overt act pursuant to the conspiracy is committed within the District of Columbia. Under such circumstances, it is immaterial and no defense to a prosecution for conspiracy that the conduct which is the object of the conspiracy would not constitute a crime under the laws of the other jurisdiction.

§ 22-106. Accessories after the fact

Whoever shall be convicted of being an accessory after the fact to any crime punishable by death shall be punished by imprisonment for not more than 20 years. Whoever shall be convicted of being accessory after the fact to any crime punishable by imprisonment shall be punished by a fine or imprisonment, or both, as the case may be, not more than one-half the maximum fine or imprisonment, or both, to which the principal offender may be subjected.

DISTRICT OF COLUMBIA CRIMINAL STATUTES

D.C. CODE Ann. § X (1981 & Supp. 1986)

KEY:

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

> , < = more than, less than

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

NOTE: Unless otherwise provided, imprisonment for one year or less is to be interpreted as a misdemeanor; any penalty in excess of one year constitutes a felony. This information has been provided by the U.S. Attorney, District of Columbia. Maximums are recorded, unless a sentence range or minimum (MIN.) is specified.

Statute No. and Title Class/Time

CHAPTER 2. ABORTION

22-201 Definition and penalty Prison: 1-10 yrs./or punishable as murder II if death of mother results

CHAPTER 3. ADULTERY

CHAPTER 4. ARSON (inclusive)

22-401 Definition and penalty Prison: 1-10 yrs.

22-402 Burning one's own property with intent to defraud or injure another Prison: < 15 yrs.

22-403* Malicious burning, destruction, or injury of another's property
 • if less than \$200 Prison: < 1 yr.
 • if \$200 or more Prison: < 10 yrs.

22-404 Malicious burning of fences, woods, crops Prison: < 30 days

CHAPTER 5. ASSAULT; MAYHEM; THREAT OF BODILY HARM (inclusive)

22-501 Assault with intent to kill, rob, rape, or poison Prison: 2-15 yrs.

22-502 Assault with intent to commit mayhem or with dangerous weapon Prison: < 10 yrs.

22-503 Assault with intent to commit any other offense Prison: < 5 yrs.

22-504 Assault or threatened assault in a menacing manner Prison: < 1 yr.

22-505 Assault on member of police force or fire department
 • deadly weapon used Prison: < 5 yrs.
Prison: < 10 yrs.

22-506 Mayhem or maliciously disfiguring Prison: < 10 yrs.

22-507 Threats to do bodily harm Prison: < 6 mos.

22-508 Penalty for assaulting, beating, or fighting on account of money won by gaming Prison: for 2 yrs.

CHAPTER 6. BIGAMY

22-601 Definition and penalty Prison: 2-7 yrs.

CHAPTER 7. BRIBERY; OBSTRUCTING JUSTICE

22-704 Corrupt influence; officials Prison: 6 mos.-5 yrs.

22-712 Prohibited acts; penalty (bribery) Prison: < 10 yrs.

22-713 Bribery of witness; penalty Prison: < 5 yrs.

22-722 Prohibited acts; penalty (obstruction of justice) Prison: < 3 yrs.

22-723 Tampering with physical evidence; penalty Prison: < 3 yrs.

CHAPTER 8. CRUELTY TO ANIMALS

CHAPTER 9. CRUELTY TO CHILDREN

22-901 Definition and penalty Prison: ≤ 2

CHAPTER 10. FORNICATION

CHAPTER 11. DISTURBANCES OF THE PUBLIC PEACE

22-1102 Duelling challenges Prison: < 10 yrs.

22-1103 Assault for refusal to accept challenge Prison: < 3 yrs.

22-1104 Leaving District to give or receive challenge Prison: < 10 yrs.

22-1122* Rioting or inciting to riot
 • if other suffers serious bodily harm or property damage in excess of \$5,000 results Prison: < 1 yr.
Prison: < 10 yrs.

CHAPTER 12. EMBEZZLEMENT

[Repealed]

CHAPTER 13. FALSE PRETENSES; FALSE PERSONATION

22-1302 Recordation of deed, contract, or conveyance with intent to extort money Prison: < 2 yrs.

22-1303 False personation before court, officers, notaries Prison: 1-5 yrs.

22-1304 Falsely impersonating public officer or minister Prison: 1-3 yrs.

22-1306 False personation of police officer Prison: < 2 yrs.

CHAPTER 14. FORGERY; FRAUDS

22-1410* Making, drawing, or uttering check, draft, or order with intent to defraud; proof of intent; "credit" defined
● if value ≥ \$100
● if value < \$100

Prison:
1-3 yrs.
Prison: 1 yr.

CHAPTER 15. GAMBLING

22-1501 Lotteries; promotion; sale or possession of tickets

Prison:
< 3 yrs.

22-1504 Gaming; setting up gaming tables; inducing play

Prison:
< 5 yrs.

22-1505* Gambling premises; definition; prohibition against manufacturing; forfeiture; liens; deposit of moneys in the Treasury; penalty; subsequent offenses
● if violator has previous conviction under section

Prison:
< 1 yr.

22-1506 Three card monte and confidence games

Prison:
< 5 yrs.

22-1509 Bucketing, and bucket-shopping and bucket-shops; definitions

22-1510* Penalty for bucketing or keeping bucket shop
● if convicted of second such offense

Prison:
< 1 yr.
Prison:
< 5 yrs.

22-1511* Penalty for communicating, receiving, exhibiting, or displaying, quotations of prices
● if convicted of second such offense

Prison:
< 1 yr.

22-1513* Corrupt influence in connection with athletic contests
● if one pays or gives to affect outcome
● if one accepts, solicits or agrees to accept

Prison:
1-5 yrs.
Prison:
< 1 yr.

CHAPTER 16. GAME AND FISH LAWS

CHAPTER 17. HARBOR REGULATIONS

CHAPTER 18. BURGLARY (inclusive)

22-1801 Definition and penalty
● burglary I
● burglary II

Prison:
5-30 yrs.
Prison:
2-15 yrs.

CHAPTER 19. INCEST

22-1901 Definition and penalty

Prison:
< 12 yrs.

CHAPTER 20. OBSCENITY

22-2001* Certain obscene activities and conduct declared unlawful; definitions; penalties; affirmative defenses; exception
● if second or subsequent offense

Prison:
< 1 yr.
Prison:
6 mos.-
3 yrs.

22-2012 Prohibited acts
● use of minor in sexual performance or parent guardian consent to such
● if second or subsequent offense

Prison:
< 10 yrs.
Prison:
< 20 yrs.

22-2013 Penalties

See above

CHAPTER 21. KIDNAPPING

22-2101 Definition and penalty; conspiracy

Prison for life or court's discretion

CHAPTER 22. LARCENY; RECEIVING STOLEN GOODS

[Repealed]

CHAPTER 23. LIBEL; BLACKMAIL; EXTORTION; THREATS

22-2307 Threatening to kidnap or injure a person or damage his property

Prison:
< 20 yrs.

CHAPTER 24. MURDER; MANSLAUGHTER (inclusive)

22-2401 Murder in the first degree--Purposeful killing; killing while perpetrating certain crimes.

Prison for life

22-2402 Same--Placing obstructions upon or displacement of railroad

Prison for life

22-2403 Murder in the second degree

Prison:
20 yrs.
MIN.

22-2404 Penalty for murder in the first and second degrees

● Murder I
● Murder II

Prison for life
Prison: 20 yrs.-life

22-2405 Penalty for manslaughter

Prison:
< 15 yrs.

CHAPTER 25. PERJURY; RELATED OFFENSES

22-2511 Perjury

Prison:
< 10 yrs.

22-2512 Subornation of perjury

Prison:
< 10 yrs.

22-2513 False swearing

Prison:
< 3 yrs.

CHAPTER 26. PRISON BREACH; MISPRISONS

22-2601 Prison breach

Prison:
< 5 yrs.

22-2603 Introducing contraband into penal institution

Prison:
< 10 yrs.

CHAPTER 27. PROSTITUTION; PANDERING

22-2704 Abducting or enticing child from her home for purposes of prostitution; harboring such child.
● harboring
Prison:
2-20 yrs.

22-2705 Pandering; inducing or compelling female to engage in prostitution
Prison:
< 5 yrs.

22-2706 Compelling female to live life of prostitution against her will
Prison:
< 5 yrs.

22-2707 Procuring; receiving money or other valuable thing for arranging assignation
Prison:
< 5 yrs.

22-2708 Causing wife to live in prostitution
Prison:
1-10 yrs.

22-2709 Detaining female in disorderly house for debt there contracted
Prison:
1-5 yrs.

22-2710 Procuring for house of prostitution
Prison:
< 5 yrs.

22-2711 Procuring for third persons
Prison:
< 5 yrs.

22-2712 Operating house of prostitution
Prison:
< 5 yrs.

CHAPTER 28. RAPE (inclusive)

22-280 Definition and penalty
Prison: any term of yrs. or life

CHAPTER 29. ROBBERY (inclusive)

22-2901 Robbery
Prison:
2-15 yrs.

22-2902 Attempt to commit robbery
Prison:
< 3 yrs.

CHAPTER 30. SEDUCTION

22-3002 Seduction by teacher
Prison:
1-10 yrs.

CHAPTER 31. TRESPASS; INJURIES TO PROPERTY

22-3103 Grave robbery; buying or selling dead bodies
Prison:
1-3 yrs.

22-3104 Depredation of fixtures in houses
Prison:
< 2 yrs.

22-3105 Placing explosives with intent to destroy or injure property
Prison:
2-10 yrs.

22-3107 Destroying or defacing public records
Prison:
< 2 yrs.

22-3108* Cutting down or destroying things growing on or attached to the land of another
● if value \geq \$50
● if value < \$50
Prison:
1-3 yrs.
Prison: less than 1 yr.

22-3118 Malicious pollution of water
Prison:
1-3 yrs.

22-3119 Placing obstructions on or displacement of railway tracks.
Prison:
< 10 yrs.

CHAPTER 32. WEAPONS

22-3202 Additional penalty for committing crime when armed
● second offense
Prison:
5 yrs.-life
Not less than 5 yrs. nor more than 3 times MIN

22-3203* Unlawful possession of pistol
● if second offense
Prison:
< 1 yr.
Prison:
< 10 yrs.

22-3204* Carrying concealed weapons
● if second offense
Prison:
< 1 yr.
Prison:
< 10 yrs.

22-3214* Possession of certain dangerous weapons prohibited; exceptions
● if second offense
Prison:
< 1 yr.
Prison:
< 10 yrs.

22-3215A Manufacture, transfer, use, possession, or transportation molotov cocktails, or other explosives for unlawful purposes; prohibited; definitions; penalties
Prison: 1-5 yrs.

● second offense
● third offense
Prison: 3-15 yrs.
Prison: 5 yrs.- life

CHAPTER 33. VAGRANCY

CHAPTER 34. MISCELLANEOUS PROVISIONS

22-3427 Breaking and entering vending machines and similar devices
Prison:
< 3 yrs.

CHAPTER 35. SEXUAL PSYCHOPATHS (inclusive)

22-3501 Indecent acts with children
Prison:
< 10 yrs./
< 5 yrs.

22-3502 Sodomy
● if victim under 16
Prison:
10 yrs.
Prison:
20 yrs.

CHAPTER 36. IMPLEMENTS OF CRIME

22-3601* Possession of implements of crime; penalty
● if prior conviction under this section or for felony
Prison:
< 1 yr.
Prison:
1-5 yrs.

CHAPTER 37. WAREHOUSE RECEIPTS

[Repealed]

CHAPTER 38. THEFT; FRAUD (inclusive)

22-3811* Theft See below

22-3812* Penalties for theft

- Theft I (value \geq \$250) Prison: < 10 yrs.
- Theft II (value < \$250) Prison: < 1 yr.

22-3813 Shoplifting Prison: < 90 days

22-3814 Commercial piracy Prison: < 1 yr.

22-3815 Unauthorized use of motor vehicles
● from renter Prison: < 5 yrs.
Prison: < 3 yrs.

22-3816 Taking property without right Prison: < 90 days

22-3821 Fraud See below

22-3822* Penalties for fraud

- Fraud I (value \geq \$250) Prison: < 10 yrs.
- if value < \$250 Prison: < 1 yr.
- Fraud II (value \geq \$250) Prison: < 3 yrs.
- if value < \$250 Prison: < 1 yr.

22-3823* Credit card fraud

- if value \geq \$250 Prison: < 10 yrs.
- if value < \$250 Prison: < 1 yr.

22-3824 Fraudulent registration Prison: < 90 days

22-3831 Trafficking in stolen property Prison: < 10 yrs.

22-3832* Receiving stolen property

- if value \geq \$250 Prison: < 7 yrs.
- if value < \$250 Prison: < 1 yr.

22-3841 Forgery See below

22-3842 Penalties for forgery Prison: not more than 10 yrs./5 yrs.-3 yrs.

22-3851 Extortion Prison: < 10 yrs.

22-3852 Blackmail Prison: < 5 yrs.

CHAPTER 39. CRIMES COMMITTED AGAINST SENIOR CITIZENS

22-3901 Enhanced penalty Prison sentence enhanced up to 1 1/2 times maximum term

CHAPTER 5. CONTROLLED SUBSTANCES (inclusive)

33-541* Prohibited acts A; penalties (a)(1) Knowingly/intentionally manufacture, distribute, or possess with intent to manufacture or distribute a controlled substance See below

(a)(2)(A) Schedule I or II narcotic drug, phencyclidine (or precursor) Prison: < 15 yrs./< 25 yrs.

(a)(2)(B) Any other Schedule I, II, or III controlled substance Prison: < 5 yrs.

(a)(2)(C) Schedule IV Prison: < 3 yrs.

(a)(2)(D) Schedule V Prison: < 1 yr.

(b)(1) Create, distribute, or possess with intent to distribute a counterfeit substance Prison: < 15 yrs.

(b)(2)(A) Schedule I or II narcotic drug, phencyclidine (or precursor) Prison: < 5 yrs.

(b)(2)(B) Any other Schedule I, II or III counterfeit substance Prison: < 3 yrs.

(b)(2)(C) Schedule IV Prison: < 3 yrs.

(b)(2)(D) Schedule V Prison: < 1 yr.

(c) Mandatory minimum information (d) Unlawful to knowingly/intentionally possess controlled substance not obtained via prescription Prison: < 1 yr.

33-542 Prohibited acts B; penalties Civil penalty-prison < 1 yr.

- violate prescription law [33-538]
- manufacture of controlled substance not authorized by registration
- failure to keep or furnish records
- refuse entry into premises for inspection
- knowingly maintain building, etc. as environ for sale or use of controlled substance
- law enforcement official divulge information relating to registrants
- official uses to own advantage information gained from investigation

33-543 Prohibited acts C; penalties Prison: < 4 yrs.

- distribute as a registrant a controlled substance classified in Schedule I or II, except pursuant to an order form as required by § 33-537
- use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person

- acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge
- furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter or any record required to be kept by this chapter
- make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name or other identifying mark, imprint, or device, etc. upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

33-546 Distribution to minors	Prison: 50 yrs./ 10 yrs./ 6 yrs./ 2 yrs.
33-547 Enlistment of minors to distribute	Additional punishment of prison for up to 10 yrs.
● second offense	Prison: < 10 yrs.
33-548 Second or subsequent offenses	Up to twice the term otherwise authorized
33-550 Possession of drug paraphernalia	Prison: < 1 yr.

CHAPTER 6. DRUG PARAPHERNALIA (inclusive)

33-603* Prohibited acts	
(a) Use or possess with intent to use paraphernalia to process manufacture, test, ingest, etc. a controlled substance	Prison: < 30 days
(b) Sell or possess with intent to sell paraphernalia	Prison: 6 mos.
● previous conviction	Prison: < 2 yrs.
(c) If adult delivers paraphernalia to minor	Prison: < 8 yrs.

FLORIDA

FLA. STAT. ANN. §x (West 1976 & Supp. 1986).

Criminal Classification Information

775.08. Classes and definitions of offenses

When used in the laws of this state:

(1) The term "felony" shall mean any criminal offense that is punishable under laws of this state, or that would be punishable if committed in this state, by death or imprisonment in a state penitentiary. "State penitentiary" shall include state correctional facilities. A person shall be imprisoned in the state penitentiary for each sentence which, except an extended term, exceeds 1 year.

(2) The term "misdemeanor" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. The term "misdemeanor" shall not mean a conviction for any violation of any provision of chapter 316 or any municipal or county ordinance.

(3) The term "noncriminal violation" shall mean any offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by no other penalty than a fine, forfeiture, or other civil penalty. A noncriminal violation does not constitute a crime, and conviction for a noncriminal violation shall not give rise to any legal disability based on a criminal offense. The term "noncriminal violation" shall not mean any conviction for any violation of any municipal or county ordinance. Nothing contained in this code shall repeal or change the penalty for a violation of any municipal or county ordinance.

(4) The term "crime" shall mean a felony or misdemeanor.

Felonies:	Maximum		
	Imprisonment § 775.082	Fine § 775.083	Subsequent felonies § 775.084
a. Capital	Life-Death		
b. First degree	30 years	\$10,000	Life
c. Second degree	15 years	10,000	30 years
d. Third degree	5 years	5,000	10 years
Misdemeanors:			
a. First Degree	1 year	1,000	
b. Second Degree	60 Days	500	

775.081. Classifications of felonies and misdemeanors

(1) Felonies are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:

- (a) Capital felony;
- (b) Life felony;
- (c) Felony of the first degree;
- (d) Felony of the second degree; and
- (e) Felony of the third degree.

A capital felony and a life felony must be so designated by statute. Other felonies are of the particular degree designated by statute. Any crime declared by statute to be a felony without specification of degree is of the third degree, except that this provision shall not affect felonies punishable by life imprisonment for the first offense.

(2) Misdemeanors are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:

- (a) Misdemeanor of the first degree; and
- (b) Misdemeanor of the second degree.

A misdemeanor is of the particular degree designated by statute. Any crime declared by statute to be a misdemeanor without specification of degree is of the second degree.

775.082. Penalties

(1) A person who has been convicted of a capital felony shall be punished by life imprisonment and shall be required to serve no less than 25 years before becoming eligible for parole unless the proceeding held to determine sentence according to the procedure set forth in §921.141 results in findings by the court that such person shall be punished by death, and in the latter event such person shall be punished by death.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1).

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a) For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30 and, for a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years;

(b) For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

(c) For a felony of the second degree, by a term of imprisonment not exceeding 15 years;

(d) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

(5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

Sentence enhancements

775.0845. Wearing mask while committing offense; enhanced penalties

The penalty for any criminal offense, other than a violation of §§876.12-876.15, shall be increased as provided in this section if, while committing the offense, the offender was wearing a hood, mask, or other device that concealed his identity.

(1) A misdemeanor of the second degree shall be punishable as if it were a misdemeanor of the first degree.

- (2) A misdemeanor of the first degree shall be punishable as if it were a felony of the third degree.
- (3) A felony of the third degree shall be punishable as if it were a felony of the second degree.
- (4) A felony of the second degree shall be punishable as if it were a felony of the first degree.

775.0846. Wearing bulletproof vest while committing certain offenses

(2) A person is guilty of the unlawful wearing of a bulletproof vest when, acting alone or with one or more other persons and while possessing a firearm, he commits or attempts to commit any murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy and, in the course of and in furtherance of any such crime, he wears a bulletproof vest.

(3) Any person who is convicted of a violation of this section is guilty of a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

775.087. Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence

(1) Unless otherwise provided by law, whenever a person is charged with a felony, except a felony in which the use of a weapon or firearm is an essential element, and during the commission of such felony the defendant carries, displays, uses, threatens, or attempts to use any weapon or firearm, or during the commission of such felony the defendant commits an aggravated battery, the felony for which the person is charged shall be reclassified as follows:

- (a) In the case of a felony of the first degree, to a life felony.
- (b) In the case of a felony of the second degree, to a felony of the first degree.
- (c) In the case of a felony of the third degree, to a felony of the second degree.

(2) Any person who is convicted of:

- (a) Any murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy, or any attempt to commit the aforementioned crimes; or
- (b) Any battery upon a law enforcement officer or firefighter while the officer or firefighter is engaged in the lawful performance of his duties and who had in his possession a "firearm," as defined in §790.001(6), or "destructive device," as defined in §790.001(4), shall be sentenced to a minimum term of imprisonment of 3 calendar years. Notwithstanding the provisions of §948.01, adjudication or guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall the defendant be eligible for parole or statutory gain-time under §944.275, prior to serving such minimum sentence.

INCHOATE OFFENSES

777.04. Attempts, solicitation, conspiracy, generally

* * *

(3) Whoever agrees, conspires, combines, or confederates with another person or persons to commit any offense commits the offense of criminal conspiracy and shall, when no express provision is made by law for the punishment of such conspiracy, be punished as provided in subsection (4).

(4) Whoever commits the offense of criminal attempt, criminal solicitation, or criminal conspiracy shall be punished as follows:

- (a) If the offense attempted, solicited, or conspired to is a capital felony, the person convicted is guilty of a felony of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

(b) If the offense attempted, solicited, or conspired to is a life felony or a felony of the first degree, the person convicted is guilty of a felony of the second degree, punishable as provided in §775.082, §775.083, or §775.084.

(c) If the offense attempted, solicited, or conspired to is a felony of the second degree or a burglary that is a felony of the third degree, the person convicted is guilty of a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084.

(d) If the offense attempted, solicited, or conspired to is a felony of the third degree, the person convicted is guilty of a misdemeanor of the first degree, punishable as provided in §775.082, §775.083, or §775.084.

(e) If the offense attempted, solicited, or conspired to is a misdemeanor of the first or second degree, the person convicted is guilty of a misdemeanor of the second degree, punishable as provided in §775.082, §775.083, or §775.084.

FLORIDA CRIMINAL STATUTES

FLA. STAT. ANN. §x (West 1976 & Supp. 1986).

KEY

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

Statute No. and Title Class/Time

HOMICIDE (inclusive)

782.04	Murder	F Capital/ F1/F2
782.07	Manslaughter	F2
782.071	Vehicular homicide	F3/F2
782.08	Assisting self-murder	F2
782.09	Killing of unborn child by injury to mother	F2
782.11	Unnecessary killing to prevent unlawful act	F2

ASSAULT; BATTERY; CULPABLE NEGLIGENCE (inclusive)

784.011	Assault	M2
784.021	Aggravated assault	F3
784.03	Battery	M1
784.045	Aggravated battery	F2
784.05	Culpable negligence	M2/M1

784.07* Assault or battery of law enforcement officers, firefighters, or intake officers; reclassification of offenses

- For assault M1
- For battery F3

KIDNAPPING; FALSE IMPRISONMENT; CUSTODY OFFENSES

787.01	Kidnapping; kidnapping of child under age 13, aggravating circumstances	F1/F life
787.02	False imprisonment; false imprisonment of child under age 13, aggravating circumstances	F3/F1
787.04	Felony to remove children from state contrary to court order	F3

WEAPONS AND FIREARMS

- 790.01* Carrying concealed weapons
- If weapon M1
 - If firearm F3

790.07 Persons engaged in criminal offense, having weapons F3/F2/F1

790.145 Crimes in pharmacies; possession of weapons; penalties F3

790.16 Discharging machine guns; penalty F1

790.161 Making, possessing, throwing, placing or discharging any destructive device or attempt so to do, felony; penalties F2/F1/F Capital

790.1615* Unlawful throwing, placing or discharging of destructive device or bomb that results in injury to another; penalty

- If bodily harm M1
- If great bodily harm F2

790.162 Threat to throw, place or discharge any destructive device, felony; penalty F2

790.163 False report about planting bomb or explosive; penalty F2

790.164 False reports of bombing or arson against state-owned property; penalty; reward F2

790.19 Shooting into or throwing deadly missiles into dwellings, public or private buildings, occupied or not occupied; vessels, aircraft, buses, railroad cars, street cars or other vehicles F2

790.221 Possession of short-barreled rifle, short-barreled shotgun, or machine gun; penalty Felony

790.23 Felons; possession of firearms or electric weapons or devices unlawful; exception; penalty F2

790.27* Alteration or removal of fire-arm serial number or possession, sale, or delivery of firearm with serial number altered or removed prohibited; penalties

- To alter or remove F3
- To sell, deliver, possess any altered firearm M1

790.29 Paramilitary training; teaching or participation prohibited F3

790.31 Armor-piercing or exploding ammunition prohibited F3/F2

SALE OF FIREWORKS

SEXUAL BATTERY (inclusive)

794.011 Sexual battery F life/F1/F2

794.023 Sexual battery by multiple perpetrators; enhanced penalties F life/F1

794.041 Sexual activity with child by or at solicitation of person in familial or custodial authority; penalties	F3/F1	810.08 Trespass in structure or conveyance unallowed entrance or allowed entrance with warning not to enter	M1/M2/M3
794.05 Carnal intercourse with unmarried person under 18 years	F2	810.09* Trespass on property other than structure or conveyance ● defies order to leave, looses animals, crops, or other property ● armed ● property trespassed is construction site with trespass posted as a felony	M1 F3 F3
PROSTITUTION			
796.01 Keeping house of ill fame	F3	810.10 Posted land; removing notices unlawful; penalty	M2
796.03 Procuring person under age of 16 for prostitution	F2	810.11 Placing signs adjacent to highways; penalty	M2
796.04 Prostitute; forcing, etc., one to become, unlawful	F3	810.115 Breaking or injuring fences	M1
796.05 Living off earnings of prostitute	F3	810.13 Cave vandalism and related offenses	M1
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ADULTERY AND FORNICATION			
LEWDNESS; INDECENT EXPOSURE			
800.04 Lewd, lascivious, or indecent assault or act upon or in presence of child; sexual battery	F2	812.014* Theft ● Property value > \$20,000 ● Property value ≥ \$300, but < \$20,000 ● Other ● Other second conviction ● Other third or subsequent conviction	F2 F3 M2 M1 F3
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806.031* Arson resulting in injury to another; penalty ● If bodily harm ● If great bodily harm	M1 F2	812.016 Possession of altered property	M1
806.10 Preventing or obstructing extinguishment of fire	F3	812.019 Dealing in stolen property	F2/F1
806.101* False alarms of fires ● If first conviction ● If second or subsequent conviction	M1 F3	812.081 Trade secrets; theft embezzlement; unlawful copying; definitions; penalty	F3
806.111 Firebombs	F3	ROBBERY (inclusive)	
806.13* Criminal mischief ● If < \$200 ● If > \$200, < \$1,000 ● If ≥ \$1,000 or utility or church	M2 M1 F3	812.13 Robbery	F1/F2
806.14* Artworks in public buildings; willful damage; unauthorized removal; penalties ● If < \$200 ● If > \$200, < \$1,000 ● If ≥ \$1,000	M2 M1 F3	812.14 Trespass and larceny with relation to utility or cable television fixtures	M1
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810.06 While having in possession any tool, machine to commit or allow burglary or trespass	F3	815.05* Offenses against computer equipment or supplies ● Computer equipment or supplies ● to defraud or to obtain property ● damage > \$200 but < \$1000 ● damage > \$1,000	M1 F3 F3 F2
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817.036 Organized fraud defined, penalties F1

817.12 Obtaining property by fraudulent promise to furnish inside information; penalty F3

817.15 Making false entries, etc., on books of corporation F3

817.16 False reports, etc., by officers of banks, trust companies, etc. under supervision of Department of Banking and Finance with intent to defraud F3

817.19 Fraudulent issue of certificate of stock of corporation F3

817.20 Issuing stock or obligation of corporation beyond authorized amount F3

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817.234 False or Fraudulent insurance claims F3

817.24 Unlawful to add or alter or deface existing brand F3

817.25 Fraudulently marking or branding F3

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817.29 Cheating--gross fraud or cheat at common law F3

817.34 False entries and statements by investment companies offering stock or security for sale F3

817.37* Touting; defining; providing punishment; ejection from racetracks M2
 ● convicted of touting--uses name of Florida Division of Pari-mutuel or other racetrack official F3
 ● convicted of touting--if ejected and returns to racetrack M2
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817.482* Possessing or transferring device for theft of telecommunications service; concealment of destination of telecommunication service M1
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817.52* Obtaining vehicles with intent to defraud, failing to return hired vehicle, or tampering with mileage device of hired vehicle F3
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 ● failure to redeliver hired vehicle F3
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817.60(6) Forgery of credit card F3

817.61* Fraudulent use of credit cards M1
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826.03 Knowingly marrying hus-band or wife of another	F3	831.29 Making or having instru-ments and material for counter-feeding operator's or chauffeur's license	F2
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DRUNKENNESS; LOITERING; PROWLING; DESERTION

856.04 Desertion; withholding support; proviso F3

POISONS, ADULTERATED DRUGS

859.01 Poisoning food or water F1

859.05 Narcotics not to be sold except on prescription F3

OFFENSES CONCERNING AIRCRAFT, MOTOR VEHICLES, VESSELS, AND RAILROADS

860.05 Unauthorized person interfering with railroad train, cars or engines F3

860.08 Interference with railroad signals prohibited; penalty F3

860.09 Interference with railroad track and other equipment prohibited; penalties F3

860.091 Violations of §860.05, §860.08, or §860.09 resulting in death; penalty	"guilty of homicide"	876.35 Combination against part of the people of the state	F3
860.11 Injuring railroad structures; driving cattle on tracks	F2	876.36 Inciting insurrection	F2
860.121 Crimes against railroad vehicles; penalties	F1/F2/F3/"homicide"	876.38 Intentional injury to or interference with property	F life
860.13 Operation of aircraft while intoxicated in careless or reckless manner; penalty	F3	876.39 Intentionally defective workmanship	F2
860.16 Aircraft piracy; penalty	F1	876.40 Attempts	"1/2 punishment"
860.20* Outboard boat motors; identification numbers		MISCELLANEOUS CRIMES	
● Sale without serial numbers	M1	877.08* Coin-operated vending machines and parking meters; prohibited acts, penalties	M2
● Possession altered numbers	F3	● If second offense	F3
OFFENSES RELATED TO PUBLIC ROADS, TRANSPORT, AND WATERS		877.18 Identification card or document purporting to contain applicant's age or date of birth; penalties for failure to comply with requirements for sale or issuance	F3
861.03 Injuries to dams	F2		
861.06 Obstructing harbors, etc.	F3	DRUGS (inclusive)	
VIOLATIONS OF CERTAIN COMMERCIAL RESTRICTIONS		893.13* Prohibited acts; penalties	See below
AFFRAYS; RIOTS; ROUTS; UNLAWFUL ASSEMBLIES		(1)(a)1. Sale, distribution Schedule I or II	F2
870.01* Affrays and riots		(1)(a)2. Sale, distribution Schedule III or IV or certain substances Schedules I and II	F3
● If affray	M1	(1)(a)3. Sale, distribution Schedule V	M1
● If riot	F3	(1)(b) Sale, deliver, possess > 10 grms. Schedule I	F1
870.03 Riots and routs	F3	(1)(c)1. Distribution to minor certain substances Schedules I and II	F1
DISTURBING RELIGIOUS AND OTHER ASSEMBLIES		(1)(c)2. Distribution to minor Schedule III, IV, or certain substances Schedule I and II	F2
OFFENSES CONCERNING DEAD BODIES AND GRAVES		(1)(d)1. Bring into state certain substances Schedules I and II	F2
872.02* Injuring or removing tomb or monument; disturbing contents of grave or tomb; penalties	M1	(1)(d)2. Bring into state Schedule III, IV and certain substances Schedules I and II	F3
● If damage > \$100	F3	(1)(d)3. Bring into state Schedule V	M1
● If malicious	F3	(1)(e) Possession without a valid prescription	F3
SALE OF ANATOMICAL MATTER		(1)(f) Possession or gift < 20 gms. cannabis	M1
873.01 Purchase or sale of human organs and tissue prohibited	F2	(2)(b) Violate laws on sale and distribution of drugs	M1
CRIMINAL ANARCHY, TREASON, AND OTHER CRIMES AGAINST PUBLIC ORDER		● Second conviction	F3
876.03 Unlawful assembly for purposes of anarchy, communism, etc.	F2	(3)(b) Violate laws on purchase of drugs	F3
876.10 False oath, penalty	F3	893.135 Trafficking; mandatory sentences; suspension or reductions of sentences; conspiracy to engage in trafficking	F1
876.23 Subversive activities unlawful; penalty	F2		
876.24 Membership in subversive organization; penalty	F3		
876.32 Treason	F1		
876.33 Misprison of treason	F3		
876.34 Combination to usurp government	F2		

893.147* Use, possession, manufacture, delivery, advertisement of drug paraphernalia	See below
(1) Use/possession of drug paraphernalia	M1
(2) Manufacture, delivery of drug paraphernalia	F3
(3)(a) Delivery of drug paraphernalia to a minor	F2
(3)(b) Sale of hypodermic to a minor	M1
(4) Advertisement of drug paraphernalia	M1

OFFENSES CONCERNING RACKETEERING AND ILLEGAL DEBTS

895.04 Criminal penalties and alternative fine	F1
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KEY

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

GA. CODE ANN. §x (1984 & Supp. 1986).

Criminal Classification Information

16-1-3. Definitions

* * *

- (5) "Felony" means a crime punishable by death, by imprisonment for life, or by imprisonment for more than 12 months.
- (6) "Forcible felony" means any felony which involves the use or threat of physical force or violence against any person.
- (7) "Forcible misdemeanor" means any misdemeanor which involves the use or threat of physical force or violence against any person.
- (9) "Misdemeanor" and "misdemeanor of a high and aggravated nature" mean any crime other than a felony.

16-1-10. Punishment for crimes for which punishment not otherwise provided

Any conduct that is made criminal by this title or by another statute of this state and for which punishment is not otherwise provided, shall be punished as for a misdemeanor.

INCHOATE OFFENSES

16-4-6. Penalties for criminal attempt

- (a) A person convicted of the offense of criminal attempt to commit a crime punishable by death or by life imprisonment shall be punished by imprisonment for not less than one year nor more than ten years.
- (b) A person convicted of the offense of criminal attempt to commit a felony shall be punished by imprisonment for not less than one year nor more than one-half the maximum period of time for which he could have been sentenced if he had been convicted of the crime attempted, by one-half the maximum fine to which he could have been subjected if he had been convicted of the crime attempted, or both.
- (c) A person convicted of the offense of criminal attempt to commit a misdemeanor shall be punished as for a misdemeanor.

16-4-7. Criminal solicitation

(b) A person convicted of the offense of criminal solicitation to commit a felony shall be punished by imprisonment for not less than one year nor more than three years. A person convicted of the offense of criminal solicitation to commit a crime punishable by death or by life imprisonment shall be punished by imprisonment for not less than one nor more than five years.

16-4-8. Conspiracy to commit a crime

A person convicted of the offense of criminal conspiracy to commit a felony shall be punished by imprisonment for not less than one year nor more than one-half the maximum period of time for which he could have been sentenced if he had been convicted of the crime conspired to have been committed, by one-half the maximum fine to which he could have been subjected if he had been convicted of such crime, or both. A person convicted of the offense of criminal conspiracy to commit a misdemeanor shall be punished as for a misdemeanor. A person convicted of the offense of criminal conspiracy to commit a crime punishable by death or by life imprisonment shall be punished by imprisonment for not less than one year nor more than ten years.

NOTE: Maximum sentence given, unless range or minimum (MIN.) is specified.

Statute No. and Title	Class/Time
Crimes Against the Person	
HOMICIDE (inclusive)	
16-5-1 Murder; felony murder	Death/life
16-5-2 Voluntary manslaughter	1-20 yrs.
16-5-3* Involuntary manslaughter ● in commission of lawful act	1-10 yrs. M
ASSAULT AND BATTERY (inclusive)	
16-5-20 Simple assault	M
16-5-21 Aggravated assault	1-20 yrs./ 5-20 yrs. 3-20 yrs.
16-5-23 Simple battery	M
16-5-24 Aggravated battery	1-20 yrs./ 10-20 yrs./ 5-20 yrs.
KIDNAPPING, FALSE IMPRISONMENT AND RELATED OFFENSES	
16-5-40 Kidnapping ● if ransom/injury	1-20 yrs. /life life/death
16-5-41 False imprisonment	1-10 yrs.
16-5-42 False imprisonment under color of legal process	1-10 yrs.
16-5-43 Malicious confinement of sane person in an asylum	1-10 yrs.
16-5-44 Hijacking an aircraft	Death/life
16-5-45* Interference with custody ● second offense ● third or subsequent offense ● interstate interference with custody	M: 1-5 mos. M: 3-12 mos. F: 1-5 yrs. F: 1-5 yrs.
RECKLESS CONDUCT	
CRUELTY TO CHILDREN	
16-5-70 Cruelty to children	1-20 yrs.

16-5-80 Feticide; penalty	Life	16-7-22 Criminal damage to property in the first degree	1-10 yrs.
SEXUAL OFFENSES (inclusive)			
16-6-1 Rape	Death/life/ 1-20 yrs.	16-7-23 Criminal damage to property in the second degree	1-5 yrs.
16-6-2 Sodomy; aggravated sodomy	1-20 yrs. /life	16-7-26 Vandalism to a place of worship	1-5 yrs.
16-6-3 Statutory rape	1-20 yrs.	LITTERING PUBLIC AND PRIVATE PROPERTY	
16-6-4 Child molestation; aggravated child molestation	1-20 yrs./ 5 yrs. (MIN.)/ 20 yrs./ 1-30 yrs.	ARSON AND EXPLOSIVES (inclusive)	
16-6-5 Enticing a child for indecent purposes	1-20 yrs./ 5 yrs. (MIN.)/ 20 yrs. 1-3 yrs.	16-7-60 Arson in the first degree	1-20 yrs.
.1 Sexual assault against persons in custody		16-7-61 Arson in the second degree	1-10 yrs.
16-6-6 Bestiality	1-5 yrs.	16-7-62 Arson in the third degree	1-5 yrs.
16-6-7 Necrophilia	1-10 yrs.	16-7-63 Criminal possession of explosives	1-10 yrs.
16-6-8 Public indecency	M	16-7-64 Criminal possession of an incendiary	1-3 yrs.
16-6-9 Prostitution	M	OFFENSES INVOLVING THEFT (inclusive)	
16-6-10 Keeping a place of prostitution	AGM	16-8-2* Theft by taking	M
16-6-11 Pimping	AGM	● property value > \$500	1-10 yrs.
16-6-12 Pandering	AGM	● same, judge's discretion	M
16-6-14 Pandering by compulsion	1-10 yrs.	● by fiduciary in breach of fiduciary contract	1-15 yrs.
16-6-15 Solicitation of sodomy	M	● memorial to the dead	1-3 yrs.
16-6-16 Masturbation for hire	M	● motor vehicle or part value > \$100	1-20 yrs.
16-6-17 Giving of massages in place used for lewdness, prostitution, etc.	M	● same, first offense, judge's discretion	M
16-6-18 Fornication	M	● same, second offense	3-20 yrs.
16-6-19 Adultery	M	● same, third offense	10-20 yrs.
16-6-20 Bigamy	1-10 yrs.	● firearm	1-10 yrs.
16-6-21 Marrying a bigamist	1-10 yrs.	16-8-3* Theft by deception	M
16-6-22 Incest	1-20 yrs.	● property value > \$500	1-10 yrs.
16-6-23 Publication of name or identity of females raped or assaulted with intent to commit rape	M	● same, judge's discretion	M
Damage to and Intrusion Upon Property		● by fiduciary in breach of fiduciary contract	1-15 yrs.
BURGLARY (inclusive)		● motor vehicle or part value > \$100	1-20 yrs.
16-7-1 Burglary	1-20 yrs./ 2-20 yrs./ 5-20 yrs.	● same, first offense, judge's discretion	M
		● same, second offense	3-20 yrs.
		● same, third offense	10-20 yrs.
		● firearm	1-10 yrs.
CRIMINAL TRESPASS AND DAMAGE TO PROPERTY			
16-7-20 Possession of tools for the commission of a crime	1-5 yrs.		

16-8-5* Theft of services	M	16-8-13* Trade secrets; stealing, embezzling, copying without authority	1-5 yrs.
• property value > \$500	1-10 yrs.	• value < \$100	M
• same, judge's discretion	M		
• by fiduciary in breach of fiduciary contract	1-15 yrs.		
• motor vehicle or part value > \$100	1-20 yrs.	16-8-14* Theft by shoplifting	M
• same, first offense, judge's discretion	M	• second offense	Fine
• same, second offense	3-20 yrs.	• third offense	30 days
• same, third offense	10-20 yrs.	• fourth or subsequent offense	F: 1-10 yrs.
• firearm	1-10 yrs.	• property value > \$100	F: 1-10 yrs.
		16-8-15* Conversion of payments for real property improvements	F: 1-5 yrs.
16-8-6* Theft of lost or mislaid property	M	• recommendation of jury or discretion of judge	M
• property value > \$500	1-10 yrs.		
• same, judge's discretion	M	16-8-16 Theft by extortion	1-10 yrs.
• by fiduciary in breach of fiduciary contract	1-15 yrs.		
• motor vehicle or part value > \$100	1-20 yrs.	16-8-18 Entering an automobile or other motor vehicle with intent to commit theft or a felony	F: 1-5 yrs.
• same, first offense, judge's discretion	M		
• same, second offense	3-20 yrs.	16-8-19* Conversion of leased personal property	F: 1-2 yrs.
• same, third offense	10-20 yrs.	• property value < \$100	M
• firearm	1-10 yrs.		
		16-8-20* Livestock	F: 1-10 yrs.
16-8-7* Theft by receiving stolen property	M	• property value < \$100	M
• property value > \$500	1-10 yrs.		
• same, judge's discretion	M	16-8-21 Removal or abandonment of shopping carts; posting of code section in stores and markets	M
• by fiduciary in breach of fiduciary contract	1-15 yrs.		
• motor vehicle or part value > \$100	1-20 yrs.	ROBBERY (inclusive)	
• same, first offense, judge's discretion	M	16-8-40 Robbery	1-20 yrs./ 5-20 yrs.
• same, second offense	3-20 yrs.		
• same, third offense	10-20 yrs.	16-8-41 Armed robbery; robbery by intimidation; taking of controlled substance from pharmacy in course of committing offense	Death/life/ 5-20 yrs./ 10 yrs. (MIN.)/ 15 yrs. (MIN.)
• firearm	1-10 yrs.		
		CRIMINAL REPRODUCTION AND SALE OF RECORDED MATERIAL	
16-8-8* Theft by receiving property stolen in another state	M	16-8-60 Reproduction of recorded material; transfer, sale, distribution, circulation	1-2 yrs./ 1-3 yrs.
• property value > \$500	1-10 yrs.		
• same, judge's discretion	M	Forgery and Fraudulent Practices	
• by fiduciary in breach of fiduciary contract	1-15 yrs.	FORGERY AND RELATED OFFENSES	
• motor vehicle or part value > \$100	1-20 yrs.	16-9-1 Forgery in the first degree	1-10 yrs.
• same, first offense, judge's discretion	M	16-9-2 Forgery in the second degree	1-5 yrs.
• same, second offense	3-20 yrs.	BAD CHECKS	
• same, third offense	10-20 yrs.	16-9-20* Issuance of bad checks; check < \$100; ≥ \$100 and < \$500	M: 30 days/ 60 days/ 12 mos./ 3 mos.
• firearm	1-10 yrs.	• check ≥ \$500	F: 3 yrs.
		• on bank of another state	F: 1-5 yrs.
16-8-9* Theft by bringing stolen property into state	M	ILLEGAL USE OF FINANCIAL TRANSACTION CARDS	
• property value > \$500	1-10 yrs.	16-9-31 Financial transaction card theft	F: 1-3 yrs.
• same, judge's discretion	M		
• by fiduciary in breach of fiduciary contract	1-15 yrs.		
• motor vehicle or part value > \$100	1-20 yrs.		
• same, first offense, judge's discretion	M		
• same, second offense	3-20 yrs.		
• same, third offense	10-20 yrs.		
• firearm	1-10 yrs.		
16-8-12 Penalties for violation of Code Sections 16-8-2 through 16-8-9	See above		

16-9-32 Forgery of financial transaction card	F: 1-3 yrs.	16-10-5 Influencing of officer or employee of state or political subdivision by another officer or employee	1-5 yrs.
16-9-33* Financial transaction card fraud			
● value < \$100	1-2 yrs.	16-10-6 Sale of real or personal property to political subdivision by local officer or employee; exemptions	1-5 yrs.
● value > \$100	F: 1-3 yrs.		
● specified offense	F: 1-3 yrs.		
● specified offense	F: 1-3 yrs.		
16-9-34 Criminal possession of financial transaction card forgery devices	F: 1-3 yrs.	16-10-8 False official certificates or writings by officers or employees of state and political subdivisions	1-5 yrs.
16-9-35* Criminal receipt of goods and services fraudulently obtained			
● value < \$100	1-2 yrs.		
● value > \$100	F: 1-3 yrs.		
16-9-37 Unauthorized use of financial transaction card	1-2 yrs.		
16-9-38 Punishment and penalties	See above		
16-9-39 Publication of information regarding schemes, devices, means, or methods for financial transaction card fraud or theft of telecommunication services	1-2 yrs.		
		OBSTRUCTION OF PUBLIC ADMINISTRATION AND RELATED OFFENSES	
		16-10-20 False statements, concealment of facts, fraudulent writings, etc., in matters within jurisdiction of state or political subdivisions	1-5 yrs.
		16-10-21 Conspiracy to defraud state or political subdivision	1-5 yrs.
		16-10-22 Conspiracy in restraint of free and open competition in transactions with state or political subdivisions; forfeiture of right to bid on or enter into contracts	1-5 yrs.
FRAUD AND RELATED OFFENSES			
16-9-53 Damaging, destroying, or secreting property to defraud another	1-5 yrs.	16-10-23 Impersonating a public officer or employee	1-5 yrs.
16-9-57* False representation as representative of peace officer organization or fire service organization	M: 30 days	16-10-24* Obstruction or hindering of law enforcement officers	M
● across boundaries of the state	F: 1-3 yrs.	● offering or doing violence to law enforcement person	F: 1-5 yrs.
16-9-58 Failing to pay for natural products or chattels	F: 1-5 yrs.	16-10-28 Transmitting a false public alarm	1-5 yrs.
REMOVAL OR ALTERATION OF IDENTIFICATION MARKS, ETC., FROM PROPERTY		ESCAPE AND OTHER OFFENSES RELATED TO CONFINEMENT	
16-9-70 Criminal use of an article with an altered identification mark	1-5 yrs.	16-10-50 Hindering apprehension or punishment of a criminal	1-5 yrs.
		16-10-51* Bail jumping generally	
COMPUTER RELATED OFFENSES		● felon--bail jumping	1-5 yrs.
16-9-93 Accessing of computers, etc., for fraudulent purposes; unauthorized access, alteration, destruction, etc., of computers, etc.	15 yrs. (MIN.)	● misdemeanor bail jumping	M
		16-10-52* Escape	
		● convicted of felony or misdemeanor	1-5 yrs.
		● any other person	M
		● escape with dangerous weapon	1-10 yrs.
MOTOR VEHICLE SALES AND TRANSFERS			
Offenses Against Public Administration		16-10-53* Aiding or permitting another to escape lawful custody or confinement	1-5 yrs.
ABUSE OF GOVERNMENTAL OFFICE		● recklessly permitted by peace officer	M
16-10-1 Violation of oath by public officer	1-5 yrs.		
16-10-2 Bribery	1-20 yrs.	16-10-54 Assailing, opposing, or resisting officer of the law in a penal institution	1-5 yrs.
16-10-4 Influencing of legislative action by state and local government officers or employees	1-5 yrs.	16-10-55 Persuading, enticing, aiding, etc., person in a penal institution to commit mutiny	1-5 yrs.

PERJURY AND RELATED OFFENSES

16-10-70 Perjury 1-10 yrs./not to exceed sentence of person convicted/life

16-10-71 False swearing 1-5 yrs.

16-10-72 Subornation of perjury or false swearing 1-10 yrs.

16-10-73 Impersonating another in the acknowledgement of recognition, bail, or judgment 1-5 yrs.

16-11-107 Destroying or injuring police dog F: 1-5 yrs.

16-11-123 Unlawful possession of firearms or weapons 1-5 yrs.

16-11-126* Carrying a concealed weapon M
● second or subsequent offense F: 1-5 yrs.

16-11-128* Carrying pistol without license M
● second or subsequent offense F: 1-5 yrs.

16-11-129 License to carry pistol or revolver; temporary renewal permit; alteration or counterfeiting of license; penalty F: 1-5 yrs.

OFFENSES RELATED TO JUDICIAL AND OTHER PROCEEDINGS

16-10-90 Compounding a crime 1-5 yrs.

16-10-91 Embracery 1-5 yrs.

16-10-92 Acceptance of benefit, reward, or consideration by witness for changing testimony or being absent from trial, hearing, or other proceeding 1-5 yrs.

16-10-93 Influencing witness 1-5 yrs.

16-10-95 Exciting or stirring up of groundless actions, etc.; instituting legal proceedings without authorization; soliciting or encouraging legal proceedings, etc. 1-5 yrs.

16-10-96 Impersonating another in the course of an action, proceeding, etc. 1-5 yrs.

16-11-131 Possession of firearms by convicted felons prohibited; exception F: 1-5 yrs.

Offenses Against Public Health and Morals

GENERAL PROVISIONS

16-12-1* Contributing to the delinquency, unruliness, or deprivation of a minor M: 1-5 mos.
● second offense M: 3-12 mos.
● third or subsequent offense F: 1-3 yrs.

GAMBLING AND RELATED OFFENSES

16-12-22 Commercial gambling F: 1-5 yrs.

16-12-25 Solicitation of another to gamble with intent to defraud or deceive F: 1-5 yrs.

16-12-28 Communicating gambling information 1-5 yrs.

Offenses Against Public Order and Safety

TREASON AND OTHER SUBVERSIVE ACTIVITIES

16-11-1 Treason Death

16-11-2 Insurrection 1-10 yrs.

16-11-3 Inciting to insurrection 1-10 yrs.

16-11-4 Advocating overthrow of government 1-20 yrs.

16-12-33 Bribery of a contestant 1-5 yrs.

16-12-34 Soliciting or accepting a bribe to influence the outcome of athletic contests, sporting events, or exhibitions 1-5 yrs.

16-12-37 Dogfighting 1-5 yrs.

16-12-62* Bingo; penalties AGM
● second offense F: 1-5 yrs.

SEDITION AND SUBVERSIVE ACTIVITIES

OFFENSES AGAINST PUBLIC ORDER

16-11-37 Terroristic threats and acts 1-5 yrs.

OBSCENITY AND RELATED OFFENSES

16-12-81 Distribution of material depicting nudity or sexual conduct 1-3 yrs.

16-12-100 Sexual exploitation of children F: 3-20 yrs.

INVASION OF PRIVACY

16-11-69 Invasion of privacy; Penalty for violations of this section F: 1-5 yrs.

OFFENSES AGAINST PUBLIC TRANSPORTATION

16-12-123 Bus hijacking; boarding bus with concealed weapon; bus company use of detection devices F: life/1-20 yrs.
F: 1-10 yrs.

DANGEROUS INSTRUMENTALITIES AND PRACTICES

16-11-106 Possession of a fire-arm or knife during commission of or attempt to commit certain crimes F: 5 yrs. (MIN.)/
F: 10 yrs. (MIN.)

16-12-124 Removal of baggage, cargo, or other items transported by bus or stored in a terminal F: 1-5 yrs.

ABORTION		16-13-33 Attempt or conspiracy to commit offense under this article	Not to exceed max. for attempted offense
16-12-140 Criminal abortion	1-10 yrs.		
HUMAN BODY TRAFFIC			
16-12-160 Buying or selling or offering to buy or sell human body or parts	F: 1-5 yrs.	16-13-42 Unauthorized distribution and dispensation; refusal or failure to keep records; refusal to permit inspection; unlawful maintaining of structure or place	F: 5 yrs.
Controlled Substances (inclusive)			
GENERAL PROVISIONS			
16-13-1* Drug related objects; penalties	See below	16-13-43 Unauthorized distribution; use of fictitious registration number; furnishing of false information, material omissions, etc.; possession, etc., of devices for counterfeiting of trademarks, etc.	F: 8 yrs.
(b) Sell or provide to minor, first offense	M		
• second or subsequent offense	F: 1-5 yrs.		
1(c) False representation of age	M	16-13-56 Penalty for violation of article, unless otherwise specified	M
16-13-2 Conditional discharge for possession of controlled substances as first offense, dismissal of charges	M: 12 mos./M	DANGEROUS DRUGS (inclusive)	
16-13-3 Penalty for abandonment of dangerous drugs, poisons, or controlled substances	M	16-13-73 Labeling of containers concerning dangerous drugs by pharmacist	M
16-13-4 Approval by Food and Drug Administration as prerequisite to sale of controlled substances and dangerous drugs; violations; penalty	F: 1-5 yrs.	16-13-74 Written prescriptions for dangerous drugs, content, signature, preparation of prescription by secretary	M
16-13-30 Possession, manufacture, distribution, etc., of controlled substances or marijuana; penalty	F: 2-15 yrs. /5-30 yrs. /life /5-30 yrs. /1-5 yrs. /1-10 yrs.	16-13-78 Obtaining or attempting to obtain dangerous drugs by fraud, forgery, concealment of material fact	M
.1 Unlawful manufacture, delivery, distribution, etc., of non-controlled substances	F: 1-10 yrs.	16-13-78.1 Prescribing or ordering dangerous drugs	M
16-13-31 Trafficking in cocaine, illegal drugs, or marijuana, penalties	F: 10 yrs. (MIN.)/15 yrs. (MIN.)/25 yrs. (MIN.)/5 yrs. (MIN.)/7 yrs. (MIN.)	16-13-78.2 Possession, delivery, distribution, etc., of counterfeit substances	M
16-13-32* Transactions in drug-related objects; forfeitures and penalties; specified offense	See below	16-13-79 Penalty for violation of this article; dangerous drugs, specified offense	M
(a)(2)(d) First offense	M	SALE, POSSESSION, ETC., OF MODEL GLUE (inclusive)	
(a)(2)(d) Second offense	AGM	16-13-96 Penalty for violation of article; separate offenses	M
(a)(2)(d) Third or subsequent offense	F: 1-5 yrs.	Racketeer Influenced and Corrupt Organizations	
.1* Transactions in drug-related objects; evidence as to whether object is drug related; forfeitures and penalties; specified offense	See below	RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS	
(d) First offense	M	16-14-4 Prohibited activities	
(d) Second offense	AGM	16-14-5 Criminal penalties for violation of Code Section 16-14-4; racketeer influenced and corrupt organizations	F: 5-20 yrs.
(d) Third or subsequent offense	F: 1-5 yrs.		
.2 Possession and use of drug-related objects	M		
.3 Use of communication facility in committing or facilitating commission of act which constitutes felony under chapter; penalty	1-4 yrs.		

HAW. REV. STAT. §x (1976, 1985 & Supp. 1984).
 For Drugs: HAW. REV. STAT. §x (1985)

Criminal Classification Information

§701-107. Grades and classes of offenses

- (1) An offense defined by this Code or by any other statute of this State for which a sentence of imprisonment is authorized constitutes a crime. Crimes are of three grades: felonies, misdemeanors, and petty misdemeanors. Felonies are of three classes: class A, class B, and class C.
- (2) A crime is a felony if it is so designated in this Code or if persons convicted thereof may be sentenced to imprisonment for a term which is in excess of one year.
- (3) A crime is a misdemeanor if it is so designated in this Code or in a statute other than this Code enacted subsequent thereto, or if it is defined in a statute other than this Code which provides for a term of imprisonment the maximum of which is one year.
- (4) A crime is a petty misdemeanor if it is so designated in this Code or in a statute other than this Code enacted subsequent thereto, or if it is defined by a statute other than this Code which provides that persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is less than one year.
- (5) An offense defined by this Code or by any other statute of this State constitutes a violation if it is so designated in this Code or in the law defining the offense or if no other sentence than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction or if it is defined by a statute other than this Code which provides that the offense shall not constitute a crime. A violation does not constitute a crime, and conviction of a violation shall not give rise to any civil disability based on conviction of a criminal offense.
- (6) Any offense declared by law to constitute a crime, without specification of the grade thereof or of the sentence authorized upon conviction, is a misdemeanor.
- (7) An offense defined by any statute of this State other than this Code shall be classified as provided in this section and the sentence that may be imposed upon conviction thereof shall hereafter be governed by this Code.

§706-606. Sentence for offense of murder

The court shall sentence a person who has been convicted of murder to an indeterminate term of imprisonment. In such cases the court shall impose the maximum length of imprisonment as follows:

- (a) Life imprisonment without possibility of parole in the murder of:
 - (i) A peace officer while in the performance of his duties, or
 - (ii) A person known by the defendant to be a witness in a murder prosecution, or
 - (iii) A person by a hired killer, in which event both the person hired and the person responsible for hiring the killer shall be punished under this subsection, or
 - (iv) A person while the defendant was imprisoned.

As part of this sentence the court shall order the director of the department of social services and housing and the Hawaii paroling authority to prepare an application for the governor to commute the sentence to life with parole at the end of twenty years of imprisonment.

- (b) Life imprisonment with possibility of parole in all other cases. The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.

§706-606.1. Sentence for offense of attempted murder

The court shall sentence a person who has been convicted of attempted murder to an indeterminate term of imprisonment. In such cases the court shall impose the maximum length of imprisonment as follows:

- (1) Life imprisonment without possibility of parole in the attempted murder of:
 - (a) A peace officer while in the performance of his duties, or
 - (b) A person known by the defendant to be a witness in a murder prosecution, or
 - (c) A person by a hired killer, in which event both the person hired and the person responsible shall be punished under this subsection, or
 - (d) A person while the defendant was imprisoned.
 As part of such sentence, the court shall order the director of the department of social services and housing and the Hawaii paroling authority to prepare an application for the government to commute the sentence to life with parole at the end of twenty years of imprisonment.
- (2) Life imprisonment with possibility of parole in all other cases of attempted murder. The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.
 - (a) Second conviction - 5 years;
 - (b) Third conviction - 10 years.

§706-610. Classes of felonies

- (1) Felonies defined by this Code are classified, for the purpose of sentence, into three classes, as follows:
 - (a) Class A felonies;
 - (b) Class B felonies; and
 - (c) Class C felonies.

A felony is a class A, class B, or class C felony when it is so designated by this Code. A crime declared to be a felony, without specification of class, is a class C felony.

- (2) Notwithstanding any other provision of law, a felony defined by any statute of this State other than this Code shall constitute for the purpose of sentence a class C felony.

§706-659. Sentence of imprisonment for class A felony

Notwithstanding sections 706-620 to 706-631, suspension of sentence and probation, and sections 706-605, 706-606, 706-606.5, 706-660.1, 706-661, 706-662, and any other law to the contrary, a person who has been convicted of a class A felony shall be sentenced to an indeterminate term of imprisonment of twenty years without possibility of suspension or probation. The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.

§706-660. Sentence of imprisonment for class B and C felonies; ordinary terms

A person who has been convicted of a class B or class C felony may be sentenced to an indeterminate term of imprisonment except as provided for in section 706-660.1 relating to the use of firearms in certain felony offenses. When ordering such a sentence, the court shall impose the maximum length of imprisonment which shall be as follows:

- (1) For a class B felony - 10 years; and
- (2) For a class C felony - 5 years.

The minimum length of imprisonment shall be determined by the Hawaii paroling authority in accordance with section 706-669.

§706-660.1. Sentence of imprisonment for use of a firearm in a felony

(a) A person convicted of a felony, where the person had a firearm in his possession and threatened its use or used the firearm while engaged in the commission of the felony, may be sentenced to a mandatory term of imprisonment the length of which shall be as follows:

- (1) For a class A felony - up to 10 years; and
- (2) For a class B felony - up to 5 years.

The sentence of imprisonment for a felony involving the use of a firearm as provided in this subsection shall not be subject to the procedure for determining minimum term of imprisonment prescribed under section 706-669, provided further that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon the expiration of the term of mandatory imprisonment fixed under (a)(1) or (2), herein.

(b) A person convicted of a second firearm felony offense as provided in section (a), herein, where the person had a firearm in his possession and threatened its use or used the firearm while engaged in the commission of the felony, shall be sentenced to a mandatory term of imprisonment the length of which shall be as follows:

- (1) For a class A felony - 10 years; and
- (2) For a class B felony - 10 years.

The sentence of imprisonment for a second felony offense involving the use of a firearm as provided in this subsection shall be exempted from the procedure for determining minimum term of imprisonment prescribed under section 706-669, provided further that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only under the expiration of the term of mandatory imprisonment fixed under (b)(1) or (2), herein.

As used in this subsection, "firearm" has the meaning defined in section 134-1.

§706-661. Sentence of imprisonment for felony; extended terms

In the cases designated in section 706-662, a person who has been convicted of a felony may be sentenced to an extended indeterminate term of imprisonment. When ordering such a sentence, the court shall impose the maximum length of imprisonment which shall be as follows:

- (1) For a class A felony - life;
- (2) For a class B felony - twenty years; and
- (3) For a class C felony - ten years.

The minimum length of imprisonment shall be determined by the board of paroles and pardons in accordance with section 706-669.

§706-663. Sentence of imprisonment for misdemeanor and petty misdemeanor

A person who has been convicted of a misdemeanor or a petty misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall not exceed one year in the case of a misdemeanor or thirty days in the case of a petty misdemeanor.

INCHOATE OFFENSES

§705-502. Grading of criminal attempt

An attempt to commit a crime is an offense of the same class and grade as the most serious offense which is attempted.

§705-512. Grading of criminal solicitation

Criminal solicitation is an offense one class or grade, as the case may be, less than the offense solicited.

§705-526. Grading of criminal conspiracy

(1) A conspiracy to commit a class A felony is a class B felony.

(2) Except as provided in subsection (1), conspiracy to commit a crime is an offense of the same class and grade as the most serious offense which is an object of the conspiracy.

HAWAII CRIMINAL STATUTES

HAW. REV. STAT. Sx (1976, 1985 & Supp. 1984).

KEY

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

Statute No. and Title Class/Time

INCHOATE CRIMES

CRIMINAL ATTEMPT

CRIMINAL SOLICITATION

CRIMINAL CONSPIRACY

Offenses Against the Person

CRIMINAL HOMICIDE (inclusive)

707-701	Murder	FA
707-702	Manslaughter	FB
707-703	Negligent homicide in the first degree	FC
707-704	Negligent homicide in the second degree	Misdemeanor

CRIMINAL ASSAULTS AND RELATED OFFENSES (inclusive)

707-710	Assault in the first degree	FB
707-711	Assault in the second degree	FC
707-712	Assault in the third degree	Misdemeanor /petty
707-713	Reckless endangering in the first degree	FC
707-714	Reckless endangering in the second degree	Misdemeanor
707-715	Terroristic threatening in the first degree	FC

KIDNAPPING AND RELATED OFFENSES; CRIMINAL COERCION

707-720	Kidnapping	FA/FB
707-721	Unlawful imprisonment in the first degree	FC
707-726	Custodial interference in the first degree	FC
707-730	Rape in the first degree	FA
707-731	Rape in the second degree	FB

SEXUAL OFFENSES (inclusive)

707-732	Rape in the third degree	FC
707-733	Sodomy in the first degree	FA
707-734	Sodomy in the second degree	FB
707-735	Sodomy in the third degree	FC
707-736	Sexual abuse in the first degree	FC
707-737	Sexual abuse in the second degree	Misdemeanor

707-738 Indecent exposure

Petty misdemeanor

707-741 Incest

FC

CHILD ABUSE

707-750	Promoting child abuse in the first degree	FB
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707-751	Promoting child abuse in the second degree	FC
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EXTORTION

707-765	Extortion in the first degree	FB
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707-766	Extortion in the second degree	FC
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707-768	Firearms, explosives and dangerous weapons (when used in extortion)	FA
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Offenses Against Property Rights

BURGLARY AND OTHER OFFENSES OF INTRUSION (inclusive)

708-810	Burglary in the first degree	FB
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708-811	Burglary in the second degree	FC
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708-812	Possession of burglary tools	Misdemeanor
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708-813	Criminal trespass in the first degree	Misdemeanor
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708-814	Criminal trespass in the second degree	Petty misdemeanor
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708-815	Simple trespass	Violation
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CRIMINAL DAMAGE TO PROPERTY

708-820	Criminal property damage in the first degree	FB
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708-821	Criminal property damage in the second degree	FC
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THEFT AND RELATED OFFENSES (inclusive)

708-831	Theft in the first degree	FC
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708-832 Theft in the second degree	Misdemeanor	710-1018* Securing the proceeds of an offense ● if person assisted/committed FA or FB	Misdemeanor FC
708-833 Theft in the third degree	Petty misdemeanor		
708-833.5* Shoplifting ● value > \$200 ● value > \$50 ● value < \$50	FC Misdemeanor Petty misdemeanor	ESCAPE AND OTHER OFFENSES RELATED TO CUSTODY 710-1020 Escape in the first degree	FB
708-836 Unauthorized control of propelled vehicle	FC	710-1021 Escape in the second degree	FC
708-837 Failure to return a rental motor vehicle; penalty	Misdemeanor	710-1022 Promoting prison contraband in the first degree	FB
708-837.5 Failure to return leased or rented personal property	Petty misdemeanor	710-1023 Promoting prison contraband in the second degree	FC
708-838 Removal of identification marks	Misdemeanor	710-1024 Bail jumping in the first degree	FC
708-839 Unlawful possession	Misdemeanor	710-1029 Hindering prosecution in the first degree	FC
ROBBERY (inclusive)		710-1031 Intimidating a correctional worker	FB
708-840 Robbery in the first degree	FA	BRIBERY	
708-841 Robbery in the second degree	FB	710-1040 Bribery	FC
FORGERY AND RELATED OFFENSES		PERJURY AND RELATED OFFENSES	
708-851 Forgery in the first degree	FB	710-1060 Perjury	FC
708-852 Forgery in the second degree	FC	OFFENSES RELATED TO JUDICIAL AND OTHER PROCEEDINGS	
708-854 Criminal possession of a forgery device	FC	710-1070 Bribery of or by a witness	FC
708-858 Suppressing a testamentary or recordable instrument	FC	710-1071 Intimidating a witness	FC
BUSINESS AND COMMERCIAL FRAUD		710-1072.2 Retaliating against a witness	FC
OFFENSES AFFECTING OCCUPATIONS		710-1072.5 Obstructing of justice	FC
708-880* Commercial bribery ● when value ≥ \$1,000	Misdemeanor FC	710-1073 Bribery of or by a juror	FC
COMPUTER CRIMES		710-1074 Intimidating a juror	FB
708-891 Computer fraud in the first degree	FC	710-1075 Jury tampering	FC
708-894 Unauthorized computer use in the first degree	FC	710-1075.5 Retaliating against a juror	FC
OFFENSES AGAINST THE FAMILY AND AGAINST INCOMPETENTS		OFFENSES AGAINST PUBLIC ORDER	
Offenses Against Public Administration		711-1103 Riot	FC
OBSTRUCTION OF PUBLIC ADMINISTRATION		711-1109 Cruelty to animals; fighting dogs	FC
710-1016.5 Impersonating a peace officer	FC	Offenses Against Public Health and Morals	
		PROSTITUTION AND PROMOTING PROSTITUTION	
		712-1202 Promoting prostitution in the first degree	FB
		712-1203 Promoting prostitution in the second degree	FC

OFFENSES RELATING TO OBSCENITY

GAMBLING OFFENSES

- 712-1221 Promoting gambling in the first degree FC
- 712-1224 Possession of gambling records in the first degree FC

OFFENSES RELATED TO DRUGS AND INTOXICATING COMPOUNDS (inclusive)

- 712-1241 Promoting a dangerous drug in the first degree FA
- 712-1242 Promoting a dangerous drug in the second degree FB
- 712-1243 Promoting a dangerous drug in the third degree FC
- 712-1244 Promoting a harmful drug in the first degree FA
- 712-1245 Promoting a harmful drug in the second degree FB
- 712-1246 Promoting a harmful drug in the third degree Misdemeanor
- 712-1247 Promoting a detrimental drug in the first degree FC
- 712-1248 Promoting a detrimental drug in the second degree Misdemeanor
- 712-1249 Promoting a detrimental drug in themisdemeanor third degree Petty
- 712-1250 Promoting intoxicating compounds Misdemeanor

Controlled Substances (inclusive)

OFFENSES AND PENALTIES

- 329-41 Prohibited acts B - penalties Crime: 5 yrs.
- (1-3) ● prescription violations
- (4) ● refuse entry
- (5) ● maintain drug haven
- 329-42 Prohibited acts C - penalties Crime: 5 yrs.
- (1) ● distribute controlled substance
- (2-5) ● fraud or forgery

IMITATION CONTROLLED SUBSTANCES

- 329C-2* Offenses
- (a) manufacture, distribute Misdemeanor
- (b) over 18 distributes to FC
- under 18
- (c) possess with intent Petty
- to use misdemeanor
- (d) advertise Misdemeanor

IDAHO CODE §x (1977, 1979 & Supp. 1986).

Criminal Classification Information**18-109. Definition of crime.**

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

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

18-110. Grades of crime.

Crimes are divided into:

1. Felonies; and
2. Misdemeanors.

18-111. Felony, misdemeanor and infraction defined.

A felony is a crime which is punishable with death or by imprisonment in the state prison. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars (\$100) and for which no period of incarceration may be imposed. Every other crime is a misdemeanor. When a crime punishable by imprisonment in the state prison is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the state prison.

18-111A. Felony defined further.

Wherever the words felony, felony in the first degree, felony in the second degree, or felony in the third degree are used in the entire Idaho Code as well as the 1972 Session Law amendments thereto, the same shall be defined as a felony and shall be punishable, unless otherwise provided in a specific act, according to the General Felony Statute in the state of Idaho contained in section 18-112, Idaho Code.

18-111B. Misdemeanor defined further.

Wherever the words misdemeanor, petty misdemeanor or violation are used in the entire Idaho Code as well as the 1972 Session Law amendments thereto, these terms or any of them shall be construed to mean misdemeanor and shall be punished, unless otherwise provided for in a specific act, as provided under the General Misdemeanor Statute contained in section 18-113, Idaho Code.

18-112. Punishment for felony.

Except in cases where a different punishment is prescribed by this code, every offense declared to be a felony, is punishable by imprisonment in the state prison not exceeding five (5) years, or by fine not exceeding \$5,000, or by both such fine and imprisonment.

18-112A. Fine authorized.

In addition to any other punishment for a felony, a fine up to \$5,000 may be imposed.

18-113. Punishment for misdemeanor.

Except in cases where a different punishment is prescribed by this code, every offense declared to be a misdemeanor, is punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding \$300, or by both.

18-113A. Punishment for infraction.

Every offense declared to be an infraction is punishable only by a penalty not exceeding one hundred dollars (\$100) and no imprisonment.

18-317. Punishment of offenses for which no penalty is fixed.

When an act or omission is declared by a statute to be a public offense and no penalty for the offense is prescribed in any statute, the act or omission is punishable as a misdemeanor.

INCHOATE OFFENSES**18-306. Punishment for attempts.**

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

1. If the offense so attempted is punishable by imprisonment in the state prison for five (5) years or more, or by imprisonment in the county jail, the person guilty of such an attempt is punishable by imprisonment in the state prison, or in the county jail, as the case may be, for a term not exceeding one-half (1/2) the longest term of imprisonment prescribed upon a conviction of the offense so attempted.
2. If the offense so attempted is punishable by imprisonment in the state prison for any term less than five (5) years, the person guilty of such attempt is punishable by imprisonment in the county jail for not more than one (1) year.
3. If the offense so attempted is punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction of the offense so attempted.
4. If the offense so attempted is punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half (1/2) the longest term of imprisonment and one-half (1/2) the largest fine which may be imposed upon a conviction for the offense so attempted.

18-1701. Criminal conspiracy defined.

If two (2) or more persons combine or conspire to commit any crime or offense prescribed by the laws of the state of Idaho, and one (1) or more of such persons does any act to effect the object of the combination or conspiracy, each shall be punishable upon conviction in the same manner and to the same extent as is provided under the laws of the state of Idaho for the punishment of the crime or offenses that each combined to commit.

18-2004. Punishment for criminal solicitation.

Every person who is found guilty of criminal solicitation to commit a crime is punishable in the same manner and to the same extent as for an attempt to commit such crime.

IDAHO CRIMINAL STATUTES

IDAHO CODE Sx (1977, 1979 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- SP = State prison
- J = County jail
- ? = Place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = Greater than, less than
- ≥, ≤ = Greater than or equal, less than or equal

NOTE: Maximum term is recorded unless a range of sentence or minimum (MIN.) is specified. All felony sentences are served in the state prison.

Statute No. and Title Class/Time

ABANDONMENT OR NONSUPPORT OF WIFE OR CHILDREN

18-401 Desertion and nonsupport of children or wife SP: 14 yrs.

ABORTION AND CONTRACEPTIVES

18-603 Advertising medicines or other means for preventing conception, or facilitating miscarriage or abortion SP: 5 yrs.

18-605 Unlawful abortions - procurement of - penalty SP: 2-5 yrs.

18-606 Unlawful abortions - accomplice or accessory - submitting to - penalty F: 1-5 yrs.

ARRESTS & SEIZURES OF PERSONS OR PROPERTY -- SPECIAL OFFICERS

ARSON (inclusive)

18-801 Arson in first degree - burning a dwelling or other structure in connection therewith SP: 2-20 yrs.

18-802 Arson in the second degree - burning of building or structure other than dwelling - penalties SP: 1-10 yrs.

18-803 Arson in third degree - burning personal property - penalties SP: 1-3 yrs.

18-804 Arson in the fourth degree - attempts to burn - penalties SP: 1-2 yrs.

ASSAULT AND BATTERY (inclusive)

18-901 Assault defined

18-902 Assault - punishment J: 3 mos.

18-904 Battery - punishment J: 6 mos.

18-906 Aggravated assault - punishment SP: 5 yrs.

18-908 Aggravated battery - punishment SP: 15 yrs.

18-910 Assault with the intent to commit a serious felony - punishment SP: 10 yrs.

18-912 Battery with the intent to commit a serious felony - punishment SP: 15 yrs.

18-914 Felonious administering of drugs - punishment SP: 5 yrs.

18-915 Assault or battery upon a law enforcement officer - punishment SP: 25 yrs./5 yrs./2 x punishment

18-916 Abuse of school teachers Misdemeanor

BARRATRY AND ATTORNEYS AT LAW

BIGAMY AND POLYGAMY

18-1101 Bigamy defined

18-1103 Punishment for bigamy SP: 3 yrs.

18-1104 Marrying spouse of another SP: 3 yrs.

18-1105* Polygamy J: 6 mos. or SP: 5 yrs.

BRIBERY AND CORRUPTION

18-1301 Bribery of judicial officers SP: 5 yrs.

18-1302 Receipt of bribe by officer SP: 5 yrs.

18-1304 Attempt to influence jurors and arbitrators SP: 5 yrs.

18-1305 Misconduct of jurors and arbitrators SP: 5 yrs.

18-1309 Bribery of municipal or county officers - penalties SP: 1-14 yrs.

BRIBERY AND CORRUPT INFLUENCE

18-1352 Bribery in official and political matters SP: 5 yrs.

18-1353* Threats and other improper influence in official and political matters M; J: 6 mos.

● Actor threatened to commit a crime or made a threat with purpose to influence a judicial or administrative proceeding F; SP: 5 yrs.

18-1353A* Threats against state elected officials of the executive branch M; J: 1 yr.

● Second or subsequent conviction F: 5 yrs.

BURGLARY (inclusive)

18-1401 Burglary defined

18-1402 Degrees of burglary

18-1403 Punishment for burglary SP: 1-15 yrs./5 yrs.

18-1405 Burglary with explosives SP: 10-25 yrs.

CHILDREN AND LUNATICS		18-2309 Officers attempting to change result	F; SP: 5 yrs.
18-1501* Injury to children	J: 1 yr. or SP: 1-10 yrs. M; J: 6 mos.	18-2310 Forging or counterfeiting returns	F; SP: 5 yrs.
• If risk great bodily harm		18-2311 Adding to or subtracting from votes	F; SP: 5 yrs.
18-1506 Sexual abuse of a child under the age of sixteen yrs.	F; SP: 5 yrs.	18-2312* Aiding and abetting election offenses	SP: 2 yrs. OR J: 6 mos.
18-1507 Sexual exploitation of a child	F; SP: 5 yrs.	18-2315 Election offenses not otherwise provided for	SP: 5 yrs.
18-1508 Lewd conduct with minor or child under sixteen	SP: life	18-2316 Tampering with certificates of nomination or ballots	F: 1-5 yrs.
18-1509* Enticing of children	M; J: 6 mos. SP: 5 yrs.	18-2319 Attempt to influence votes	Unlawful
• Second or subsequent conviction		18-2320 Bribery of electors	Unlawful
18-1511 Sale or barter of child for adoption or other purpose penalized	SP: 14 yrs.	18-2321 Fraudulent permission of registration	SP: 1-5 yrs.
18-1517A* Hiring, employing, etc. minor to engage in certain acts	M; J: 6 mos.	THEFT (inclusive)	
• Previous conviction of a violation of this section	F; SP: 5 yrs.	18-2403* Theft	See below
COMPOUNDING CRIMES		18-2407* Grading of theft	See below
18-1601* Compounding felony or misdemeanor		18-2408* Punishment for theft	SP: 1-20 yrs./ 1-14 yrs. M: 1 yr./30 days-1 yr.
• If penalty life or death	SP: 5 yrs. or J: 1 year	• Grand theft	
• If term of years	SP: 3 yrs. or J: 6 mos.	• Petit theft	
• If misdemeanor	J: 6 mos.	18-2410 Prohibiting defacing, altering or obliterating numbers - sales prohibited - penalty	SP: 5 yrs.
CONSPIRACIES		ESCAPE OR RESCUE OF PRISONERS	
18-1701 Criminal conspiracy defined	Same as crime committed	18-2501* Rescuing prisoners	SP: 1-14 yrs./ 6 mos.-5 yrs. J: 1 yr.
CORPORATIONS		• Prisoner was in custody upon a charge of felony	J: 6 mos.
18-1905* Falsification of corporate books	SP: 3-10 yrs. OR J: 1 yr.	• Prisoner was in custody, otherwise than upon a charge or conviction of felony	
CRIMINAL SOLICITATION		18-2502* Officers assisting in escape	SP: 10 yrs.
18-2004 Punishment for criminal solicitation	Same as attempt to commit such crime	• Officer negligently suffers such escape	Misdemeanor
CRUELTY TO ANIMALS		18-2503 Carrying prisoner things to aid escape	F; SP: 5 yrs.
18-2101* Poisoning animals	SP: 3 yrs. OR J: 1 yr.	18-2504 Private persons assisting in escape	F; SP: 5 yrs.
COMPUTER CRIME		18-2505 Escape by one charged with or convicted of felony	F; SP: 5 yrs.
18-2202* Computer crime	F; SP: 5 yrs. M; J: 6 mos.	18-2506* Escape by one charged with or convicted of a misdemeanor	M; J: 6 mos.
• Violation of the provisions of subsection (3)		• Use of threat, intimidation, force, etc. in escape or attempt	F; SP: 5 yrs.
ELECTIONS		18-2511* Possession of a controlled substance or dangerous weapon	J: 1 year OR SP: 5 yrs.
18-2301 Official neglect or malfeasance	SP: 5 yrs.		
18-2302 False swearing as to qualifications as voter	SP: 1-14 yrs.		
18-2306 Illegal voting or interference with election	F; SP: 5 yrs.		

EVIDENCE FALSIFIED OR CONCEALED AND WITNESSES INTIMIDATED OR BRIBED		18-3126* Receiving or possessing fraudulently obtained goods or services ● Value > \$150	M: 1 yr. SP: 5 yrs.
18-2601 Falsifying evidence - offering forged or fraudulent documents in evidence	F; SP: 5 yrs.	18-3127* Penalty for violation	See above
18-2602 Preparing false evidence	F; SP: 5 yrs.	FALSIFYING, MUTILATING OR CONCEALING PUBLIC RECORDS OR WRITTEN INSTRUMENTS	
18-2603 Destruction, alteration or concealment of evidence	F: 5 yrs.	18-3201 Officer stealing, mutilating or falsifying public records	SP: 14 yrs.
18-2604* Intimidating, impeding, influencing or preventing the attendance of a witness ● Impedes witness testifying in a civil proceeding	F; SP: 5 yrs. M; J: 6 mos.	18-3202* Private person stealing, mutilating or falsifying public records	SP: 5 yrs. OR J: 1 yr.
EXECUTIVE POWER		18-3203 Offering false or forged instrument for record	F; SP: 5 yrs.
18-2701 Bribery of executive officers	F; SP: 5 yrs.	18-3206 Mutilating written instruments	SP: 1-5 yrs.
18-2702 Asking or receiving bribes	F; SP: 5 yrs.	FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS	
18-2705 Officers not to purchase script	SP: 5 yrs.	18-3306* Injuring another by discharge of aimed firearms ● Death ensues from such wounding	M: 1 year SP: 15 yrs./ 10 yrs./ 7 yrs./1 yr.
18-2706 Presentation of fraudulent accounts	F; SP: 5 yrs.	18-3313 False reports of explosives in public or private places a felony - penalty	SP: 5 yrs.
18-2710 Withholding books and records from successor	F; SP: 5 yrs.	FLAGS AND EMBLEMS	
FALSE IMPRISONMENT		18-3402 Display of red flag or banner of disloyalty prohibited	SP: 1-10 yrs.
FALSE PERSONATION - FRAUDULENT MARRIAGES		FORCIBLE ENTRY AND DETAINER	
18-3002* Receiving money or property under false personation ● Grand theft ● Petit theft	SP: 1-20 yrs./ 1-14 yrs. M: 1 yr./ 30 days-1 yr.	FORGERY AND COUNTERFEITING	
18-3003 Marriage under false personation	F; SP: 5 yrs.	18-3602 False entries in books of record	SP: 1-14 yrs.
FALSE PRETENSES, CHEATS AND MISREPRESENTATIONS		18-3603 Public seals - forging or counterfeiting	SP: 1-14 yrs.
18-3101 Chain or pyramid distributor schemes prohibited - penalties - sale of interest voidable - scope of remedy	F; SP: 5 yrs.	18-3604 Punishment for forgery	See above
18-3106* Drawing check without funds - drawing check with insufficient funds - prima facie evidence of intent - standing of person having acquired rights - probation conditions ● Sum < \$50, 1st offense ● Sum < \$50, 2nd offense ● Sum < \$50, 3rd or subsequent offense	SP: 3 yrs. J: 6 mos. J: 1 yr. SP: 3 yrs.	18-3605 Possession of forged notes or bank bills or check or checks	SP: 1-14 yrs.
18-3123 Forgery of a financial transaction card	SP: 1-14 yrs.	18-3606 Fictitious bills, notes, and checks - making, passing, uttering, or publishing	SP: 1-14 yrs.
18-3124* Fraudulent use of a financial transaction card ● Value > \$150	M: 1 yr. SP: 5 yrs.	18-3607 Counterfeiting coin or bullion	SP: 1-14 yrs.
		18-3608 Punishment for counterfeiting	See above
		18-3609 Possession of counterfeit coin	SP: 1-14 yrs.
		18-3610 Possession of counterfeiting apparatus	SP: 1-14 yrs.
		18-3611 Counterfeiting railroad ticket	SP: 1 yr. or J: 1 yr.
		18-3618* Circulating illegal money ● Each and every subsequent offense	M; J: 6 mos. F; SP: 5 yrs.

FRAUDULENT CONVEYANCES OR REMOVALS

GAMING

HIGHWAYS AND BRIDGES

HOMICIDE (inclusive)

18-4003 Degrees of murder

18-4004 Punishment for murder

• Murder I

• Murder II

18-4006* Manslaughter defined

18-4007* Punishment for manslaughter

(1) Voluntary

(2) Involuntary

(3) Vehicular

(a) Unlawful act, not felony, with gross negligence

(b) Violate 18-8004 or 18-8006

(c) Unlawful act, not felony, without gross negligence

18-4014 Administering poison with intent to kill

18-4015 Assault with intent to murder

INDECENCY AND OBSCENITY

18-4103* General sale or distribution, etc., of obscene matter--Penalty

• Twice concluded in preceding 2 yrs. for any Ch. 41 offense, title 18 offense and convictions 10 days or more apart

18-4104 Participation in, or production or presentation of, obscene live conduct in public place--Penalty

18-4105 Public display of offensive sexual material--Penalty

18-4107 Conspiracy - penalty

18-4109* Punishment for violations

INTOXICANTS AND INTOXICATION

IRRIGATION WORKS

JURIES AND JURORS

18-4404 Tampering with jury list

18-4405 Certifying to false jury lists

KIDNAPPING

18-4504 Punishment - liberation of kidnapped person

LARCENY AND RECEIVING STOLEN GOODS (inclusive)

18-4616 Defacing marks on logs or lumber

18-4617 Stealing rides on trains

18-4620 Stealing rides - punishment

18-4621 Stealing electric current - tampering with meters

18-4622 Stealing electric current - accessories liable as principals

18-4624* Token or converted merchandise as theft

• Grand theft

• Petit theft

18-4626 Wilful concealment of goods, wares or merchandise - defense for detention

18-4627 Transportation of coniferous trees - proof of ownership required

18-4628 Transportation of forest products - proof of ownership required - exceptions

A Penalty for purchase without proof of ownership

18-4629 Penalty for transportation of forest products without a permit, contract, bill of sale, or product load receipt

18-4630 Illegal use of documents

LEGISLATIVE POWER

18-4701 Alteration of bills

18-4702 Alteration of enrolled copies

18-4703 Offering bribes to legislators

18-4704 Legislators receiving bribes

LIBEL

LOTTERIES

MAYHEM

18-5002 Punishment for mayhem

MONOPOLIES AND COMBINATIONS

PERJURY AND SUBORNATION OF PERJURY

18-5401 Perjury defined

18-5409 Punishment for perjury

18-5410 Subornation of perjury

M; J: 6 mos.

Misdemeanor

M; J: 30 days

M; J: 6 mos.

M; J: 6 mos.

SP: 1-20 yrs./1-14 yrs.
J: 1 yr./30 days-1 yr.

M; J: 6 mos.

Unlawful

M; J: 6 mos.

M; J: 6 mos.

M; J: 6 mos.

F; SP: 5 yrs.

F; SP: 5 yrs.

F; SP: 5 yrs.

F; SP: 5 yrs.

F; SP: 5 yrs.

SP: 14 yrs.

SP: 1-14 yrs.

See above

SP: 1-14 yrs.

Death/SP: life
SP: 10 yrs.-life

SP: 15 yrs
SP: 10 yrs.
SP: 7 yrs.

SP: 7 yrs.
J: 2 yrs.

SP: 10 yrs.-life

SP: 1 yr.-14 yrs.

J: 6 mos.
SP: 5 yrs.

J: 6 mos.

J: 6 mos.

SP: 5 yrs.

See above

SP: 5 yrs.

SP: 5 yrs.

Death/SP: life 1-25 yrs.

18-5411 Perjury resulting in execution of innocent person	Death	18-6009* Placing obstructions on tracks	SP: 5 yrs. OR J: \geq 6 mos.
POISONINGS - DENATURED ALCOHOL			
18-5501 Poisoning food, medicine or wells	SP: 1-10 yrs.	18-6010 Obstruction or interference with railroad	SP: 5-20 yrs.
PROSTITUTION			
18-5601 Interstate white slave traffic	SP: 2-20 yrs.	18-6011 Obstruction or interference with railroad - act causing death	SP: 5 yrs.-life
18-5602 Procurement - definition and penalty	SP: 2-20 yrs.	RAPE (inclusive)	
18-5603 Receiving pay for procurement	SP: 2-20 yrs.	18-6104 Punishment for rape	SP: 1 yr.-life
18-5604 Paying for procurement	SP: 2-20 yrs.	RELIGIOUS MEETINGS - SUNDAY REST	
18-5605 Peonage for prostitution	SP: 2-20 yrs.	REVENUE AND TAXATION	
18-5606 Accepting earnings of a prostitute	SP: 2-20 yrs.	18-6303 Unlawful possession of blank licenses or poll tax receipts	F; SP: 5 yrs.
18-5607 Living with or on earnings of prostitute	SP: 1-20 yrs.	18-6306 Tax collector - neglect of duty	J: 1 yr.
18-5608 Harboring prostitutes	SP: 2-20 yrs.	18-6307 Auditor - neglect of duty	SP: 1 yr.
18-5609* Enticing unmarried person of character under eighteen yrs. of age into prostitution or illicit sexual connection - penalties	SP: 5 yrs. or J: 1 yr.	18-6308 Violation of revenue laws	SP: 1 yr.
18-5610 Abduction of person under eighteen yrs. of age for prostitution - penalties	SP: 5 yrs.	18-6309 Impersonation of revenue officer	F: 5 yrs.
18-5613* Prostitution ● Third or subsequent conviction	M; J: 6 mos. F; SP: 5 yrs.	RIOT, ROUT, UNLAWFUL ASSEMBLY, PRIZE FIGHTING, DISTURBING PEACE	
PUBLIC FUNDS AND SECURITIES			
18-5701 Misuse of public money by officers	SP: 1-10 yrs.	18-6402* Riot - felony - misdemeanor - punishment ● It occurs on or about any penal facility in state ● Destruction or damage to property exceeds \$500	M; J: 1 yr. SP: 5-20 yrs. SP: 5 yrs.
18-5702 Failure to keep and pay over money	F; SP: 5 yrs.	ROBBERY (inclusive)	
PUBLIC HEALTH AND SAFETY			
18-5808 Permitting mischievous animal at large	F; SP: 5 yrs.	18-6503 Punishment for robbery	SP: 5 yrs.-life
18-5816 Abandonment of airtight containers without removing door locks prohibited	Unlawful	SEX CRIMES (inclusive)	
PUBLIC NUISANCES			
RAILROADS			
18-6001 Permitting collision causing death	SP: 1-10 yrs.	18-6601* Adultery	J: 3 mos. OR SP: 3 yrs. OR J: 1 yr.
18-6006 Injuring railroad property	SP: 10 yrs.	18-6602 Incest	SP: 10 yrs.
18-6007 Larceny of car parts - murder by wrecking	SP: 1-5 yrs./or punish as murder	18-6603 Fornication	?: 6 mos.
18-6008 Receiving stolen car parts	F; SP: 1-5 yrs.	18-6604 Lewd cohabitation	M; J: 6 mos.
COMMUNICATIONS SECURITY			
		18-6605 Crime against nature - punishment	SP: 5 yrs. (MIN.)
		18-6608 Forcible sexual penetration by use of foreign object	SP: life
		18-6702 Interception and disclosure of wire or oral communications prohibited	SP: 5 yrs.
		18-6703 Manufacture, distribution, possession, and advertising of wire or oral communication intercepting devices prohibited	SP: 5 yrs.

18-6710* Use of telephone to annoy, terrify, threaten, intimidate, harass or offend by lewd or profane language, requests, suggestions or proposals - threats of physical harm - disturbing the peace by repeated calls - penalties ● Second or subsequent conviction	J: 1 yr. SP: 5 yrs.	18-7503 Weapons aboard aircraft - penalty	SP: 5 yrs.
18-6711* Use of telephone to terrify, intimidate, harass or annoy by false statements - penalties ● Second or subsequent conviction	J: 1 yr. SP: 5 yrs.	18-7504 Threats made against airline passengers, other persons, commercial airline companies, or aircraft - penalty	F; SP: 5 yrs.
18-6715 Forgery of telegraphic messages	SP: 5 yrs.	TAPE PIRACY ACT	
18-6716 Opening telegrams	SP: 5 yrs.	18-7603 Unlawful transfer, sale, distribution, advertisement	SP: 4 yrs.
TELEGRAPH, TELEPHONE AND ELECTRIC LINES		18-7604 Penalties	See above
18-6805 Punishment for removal, destruction or burning of electric lines or plants	SP: 10 yrs.	MOTION PICTURE FAIR BIDDING ACT	
TRESPASS AND MALICIOUS INJURIES TO PROPERTY		RACKETEERING ACT	
18-7001* Malicious injury to property ● Damages caused by violation exceed \$1,000 in value	M; J: 6 mos. SP: 1-5 yrs.	18-7804 Prohibited activities - penalties	SP: 14 yrs.
18-7007 Bombing of buildings or works - penalty	SP: 1-20 yrs.	MALICIOUS HARASSMENT	
18-7010 Cutting state timber for shipment	F; SP: 5 yrs.	18-7902 Malicious harassment defined - prohibited	SP: 5 yrs.
18-7018 Injuring jails	SP: 5 yrs.	18-7903 Penalties - criminal	See above
18-7019 Injuring dams, canals, and other structures - penalty	SP: 2 yrs.	MOTOR VEHICLES	
18-7024 Underground workings of mines - setting fire to	F: 5-20 yrs.	18-8001* Driving without privileges ● Pleads/found guilty 2nd offense in 5 yrs. ● Pleads/ found guilty of more than two (2) violations of the provisions of subsection (1) of this section within five yrs.	M; J: 2 days-6 mos. M; J: 20 days-1 yr. SP: 3 yrs. OR J: 30 days-3 yrs.
18-7025 Punishment for violation of preceding section	See above	18-8004* Persons under the influence of alcohol, drugs or any other intoxicating substances	See below
18-7026* Sabotage	SP: 5 yrs. OR J: 6 mos.	18-8005* Penalties ● Pleads/found guilty 2nd offense in 5 yrs. ● Pleads/found guilty of three (3) or more violations of the provisions of section 18-8004 Idaho Code within 5 yrs.	M; J: 6 mos. M; J: 10 days-1 yr. SP: 5 yrs. OR J: 30 days-5 yrs.
18-7028 Unlawful removal of human remains - malice - intent to sell	F: 5 yrs.	18-8006* Aggravated driving while under the influence of alcohol, drugs or any other intoxicating substances	SP: 5 yrs. OR J: 30 days-5 yrs.
WEIGHTS AND MEASURES		UNIFORM CONTROLLED SUBSTANCES (inclusive)	
CIVIL RIGHTS		37-2725 Prescription blanks - possession - cost of blanks - report when lost or stolen	M; J: 6 mos.
BAIL JUMPING		37-2732* Prohibited acts A - penalties (a) Unlawful to manufacture or deliver, or possess with intent to manufacture or deliver a controlled substance: (1)(A) Classified in Schedule I which is a narcotic drug or a controlled substance classified in Schedule II	See below See below SP: life
18-7401* Bail jumping - default in required appearance ● Where the required appearance was to answer to a charge of felony	M; J: 6 mos. F; SP: 5 yrs.		
AIRCRAFT HIJACKING			
18-7501 Aircraft hijacking defined - penalty	? : life		
18-7502 Assault with intent to commit aircraft hijacking defined - penalty	? : life		

(B) Any other controlled substance which is a nonnarcotic drug classified in Schedule I or a controlled substance classified in Schedule III

(1)(C) Classified in Schedule IV

(D) Classified in Schedule V

(b)(1)(A)-(C) Unlawful to create, deliver, or possess with intent to deliver, a counterfeit substance

(D) Classified in Schedule V or a non-controlled counterfeit substance

(e) Unlawful to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter

(c)(1)(A) Classified in Schedule I which is a narcotic drug or a controlled substance classified in Schedule II

(c)(1)(B) Non-narcotic drug classified in Schedule I or a controlled substance classified in Schedules III, IV, and V

(d) Unlawful to be present at or on premises of any place where he knows illegal controlled substances are being manufactured, cultivated, etc.

(e) Possession of marijuana and not a derivative or an extract thereof, in an amount greater than three ounces net weight

(f) Two or more persons conspire to commit any offense defined in this act

(g) Unlawful to manufacture or distribute a simulated controlled substance, or to possess with intent to distribute a simulated controlled substance unlawful to possess a simulated controlled substance

(h) Unlawful to cause to be placed in any newspaper, etc. any advertisement or solicitation offering for sale simulated controlled substances

37-2733 Prohibited acts B - penalties

(a1-3) ● Prescription violations

(a4) ● Refuse entry

(a5) ● Maintain drug haven

37-2734 Prohibited acts C - penalties

(1) ● Prescription violation

(2) ● Forgery/fraud

SP: 5 yrs.

37-234 A Prohibited acts D - penalties

J: 1 yr.

- A(1) ● Use drug paraphernalia
- (2) ● Place ad for paraphernalia
- (3) ● Penalty
- (4) ● Over 18 delivers to under 18 and \geq 3 yrs. younger

SP: 3 yrs.

J: 1 yr.

SP: 15 yrs./5 yrs./3 yrs.

37-234 B Prohibited acts E - penalties

F: 9 yrs.

● unlawful to deliver drug paraphernalia

J: 1 yr.

37-2737 Distribution to persons under age 18

2 x penalty

See below

37-2739 Second or subsequent offense

2 x penalty

A Mandatory minimum penalty prior conviction within past 10 years of a violation of the felony provisions of section 37-2732(A) and/or any dealing, selling or trafficking in controlled substances in any court of the United States

SP: 3 yrs.-life

SP: 3 yrs.

J: 1 yr.

J: 90 days

SP: 5 yrs.

Maximum punishment prescribed for the offense
J: 1 yr./
6 mos.

Punished in same manner as prescribed in sub-section (g) of this section

J: 1 yr.

SP: 4 yrs.

ILLINOIS

ILL. ANN. STAT. ch. 38, para. x (Smith-Hurd 1972, 1977, 1979 & Supp. 1986).
 For drugs: ILL. ANN. STAT. ch. 56^{1/2}, para. x (Smith-Hurd 1985 & Supp 1986).

Criminal Classification Information

TABLE 3

CLASSIFICATION OF OFFENSES AND SENTENCES UNDER THE UNIFIED CODE OF CORRECTIONS

Classification	Sentence
Murder	Death/imprisonment Minimum: 20 years Maximum: Life Parole term: 3 years Fine: \$10,000 or greater amount stated in offense (where death penalty not imposed)
Class X Felony	Imprisonment Minimum: 6 years Maximum: 30 years Parole term: 3 years Fine: \$10,000 or greater amount stated in offense
Class 1 Felony	Imprisonment Minimum: 4 years Maximum: 15 years Parole term: 2 years Fine: \$10,000 or greater amount stated in offense
Class 2 Felony	Imprisonment Minimum: 3 years Maximum: 7 years Parole term: 2 years Fine: \$10,000 or greater amount stated in offense
Class 3 Felony	Imprisonment Minimum: 2 years Maximum: 5 years Parole term: 1 year Fine: \$10,000 or greater amount stated in offense
Class 4 Felony	Imprisonment Minimum: 1 year Maximum: 3 years Parole term: 1 year Fine: \$10,000 or greater amount stated in offense
Class A Misdemeanor	Imprisonment For any term less than 1 year Fine: Not to exceed \$1,000
Class B Misdemeanor	Imprisonment Up to 6 months Fine: Not to exceed \$500
Class C Misdemeanor	Imprisonment Up to 30 days Fine: Not to exceed \$500

Petty Offense Imprisonment: None
 Fine: Not to exceed \$500 (or lesser amount stated in the statute)

Business Offense Imprisonment: None
 Fine: Amount stated in offense.

Probation Class 1/2 felony: Up to 4 years
 Class 3/4 felony: Up to 30 mos.
 Misdemeanor: Up to 1 year
 Petty or Business Offense: Up to 6 mos.

38 paras. 1001-1-1 to 1005-6 Ill. Stats. Anno.

§1005-1-9. Felony

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

INCHOATE OFFENSES

§8-1. Solicitation

(b) Penalty. A person convicted of solicitation may be fined or imprisoned or both not to exceed the maximum provided for the offense solicited: Provided, however, the penalty shall not exceed the corresponding maximum limit provided by subparagraph (c) of Section 8-4 of this Act, as heretofore and hereafter amended.

§8-2. Conspiracy

(c) Sentence. A person convicted of conspiracy may be fined or imprisoned or both not to exceed the maximum provided for the offense which is the object of the conspiracy, except that if the object is an offense prohibited by Sections 11-15, 11-16, 11-17, 11-19, 24-1(a)(1), 24-1(a)(7), 28-1, 28-3 and 28-4 of the "Criminal Code of 1961", approved July 28, 1961, as amended or prohibited by Sections 401, 402, 403, 404, 406(b) or 407 of the "Illinois Controlled Substances Act", enacted by the 77th General Assembly, or an inchoate offense related to any of the aforesaid principal offenses the person convicted may be sentenced for a Class 3 felony, however, conspiracy to commit treason, murder, or aggravated kidnapping shall not be sentenced in excess of a Class 2 felony, and conspiracy to commit any offense other than those specified in this subsection shall not be sentenced in excess of a Class 4 felony.

§8.4. Attempt

(c) Sentence. A person convicted of an attempt may be fined or imprisoned or both not to exceed the maximum provided for the offense attempted but, except for an attempt to commit the offense defined in Section 33A-2 of this Act,

- (1) the sentence for attempt to commit murder is the sentence for a Class X felony;
- (2) the sentence for attempt to commit a Class X felony is the sentence for a Class 1 felony;
- (3) the sentence for attempt to commit a Class 1 felony is the sentence for a Class 2 felony;
- (4) the sentence for attempt to commit a Class 2 felony is the sentence for a Class 3 felony; and
- (5) the sentence for attempt to commit any felony other than those specified in Subsections (1), (2), (3) and (4) hereof is the sentence for a Class A misdemeanor.

ILLINOIS CRIMINAL STATUTES

ILL. ANN. STAT. ch. 38, para. x (Smith-Hurd 1972, 1977, 1979 & Supp. 1986).
 For drugs: ILL. ANN. STAT. ch. 56 1/2 para. x (Smith-Hurd 1985 & Supp 1986).

KEY

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

Statute No. and Title Class

DIVISION I. CRIMINAL CODE OF 1961

TITLE III. SPECIFIC OFFENSES

Part B: Offenses Directed Against the Person

HOMICIDE (inclusive)

38:9-1 Murder--Death penalties-- Exceptions--Separate hearings-- proof--findings--Appellate procedures--Reversals	Murder
38:9-1.2 Intentional homicide of an unborn child	Murder (but no death)
38:9-2 Voluntary manslaughter	F1
38:9-2.1 Voluntary manslaughter of an unborn child	F1
38:9-3 Involuntary manslaughter and reckless homicide	F3
38:9-3.1 Concealment of homicidal death	F3
38:9-3.2 Involuntary manslaughter and reckless homicide of an unborn child	F3
38:9-4 Concealing death of bastard	MA

KIDNAPING

38:10-1 Kidnaping	F2
38:10-2 Aggravated Kidnaping ● for ransom ● other aggravated	FX F1
38:10-3 Unlawful Restraint	F4
38:10-3.1 Aggravated Unlawful Restraint	F3
38:10-4 Forcible Detention	F2
38:10-5 Child Abduction	F4
38:10-7 Aiding and abetting child abduction	F4

SEX OFFENSES (inclusive)

38:11-6* Indecent solicitation of a child ● if criminal sexual abuse ● if criminal sexual assault, agg. criminal sexual assault, or agg. criminal sexual abuse	MA F4
38:11-7 Adultery	MA
38:11-8 Fornication	MB
38:11-9 Public Indecency	MA
38:11-11 Sexual relations within families	F3
38:11-12 Bigamy	F4
38:11-13 Marrying a Bigamist	MA
38:11-14* Prostitution ● 2 or more prior convictions	MA F4
38:11-15* Soliciting for a prostitute ● 2 or more prior convictions	MA F4
38:11-15.1 Soliciting for a juvenile prostitute	F1
38:11-16 Pandering	F4
38:11-17* Keeping a place of prostitution ● 2 or more prior convictions	MA F4
38:11-18* Patronizing a pro- stitute ● 2 or more prior convictions	MB F4
38:11-19* Pimping ● 2 or more prior convictions	MA F4
38:11-19.1 Juvenile pimping	F1
38:11-19.2 Exploitation of a child	FX
38:11-20* Obscenity ● if 2nd offense	MA F4
38:11-20.1 Child pornography	F1/F2/F4
38:11-20.2 Failure of commercial film and photographic print processor to report child sex acts on film	Business offense
38:11-21* Harmful material ● distribution ● 2nd offense ● minor lies about age	MA F4 MB
38:11-22 Tie-in sales obscene publications	Petty

BODILY HARM (inclusive)

38:12-1 Assault	MC
38:12-2 Aggravated Assault	MA
38:12-3 Battery	MA

38:12-3.1 Battery of an unborn child	MA	38:16-3* Theft of labor or services or use of property	
		● if labor	MA
38:12-4 Aggravated Battery	F3	● if rental car	F4
38:12-4.1 Heinous battery	FX	38:16-3.1* False report of theft and other losses	MA
38:12-4.3 Aggravated battery of a child	F2	● 2nd conviction	F4
38:12-4.4 Aggravated battery of an unborn child	F2	38:16-5* Theft from coin-operated machines	MA
		● 2nd conviction	F4
38:12-4.5 Tampering with food, drugs or cosmetics	F2	38:16-6 Coin-operated machines--possession of a key or device	MA
38:12-5 Reckless conduct	MA	38:16-7 Unlawful use of recorded sounds	F4
38:12-5.1 Criminal housing management	MA	38:16-8 Unlawful use of unidentified sound recordings	MB
38:12-6 Intimidation	F3	38:16-9* Unlawful use of a computer	
38:12-6.1 Compelling organization membership of persons	F3/F2	● if use damage < \$1,000	Petty
		● if use damage > \$1,000	MA
38:12-7 Compelling confession or information by force or threat	F4	● if defraud < \$1,000	MA
		● if defraud > \$1,000	F4
38:12-7.1* Ethnic intimidation	MA	38:16-10 Cable television service offenses	MA
● if violent injury	F3		
38:12-8 Dueling	MA	38:16-11 Unauthorized use of television interception or decoding device	MA/MB
38:12-9 Threatening public officials	F4	38:16-12 Contributing to unauthorized use of television interception or decoding device	MA
38:12-10 Tattooing body of a minor	MC	38:16-14 Unlawful interference with public utility service	MA
38:12-11 Home invasion	FX	38:16-15* Unlawful use of theft detection shielding device	MA
38:12-13 Criminal sexual assault	F1	● 2nd conviction	F4
38:12-14 Aggravated criminal sexual assault	FX	RETAIL THEFT (inclusive)	
38:12-15* Criminal sexual abuse	MA	38:16A-10* Sentence	
● if 2nd offense	F2	● if < \$150	MA
38:12-16 Aggravated criminal sexual abuse	F2	● 2nd offense + < \$150	F4
		● if > \$150	F3
38:12-19 Abuse and gross neglect of a long term care facility resident	F3/F4	PROTECTION LIBRARY MATERIALS	
VIOLETION OF CIVIL RIGHTS [Repealed]		38:16B-5* Library theft	
EAVESDROPPING		● if < \$300 in theft or mutilation	MA
		● if > \$300 in theft or mutilation	F3
38:14-4 Sentence	F4/F3	● if fail to return materials	petty
Part C: Offenses Directed Against Property		UNLAWFUL SALE OF HOUSEHOLD APPLIANCES	
THEFT AND RELATED OFFENSES (inclusive)		38:16C-2* Offense of unlawful sale of household appliances	
38:16-1* Theft		● if < \$1,000	MB
● if < \$300	MA	● if > \$1,000	F4
● if 2nd conviction	F4	DECEPTION	
● if firearm	F4	38:17-1* Deceptive practices	MA
● if 2nd conviction - firearm	F3	● if 2nd conviction (bad tax check)	F4
● if > \$300 or from person	F3	● if tax evasion > \$150	F4
38:16-2 Theft of lost or mislaid property	Petty	● if 3 offenses (check/money orders, implements of check fraud, fake I.D.)	

38:17-2* Impersonating member of police fraternal or veterans organization or representative of charitable organization	MA/MC	NARCOTIC DRUGS, HYPODERMIC SYRINGES & NEEDLES ACT (inclusive)	
● 2nd violation of subsection (c)	F4	38:22-53* Violation of Act-Punishment	MA
38:17-3 Forgery	F3	● if second offense	F4
38:17-6 State benefits fraud	F4/F3	DEADLY WEAPONS	
38:17-11* Odometer fraud	MA	38:24-1* Unlawful use of weapons	MA
● 2nd conviction	F4	● violate section (1-5), (8), (10), (11)	F3
DISQUALIFICATION FOR STATE BENEFITS		● violate section (6-7)	F2
17A-1* Persons subject to disqualification benefits affected	See below	● violate section (6-7) on school grounds	F4
17A-3* Penalties		● violate section (9), (12)	F3
● value < \$150	MA	● violate section (9) on school grounds	F4
● subsequent violation	F4	● subsequent violation of (4)	F4
● amount ≥ 150 but < \$1,000	F4	38:24-1.1 Unlawful use of firearms by felons	F3/F1/FX
● subsequent violation	F3	38:24-2.1 Unlawful use of metal piercing bullets	F3
● amount ≥ \$1,000 but < \$5,000	F3	38:24-2.2 Manufacture, sale or transfer of bullets represented to be metal piercing bullets	F4
● subsequent violation	F2	38:24-3* Unlawful sale of firearms	MA
● amount ≥ \$5,000 but < \$10,000	F2	● if to a minor	F4
● subsequent violation	F1	38:24-3.2 Unlawful discharge of metal piercing bullets	FX
● amount ≥ \$10,000	F1	38:24-3.3 Unlawful sale or delivery of firearms on the premises of any school	F3
ROBBERY (inclusive)		MOB ACTION AND RELATED OFFENSES	
38:18-1 Robbery	F2	38:25-1* Mob action	MC/MA
38:18-2 Armed robbery	FX	● if violence inflicts injury	F4
BURGLARY (inclusive)		DISORDERLY CONDUCT	
38:19-1 Burglary	F2	38:26-1* Disorderly conduct	MA/MB/MC/ Business offense
38:19-2 Possession of burglary tools	F4	● false fire alarm	F4
38:19-3 Residential burglary	F1	CRIMINAL DEFAMATION	
38:19-4 Criminal trespass to residence	MA	GAMBLING	
ARSON (inclusive)		38:28-1* Gambling	MA
38:20-1 Arson	F2	● if second conviction	F4
38:20-2 Possession of explosives or explosive or incendiary devices	F2	38:28-1.1 Syndicated gambling	F3
DAMAGE AND TRESPASS TO PROPERTY		38:28-3* Keeping a gambling place	MA
38:21-1* Criminal damage to property	MA	● subsequent offense	F4
● if > \$300	F4	BRIBERY IN CONTESTS	
● shoot at train	F4	38:29-1 Offering a bribe	F4
38:21-1.2 Institutional vandalism	F3	38:29-2 Accepting a bribe	F4
38:21-4* Criminal damage to state supported property	MA		
● if > \$500	F4		
RESIDENTIAL PICKETING			
INTERFERENCE WITH A PUBLIC INSTITUTION OF HIGHER EDUCATION			

COMMERCIAL BRIBERY

Part E. Offenses Affecting Governmental Functions

TREASON AND RELATED OFFENSES

38:30-1	Treason	FX (possible death)
38:30-2	Misprision of Treason	F4
38:30-3	Advocating overthrow of government	F3

INTERFERENCE WITH PUBLIC OFFICIALS

38:31-1a	Disarming a peace officer	F2
38:31-4	Obstructing justice	F4
38:31-5	Concealing or aiding a fugitive	F4
38:31-6*	Escape--failure to report to a penal institution or to report for periodic imprisonment	F2/F3
	● if misdemeanor	MA/MB
	● unarmed escape	MA
38:31-7*	Aiding escape	MA/MB
	● if convicted felon	F2/F3
	● if armed	F2

INTERFERENCE WITH PENAL INSTITUTION

38:31A-1	Bringing contraband into a non-state penal institution	F4
38:31A-1.1	Bringing contraband into a state penal institution	F4/F1/FX

INTERFERENCE WITH JUDICIAL PROCEDURE

38:32-2	Perjury	F3
38:32-3	Subornation of perjury	F4
38:32-4	Communicating with jurors and witnesses	F4
38:32-4a	Harassment of jurors and witnesses	F4
38:32-6	Performance of unauthorized acts	F4
38:32-8	Tampering with public records	F4
38:32-10*	Violation of bail bond	Downgrade 1 class from charge

OFFICIAL MISCONDUCT

38:33-1	Bribery	F2
38:33-3	Official misconduct	F3

Part F: Certain Aggravated Offenses

ARMED VIOLENCE

38:33A-2	Armed violence--elements of the offense	
38:33A-3	Sentence	FX/F1

MANDATORY LIFE SENTENCE A THIRD OR SUBSEQUENT FORCIBLE OFFENSE

38:33B-1	Habitual criminals--determination--application of article	Life, except where death penalty is imposed
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DECEPTION RELATING TO CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES

38:33C-1	Fraudulently obtaining or retaining certification	F2
2	Willfully making a false statement	F2
3	Willfully obstructing or impeding an official or employee of any agency in his investigation	F2
4	Fraudulently obtaining public monies reserved for disadvantaged business enterprises	F2

TITLE V: ADDED ARTICLES

PROPERTY FORFEITURE

38:37-1*	Maintaining public nuisance	MA
o	subsequent offense	F4

CRIMINALLY OPERATED BUSINESSES

CRIMINAL USURY

38:39-1	Criminal Usury	
38:39-2	Sentence	F4

LOOTING

38:42-1	Looting by individual	
38:42-2	Sentence	F4

DIVISION II: MISCELLANEOUS PENAL PROVISIONS

A: General Provisions

AERIAL EXHIBITIONS

CONTAINERS

B: Solicitation, Conspiracy and Attempts

ANTITRUST ACT

38:60-6	Violations--Punishments--Prosecutions	F4
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C: Offenses Against Persons

BLIND OR HEARING IMPAIRED PERSONS

INFORMATION OBTAINED IN BUSINESS OF PREPARING INCOME TAX RETURNS

D: Offenses Against Property

OFFICIAL STATIONERY OR SEAL OF INSTITUTION OF HIGHER LEARNING

SALE OF REALTY

38:70-51 Inducements to sale or purchase on race, color, etc.

38:70-52 Sentence F4

E: Public Health, Safety and Decency

INTOXICATING COMPOUNDS

ABORTION LAW OF 1975

38:81-23.1 Medical judgment F2

38:81-25 Preservation of life and health of mother--viability of fetus F2

38:81-26* Preservation of life and health of fetus--Intentionally taking life of fetus--Experimentation with fetus F3

● fail to inform mother of existence of anesthetic MB
● if sale or experiment upon fetus MA

38:81-31* Violations--Penalties--Unprofessional conduct MA/MB/MC

● reckless abortion woman not pregnant F2

1 Abortion referral F4

fee--Payment or receipt prohibited--Penalty--Referral fee defined

ABORTION PARENTAL CONSENT ACT

PARENTAL NOTICE OF ABORTION ACT OF 1983

AIR RIFLES

FIREARMS AND AMMUNITION

BOARDING AIRCRAFT WITH FIREARM, EXPLOSIVE, OR LETHAL WEAPON

PUBLIC DEMONSTRATIONS LAW (held unconstitutional in 1985)

LITTER CONTROL ACT

THE COMMUNICATIONS CONSUMER PRIVACY ACT

F: Offenses Affecting Government

LEGISLATIVE MISCONDUCT

38:90-1 Acceptance of money, etc.

38:90-2 Sentence F3

DRAFT CARDS--DESTRUCTION OR MUTILATION

38:90-11 Sentence F4

DRUGS (inclusive)

CANNABIS CONTROL ACT

56¹/₂:704* Possession of cannabis--violations--punishment See below

(a) possess ≤ 2.5 gms MC

(b) possess 2.5 - 10 gms MB

(c) possess 10 - 30 gms MA

● subsequent offense F4

(d) possess 30 - 500 gms F3/F4

(e) possess > 500 gms F3

56¹/₂:705* Manufacture or delivery of cannabis--violations--punishment See below

(a) ≤ 2.5 gms MB

(b) 2.5 - 10 gms MA

(c) 10 - 30 gms F4

(d) 30 - 500 gms F3

(e) > 500 gms F2

56¹/₂:707 Persons under 18 years of age--delivery--enhancement of penalty Twice maximum term

56¹/₂:708 Production of cannabis sativa plant--punishment MA

56¹/₂:709 Calculated criminal cannabis conspiracy--punishment F3/F1

CONTROLLED SUBSTANCES ACT

56¹/₂:1401 Manufacture or delivery unauthorized by Act--Penalties FX/F1/F2/F3

56¹/₂:1402 Possession unauthorized by this Act--Penalty F1/F4

56¹/₂:1404* Look-alike substances--manufacture, distribution, advertisement or possession--penalty See below

(b) mfg, deliver, possess with intent F3

(c) possess Petty

● if subsequent offense MC

56¹/₂:1405 Calculated criminal drug conspiracy--penalty FX

56¹/₂:1406* Miscellaneous violations--penalty MA

● if subsequent offense F4

56¹/₂:1407 Manufacture, delivery, sales--Persons under 18--school property--enhancement of penalties FX/F1/F2

56¹/₂:1408 Second or subsequent offenses--enhancement of penalties Twice the maximum term

NARCOTICS PROFIT FORFEITURE ACT

56¹/₂:1655 Narcotics racketeering F1

DRUG PARAPHERNALIA CONTROL ACT

56¹/₂:2103 Sale or delivery--Penalty--Public nuisance Business offense (fine)

Criminal Classification Information

Chapter 5. Offenses of General Applicability

35-41-5-1. Attempt

Sec. 1(a) A person attempts to commit a crime when, acting with the culpability required for commission of the crime, he engages in conduct that constitutes a substantial step toward commission of the crime. An attempt to commit a crime is a felony or misdemeanor of the same class as the crime attempted. However, an attempt to commit murder is a Class A felony.
 (b) It is no defense that, because of misapprehension of the circumstances, it would have been impossible for the accused person to commit the crime attempted.

35-41-5-2. Conspiracy

Sec. 2(a) A person conspires to commit a felony when, with intent to commit the felony, he agrees with another person to commit the felony. A conspiracy to commit a felony is a felony of the same class as the underlying felony. However, a conspiracy to commit murder is a Class A felony.

(b) The state must allege and prove that either the person or the persons with whom he agreed performed an overt act in furtherance of the agreement.

(c) It is no defense that the person with whom the accused person is alleged to have conspired:

- (1) Has not been prosecuted;
- (2) Has not been convicted;
- (3) Has been acquitted;
- (4) Has been convicted of a different crime;
- (5) Cannot be prosecuted for any reason; or
- (6) Lacked the capacity to commit the time.

35-50-2-1. Definitions

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

"Minimum sentence" means:

- (1) For murder, thirty [30] years;
- (2) For a Class A felony, twenty [20] years;
- (3) For a Class B felony, six [6] years;
- (4) For a Class C felony, two [2] years; and
- (5) For a Class D felony, one [1] year.

35-50-2-4. Class A felony

Sec. 4. A person who commits a Class A felony shall be imprisoned for a fixed term of thirty [30] years, with not more than twenty [20] years added for aggravating circumstances or not more than ten [10] years subtracted for mitigating circumstances; in addition, he may be fined not more than ten thousand dollars [\$10,000].

35-50-2-5. Class B felony

Sec. 5. A person who commits a Class B felony shall be imprisoned for a fixed term of ten [10] years added for aggravating circumstances or not more than four [4] years subtracted for mitigating circumstances; in addition, he may be fined not more than ten thousand dollars [\$10,000].

35-50-2-6. Class C felony

Sec. 6. A person who commits a Class C felony shall be imprisoned for a fixed term of five [5] years, with not more than three [3] years added for aggravating circumstances or not more than three [3] years subtracted for mitigating circumstances; in addition, he may be fined not more than ten thousand dollars [\$10,000].

35-50-2-7. Class D felony

Sec. 7(a) A person who commits a Class D felony shall be imprisoned for a fixed term of two [2] years, with not more than two [2] years added for aggravating circumstances or not more than one [1] year subtracted for mitigating circumstances; in addition, he may be fined not more than ten thousand dollars [\$10,000].

(b) Notwithstanding subsection (a), if a person has committed a Class D felony, the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony if:

(1) The person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and

(2) The prior felony was committed less than three [3] years before the second felony was committed. The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

35-50-3-2. Class A misdemeanor

Sec. 2. A person who commits a Class A misdemeanor shall be imprisoned for a fixed term of not more than one [1] year; in addition, he may be fined not more than five thousand dollars [\$5,000].

35-50-3-3. Class B misdemeanor

Sec. 3. A person who commits a Class B misdemeanor shall be imprisoned for a fixed term of not more than one hundred eighty [180] days; in addition, he may be fined not more than one thousand dollars [\$1,000].

35-50-3-4. Class C misdemeanor

Sec. 4. A person who commits a Class C misdemeanor shall be imprisoned for a fixed term of not more than sixty [60] days, in addition, he may be fined not more than five hundred dollars [\$500].

INDIANA CRIMINAL STATUTES

IN. CODE ANN. § X (1986)

KEY

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

Statute No. and Title Class/Time

ARTICLE 42. OFFENSES AGAINST THE PERSON

Chapter 1. Homicide (inclusive)

- 35-42-1-1 Murder 40 years MIN./death
- 35-42-1-2 Causing suicide FB
- 35-42-1-3 Voluntary manslaughter FB
- 35-42-1-4 Involuntary manslaughter FC/FD
- 35-42-1-5 Reckless homicide FC
- 35-42-1-6 Feticide FC

Chapter 2. Battery and Related Offenses (inclusive)

- 35-42-2-1* Battery MB/MA
 ● If results in injury to police; < 13 years old committed by person at least 18; mentally/physically disabled committed by guardian; spouse committed by spouse previously convicted of same; an "endangered adult;" corrections employee while on duty
 ● If results in serious bodily injury or committed by means of deadly weapon FC
- 35-42-2-2* Criminal recklessness MB/MA
 ● If armed with a deadly weapon or serious bodily injury involved FD
 ● If serious injury by means of deadly weapon FC

35-42-2-3 Provocation Infraction

Chapter 3. Kidnapping; Confinement

- 35-42-3-2 Kidnapping FA
- 35-42-3-3 Criminal confinement FD/FC/FB

Chapter 4. Sex Crimes (inclusive)

- 35-42-4-1 Rape FB/FA
- 35-42-4-2 Criminal deviate conduct FB/FA
- 35-42-4-3 Child molesting FC/FB/FA
- 35-42-4-4 Child exploitation FD

35-42-4-5 Vicarious sexual gratification FD/FC/FB/FA

35-42-4-6 Child solicitation MA

Chapter 5. Robbery (inclusive)

35-42-5-1 Robbery FC/FB/FA

ARTICLE 43. OFFENSES AGAINST PROPERTY

Chapter 1. Arson; Mischief (inclusive)

35-43-1-1 Arson FB/FA/FC/FD

35-43-1-2* Mischief MB/MA
 ● If loss ≥ \$2,500, damage causes substantial interruption/impairment of utility service, or damage is to a public record FD

- If religious structure, cemetery, or school, and loss is ≥ \$250
- If same circumstances and loss ≥ \$2,500 FC

35-43-1-3 Unlawful acts relating to caves, offense MA

35-43-1-4 Computer tampering FD

Chapter 2. Burglary; Trespass (inclusive)

35-43-2-1 Burglary FC/FB/FA

35-43-2-2 Trespass MA

35-43-2-3 Computer Trespass MA

Chapter 3. Robbery--repealed

Chapter 4. Theft; Conversion (inclusive)

35-43-4-2 Theft; receiving stolen property FD/FC

35-43-4-2.5 Auto theft; receiving stolen auto parts FD/FC

35-43-4-3 Conversion MA

35-43-4-3.5 Failure to return or pay for articles borrowed from library, gallery, museum, collection, or exhibition Infraction

Chapter 5. Forgery and Other Deceptions

35-43-5-2 Forgery FC

35-43-5-4 Fraud FD

35-43-5-7* Welfare fraud MA
 ● If amount is > \$250 but < \$2,500 or violator has previous offense and amount < \$250 FD

● If amount ≥ \$2,500 FC

35-43-5-8 Fraud on financial institutions FC

ARTICLE 44. OFFENSES AGAINST PUBLIC ADMINISTRATION

Chapter 1. Bribery and other Official Misconduct

35-44-1-1 Bribery FC
 35-44-1-3 Conflict of interest FD

Chapter 2. Perjury and Other Falsifications

35-44-2-1 Perjury FD
 35-44-2-2* False reporting or informing MB/MA
 ● If with regard to placement of an explosive FD
 35-44-2-4 Ghost employment FD

Chapter 3. Interference with Governmental Operations

35-44-3-2 Assisting a criminal FD/FC
 35-44-3-3* Resisting law enforcement MA
 ● If draws/uses deadly weapon, inflicts bodily injury on another, or operates a vehicle in a way that creates substantial risk of injury to another FD
 35-44-3-4 Obstruction of justice; exception FD
 35-44-3-5 Escape FC/FB/FD
 35-44-3-6* Failure to appear MA
 ● If charge was felony FD
 33-44-3-9* Trafficking with an inmate MA
 ● If article is a controlled substance FD
 ● If article is a deadly weapon FC

ARTICLE 45. OFFENSES AGAINST PUBLIC HEALTH, ORDER, AND DECENCY

Chapter 1. Offense Against Public Order

35-45-1-2* Rioting MA
 ● If while armed with a deadly weapon FD

Chapter 2. Offenses Relating to Communications

35-45-2-1* Intimidation MA
 ● If threat to commit forcible felony or person threatened is officer, judge, bailiff, or witness in pending criminal action FD
 ● If person draws/uses a deadly weapon FC

Chapter 3. Pollution

35-45-3-1 Poisoning public water FD

Chapter 4. Public Indecency; Prostitution

35-45-4-2* Prostitution MA
 ● If two prior convictions FD
 35-45-4-3* Patronizing a prostitute MA
 ● If two prior convictions FD

35-45-4-4 Promoting prostitution FC/FB

Chapter 5. Gambling

35-45-5-3 Professional gambling FD
 35-45-5-4 Promoting professional gambling FD

Chapter 6. Racketeer Influenced and Corrupt Organizations

35-45-6-2 Corrupt business influence FC

Chapter 7. Loansharking

35-45-7-2 Loansharking FD/FC

ARTICLE 46. MISCELLANEOUS OFFENSES

Chapter 1. Offenses Against the Family

35-46-1-2 Bigamy FD
 35-46-1-3 Incest FD
 35-46-1-4 Neglect of a dependent; child selling FD/FB
 35-46-1-5 Nonsupport of a dependent child FD
 35-46-1-6 Nonsupport of a spouse FD
 35-46-1-9 Profiting from an adoption FD

Chapter 2. Offenses Relating to Civil Rights

Chapter 3. Offenses Relating to Animals

ARTICLE 47. REGULATION OF WEAPONS AND INSTRUMENTS OF VIOLENCE

Chapter 1. Definitions

Chapter 2. Handguns

35-47-2-1* Carrying of handgun prohibited; exceptions MA
 ● If prior conviction for section offense or if convicted of felony within fifteen years of offense date FD
 35-47-2-7 Prohibited sales or transfers ownership FC
 35-47-2-17 Giving false information or offering false evidence of identity; violation of section FC
 35-47-2-18 Obliterating identification marks on handgun or possession of such handguns prohibited FC

35-47-2-22* Use of unlawful handgun--carrying license to obtain handgun prohibited ● If prior conviction for section offense or if convicted of felony within fifteen years of offense date	MA FD	35-48-4-4 Dealing in a Schedule V controlled substance	FD/FB FD
35-47-2-23 Violation of Chapter (Penalties) Chapter 3. Disposal of Confiscated Weapons	See above	35-48-4-4.5 Dealing in a substance represented to be a controlled substance 35-48-4-4.6* Dealing--possessing look-a-like substance (a) If intentionally manufacture, advertise, distribute, or possess with intent to do same (b) If knowingly possess	FD FC MA/MC
35-47-3-4 Unlawful delivery of confiscated firearm	FD	35-48-4-5 Dealing in a counterfeit substance	FD
Chapter 4. Miscellaneous Provisions			
Chapter 5. Prohibited Weapons and Other Instruments of Violence		35-48-4-6 Possession of cocaine or narcotic drug	FD/FC
35-47-5-1 Explosive or inflammable substances	FC	35-48-4-7 Possession of a controlled substance	FD
35-47-5-4 Sawed-off shotgun	FD	35-48-4-8.1 Manufacture of paraphernalia	FD
35-47-5-8 Machine gun or bomb loaded with explosives or dangerous gases	FC	35-48-4-8.2 Dealing in paraphernalia	FD
35-47-5-9 Operating loaded machine gun or hurling bomb loaded with explosives or dangerous gases	FB	35-48-4-8.3* Possession of paraphernalia (a) If used to introduce to body, test strength of substance, or to enhance strength of substance (b) If to be used in connection with marijuana, hashish, or hash oil or has not had a prior conviction relating to marijuana or hashish/oil	See below FD MA
35-47-5-11 "Armor-piercing handgun ammunition" defined, related offenses	FC		
Chapter 6. Weapons on Aircraft			
35-47-6-1 Firearm, explosive or deadly weapon; possession in commercial or chartered aircraft	FC	35-48-4-10* Dealing in marijuana, hash oil, or hashish (a1-2) If recipient/intended recipient is < 18 years old; amount is > thirty grams but < ten pounds of marijuana; or two grams but < three hundred grams of hash/oil (b1-2) If > ten pounds of marijuana or > three hundred grams of hash/oil	MA FD FC
Chapter 7. Reports of Wounds Inflicted by Weapons			
Chapter 8. Electric Stun Weapons, Tasers and Stun Guns			
35-47-8-5* Stun guns; purchase; possession and sale; use in commission of crime; use on law enforcement officer ● Use of stun gun on on-duty law officer	MB/MA FD	35-48-4-11* Possession of marijuana, hash oil, or hashish ● If > thirty grams of marijuana or two grams of hash/oil or if person has prior conviction for marijuana or hash/oil offense	MA FD
ARTICLE 48. CONTROLLED SUBSTANCES (inclusive)			
Chapter 1. Definitions		38-48-4-13* Common nuisance ● Knowingly maintain building, etc. unlawfully used for unlawful intake of controlled substances or for unlawfully keeping, offering for sale, selling, etc., items of drug paraphernalia	MB FD
Chapter 2. Classification of Drugs			
Chapter 3. Registration and Control			
Chapter 4. Offenses Relating to Controlled Substances		35-48-4-14 Offenses relating to registration	FD/FC
35-48-4-1 Dealing in cocaine or narcotic drug	FB/FA		
35-48-4-2 Dealing in a schedule I, II, or III controlled substance	FB/FA		
35-48-4-3 Dealing in a Schedule IV controlled substance	FC/FB		

ARTICLE 49. OBSCENITY AND PORNOGRAPHY

Chapter 1. Definitions

Chapter 2. General Provisions

Chapter 3. Crimes

35-49-3-1* Sale or distribution MA
or exhibition of obscene matter FD

● If involves person who appears to
be or is < sixteen years of age

35-49-3-2* Obscene performance MA
● If depicts or describes sexual FD
conduct involving one < 16 years

of age

IOWA CODE ANN. §x (West 1969, 1979 & Supp. 1986)

Criminal Classification Information

701.7. Felony defined and classified.

A public offense is a felony of a particular class when the statute defining the crime declares it to be a felony. Felonies are class "A" felonies, class "B" felonies, class "C" felonies and class "D" felonies. Where the statute defining the offense declares it to be a felony but does not state what class of felony it is or provide for a specific penalty, that felony shall be a class "D" felony.

701.8. Misdemeanor defined and classified.

All public offenses which are not felonies are misdemeanors. Misdemeanors are aggravated misdemeanors, serious misdemeanors, or simple misdemeanors. Where an act is declared to be a public offense, crime or misdemeanor, but no other designation is given, such act shall be a simple misdemeanor.

902.1. Class "A" felony.

Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a class "A" felony may be rendered, the court shall enter a judgment of conviction and shall commit the defendant into the custody of the director of the Iowa department of corrections for the rest of the defendant's life. Nothing in the Iowa corrections code pertaining to deferred judgment, deferred sentence, suspended sentence, or reconsideration of sentence applies to a class "A" felony, and a person convicted of a class "A" felony shall not be released on parole unless the governor commutes the sentence to a term of years.

902.3. Indeterminate sentence.

When a judgment of conviction of a felony, other than a class "A" felony is entered against a person, the court, in imposing a sentence of confinement, shall commit the person into the custody of the director of the Iowa department of corrections for an indeterminate term, the maximum length of which shall not exceed the limits as fixed by section 707.3 or section 902.9 nor shall the term be less than the minimum term imposed by law, if a minimum sentence is provided. However, the court may sentence a person convicted of a class "D" felony for a violation of section 321J.2 to imprisonment for up to one year in a county jail under section 902.9, subsection 4, and the person shall not be under custody of the Iowa department of corrections.

902.8. Minimum sentence - habitual offender.

An habitual offender is any person convicted of a class "C" or a class "D" felony, who has twice before been convicted of any felony in a court of this or any other state, or of the United States. An offense is a felony if, by the law under which the person is convicted, it is so classified at the time of his or her conviction. A person sentenced as an habitual offender shall not be eligible for parole until he or she has served the minimum sentence of confinement of three years.

902.9. Maximum sentence for felons.

The maximum sentence for any person convicted of felony shall be that prescribed by statute or, if not prescribed by statute, if other than a class "A" felony shall be determined as follows:

1. A class "B" felon shall be confined for no more than twenty-five years.
2. An habitual offender shall be confined for no more than fifteen years.
3. A class "C" felon, not an habitual offender, shall be confined for no more than ten years, and in addition may be sentenced to a fine of not more than ten thousand dollars.
4. A class "D" felon, such felony being for a violation of section 321J.2, may be sentenced to imprisonment for up to one year in the county jail.

The criminal penalty surcharge required by section 911.2 shall be added to a fine imposed on a class "C" or class "D" felon, and is not a part of or subject to the maximums set in this section.

903.1. Maximum sentence for misdemeanants.

1. When a person is convicted of a simple or serious misdemeanor and a specific penalty is not provided for, the court shall determine the sentence, and shall fix the period of confinement or the amount of fine, if such be the sentence, within the following limits:
 - a. For a simple misdemeanor, imprisonment not to exceed thirty days, or a fine not to exceed one hundred dollars.
 - b. For a serious misdemeanor, imprisonment not to exceed one year, or a fine not to exceed one thousand dollars, or both.
2. When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years, or a fine not to exceed five thousand dollars, or both. When a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term.

The criminal penalty surcharge required by section 911.2 shall be added to a fine imposed on a misdemeanant, and is not a part of or subject to the maximums set in this section.

INCHOATE OFFENSES

705.1. Solicitation.

Any person who commands, entreats, or otherwise attempts to persuade another to commit a particular felony or aggravated misdemeanor, with the intent that such act be done and under circumstances which corroborates that intent by clear and convincing evidence, solicits such other to commit that felony or aggravated misdemeanor. One who solicits another to commit a felony of any class commits a class "D" felony. One who solicits another to commit an aggravated misdemeanor commits an aggravated misdemeanor.

706.3. Penalties.

A person who commits a conspiracy to commit a forcible felony is guilty of a class "C" felony. A person who commits a conspiracy to commit a felony, other than a forcible felony, is guilty of a class "D" felony. A person who commits a conspiracy to commit a misdemeanor is guilty of a misdemeanor of the same class.

IOWA CRIMINAL STATUTES

IOWA CODE ANN. Sx (West 1969, 1979 & Supp. 1986).

KEY

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

Statute No. and Title	Class/Time
MURDER (inclusive)	
707.1 Murder defined	
707.2 Murder in the first degree	FA
707.3 Murder in the second degree	FB (max. 50 yrs.)
707.4 Voluntary manslaughter	FC
707.5* Involuntary manslaughter	
● when committing offense other than FD forcible felony or escape	
● when committing act in manner likely to cause death or serious injury	AM
707.6A Homicide by vehicle	FD
707.7 Feticide	FC/FD
707.8 Non consensual termination	FB/FC
707.9 Murder of fetus aborted alive	FB
707.10 Duty to preserve life of the fetus	SM
707.11 Attempt to commit murder	FB
ASSAULT (inclusive)	
708.1 Assault-defined	
708.2 Penalties for assault	SPM/AM/SM
708.3 Assault while participating in a felony	FC/FD
708.4 Willful injury	FC
708.5 Administering harmful substances	FD
708.6 Terrorism	FD
708.7 Harassment	SPM
708.8 Going armed with intent	FD
708.9 Spring guns and traps	AM

SEXUAL ABUSE (inclusive)

709.1 Sexual abuse defined	
709.2 Sexual abuse in the first degree	FA
709.3 Sexual abuse in the second degree	FB
709.4 Sexual abuse in the third degree	FC
709.7 Detention in brothel	FC
709.8 Lascivious acts with a child	FD
709.9 Indecent exposure	SM
709.11 Assault with intent to commit sexual abuse	FC/FD
709.12 Indecent contact with a child	AM
KIDNAPPING AND RELATED OFFENSES	
710.1 Kidnapping defined	
710.2 Kidnapping in the first degree	FA
710.3 Kidnapping in the second degree	FB
710.4 Kidnapping in the third degree	FC
710.5 Child stealing	FC
710.6* Violating custodial order	
● remove child from state and conceals	FD
● remove child within state and conceals	FD
● conceal child (in violation of visitation order)	SM
710.10* Enticing away a child	FD or AM
ROBBERY AND EXTORTION (inclusive)	
711.1 Robbery defined	
711.2 Robbery in the first degree	FB
711.3 Robbery in the second degree	FC
711.4 Extortion	FD
ARSON (inclusive)	
712.1 Arson defined	
712.2 Arson in the first degree	FB
712.3 Arson in the second degree	FC
712.4 Arson in the third degree	AM
712.5 Reckless use of fire or explosives	SM

712.6 Possession of explosive or incendiary materials or devices	FC	FALSE USE OF A FINANCIAL INSTRUMENT	
712.7 False reports	FD	715.1 Financial instrument defined	
712.8 Threats	FD	715.6* False use of financial instrument--penalties	
BURGLARY (inclusive)		● ≥ \$100 value	FD
		● < \$100 value	AM
713.1 Burglary defined		DAMAGE AND TRESPASS TO PROPERTY	
713.2 Attempted burglary defined		716.1 Criminal mischief defined	
713.3 Burglary in the first degree	FB	716.3 Criminal mischief in the first degree	FC
713.4 Attempted burglary in the first degree	FC	716.4 Criminal mischief in the second degree	FD
713.5 Burglary in the second degree	FC	COMPUTER CRIME	
713.6 Attempted burglary in the second degree	FD	716A.4 Computer damage in the first degree	FC
713.7 Possession of burglar's tools	FC	716A.5 Computer damage in the second degree	FD
THEFT, FRAUD, AND RELATED OFFENSES (inclusive)		716A.10 Computer theft in the first degree	FC
714.1 Theft defined		716A.11 Computer theft in the second degree	FD
714.2* Degrees of theft		INJURY TO ANIMALS	
● property value > \$5,000/theft from person/looting	FC	OFFENSES AGAINST THE GOVERNMENT	
● property value > \$500 but < \$5,000/theft of motor vehicle	FD	718.1 Insurrection	FC
● property value > \$100 but < \$500/\$100 by twice-convicted thief	AM	718.5 Falsifying public documents	FD
● property value > \$50 but < \$100	SM	OBSTRUCTING JUSTICE	
● property value < \$50	SPM	719.4* Escape from custody	
714.7 Operating vehicle without owner's consent	AM	● convicted of felony/flee state	FD
714.8 Fraudulent practice defined		● convicted of misdemeanor	SM
714.9 Fraudulent practice in the first degree	FC	● not in place of assignment	SM
714.10 Fraudulent practice in the second degree	FD	719.5 Permitting prisoner to escape	FC/FD
714.11 Fraudulent practice in the third degree	AM	719.6 Assisting prisoner to escape	FC/FD
714.12 Fraudulent practice in the fourth degree	SM	719.7 Furnishing intoxicant to inmates	FD
714.13 Fraudulent practice in the fifth degree	SPM	719.8 Furnishing controlled substances to inmates	FD
714.15* Reproduction of sound recordings		INTERFERENCE WITH JUDICIAL PROCESS	
● property value > \$5,000	FC	720.2 Perjury, contradictory statements, and retraction	FD
● property value > \$500 but < \$5,000	FD	720.3 Suborning perjury	FD
● property value > \$100 but < \$500	AM	OFFICIAL MISCONDUCT	
● property value > \$50 but < \$100	SM	721.1 Felonious, misconduct in office	FD
● property value < \$50	SPM	BRIBERY AND CORRUPTION	
		722.1 Bribery	FD

722.2 Accepting bribe	FC	204.406* Distribution to person under age eighteen	See below
722.10 Commercial bribery	FD	(1) Schedule I, II, III	FB/FC
PUBLIC DISORDER		• Schedule IV or V	AM
WEAPONS		(2) counterfeit Schedule I, II, III	FB/FC
		• counterfeit Schedule IV or V	AM
724.3 Unauthorized possession of offensive weapons	FD	204.407* Gathering where controlled substances unlawfully used - penalties	FD
VICE		• marijuana	SM
725.2 Pimping	FD	204.410 Accommodation offense (violation 204.401(1)(b) for < 1 oz. marijuana sentence under 204.401(3))	SM
725.3 Pandering	FD/FC		
725.7* Gaming and abetting penalty			
• 4th degree	SM	204.411 Second or subsequent offenses	3x term
• 3rd degree	AM		
• 2nd degree	FD	204.413 Mandatory minimum sentence penalty	1/3 maximum
• 1st degree	FC		
PROTECTION OF THE FAMILY		IOWA IMITATION CONTROLLED SUBSTANCES ACT (inclusive)	
726.2 Incest	FD		
726.3 Abandonment of dependent person	FC	204A.4* Offenses and penalties	See below
		(1) sale	AM
726.5 Nonsupport	FD	(2) advertise	SM
		(3) sale to minor	FD
726.6* Child endangerment			
• serious injury	FC		
• no serious injury	AM		
HEALTH SAFETY AND WELFARE			
OBSCENITY			
728.12 Sexual exploitation of children	FC/FD		
INFRINGEMENT OF CIVIL RIGHTS			
BLACKLISTING EMPLOYEES			
LABOR UNION MEMBERSHIP			
LABOR BOYCOTTS AND STRIKES			
UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)			
204.401* Prohibited acts - manufacturers - possessors - counterfeit substances - simulated controlled substances - penalties	See below		
(1)(a) mfg., deliver	FC		
(1)(b) mfg., deliver	FD		
(1)(c) mfg., deliver	SM		
(2)(a) mfg., deliver	FC		
(2)(b) mfg., deliver	FD		
(2)(c) mfg., deliver	SM		
(2)(d) mfg., deliver	SPM		
(3) Possess	SM		
204.402 Prohibited acts - distributors - registrants - proprietors - penalties	AM/SM		
204.403 Prohibited acts - controlled substances, distribution, use, possession - records and information - penalties	SM		

KAN. STAT. ANN. § (1981, 1985 & Supp. 1986)

Criminal Classification Information

21-3105 Crimes defined; classes of crimes.

A crime is an act or omission defined by law and for which, upon conviction, a sentence of death, imprisonment or fine, or both imprisonment and fine, is authorized. Crimes are classified as felonies and misdemeanors.

- (1) A felony is a crime punishable by death or by imprisonment in any state penal institution.
- (2) All other crimes are misdemeanors.

21-4501 Classification of felonies and terms of imprisonment.

For the purpose of sentencing, the following classes of felonies and terms of imprisonment authorized for each class are established:

- (a) Class A, the sentence for which shall be imprisonment for life;
- (b) Class B, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be fixed by the court at not less than five (5) years nor more than fifteen (15) years and the maximum of which shall be fixed by the court at not less than twenty (20) years nor more than life;
- (c) Class C, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be fixed by the court at not less than one (1) year nor more than five (5) years and the maximum of which shall be fixed by the court at not less than ten (10) years nor more than twenty (20) years;
- (d) Class D, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be fixed by the court at not less than one (1) year nor more than three (3) years and the maximum of which shall be fixed by the court at not less than five (5) years nor more than ten (10) years;
- (e) Class E, the sentence for which shall be an indeterminate term of imprisonment, the minimum of which shall be one (1) year and the maximum of which shall be fixed by the court at not less than two (2) years nor more than five (5) years;
- (f) Unclassified felonies, which shall include all crimes declared to be felonies without specification as to class, the sentence for which shall be in accordance with the sentence specified in the statute that defines the crime; if no sentence is provided in such law, the offender shall be sentenced as for a class E felony.

21-4502 Classification of misdemeanors and terms of confinement; possible disposition.

- (1) For the purpose of sentencing, the following classes of misdemeanors and the punishment and the terms of confinement authorized for each class are established:
 - (a) Class A, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one (1) year;
 - (b) Class B, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed six (6) months;
 - (c) Class C, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one (1) month;

- (d) Unclassified misdemeanors, which shall include all crimes declared to be misdemeanors without specification as to class, the sentence for which shall be in accordance with the sentence specified in the statute that defines the crime if no penalty is provided in such law, the sentence shall be the same penalty as provided herein for a class C misdemeanor.
- (2) Upon conviction of a misdemeanor, a person may be punished by a fine, as provided in K.S.A. 21-4503, instead of or in addition to confinement, as provided in this section.

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INCHOATE OFFENSES

21-3301 Attempt.

* * *

- (3) An attempt to commit a class A felony is a class B felony. An attempt to commit a class B felony is a class C felony. An attempt to commit a class C felony is a class D felony. An attempt to commit a class D or E felony is a class E felony.
- (4) An attempt to commit a class A misdemeanor is a class B misdemeanor. An attempt to commit a class B or C misdemeanor is a class C misdemeanor.

21-3302 Conspiracy.

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- (3) Conspiracy to commit a class A felony is a class C felony. Conspiracy to commit a felony other than a class A felony is a class E felony. A conspiracy to commit a misdemeanor is a class C misdemeanor.

21-3603	Aggravated incest	FD	21-3721	Criminal trespass	MB
21-3604	Abandonment of a child	FE	21-3722	Littering	M: fine
21-3605	Nonsupport of a child	FE	21-3724	Tampering with a landmark	MC
21-3606	Criminal desertion	FE	21-3725	Tampering with a traffic signal	MC
21-3609	Abuse of a child	FE	21-3726	Aggravated tampering with a traffic signal	FE
21-3611	Aggravated juvenile delinquency	FE	21-3727	Injury to a domestic animal	MA
21-3612*	Contributing to a child's misconduct or deprivation	MA	21-3728	Unlawful hunting	MC
● caused child to commit an act which would be a felony		FE	21-3729*	Unlawful use of financial card	
CRIMES AGAINST PROPERTY (inclusive)			● if value in 7 days is \geq \$150		FE
21-3701*	Theft		● if value < \$150		MA
● \geq \$150		FE	21-3730	Unlawful manufacture or disposal of false tokens	MB
● < \$150		MA	21-3731	Criminal use of explosives	FE
21-3703	Theft of lost or mislaid property	MA	21-3732	Possession or transportation of incendiary or explosive device	MA
21-3704*	Theft of services		21-3733	Criminal use of noxious material	MA
● \geq \$150		FE	21-3734*	Impairing a security interest	
● < \$150		MA	● value \geq \$50		FE
21-3705	Unlawful deprivation of property	MA	● value < \$50		MA
21-3706	Fraudulently obtaining execution of a document	MA	21-3735	Fraudulent release of security agreement	FE
21-3707*	Giving a worthless check		21-3736	Warehouse receipt fraud	FE
● \geq \$150		FE	21-3737	Unauthorized delivery of stored goods	MA
● < \$150		MA	21-3738	Automobile master key violation	MC
21-3708	Habitually giving a worthless check	FE	21-3739	Posting of political pictures and political advertisements	MC
21-3709	Causing an unlawful prosecution for worthless check	MA	21-3740	Opening, damaging or removing coin operated machines	MA
21-3710	Forgery	FD	21-3741	Possession of tools for opening damaging or removing coin-operated machines	MA
21-3711	Making a false writing	FD	21-3742*	Throwing or otherwise casting rocks or other objects from a bridge or overpass onto a street, highway or railroad right-of-way	MB
21-3712	Destroying a written instrument	FE	● damage done to vehicle		MA
21-3713	Altering a legislative document	FE	● injury done to person		FE
21-3714	Possession of a forgery device	FE	● damage and injury		FD
21-3715	Burglary	FD	21-3743	Sale of recut or regrooved tires	MB
21-3716	Aggravated burglary	FC			
21-3717	Possession of burglary tools	FE			
21-3718	Arson	FC			
21-3719	Aggravated arson	FB			
21-3720*	Criminal damage to property				
● damage \geq \$150		FE			
● damage < \$150		MA			

21-3745* Theft of telecommunication ● if value \geq \$50	MA FE	21-3830 Dealing in false identification	FE
21-3748 Privacy of sound recordings	FE	21-3833 Crime of aggravated intimidation of a witness or victim	FE
21-3749 Dealing in pirated sound recordings	MA	CRIMES AFFECTING PUBLIC TRUSTS	
21-3750 Non-disclosure of sound recordings	MA	21-3901 Bribery	FD
21-3752 Theft of cable television services	MC	21-3904* Presenting a false claim ● claim is \geq \$50 ● claim is $<$ \$50	FE MA
21-3753 Grain embezzlement	FC	21-3905* Permitting a false claim ● claim is \geq \$50 ● claim is $<$ \$50	FE MA
21-3754 False warehouse records or reports	FD	21-3910 Misuse of public funds	FD
21-3755* Computer crime ● loss value $<$ \$150 ● loss value \geq \$150 ● unlawful computer access	MA FE MA	CRIMES INVOLVING VIOLATIONS OF PERSONAL RIGHTS	
CRIMES AFFECTING GOVERNMENT FUNCTIONS		CRIMES AGAINST THE PUBLIC PEACE	
21-3801 Treason	FA	21-4105 Incitement to riot	FD
21-3802 Sedition	FD	CRIMES AGAINST THE PUBLIC SAFETY	
21-3803 Practicing criminal syndication	FE	21-4201* Unlawful use of weapons ● barrel $<$ 18 inches; capable of firing more than once with single function of trigger; cartridge has plastic coated bullet	MB FE
21-3805 Perjury	FD/FE	21-4202 Aggravated weapons violation	FE
21-3806 Corruptly influencing a witness	FE	21-4204* Unlawful possession of a firearm ● barrel less than 12 inches, convicted of a felony within the last 5 years	MB FD
21-3807* Compounding a crime ● if felony ● if misdemeanor	FE MA	21-4209a Unlawful possession of explosives	FD
21-3810 Aggravated escape from custody	FE	ADDITIONAL CRIMES AFFECTING PUBLIC SAFETY	
21-3811 Aiding escape	FE	21-4214* Obtaining prescription-only drug by fraudulent means ● first offense ● second or subsequent offense	MA FE
21-3812* Aiding a felon or person charged as felon ● aiding a felon ● aiding a person charged with a felony ● aiding person convicted or charged with a misdemeanor	FE FE MC	21-4215 Obtaining a prescription-only drug by fraudulent means for resale	FC
21-3814 Aggravated failure to appear	FE	CRIMES AGAINST THE PUBLIC MORALS	
21-3815 Attempting to influence a judicial officer	FE	21-4301* Promoting obscenity ● first or second offense ● third or subsequent offense	MA FE
21-3817 Corrupt conduct by juror	FE	21-4301A* Promoting obscenity to minors ● first offense ● second offense ● third and subsequent	MA FE FD
21-3825 Aggravated false impersonation	FE	21-4304 Commercial gambling	FE
21-3826 Traffic in or unauthorized possession or distribution of contraband in penal institutions	FE	21-4306 Dealing in gambling devices	FE
21-3829 Aggravated interference with conduct of public business	FD		

21-4308 Installing communication facilities for gamblers FE

21-4315* Dogfighting
● conduct of FE
● attending MB

CRIMES AFFECTING BUSINESS

21-4401 Racketeering FD

21-4405 Commercial bribery FE

21-4406 Sports bribery FE

21-4408 Tampering with a sports contest FE

CONTROLLED SUBSTANCES (inclusive)

65-4127a Possession and distribution of opiates, opium or narcotic drugs; penalties FC
● second offense FB
● third or subsequent offense FA
 b* Unlawful acts; penalties
● violate (a)(1-4) MA
● second or subsequent offense and substance given, etc. to one < 18 FD
● violate (b)(1-4) FC
● violate (c) MA
● if given, etc. to one < 18 FD
 c General penalties; criminal penalties not applicable to violation of regulations (any other violations of act) MA

DRUG PARAPHERNALIA (inclusive)

65-4152 Simulated controlled substances and drug paraphernalia; use or possession prohibited, penalties MA

65-4153* Same; delivery, possession or manufacture prohibited; penalties MA
● if involves one < 18 FE

65-4154 Same; promotion prohibited; penalties MA

65-4155* Representation that non-controlled substance is controlled substance; prohibitions; penalties MA
● if involves one < 18 by one ≥ 3 yrs. senior FE

KY. REV. STAT. ANN. § x (Michie/Bobbs-Merrill 1973 & Supp. 1986)

Criminal Classification Information

431.060. Felonies, misdemeanors and violations defined.—Offenses are either felonies, misdemeanors, or violations:

- (1) Offenses punishable by death or confinement in the penitentiary, whether or not a fine or other penalty may also be assessed, are felonies.
- (2) Offenses punishable by confinement other than in the penitentiary, whether or not a fine or other penalty may also be assessed, are misdemeanors.
- (3) Offenses punishable by a fine only or by any other penalty not cited herein, whether in combination with a fine or not, are violations.

506.010. Criminal attempt.

- (1) A person is guilty of criminal attempt to commit a crime when, acting with the kind of culpability otherwise required for commission of the crime, he:
 - (a) Intentionally engages in conduct which would constitute the crime if the attendant circumstances were as he believes them to be; or
 - (b) intentionally does or omits to do anything which, under the circumstances as he believes them to be, is a substantial step in a course of conduct planned to culminate in his commission of the crime.
- (2) Conduct shall not be held to constitute a substantial step under subsection (1)(b) unless it is an act or omission which leaves no reasonable doubt as to the defendant's intention to commit the crime which he is charged with attempting.
- (3) A person is guilty of criminal attempt to commit a crime when he engages in conduct intended to aid another person to commit that crime, although the crime is not committed or attempted by the other person, provided that his conduct would establish complicity under KRS 502.020 if the crime were committed by the other person.
- (4) A criminal attempt is a:
 - (a) Class B felony when the crime attempted is a Class A felony or capital offense;
 - (b) Class C felony when the crime attempted is a Class B felony;
 - (c) Class A misdemeanor when the crime attempted is a Class C or D felony;
 - (d) Class B misdemeanor when the crime attempted is a misdemeanor.

506.030. Criminal solicitation.

- (1) A person is guilty of criminal solicitation when, with the intent of promoting or facilitating the commission of a crime, he commands or encourages another person to engage in specific conduct which would constitute that crime or an attempt to commit that crime or which would establish the other's complicity in its commission or attempted commission.
- (2) A criminal solicitation is a:
 - (a) Class B felony when the crime solicited is a Class A felony or capital offense;
 - (b) Class C felony when the crime solicited is a Class B felony;
 - (c) Class A misdemeanor when the crime solicited is a Class C or D felony;
 - (d) Class B misdemeanor when the crime solicited is a misdemeanor.

506.040. Criminal conspiracy.

- (1) A person having the intention of promoting or facilitating the commission of a crime is guilty of criminal conspiracy when he:
 - (a) Agrees with one or more persons that at least one of them will engage in conduct constituting that crime or an attempt or solicitation to commit such a crime; or
 - (b) Agrees to aid one or more persons in the planning or commission of that crime or an attempt or solicitation to commit such a crime.
- (2) A criminal conspiracy is a:
 - (1) Class B felony when the object of the conspiratorial agreement is a Class A felony or capital offense;
 - (2) Class C felony when the object of the conspiratorial agreement is a Class B felony;
 - (3) Class A misdemeanor when the object of the conspiratorial agreement is a Class C or D felony;
 - (4) Class B misdemeanor when the object of the conspiratorial agreement is a misdemeanor.

506.080. Criminal facilitation.

- (1) A person is guilty of criminal facilitation when, acting with knowledge that another person is committing or intends to commit a crime, he engages in conduct which knowingly provides such person with means or opportunity for the commission of the crime and which in fact aids such person to commit the crime.
- (2) Criminal facilitation is a:
 - (a) Class D felony when the crime facilitated is a Class A or Class B felony or capital offense;
 - (b) Class A misdemeanor when the crime facilitated is a Class C or Class D felony;
 - (c) Class B misdemeanor when the crime facilitated is a misdemeanor.

532.010. Classification of offenses.

- Felonies are classified, for the purpose of sentencing, into five (5) categories:
 - (1) Capital offenses;
 - (2) Class A felonies;
 - (3) Class B felonies;
 - (4) Class C felonies; and
 - (5) Class D felonies.

532.020. Designation of offenses.

- (1) Any offense defined outside this code for which a law outside this code provides a sentence to a term of imprisonment in the state penitentiary or reformatory for:
 - (a) At least one (1) but not more than five (5) years shall be deemed a Class D felony;
 - (b) At least five (5) but not more than ten (10) years shall be deemed a Class C felony;
 - (c) At least ten (10) years but not more than twenty (20) years shall be deemed a Class B felony;
 - (d) For twenty (20) or more years shall be deemed a Class A felony.
- (2) Any offense defined outside this code for which a law outside this code provides a sentence to a definite term of imprisonment with a maximum which falls between ninety (90) days and twelve (12) months shall be deemed a Class A misdemeanor.
- (3) Any offense defined outside this code for which a law outside this code provides a sentence to a definite term of imprisonment with a maximum of less than ninety (90) days shall be deemed a Class B misdemeanor.
- (4) Any offense defined outside this code for which a law outside this code provides a sentence to a fine only or to any other punishment, whether in combination with a fine or not, other than death or imprisonment shall be deemed a violation.

CHAPTER 509. KIDNAPPING AND RELATED OFFENSES

509.020 Unlawful imprisonment in the first degree FD
 509.040 Kidnapping FB/FA/capital
 509.070 Custodial interference FD

CHAPTER 510. SEXUAL OFFENSES (inclusive)

510.040 Rape in the first degree FB/FA
 510.050 Rape in the second degree FC
 510.060 Rape in the third degree FD
 510.070 Sodomy in the first degree FB/FA
 510.080 Sodomy in the second degree FC
 510.090 Sodomy in the third degree FD
 510.100 Sodomy in the fourth degree MA
 510.110 Sexual abuse in the first degree FD
 510.120 Sexual abuse in the second degree MA
 510.130 Sexual abuse in the third degree MB
 510.140 Sexual misconduct MA
 510.150 Indecent exposure MB

CHAPTER 511. BURGLARY AND RELATED OFFENSES (inclusive)

511.020 Burglary in the first degree FB
 511.030 Burglary in the second degree FC
 511.040 Burglary in the third degree FD
 511.050 Possession of burglar's tools MA
 511.060 Criminal trespass in the first degree MA
 511.070 Criminal trespass in the second degree MB
 511.080 Criminal trespass in the third degree Violation

CHAPTER 512. CRIMINAL DAMAGE TO PROPERTY

512.020 Criminal mischief in the first degree FD

CHAPTER 513. ARSON AND RELATED OFFENSES (inclusive)

513.020 Arson in the first degree FA
 513.030 Arson in the second degree FB
 513.040 Arson in the third degree FD
 513.060 Burning personal property to defraud insurer FD

CHAPTER 514. THEFT AND RELATED OFFENSES (inclusive)

514.030* Theft by unlawful taking or disposition
 • if \geq \$100 MA
 FD
 514.040* Theft by deception
 • if \geq \$100 MA
 FD
 514.050* Theft of property lost, mislaid, or delivered by mistake
 • if \geq \$100 MA
 FD
 514.060* Theft of services
 • if \geq \$100 MA
 FD
 514.065* Possession, use, or transfer of device for theft of services
 • if prior conviction MA
 FD
 514.070* Theft by failure to make required disposition of property
 • if \geq \$100 MA
 FD
 514.080* Theft by extortion
 • if \geq \$100 MA
 FD
 514.090* Theft of labor already rendered
 • if \geq \$100 MA
 FD
 514.100* Unauthorized use of an automobile or other propelled vehicle
 • if prior conviction MA
 FD
 514.110* Receiving stolen property
 • if \geq \$100 MA
 FD
 514.120* Obscuring the identity of of a machine or other property
 • if \geq \$100 MA
 FD
 514.140 Theft of mail matter FD
 514.150 Possession of stolen mail FD

CHAPTER 515. ROBBERY (inclusive)

515.020 Robbery in the first degree FB
 515.030 Robbery in the second degree FC

CHAPTER 516. FORGERY AND RELATED OFFENSES

516.020 Forgery in the first degree FC
 516.030 Forgery in the second degree FD

516.050 Criminal possession of forged instrument in the first degree	FC	524.030 Bribe receiving by witness	FD
516.060 Criminal possession of forged instrument in the second degree	FD	524.040 Intimidating a witness	FD
516.090 Possession of forgery device	FD	524.055 Retaliating against a witness	FD
516.120 Using slugs in the first degree	FD	524.060 Bribing a juror	FD
CHAPTER 517. BUSINESS AND COMMERCIAL FRAUDS		524.070 Bribe receiving by a juror	FD
517.060* Defrauding secured creditors	MA	524.080 Intimidating a juror	FD
• if \geq \$100	FD	524.100 Tampering with physical evidence	FD
517.100 Receiving deposits in failing financial institutions	FD	524.120 Intimidating a judicial officer	FD
CHAPTER 518. MISCELLANEOUS CRIMES AFFECTING BUSINESSES, OCCUPATIONS, AND PROFESSIONS		CHAPTER 525. RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES	
518.040 Sports bribery	FD	525.020 Riot in the first degree	FD
518.050 Receiving sports bribe	FD	525.125 Cruelty to animals in the first degree	FD
CHAPTER 519. OBSTRUCTION OF PUBLIC ADMINISTRATION		CHAPTER 526. EAVESDROPPING AND RELATED OFFENSES	
CHAPTER 520. ESCAPE AND OTHER OFFENSES RELATING TO CUSTODY		526.020 Eavesdropping	FD
520.015 Attempting to escape from penitentiary	FD	526.030 Installing eavesdropping device	FD
520.020 Escape in the first degree	FC	CHAPTER 527. OFFENSES RELATING TO FIREARMS AND WEAPONS	
520.030 Escape in the second degree	FD	527.020* Carrying concealed deadly weapon	MA
520.050 Promoting contraband in the first degree	FD	• if prior conviction of felony with weapon	FD
520.070 Bail jumping in the first degree	FD	527.040 Possession of handgun by convicted felon--Exceptions	FD
520.120 Hindering prosecution or apprehension in the first degree	FD	CHAPTER 528. GAMBLING	
CHAPTER 521. BRIBERY AND CORRUPT INFLUENCES		528.020 Promoting gambling in the first degree	FD
521.020 Bribery of public servant	FD	528.040 Conspiracy to promote gambling	FD
CHAPTER 522. ABUSE OF PUBLIC OFFICE		528.050 Possession of gambling records in the first degree	FD
522.040 Misuse of confidential information	FD	CHAPTER 529. PROSTITUTION OFFENSES	
CHAPTER 523. PERJURY AND RELATED OFFENSES		529.030 Promoting prostitution in the first degree	FC/FB/FA
523.020 Perjury in the first degree	FD	529.040 Promoting prostitution in the second degree	FD
CHAPTER 524. INTERFERENCE WITH JUDICIAL ADMINISTRATION		CHAPTER 530. FAMILY OFFENSES	
524.020 Bribing a witness	FD	530.010 Bigamy--Defense	FD
		530.020 Incest	FC
		530.040 Abandonment of minor	FD

530.050* Nonsupport and flagrant nonsupport ● nonsupport ● flagrant nonsupport	MA FD	● Manufacturing, selling LSD, PCP -first offense	Prison: not less than 5 nor more than 10 yrs. Prison: not less than 10 nor more than 20 yrs.
530.064 Unlawful transaction with a minor in the first degree	FC/FB/FA	-subsequent offenses	
530.065 Unlawful transaction with a minor in the second degree	FD	● Trafficking Schedule IV, V and certain controlled substances -first offense	Jail: not more than 1 yr. Prison: not less than 1 nor more than 5 yrs. Jail: not more than 1 yr. FD
CHAPTER 531. PORNOGRAPHY			
531.030* Distribution of obscene matter to minors ● if previously convicted of distribution	MA FD	-subsequent offenses	
531.040* Using minors to distribute obscene material o if previously convicted of this section or section 531.030	MA FD	● Manufacturing, selling less than 8 ounces marijuana ● Manufacturing, selling more than 8 ounces, but less than 5 pounds ● Manufacturing, selling more than 5 pounds	Jail: not more than 1 yr. FD
531.060* Promoting sale of obscenity ● more than 2 such convictions	MB/MA FD		Prison: not less than 5 nor more than 10 yrs.
Sexual Exploitation of Minors			
531.310 Use of a minor in a sexual performance	FC/FB/FA	● Marijuana seller at least 18 years old and buyer less than 18 years old -first offense -subsequent offenses	FD FC Prison: not less than 1 nor more than 5 yrs.
531.320 Promoting a sexual performance by a minor	FC/FB/FA	● Cultivating marijuana for sale	
531.340* Distribution of matter portraying a sexual performance by a minor ● if has in possession more than oneFD unit of matter	MA FD	(2)No drug possession ● Schedule I or II narcotic -first offense	Prison: not less than 1 nor more than 5 yrs. Prison: not less than 5 nor more than 10 yrs. Jail: not more than 1 yr. Jail: not more than 90 days
531.350* Promoting sale of obscene material portraying a sexual performance of a minor ● second offense ● more than second offense	MA FD FC	-subsequent offenses	
531.370 Using minors to distribute material portraying a sexual performance by a minor	FD/FC	● Schedule I-V, not marijuana, not narcotic ● Less than 8 ounces marijuana	
CHAPTER 218A. CONTROLLED SUBSTANCES (inclusive)			
218A.140* Prohibited Acts (1)No drug trafficking ● Schedule I or II narcotic -first offense		(3) No drug administer, dispense, distribute ● Schedule I-III	Prison: not less than 1 nor more than 5 yrs. Prison: not less than 1 nor more than 3 yrs.
-subsequent offenses	Prison: not less than 5 nor more than 10 yrs. Prison: not less than 10 nor more than 20 yrs.	● Schedule IV, V (4a-e) No procurement of drugs by fraud or forgery ● Schedule I-III	
● Schedule I or II not narcotic; Schedule III controlled substance, marijuana, LSD, PCP - first offense	Prison: not less than 1 nor more than 5 yrs. Prison: not less than 5 nor more than 10 yrs.	● Schedule IV, V	Prison: not less than 1 nor more than 5 yrs. Prison: not less than 1 nor more than 3 yrs.
-subsequent offenses			

(5) No possession, manufacturing, selling of counterfeit drugs	
● Schedule I-III	Prison: not less than 1 nor more than 5 yrs.
● Schedule IV, V	Prison: not less than 1 nor more than 3 yrs.
(6) No advertising	M; not more than 90 days
218A.150 License required to manufacture controlled substances	Fine
218A.160 Criteria for issuance of license	Fine
218A.170 Distribution of controlled substances by licensed manufacturers or wholesaler	Fine
218A.180 Distribution by practitioner or pharmacist--Prescription requirements	Fine
218A.190 Exempt codeine preparations	Fine
218A.200 Record-keeping requirements	Fine
218A.210 Controlled substances may be possessed only in original container	Fine
218A.290 Administrative fines	Fine
218A.350* Prohibited practices concerning substances that simulate controlled substances	
● first offense	MA
● subsequent offenses	FD
Drug Paraphernalia	
218A.500 Definitions--Unlawful practices	MA
Penalties	
218A.990 Penalties	See above

LA. REV. STAT. ANN. §14:x (West 1986).
 For drugs: LA. REV. STAT. ANN. §40: x (West 1977
 & Supp. 1986).

Criminal Classification Information

§2. Definitions

In this Code the terms enumerated shall have the designated meanings:

* * *

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

* * *

(6) "Misdemeanor" is any crime other than a felony.

* * *

Annotations explaining felony classification:

Term "felony" denotes crime for which punishment may be death or imprisonment at hard labor in state penitentiary. *State v. Brown*, 1937, 185 La. 855, 171 So. 55.

Imposition of jail sentence as punishment for crime punishable by imprisonment with or without hard labor at court's discretion does not reduce crime from felony to misdemeanor; test being punishment which might have been inflicted. *Id.*

The word "felony" is a generic term, going to distinguish certain crimes, as murder, robbery, and larceny, from other minor offenses, known as misdemeanors. *State v. Celestin*, 1916, 138 La. 407, 70 So. 342.

Where the Legislature denounces an act as a felony, there is nothing in the Constitution requiring it to fix the punishment in the penitentiary in order to create a felony. *State v. Harwick*, 1913, 133 La. 545, 63 So. 166.

The General Assembly had no power to grade felonies. *State v. Evans*, 1908, 122 La. 273, 47 So. 603.

The term "felony" has no precise meaning in our laws, the forfeiture of lands and goods, which characterizes it in England, being abolished. It denotes here a crime of great magnitude, and subject to an infamous punishment--death, or imprisonment at hard labor in the penitentiary. *State v. Charlot*, 1844, 8 Rob. 529.

A felony is any offense punishable by death or imprisonment, with or without hard labor. *Op. Atty. Gen.*, 1938-40, p. 139.

INCHOATE OFFENSES

§26. Criminal conspiracy

A. Criminal conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any crime; provided that an agreement or combination to commit a crime shall not amount to a criminal conspiracy unless, in addition to such agreement or combination, one or more of such parties does an act in furtherance of the object of the agreement or combination.

If the intended basic crime has been consummated, the conspirators may be tried for either the conspiracy or the completed offense, and a conviction for one shall not bar prosecution for the other.

B. Whoever is a party to a criminal conspiracy to commit any crime shall be fined or imprisoned, or both, in the same manner as for the offense contemplated by the conspirators; provided, however, whoever is a party to a criminal conspiracy to commit a crime punishable by death or life imprisonment shall be imprisoned at hard labor for not more than thirty years.

C. Whoever is a party to a criminal conspiracy to commit any other crime shall be fined or imprisoned, or both, in the same manner as for the offense contemplated by the conspirators; but such fine or imprisonment shall not exceed one-half of the largest fine, or one-half the longest term of imprisonment prescribed for such offense, or both.

§27. Attempt

* * *

D. Whoever attempts to commit any crime shall be punished as follows:

(1) If the offense so attempted is punishable by death or life imprisonment, he shall be imprisoned at hard labor for not more than fifty years;

(2) If the offense so attempted is theft or receiving stolen things, and is not punishable as a felony, he shall be fined not more than two hundred dollars, or imprisoned for not more than six months, or both. If the offense so attempted is theft or receiving stolen things, and is punishable as a felony, he shall be fined not more than two hundred dollars, or imprisoned not more than one year, or both;

(3) In all other cases he shall be fined or imprisoned or both, in the same manner as for the offense attempted; such fine or imprisonment shall not exceed one-half of the largest fine, or one-half of the longest term of imprisonment prescribed for the offense so attempted, or both.

§28. Inciting a felony

Inciting a felony is the endeavor by one person to incite or procure another person to commit a felony. Whoever commits the crime of inciting a felony shall be fined not more than one thousand dollars, or imprisoned, with or without hard labor, for not more than two years, or both.

§28.1 Solicitation for murder

A. Solicitation for murder is the intentional solicitation by one person of another to commit or cause to be committed a first or second degree murder.

B. Whoever commits the crime of solicitation for murder shall be imprisoned at hard labor for not less than five years nor more than ten years.

14:60 Aggravated burglary	1-30 yrs. HL	● 2nd offense	2 yrs. HL/ no HL
14:62 Simple burglary	12 yrs. HL/ no HL	14:67.4* Theft of domesticated fish from fish farm, penalty	
14:62.1 Simple burglary of a pharmacy	1-9 yrs. HL	● ≥ \$500	10 yrs. HL/ no HL
● 2nd conviction	2-10 yrs. HL	● ≥ \$100, < \$500	2 yrs. HL/ no HL
14:62.2 Simple burglary of an inhabited dwelling	1-12 yrs. HL	● < \$100	6 mos.
		● 2nd offense	2 yrs. HL/ no HL
14:62.3 Unauthorized entry of an inhabited dwelling	6 yrs. HL/ no HL	14:67.5* Theft of crawfish, penalty	
14:63 Criminal trespass	91 days	● ≥ \$500	10 yrs. HL/ no HL
● 2nd conviction	6 mos.	● ≥ \$100, < \$500	2 yrs. HL/ no HL
14:63.1 Illegal posting	60 days	● < \$100	6 mos.
14:63.2 Destruction, defacing or removal of posted signs	60 days	● 2nd offense	2 yrs. HL/ no HL
14:63.3 Entry on or remaining in places or on land after being forbidden	6 mos. jail	14:67.6* Theft of utility service; interference of commission of theft; penalties	6 mos.
		● 2nd offense	2 yrs. HL/ no HL
14:63.4 Aiding and abetting others to enter or remain on premises where forbidden	Misdemeanor; 6 mos. jail	14:67.7 Theft of petroleum products; penalties	1-10 yrs. HL/no HL
14:63.12 Criminal trespass upon marshlands	91 days	14:67.8 Theft of oilfield geological survey, seismograph, and production maps; penalties	1-10 yrs. HL/no HL
● 2nd conviction	6 mos.		
BY MISAPPROPRIATION WITH VIOLENCE TO THE PERSON (inclusive)			
14:64 Armed robbery	5-99 yrs. HL	14:67.9* Theft of oil and gas equipment; penalties	1-10 yrs. HL/no HL
14:64.1 First degree robbery	3-40 yrs. HL	● ≥ \$500	2 yrs. HL/ no HL
14:65 Simple robbery	7 yrs. HL/ no HL	● ≥ \$100, < \$500	6 mos.
14:65.1 Purse snatching	2-20 yrs. HL/no HL	● < \$100	
		14:68* Unauthorized use of a movable	
14:66 Extortion	1-15 yrs. HL	● < \$1,000	6 mos.
		● > \$1,000	3 yrs. HL/ no HL
BY MISAPPROPRIATION WITHOUT VIOLENCE (inclusive)			
14:67* Theft		14:68.1 Unauthorized removal of shopping carts or baskets	6 mos.
● ≥ \$500	10 HL	14:69* Illegal possession of stolen things	
● ≥ \$100, < \$500	2 yrs. HL/ no HL	● ≥ \$500	10 yrs. HL/ no HL
● < \$100	6 mos.	● ≥ \$100, < \$500	2 yrs. HL/ no HL
● 2nd offense	2 yrs. HL/ no HL	● < \$100	6 mos.
		● 3rd offense	2 yrs. HL/ no HL
14:67.1 Theft of livestock	10 yrs. HL/ no HL	14:70 False accounting	6 mos.
14:67.2 Theft of dogs	3-6 mos.	14:70.1 Medicaid fraud	5 yrs. HL/ no HL
● 2nd conviction [note: 2nd conviction less jail time but higher fine]	30-60 days	14:70.2 Refund or access device application	6 mos.
14:67.3* Unauthorized use of "Access Card" as theft; definitions		14:70.3 Fraud in selling agricultural equipment	6 mos.
● ≥ \$500	10 yrs. HL/ no HL	14:70.4 Access device fraud	2 yrs. HL/ no HL
● ≥ \$100, < \$500	2 yrs. HL/ no HL		
● < \$100	6 mos.		

14:71* Issuing worthless checks ● ≥\$500	10 yrs. HL/ no HL	14:83.2 Promoting prostitution	2 yrs. HL/ no HL
● ≥\$100, < \$500	2 yrs. HL/ no HL	14:84 Pandering	5 yrs. HL/ no HL
● < \$100	6 mos.	14:86 Enticing persons into prostitution	2 yrs. HL/ no HL
● 3rd offense	2 yrs. HL/ no HL	14:87 Abortion	1-10 yrs. HL
14:72 Forgery	10 yrs. HL/ no HL	14:87.1 Killing a child during delivery	Life HL
14:73 Commercial bribery	6 mos.	14:87.2 Human experimentation	5-20 yrs. HL
COMPUTER RELATED CRIME		14:87.4 Abortion advertising	1 yr. HL/ no HL
14:73.2* Offenses against intel- lectual property	6 mos.	14:87.5 Intentional failure to sustain life and health of aborted viable infant	21 yrs. HL
● if loss ≥\$500	5 yrs. HL/ no HL	14:89 Crime against nature	5 yrs. HL/ no HL
14:73.3* Offenses against computer equipment and supplies	6 mos.	14:89.1 Aggravated crime against nature	3-15 yrs. HL
● if loss ≥\$500	5 yrs. HL/ no HL	OFFENSES AFFECTING GENERAL MORALITY	
14:73.4* Offenses against computer user	6 mos.	14:91.1 Sale, exhibition, or distribution of materials harmful to minors	1 yr.
● if loss ≥\$500	5 yrs. HL/ no HL	14:92 Contributing to the de- linquency of juveniles	2 yrs. HL/ no HL
14:73.5 Computer fraud	5 yrs. HL/ no HL	14:92.1 Encouraging or contri- buting to child delinquency, dependency, or neglect; penalty; suspension of sentence; definitions	2 yrs. HL/ no HL
Offenses Affecting the Family		14:93 Cruelty to juveniles	10 yrs. HL/ no HL
CRIMINAL NEGLECT OF FAMILY		14:93.2.1 Child desertion	6 mos. - 1 yr.
SEX OFFENSES AFFECTING THE FAMILY		14:93.3 Cruelty to the infirm	1 yr.
14:76 Bigamy	5 yrs. HL/ no HL	Offenses Affecting the Public Generally	
14:77 Abetting in bigamy	5 yrs. HL/ no HL	OFFENSES AFFECTING THE PUBLIC SAFETY	
14:78 Incest	5 yrs./15 yrs. HL/no HL	14:94 Illegal use of weapons or dangerous instrumentalities	2 yrs. HL/ no HL
14:79.1 Criminal abandonment	1 yr.	● 2nd conviction	5 yrs. HL/ no HL
DOMESTIC VIOLENCE OFFENSES		● 3d conviction [note: may be mistake in 3rd conviction see, 14:95]	5 yrs. HL/ no HL
Offenses Affecting Public Morals		14:95* Illegal carrying of weapons	6 mos.
OFFENSES AFFECTING SEXUAL IMMORALITY		● 2nd conviction	5 yrs. HL/ no HL
14:80 Carnal knowledge of a juvenile	10 yrs. HL/ no HL	● 3d conviction	10 yrs. HL/ no HL
24:81 Indecent behavior with juveniles	7 yrs. HL/ no HL	14:95.1 Possession of firearm or carrying concealed weapon by a person convicted of certain felonies	3-10 yrs. HL
14:81.1 Pornography involving juveniles	2-10 yrs. HL		
14:82* Prostitution	6 mos.		
● 2nd conviction	2 yrs. HL/ no HL		
● 3rd conviction	2-4 yrs. HL/no HL		
14:82.1 Prostitution; persons under 17; additional penalties	2-10 yrs. HL/no HL		
14:83.1 Inciting prostitution	1 yr.		

14:95.2 Additional penalties for possession of a fire arm or explosive device in the commission of certain crimes ● 2nd offense	2 yrs.	14:118.1 Bribery of sports participants	1-5 yrs. HL/ no HL
14:95.3 Unlawful use of body armor	5 yrs.	14:119 Bribery of voters ● 2nd offense	2 yrs. HL/ no HL 5 yrs. HL
14:96 Aggravated obstruction of a highway of commerce	2 yrs. HL/ no HL	14:119.1 Bribery of parents of school children	1 yr.
14:98* Operating a vehicle while intoxicated ● 1st offense	2 yrs. HL/ no HL	14:120 Corrupt influencing	5 yrs. HL/ no HL
● 2nd offense	10 days- 6 mos.	14:122 Public intimidation	5 yrs. HL/ no HL
● 3rd offense	30 days- 6 mos.	14:122.1 Intimidation and interference in the operation of schools	1 yr.
● 4th offense	1-5 yrs. HL/no HL	PERJURY	
14:102.5 Dogfighting	10-30 yrs. HL	14:123 Perjury ● felony trial ● other cases	10 yrs. HL 5 yrs. HL/ no HL
● 2nd conviction	1 yr. HL/ no HL	14:125 False swearing	1 yr.
14.101.1 Purchase or sale of human organ	3 yrs. HL/ no HL	14:126.1 False swearing for purpose of violating public health	1-5 yrs. HL/ no HL
14:102.8* Injuring or killing a police dog ● 2nd conviction	5 yrs. HL/ no HL	14:126.2 False statements concerning denial of constitutional rights	1-5 yrs. HL/no HL
14:106 Obscenity ● 2nd conviction	6 mos.	MISCELLANEOUS OFFENSES AFFECTING JUDICIAL FUNCTIONS & PUBLIC RECORDS	
● 3rd conviction or violation with unmarried 17 year old	1-3 yrs. HL/no HL	14:129 Jury tampering	5 yrs. HL/ no HL
14:106.1 Promotion or wholesale promotion of obscene devices	6 mos.-3 yrs. HL/no HL 6 mos.-3 yrs. HL/no HL 2-5 yrs. HL/no HL	14:129.1 Intimidating, impeding or injuring witnesses; injuring officers; penalties	5 yrs. HL/ no HL
OFFENSES AFFECTING LAW ENFORCEMENT		14:130.1 Obstruction of justice ● if involve sentence death/life ● if involve sentence hard labor ● if involve other sentence	40 yrs. HL 20 yrs. HL 5 yrs. HL/ no HL
14:110 Simple escape; aggravated escape ● escape work release	6 mos.-1 yr. HL/no HL	14:131 Compounding a felony	2 yrs. HL/ no HL
● prisoner escape	2-5 yrs. HL/no HL	14:132 Injuring public records	5 yrs. HL/ no HL
● aggravated	5-10 yrs. HL	14:133 Filing false public records	5 yrs. HL/ no HL
14:110.1* Jumping bail ● misdemeanor case ● felony case	6 mos. 2 yrs. HL	14:133.1 Obstruction of court orders	1 yr.
14:111 Assisting escape	5 yrs. HL/ no HL	14:134 Malfeasance in office	5 yrs. HL/ no HL
Offenses Affecting Organized Government		14:134.1 Malfeasance in office; sexual conduct prohibited with person confined in correctional institutions	10 yrs.
TREASON AND DISLOYAL ACTS		14:134.2 Malfeasance in office; tampering with evidence	3 yrs. HL/ no HL
14:113 Treason	Death	14:135 Public salary deduction	5 yrs. HL/ no HL
14:114 Misprison of treason	10 yrs. HL		
14:115 Criminal anarchy	10 yrs. HL		
BRIBERY AND INTIMIDATION			
14:118 Public bribery	5 yrs. HL/ no HL		

14:136 Public salary extortion	5 yrs. HL/ no HL	14:229 Illegal use of counterfeit trademark; penalties	5 yrs. HL/ no HL
14:138 Public payroll fraud	2 yrs. HL/ no HL	OFFENSES AFFECTING PUBLIC MORALS	
14:139 Political payroll padding	5 yrs. HL/ no HL	14:285* Telephone communications; improper language; harassment; penalty ● 2nd offense	6 mos. 2 yrs. HL/ no HL
14:139.1 Political payroll padding by sheriff; sale of assets of sheriff's office prohibited	5 yrs. HL/no HL	14:313 Masks or hoods wearing in public places prohibited; penalty; exceptions; permit to conduct Mardi Gras festivities; how obtained	6 mos. - 3 yrs.
14:139.2 Transfer of capital assets of clerk of court's office prohibited	5 yrs. HL/ no HL	14:314 Mississippi River, making unauthorized cut-offs prohibited	1 week - 12 mos.
14:140 Public contract fraud	2 yrs. HL/ no HL	14:327* Obstructing a fireman ● if equivalent manslaughter ● if equivalent aggravated battery	1-20 yrs. HL 6 mos. - 10 yrs. HL/ no HL
14:141 Prohibited splitting of profits, fees or commissions; exceptions	2 yrs. HL/ no HL	● if equivalent simple battery	90 days - 2 yrs. 30-90 days 30 days - 1 yr. 1/2 penalty above
Miscellaneous Crimes and Offenses		● if equivalent simple assault ● other	
OFFENSES AGAINST PROPERTY		● attempts	
14:201 Collateral securities, unauthorized use or withdrawal prohibited; penalty; proof of intent; of personal advantage	10 yrs. HL/ no HL	14:328 Obstruction or interference with members of staff, faculty or students of educational institutions; trespass, damage to property; felony; penalties ● [note: no reference in statute to "felony"]	6 mos.
14:207 Motor vehicles, alteration or removal of identifying numbers prohibited; sale, etc. of motor vehicle with altered identifying numbers prohibited; penalty	12 mos.	14:329.1* Riot	See below
14:209 Seals, breaking prohibited; penalty	2 yrs. HL/ no HL	14:329.2* Inciting to riot	See below
14:212 Timber, false statement by seller prohibited; penalty	1 yr.	14:329.3* Command to disperse; who may give; failure to comply	See below
14:214 Fishing or hunting contest fraud	1 yr. HL/ no HL	14:329.4* Wrongful use of public property; permits for use of public property	See below
14:219 Removal of building or structure from immovable property subject to a conventional mortgage or vendor's privilege	1 yr.	14:329.5* Prohibition of interference with education process; certain activities excepted	See below
14:220 Rented or leased motor vehicles; obtaining by false representation, etc.; failure to return; defenses; penalties	5 yrs. HL/ no HL	14:329.6* Proclamation of state of emergency; conditions therefore; effect thereof	See below
14:221* Avoiding payment for telecommunications services, or multi-point distribution system services ● 2nd conviction	6 mos. 5 yrs. HL/ no HL	14:329.7* Punishment -for 14:329.1-14:329.8 ● wilfully riot ● serious bodily injury or property damage > \$5,000 ● if death occurs	6 mos. 5 yrs. HL 21 yrs. HL
14:225* Institutional vandalism ● damage < \$500 ● damage ≥ \$500, < \$50,000 ● ≥ \$50,000	6 mos. 2 yrs. HL/ no HL 1-10 yrs. HL /no HL	OFFENSES AFFECTING ORGANIZED GOVERNMENT	
14:227 Identification number, personal property, alteration or removal prohibited	12 mos.	14:351 Bail, sale, etc. of real estate securing, prohibited	6-12 mos.
		14:352 Bribery of withdrawn candidates for office prohibited; penalty; immunity of witnesses	1 yr.

14:356 Sheriffs, etc. solicitation of legal business prohibited; penalty	2 yrs. HL/ no HL	(E) Possession bulk marijuana ● 100-1,999 lbs. ● 2,000-9,999 lbs. ● ≥ 10,000 lbs.	5-15 yrs. HL 10-40 yrs. HL 10-40 yrs. HL 25-40 yrs. HL
14:368 Acts prohibited (fail to register as Communist rules)	5 yrs. HL	40:967 Prohibited acts--Schedule II (B) Manufacture, distribution ● narcotic ● pentazocine ● other (C) Possession ● pentazocine ● other	See below 5-30 yrs. HL 7-10 yrs. HL 10 yrs. HL 2-5 yrs. HL/ no HL 5 yrs. HL/ no HL
14:369 Penalties	See above		
14:388 False statements in affidavit as perjury ● felony trial ● other cases	10 yrs. HL 5 yrs. HL/ no HL	(F) Possession bulk cocaine ● 28-199 gms. ● 200-399 gms. ● ≥ 400 gms.	5-30 yrs. HL 10-30 yrs. HL 15-30 yrs. HL
14:390.2 Acts prohibited (disseminate/store Communist propaganda)	See below		
14:390.7 Penalties	6 yrs. HL	40:968 Prohibited acts--Schedule III (B) Manufacture; distribute (C) Possession	See below 10 yrs. HL 5 yrs. HL/ no HL

OFFENSES AFFECTING LAW ENFORCEMENT

14:401 Demonstrations in or near building housing a court or occupied as a residence by judge, juror, witness or court officer	1 yr.	40:969 Prohibited acts--Schedule IV (B) Manufacture; distribute (C) Possession	See below 10 yrs. HL 5 yrs. HL/ no HL
14:402 Contraband defined; taking to and from penal institutions prohibited; penalty; disposition of seized contraband	5 yrs. HL/ no HL	40:970 Prohibited acts--Schedule V (B) Manufacture; distribution (C) Possession	See below 5 yrs. HL 5 yrs. HL/ no HL
14:402.1 Taking of contraband to state-owned hospitals unlawful	3 yrs. HL/ no HL	40:971 Prohibited acts; all schedules 40:971.1 Prohibited acts; false representations	See below 5 yrs. HL 5 yrs. HL/ no HL
14:403.2* Abuse and neglect of adults; reports, investigation, etc. ● failure to report ● file false report	6 mos. 1 yr. HL/ no HL	40:979 Attempt and conspiracy ● specified drugs	1/2 penalty 8-50 yrs. HL
14:404 Self-mutilation by a prisoner	2 yrs. HL		

OFFENSES AGAINST THE PERSON

LOANSHARKING

14:511 Loansharking; penalty	1-5 yrs. HL/no HL	40:981 Distribution to persons under age 18 ● Schedule I, II narcotic, defendant 25 years old ● Schedule I, II narcotic, defendant 18 years old ● violate other	Life HL 2 x penalty 2 x penalty
14:512 Aggravated loansharking; penalty	5-30 yrs. HL/no HL	40:981.1 Distribution to a student	2 x penalty
14:513 Possession of loanshark records; penalty	1 yr.	40:982 Second or subsequent offenses	2 x penalty

UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)

40:966* Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana (B) Manufacture; distribution ● specified drugs (C) Possession ● specified drugs (D) Possession of marijuana ● 2nd conviction ● 3rd conviction	See below Life HL 10 yrs. HL 4-10 yrs. HL 10 yrs. HL 6 mos. 5 yrs. HL/ no HL 20 yrs. HL/ no HL		
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TRANSACTIONS IN DRUG RELATED OBJECTS PROHIBITED (inclusive)

40:1033* Prohibited acts (regarding drug paraphernalia)	See below		
40:1035* Penalties ● 1st offense ● 2nd conviction ● 3rd conviction	6 mos. 1 yr. 5 yrs. HL/ no HL		

MAINE

ME. REV. STAT. ANN. tit. x, §x (1983 & Supp. 1986).

Criminal Classification Information

17-A §4 Classification of crimes in this Code.

1. Except for murder, all crimes defined by this Code are classified for purposes of sentencing as Class A, Class B, Class C, Class D and Class E crimes.

17-A §4-A Crimes and civil violations outside the code.

1. Except as provided in section 1, subsection 2, this section becomes effective October 24, 1977.

2. Repealed. 1981, c. 324, §5.

2-A. A statute outside this code may be expressly designated as a Class A, Class B, Class C, Class D or Class E crime, in which case sentencing for violation of such a statute is governed by the provisions of this code.

3. In statutes defining crimes which are outside this code and which are not expressly designated as Class A, Class B, Class C, Class D or Class E crimes, the class depends upon the imprisonment penalty that is provided as follows. If the maximum period authorized by the statute defining the crime:

- A. Exceeds 10 years, the crime is a Class A crime;
- B. Exceeds 5 years, but does not exceed 10 years, the crime is a Class B crime;
- C. Exceeds 3 years, but does not exceed 5 years, the crime is a Class C crime;
- D. Exceeds one year, but does not exceed 3 years, the crime is a Class D crime; and
- E. Does not exceed one year, the crime is a Class E crime.

* * *

INCHOATE OFFENSES

17-A §151 Conspiracy

* * *

9. Conspiracy is an offense classified as one grade less serious than the classification of the most serious crime which is its object, except that conspiracy to commit murder is a Class A crime. If the most serious crime is a Class E crime, the conspiracy is a Class E crime.

17-A §152 Attempt

* * *

4. Criminal attempt is an offense classified as one grade less serious than the classification of the offense attempted, except that an attempt to commit a Class E crime is a Class E crime, and an attempt to commit murder is a Class A crime.

17-A §153 Solicitation

* * *

4. Solicitation is an offense classified as one grade less serious than the classification of the crime solicited, except that solicitation to commit murder is a Class A crime.

§ 1251. Imprisonment for murder

A person convicted of the crime of murder shall be sentenced to imprisonment for life or for any term of years that is not less than 25. The sentence of the court shall specify the length of the sentence to be served and shall commit the person to the Department of Corrections.

§ 1252. Imprisonment for crimes other than murder

1. In the case of a person convicted of a crime other than murder, the court may sentence to imprisonment for a definite term as provided for in this section, unless the statute which the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person shall be sentenced to imprisonment and required to pay the fine authorized therein. The sentence of the court relative to a Class A, Class B or Class C crime shall specify the term to be served and the place of imprisonment if that place is to be a county jail, otherwise the court shall commit the person to the Department of Corrections.

Beginning April 1, 1987, if the sentence of the court specifies the term of imprisonment to be 6 months or less, the court shall specify the place of imprisonment to be a county jail. Beginning January 1, 1989, if the sentence of the court specifies the term of imprisonment to be 9 months or less, the court shall specify the place of imprisonment to be a county jail. In the case of a Class D or Class E crime, the court shall, after the effective date of this paragraph, specify the place of imprisonment to be a county jail.

2. The court shall set the term of imprisonment as follows:

- A. In the case of a Class A crime, the court shall set a definite period not to exceed 20 years;
- B. In the case of a Class B crime, the court shall set a definite period not to exceed 10 years;
- C. In the case of a Class C crime, the court shall set a definite period not to exceed 5 years;
- D. In the case of a Class D crime, the court shall set a definite period of less than one year; or
- E. In the case of a Class E crime, the court shall set a definite period not to exceed 6 months.

3. The court may add to the sentence of imprisonment a restitution order as is provided for in chapter 49, section 1204, subsection 2-A, paragraph B. In such cases, it shall be the responsibility of the Department of Corrections to determine whether the order has been complied with and consideration shall be given in the department's administrative decisions concerning the imprisoned person as to whether the order has been complied with.

3-A. At the request of or with the consent of a convicted person, a sentence of imprisonment under this chapter in a county jail or a sentence of probation involving imprisonment in a county jail under chapter 49 may be ordered to be served intermittently.

4. If the State pleads and proves that a Class B, C, D or E crime was committed with the use of a dangerous weapon then the sentencing class for such crime is one class higher than it would otherwise be. In the case of a Class A crime committed with the use of a dangerous weapon, such use should be given serious consideration by the court in exercising its sentencing discretion. This subsection shall not apply to a violation or an attempted violation of section 208 or to any offense for which the sentencing class is otherwise increased because the actor or an accomplice to his knowledge is armed with a firearm or other dangerous weapon.

5. Notwithstanding any other provision of this code, if the State pleads and proves that a Class A, B or C crime was committed with the use of a firearm against a person, the minimum sentence of imprisonment, which shall not be suspended, shall be as follows: When the sentencing class for such crime is Class A, the minimum term of imprisonment shall be 4 years, when the sentencing class for such crime is Class B, the minimum term of imprisonment shall be 2 years and when the sentencing class for such crime is Class C, the minimum term of imprisonment shall be one year. For purposes of this subsection, the applicable

sentencing class shall be determined in accordance with subsection 4.

Text of subsection 6 effective until January 1, 1989
 6. The court may not specify the place of imprisonment to be a county jail as to any term of imprisonment in excess of one year or as to any portion of a split sentence specified by the court to be in excess of one year. This subsection is repealed on January 1, 1989.

Text of subsection effective January 1, 1989
 6. As to any Class A, Class B or Class C crime, the court may not specify the place of imprisonment to be a county jail as to any term of imprisonment in excess of 9 months or as to any portion of a split specified by the court to be in excess of 9 months.

As to any Class D or Class E crime, the court may not specify the place of imprisonment to be a county jail as to any term of imprisonment in excess of one year or as to any portion of a split sentence specified by the court to be in excess of one year.

MAINE CRIMINAL STATUTES

ME. REV. STAT. ANN. tit. x, §x (1983 & Supp. 1986).

KEY

- C = Crime class
- A,B,C, D,E = Crime subclass
- ? = Place of incarceration not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = Greater than, less than
- ≥ , ≤ = Greater than or equal, less than or equal

NOTE: For classifications that are NOT inclusive, Class E crimes and crimes with penalties of one year or less are NOT recorded. Maximum penalties are recorded, except where a range or minimum (MIN.) appears.

Statute No. and Title	Class/Time
BEANO OR BINGO	
GAMES OF CHANCE	
17§346 Violations	CD
BLACKLISTING	
17§401 Definition; penalty	2 yrs.
BUDGET PLANNING BUSINESS	
CRUELTY TO ANIMALS	
INJURING OR KILLING	
TRANSPORTATION	
ENFORCEMENT AND JURISDICTION	
EUTHANASIA OF CATS AND DOGS	
MODEL WHITE CANE LAW	
DUELING	
17§1351 Penalty	20 yrs.
FRAUD AND FALSE PRETENSES	
17§1603 Uttering fraudulent receipts	1-10 yrs.
COMMERCIAL FRAUDS	
17§1661 Issue of bill for goods not received	?: 5 yrs.
17§1663 Issue of duplicate bills not so marked	?: 5 yrs.
17§1665 Negotiation of bill when not in carrier's possession	?: 5 yrs.
17§1666 Inducing carrier to issue bill when goods not received	?: 5 yrs.
17§1667 Issue of nonnegotiable bill not so marked	?: 5 yrs.
17§1701 Issue of receipt for goods not received	?: 5 yrs.

17§1703 Issue of duplicate receipts not so marked	?: 5 yrs.	OFFENSES AGAINST THE PERSON (inclusive)	
MARITIME FRAUDS		17A§201 Murder	25 yrs.-Life
17§1751 Fraudulent destruction of vessels	?: 5 yrs. MIN./?: 20 yrs.	17A§202 Felony murder	CA
17§1752 False invoices, bills of landing or estimates of property shipped	?: 10 yrs.	17A§203 Manslaughter	CA/CB
17§1753 False affidavits or protests	?: 10 yrs.	17A§204 Aiding or soliciting suicide	CD
INTOXICATION		17A§207 Assault	CD/CC
LITTERING AND DUMPING		17A§208 Aggravated assault	CB
LITTER CONTROL		17A§208-A Assault while hunting	CD
LOTTERIES		17A§209 Criminal threatening	CD
MALICIOUS MISCHIEFS		17A§210 Terrorizing	CD/CC
17§2401 Tampering with railroad car	?: 2 yrs.	17A§211 Reckless conduct	CD
17§2402 Removal of packing or bearings from journal boxes	?: 3 yrs.	SEX OFFENSES (inclusive)	
NUISANCES		17A§252 Rape	CA/CB
CHILD PROTECTION ACT		17A§253 Gross sexual misconduct	CA/CB/CC
OBSCENITY		17A§254 Sexual abuse of minors	CD
17§2911 Dissemination of obscene material to minors	CC	17A§255 Unlawful sexual conduct	CD/CC
17§2913 Exhibiting obscene motion pictures to minors at outdoor motion picture theaters	CD	KIDNAPPING AND CRIMINAL RESTRAINT	
SEXUAL EXPLOITATION OF MINORS		17A§301 Kidnapping	CA/CB
17§2922 Sexual exploitation of a minor	CB - 5 yr. MIN./CA - 10 yr. MIN.	17A§302 Criminal restraint	CD
17§2923 Dissemination of sexually explicit material	CC - 2 yr. MIN./CB MIN.	17A§303 Criminal restraint by parent	CC
PUBLIC OFFICES AND OFFICERS		THEFT (inclusive)	
RELIGIOUS ASSEMBLIES, HOLY DAYS AND HOLIDAYS		17A§353* Theft by unauthorized taking or transfer	
DETENTION OF SHOPLIFTERS		● value > \$5,000, or firearm or with dangerous weapon	CB
STRIKES AND VIOLENCE AGAINST UTILITIES, RAILROADS AND PLANTS		● value > \$1,000 < \$5,000 or prior convictions or violation of section 355	CC
17§3603 Railroads - obstructions of engines or carriages; abandonment	?: 2 yrs.	● violation of section 360 or value > \$500 < \$1,000	CD
17§3604 Railroads - carelessness and neglect in reference to trains	?: 3 yrs.	● value < \$500	CE
TRESPASS		17A§354* Theft by deception	
MISCELLANEOUS CRIMES		● value > \$5,000, or firearm or with dangerous weapon	CB
		● value > \$1,000 < \$5,000 or prior convictions or violation of section 355	CC
		● violation of section 360 or value > \$500 < \$1,000	CD
		● value < \$500	CE

17A §356 Theft of lost, mislaid or mistakenly delivered property		17A §403 Possession of burglar's tools	CE
● value > \$5,000, or firearm or with dangerous weapon		17A §404 Trespass by motor vehicle	CE
● value > \$1,000 < \$5,000 or prior convictions or violation of section 355	CC	FALSIFICATION IN OFFICIAL MATTERS	
● violation of section 360 or value > \$500 < \$1,000	CD	17A §451 Perjury	CC
● value < \$500	CE	17A §452 False swearing	CD
17A §357 Theft of services		17A §453 Unsworn falsification	CD
● value > \$5,000, or firearm or with dangerous weapon		17A §454 Tampering with a witness, informant or victim	CC/CB
● value > \$1,000 < \$5,000 or prior convictions or violation of section 355	CC	17A §455 Falsifying physical evidence	CD
● violation of section 360 or value > \$500 < \$1,000	CD	17A §456 Tampering with public records or information	CD
● value < \$500	CE	OFFENSES AGAINST PUBLIC ORDER	
17A §357-A* Theft of utility services		17A §502* Failure to disperse	
● value > \$5,000, or firearm or with dangerous weapon		● as participant in course of disorderly conduct	CD
● value > \$1,000 < \$5,000 or prior convictions or violation of section 355	CC	● otherwise	CE
● violation of section 360 or value > \$500 < \$1,000	CD	17A §503 Riot	CD
● value < \$500	CE	17A §507 Desecration and defacement	CD
17A §358* Theft by misapplication of property		17A §508 Abuse of corpse	CD
● value > \$5,000, or firearm or with dangerous weapon		17A §509 False public alarm or report	CD
● value > \$1,000 < \$5,000 or prior convictions or violation of section 355	CC	17A §510 Cruelty to animals	CD
● violation of section 360 or value > \$500 < \$1,000	CD	17A §511 Violation of privacy	CD
● value < \$500	CE	OFFENSES AGAINST THE FAMILY	
17A §359* Receiving stolen property		17A §553 Abandonment of child	CD
● value > \$5,000, or firearm or with dangerous weapon		17A §554 Endangering the welfare of a child	CD
● value > \$1,000 < \$5,000 or prior convictions or violation of section 355	CC	17A §555 Endangering welfare of an incompetent person	CD
● violation of section 360 or value > \$500 < \$1,000	CD	17A §556 Incest	CD
● value < \$500	CE	BRIBERY AND CORRUPT PRACTICES	
17A §360* Unauthorized use of property		17A §602 Bribery in official and political matters	CC
● value > \$5,000, or firearm or with dangerous weapon		17A §603 Improper influence	CD
● value > \$1,000 < \$5,000 or prior convictions or violation of section 355	CC	17A §604 Improper compensation for past action	CD
● violation of section 360 or value > \$500 < \$1,000	CD	17A §607 Purchase of public office	CD
● value < \$500	CE	ROBBERY (inclusive)	
17A §362* Classification of theft offenses	See above	17A §651 Robbery	CB/CA
BURGLARY AND CRIMINAL TRESPASS (inclusive)		FORGERY AND RELATED OFFENSES	
17A §401 Burglary	CA/CB/CC	17A §702 Aggravated forgery	CB
17A §402* Criminal trespass			
● enters dwelling place	CD		
● locked structure, enters posted area, remains in defiance	CE		

17A \$ 703 Forgery	CC/CD	17A \$905 Misuse of credit identification	CD
17A \$ 708* Negotiating a worthless instrument		17A \$906 Use of slugs	CD
● value > \$5,000	CB	17A \$907* Possession or transfer of theft of services devices	
● value > \$1,000 < \$5,000	CC	● possession or making any device	CE
● value > \$500 < \$1,000	CD	● transfers or possesses any device	CD
● value < \$500	CE		
OFFENSES AGAINST PUBLIC ADMINISTRATION			
17A \$751 Obstructing government administration	CD	UNLAWFUL GAMBLING	
17A \$752-A Assault on an officer	CC	17A \$953 Aggravated unlawful gambling	CB
17A \$753* Hindering apprehension or prosecution		17A \$954 Unlawful gambling	CD
● defendant knew of conduct of other which resulted in charge or liability for Class A crime or murder	CB	17A \$955 Possession of gambling records	CD
● other person knew of conduct which resulted in charge or liability for Class A crime or murder	CC	CRIMINAL USE OF EXPLOSIVES AND RELATED CRIMES	
● hindering apprehension of a juvenile	CE	17A \$1001 Criminal use of explosives	CC
17A \$754 Obstructing criminal prosecution	CC	17A \$1002 Criminal use of disabling chemicals	CD
17A \$755 Escape	CB/CD/CC	WEAPONS	
17A \$756 Aiding escape	CC/CB	17A \$1051 Possession of a machine gun	CD
17A \$757 Trafficking in prison contraband	CC	17A \$1055 Trafficking in dangerous knives	CD
ARSON AND OTHER PROPERTY DESTRUCTION (inclusive)		17A \$1056 Possession of metal piercing ammunition	CD
17A \$802 Arson	CA	DRUGS (inclusive)	
17A \$803 Causing a catastrophe	CA	17A \$1103 Unlawful trafficking in scheduled drugs	
17A \$804 Failure to control or report a dangerous fire	CD	(2)(A) Schedule W or marijuana > 1,000 pounds	CB
17A \$805 Aggravated criminal mischief	CC	(2)(B) Schedule X or marijuana > 2 lbs.	CC
17A \$806 Criminal mischief	CD	(2)(C) Schedule Y or schedule Z	CD
PROSTITUTION AND PUBLIC INDECENCY		17A \$1104 Trafficking in or furnishing counterfeit drugs	CC
17A \$852 Aggravated promotion of prostitution	CC	17A \$1105 Aggravated trafficking or furnishing scheduled drugs	One class more serious than otherwise would be
17A \$853 Promotion of prostitution	CC	17A \$1106 Unlawfully furnishing scheduled drugs	See below
17A \$855 Patronizing prostitution of a minor	CD	(2)(A) Schedule W	CC
FRAUD		(2)(B) Schedule X, Y or Z	CD
17A \$901 Deceptive business practices	CD	17A \$1107 Unlawful possession of Schedule W, X and Y drugs	
17A \$902 Defrauding a creditor	CD	(2)(A) Heroin	CC
17A \$903 Misuse of entrusted property	CD	(2)(B) Schedule W other than heroin or X drug	CD
17A \$904 Private bribery	CD	(2)(C) Schedule Y	CE
		17A \$1108 Acquiring drugs by deception	
		(4)(A) Schedule W, X or Y	CC
		(4)(B) Schedule Z	CD

17A §1109 Stealing drugs	CD
17A §1110 Trafficking in hypodermic needles	CC
17A §1111 Possession of hypodermic apparatuses	CD
A Sale and use of drug paraphernalia	
A(5) Knowingly traffic or furnish drug paraphernalia	CE
A(6) Advertisement of drug paraphernalia	CE
A(8) Knowingly traffiek or furnish drug paraphernalia to a minor	CD
17A §1116 Trafficking or furnishing imitation scheduled drugs	
(3) Trafficking or furnishing to adults	CE
(3) Trafficking or furnishing to person under 18 years of age	CD
(4) Second or subsequent violation of Title 22, section 2383-A	CE

MARYLAND

MD. ANN. CODE art. 27, Sx (1982 & Supp. 1986)

Criminal Classification Information

Violations in the State of Maryland are defined both by common law and statute. As a result, some violations are not codified and hence do not appear in this document.

Attempts and conspiracies are recorded with the substantive crimes with which they appear. In addition, conspiracy, in general, is punishable to the same extent as the substantive offense (see §38).

MARYLAND CRIMINAL STATUTES

MD. ANN. CODE art. 27, Sx (1982 & Supp. 1986)

KEY

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

NOTE: For classifications that are NOT inclusive, misdemeanors and ? 1 year or over are recorded. Maximum terms are recorded, unless a range of sentence is specified.

Statute No. and Title	Class/Time
ABDUCTION	
1 Individual under 16	M: 8 yrs.
2 Child under 12	F: 20 yrs.
ADULTERY	
ARSON & BURNING (inclusive)	
6 Dwelling or adjoining building	30 yrs.
7 Barn, garage, etc.; pier, wharf, boathouse, etc.; shop, factory, etc.; church, school, etc.; public bridge	F: 20 yrs.
8* Burning personal property of another	
• < \$1,000	M: 18 mos.
• ≥ \$1,000	F: 5 yrs.
9 Burning goods, wares, etc.; with intent to injure insurer	?: 5 yrs.
9A Burning trash container	M: 30 days
10* Attempt to burn building or property	
• if §§6 or 7	F: 10 yrs.
• if §§8 or 9	M: 2 yrs.
10A Burning of a cross or other religious symbol	F: 3 yrs.
11 Setting fire while perpetrating a crime	?: 3 yrs.
INTERFERING WITH OR OBSTRUCTING FIREMEN	
11D Interference, obstruction, or false representation	M: 3 yrs.
ASSAULT WITH INTENT TO MURDER, RAVISH OR ROB (inclusive)	
12 Penalties	
• with intent to rob	F: 2 yrs.
• with intent to murder	F: 2-30 yrs.
• with intent to ravish	F: 2-15 yrs.

BARRATRY**BAWDY HOUSES AND HOUSES OF ILL FAME;
PROSTITUTION**

15 Unlawful acts See below
 17 Penalty ? : 1 yr.

BIGAMY

18 Entering into marriage ceremony while married; absence of spouse for 7 years 9 yrs.

BLASPHEMY**BOATING****BRIBERY; OBSTRUCTING JUSTICE**

23 Offering bribe to or receiving bribe by public officer; witnesses in prosecution ? : 2-12 yrs.

24 Bribery participant, etc.; in athletic contest; witness in prosecution ? : 6 mos. - 3 yrs.

25 Acceptance of bribe by athlete M : 3 yrs.

26 Embracery; acceptance of a bribe by juror ? : 18 mos. - 6 yrs.

27 Intimidating or corrupting jurors, etc.; obstructing justice ? : 3 yrs.

BURGLARY; BREAKING & ENTERING (inclusive)

29 Burglary generally; restitution F : 20 yrs.

30 Breaking dwelling with intent to steal or commit felony
 • if nighttime F : 20 yrs.
 • if daytime F : 10 yrs.

31A Breaking & entering dwelling house of another M : 3 yrs.

B Breaking & entering store house, etc., of another M : 6 mos.

32 Breaking boathouse, etc.; or into boat with intent to commit felony F : 10 yrs.

33 Breaking into shop, etc.; and stealing; restitution F : 10 yrs.
 A Breaking into building or boat with intent to steal M : 18 mos.

34 Burglary with explosives See below

35 Penalty for violation of §34 F : 40 yrs.

CHILD ABUSE

35A Causing child abuse F : 15 yrs.

CARRYING OR WEARING WEAPON

36 Carrying or wearing concealed weapon; carrying openly with intent to injure; carrying by person under 18 at night in certain counties M : 3 yrs.

CARRYING DEADLY WEAPONS ON PUBLIC SCHOOL PROPERTY

36A Carrying or possessing deadly weapon upon school property M : 3 yrs.

HANDGUNS

36B Wearing, carrying or transporting handgun; unlawful use in commission of crime
 • wear, carry, transport M : 30 days - 3 yrs.
 • concealed or unlawful use M : 1-10 yrs.
 • 2nd conviction M : 3-10 yrs.
 • if purpose to injure or kill M : 5-10 yrs.
 • use in crime of violence M : 5-20 yrs.

36E Permits M : 1 yr.

36G Restrictions on possession of firearms at demonstrations in public places M : 1 yr.

CONSPIRACY

38 Punishment for conspiracy Not to exceed maximum for offense

CLOVE CIGARETTES--SALES PROHIBITED**CONTRACEPTIVES--SALE BY VENDING MACHINES****COUNTERFEITING & FORGERY**

44 Private instruments generally F : 10 yrs.

45 Public documents generally F : 2-10 yrs.
 A False entry in public record; altering, defacing, removing, or concealing public record M : 3 yrs.

46 Public seals ? : 2-10 yrs.

47 Stamp of Comptroller ? : 2-10 yrs.

48 Orders, etc. for money or goods F : 2-10 yrs.

49 Manifest of tobacco inspector ? : 18 mos. - 7 yrs.

50 Exporting tobacco with forged mark, etc.; tampering with hogshead ? : 18 mos. - 7 yrs.

51 Defacing tobacco inspector's brand; false branding ? : 6 mos. - 2 yrs.

52 Breaking hogshead of tobacco with intent to evade inspection laws F : 2-4 yrs.

53 Certificate of State stock ? : 2-10 yrs.

54 Metallic checks, etc., used by food canners F : 1-5 yrs.

55 Physicians' prescriptions, orders, etc. M : 2 yrs.

56 Tickets, coupons, tokens M : 1 yr.

CRUELTY TO ANIMALS

59 Cruelty to animals a misdemeanor M: 90 days/3 yrs.
 61 Injuring, etc. of race horse, etc. F: 1-3 yrs.

DEBT ADJUSTING

DEFAULTERS

80 Defalcation by officer collecting revenues due state or county ?: 1-5 yrs.

DESECRATION OF THE NATIONAL OR STATE FLAG

83 Mutilation, defacing, etc. See below
 85 Penalty ?: 1 yr.

DESTROYING, INJURING, ETC., PROPERTY MALICIOUSLY

111 Destroying property of another
 ● value < \$300 M: 60 days
 ● value ≥ \$300 M: 3 yrs.
 A Opening gate to another's pasture M: 1 yr.
 B Throw missile into occupied vehicle

112 Break or enter railroad car with intent to destroy car or chattels ?: 1-5 yrs.

113 Injuring or destroying railroad locomotive, car, etc. ?: 1-10 yrs.

114 Break or enter railroad car or freight secured to railroad car with intent to steal ?: 1-10 yrs.

115 Breaking into railroad or entering by force ?: penitentiary 2-10 yrs./house of corrections 3 yrs./jail 1 yr.

119 Dynamiting, etc. property F: life or 20 yrs.

GROCERY CARTS

FOOD PACKAGES OR CONTAINERS

EXITS OF BUILDINGS

DISTURBANCE OF THE PUBLIC PEACE

CONTRABAND, ETC. IN PRISONS

122A* Delivery or receipt of alcoholic beverages, controlled dangerous substance or contraband to escape
 ● delivery F: 10 yrs.
 ● receipt M: 3 yrs.

DRUNKENNESS AND DISORDERLY CONDUCT

INTERFERENCE IN ATHLETIC EVENTS

ELECTRONIC DEVICES

EMBEZZLING PROPERTY AND WRITINGS

126 Wills, patents, deeds, records ?: 3-7 yrs.

127 Destroying or secreting will ?: 18 mos. - 15 yrs.

132 Fraudulent misappropriation by fiduciaries ?: 1-5 yrs.

135 Wrongful disposal of cargo of vessel, refusal to pay over consideration for sale of cargo M: 6-12 mos.

EMPLOYMENT BENEFITS

138A Time within payment of employee benefits and deduction of union dues made union dues made M: 1 yr.

ESCAPES FROM CONFINEMENT

139 Escaping from penitentiary, jail, reformatory, etc., or from Drug Abuse Administration; expenses incurred in return, aiding escape
 ● if juvenile F: 10 yrs.
 F: 3 yrs.

EXPLOSIVES

139A Molotov cocktail M: 5 yrs.
 B Destructive explosive devices F: 20 yrs.

BAD CHECKS

141* Obtaining property or services by bad check - acts constituting See below

143* Penalties
 ● < \$300 M: 18 mos.
 ● ≥ \$300 F: 15 yrs.

CREDIT CARD OFFENSES

145* Credit card offenses
 ● < \$300 M: 18 mos.
 ● ≥ \$300 F: 15 yrs.

146 Unauthorized access to computers prohibited M: 3 yrs.

FALSE STATEMENTS

151B False statement on state scholarship application M: 1 yr.
 C Representations of explosives M: 1 yr.

FEMALE SITTERS

152 Employment prohibited

153 Penalty ?: 2-12 mos.

FIRE--FALSE ALARM		257 Carnivals in Baltimore City	?: 1 yr.
156 False alarms prohibited; false ambulance or rescue squad calls	M: 5 yrs.	258 Carnivals in Carroll County A Carnivals in Fredrick County B Carnivals in Prince George's County	?: 1 yr. ?: 1 yr. ?: 1 yr.
FORTUNE-TELLING		SLOT MACHINES	
FRAUD (all subcategories grouped)		264B Defined; prohibited	M: 1 yr.
159 Manufacture or sale of malt extract, beer not brewed as such	M: 1 yr.	GRAVEYARD DESECRATION	
163 Failure or neglect to comply with terms of trust	?: 1-10 yrs.	265 Removing dead bodies without authority	M: 5-15 yrs.
173 Conversion of partnership money	M: 10 yrs.	267 Destroying tombs, trees in cemeteries	M: 2 yrs./3 yrs.
174 Fraudulent misrepresentation by corporate officer or agent	M: 6 mos. - 3 yrs.	GUNNING	
195 False advertising	M: 1 yr.	HARBORING	
198 Advertisements of merchandise commodities or service as part of scheme not to sell as advertised	M: 1 yr.	268F Harboring a fugitive G Harboring escaped prisoner	M: 1 yr. M: 1 yr.
206 Abandoning or refusing to return (auto rental)	M: 1 yr.	HAZING	
213 Mixing other flour with wheat flour	?: 3-12 mos.	HEALTH (Some subcategories grouped)	
214B Fraudulently obtaining representation by public defender	M: 1 yr.	HEALTH--CONTROLLED DANGEROUS SUBSTANCES (inclusive)	
215 Repledge or rehypothecation of securities without consent	M: 5 yrs.	286 Unlawful manufacture, distribution, counterfeiting, etc. (b) Mfg, distribute, have equipment (1) If Schedule I or II narcotic (2) Specified drugs (3) Other Schedule I-V	See below F: 20 yrs. F: 20 yrs. F: 5 yrs.
229 Failure to deliver drafts for stored grain	M: 1-10 yrs.	286A Bringing into state excess of certain amounts B Distribution of noncontrolled substances as controlled dangerous substance C Using minors for distribution of controlled dangerous substances	F: 25 yrs. F: 5 yrs. F: 10 yrs.
230 Substituting for grain alcohol A Obtaining public assistance by fraud C* Medicaid fraud unlawful D* Penalties ● if value > \$500 ● if value < \$500	M: 3-12 mos. M: 3 yrs. See below F: 5 yrs. M: 3 yrs.	287 Unlawful possession or administering substance or paraphernalia by fraud, forgery, etc. ● if use/possess marijuana A Drug paraphernalia (c) Use or possession ● 2nd violation (d)(1) Delivery or sale ● 2nd violation (d)(2) Delivery to minor	M: 4 yrs. M: 1 yr. See below M: fine M: 2 yrs. M: fine M: 2 yrs. ?: 8 yrs.
233C Counterfeit or altered parimutuel tickets	M: 1 yr.		
GAMING			
240 Betting, wagering, etc.	M: 6 mos. - 1 yr.	288 Certain unlawful acts particularly applicable to registrants	M: 2 yrs.
241 Keeping gaming table or place	M: 6 mos. - 1 yr.	289 Distribution by registrants of certain substances without required order form	F: 10 yrs.
242 Owner permits keeping tables	M: 6 mos. - 1 yr.	290 Attempts, endeavors and conspiracies for offense	Maximum penalty
245 Playing "thimbles," "little joker," "crap"	?: 6 mos. - 2 yrs.	293 Second or subsequent offenses	2 x maximum penalty
251B Gaming permits Worcester County	M: 1 yr.		
255 Carnivals or bazaars B Bingo/raffle Montgomery County	?: 1 yr. M: 1 yr.		

300 Prescription drugs	M: 1-12 mos.	349 Unauthorized use of livestock	M: 6 mos. - 4 yrs.
301 Smelling or inhaling harmful substances	M: 6 mos.	LETTERS--WRONGFULLY OPENED	
A Same--minors	M: 18 mos.	LOTTERIES	
● 2nd violation	M: 3 yrs.		
WORKSHOPS AND FACTORIES			
324 Registration of factories, stores, etc., employing five or more persons	?: 10 days - 1 yr.	358 Penalty	M: 3-12 mos.
326 License required for use of tenement or dwelling for manufacturing, etc.	?: 10 days - 1 yr.	360 Keeping place for selling lottery tickets	?: 1 yr.
327 License required for manufacturing clothing, artificial flowers, cigars, etc.	?: 10 days - 1 yr.	361 Owner permits use of house	?: 1 yr.
328 Employers and manufacturers having work done outside to keep registers of employees	?: 10 days - 1 yr.	362 Possession of lottery tickets, records or money	?: 1 yr.
330 Use of tenement or dwelling for manufacturing clothing, artificial flowers, cigarettes, etc.	?: 10 days - 1 yr.	366 Second offense	?: 5 yrs.
331 Right of entry by Commissioner of Labor and Industry and assistants for purpose of inspections	?: 10 days - 1 yr.	MACHINE GUNS	
332 Deputies appointed by Commissioner; duties	?: 10 days - 1 yr.	373 Use of machine gun for crime	F: 20 yrs.
333 Penalty	See above	374 Use of machine gun for aggressive purposes	?: 10 yrs.
INCEST			
335 Carnal knowledge of another within degrees of consanguinity within which marriage prohibited	F: 1-10 yrs.	MAIMING	
INDECENT EXPOSURE			
335A Indecent exposure	M: 3 yrs.	384 Mayhem, tarring and feathering	?: 18 mos. - 10 yrs.
INJURIES--REPORTS OF			
KEY REGULATIONS			
KIDNAPPING			
337 Generally	F: 30 yrs.	385 Malicious injury to tongue, nose, eye, lip, limb, etc.	F: 2-10 yrs.
338 Children under 16	F: 30 yrs.	386 Unlawful shooting, stabbing, etc., with intent to maim, disfigure, etc.	F: 18 mos. - 10 yrs.
KNIVES--SWITCH BLADE			
339 Sale unlawful; penalty	?: 12 mos.	MANSLAUGHTER (inclusive)	
THEFT & LARCENY (subcategories grouped) (inclusive)			
341* Acts constituting theft	See below	387 Manslaughter generally	?: prison 10-yrs. or jail 2 yrs.
342* Theft		388 Manslaughter by auto, motorboat, etc.	M: 5 yrs.
● ≥ \$300	F: 15 yrs.	A Homicide by motor vehicle while intoxicated	M: 3 yrs.
● < \$300	M: 18 mos.	MANUFACTURED ARTICLES	
		389 Removing or defacing serial numbers	M: 1 yr.
		MINORS--SALES TO MURDER (inclusive)	
		407 First degree murder - Generally	?: death or life
		408 Same - Murder committed in perpetration or arson	?: death or life
		409 Same - Murder committed in burning barn, tobacco house, etc.	?: death or life
		410 Same - Murder committed in perpetration of rape, sodomy, mayhem, robbery, burglary, kidnapping, storehouse breaking, daytime house-breaking, or escape	?: death or life
		411 Second degree murder	?: 30 yrs.
		412 Punishment for murder	See above

NUDITY AND SEXUAL DISPLAYS

OBSCENE MATTER

418 Sending or bringing into state for sale or distribution; publishing, etc., within state See 424

B Obscene performances in Anne Arundel County See 424

419 Sale or display of certain items to persons under 18 See 424

A Child pornography F: 10 yrs.

420 Hiring, etc., minor under 18 to do or assist in doing acts described in § 419 See 424

421 Obscene advertising See 424

424 Penalty
 ● first offense M: 1 yr.
 ● subsequent offense ?: 3 yrs.

PANDERING

426 Pandering generally ?: 12 yrs.

427 Placing person for immoral purposes ?: 10 yrs.

428 Receiving money for procuring person for house of prostitution F: 10 yrs.

429 Placing spouse in house of prostitution F: 10 yrs.

430 Receiving earnings of a prostitute F: 10 yrs.

431 Detaining person in house of prostitution for debt F: 12 yrs.

432 Transporting person for prostitution F: 10 yrs.

PASSENGER BOATS

PERJURY

435 What shall be deemed perjury See below

438 Subornation of perjury See below

439 Penalty ?: 10 yrs.

PERSONATING OFFICERS

PISTOLS

442 Sale or transfer of pistols and revolvers ?: 2 yrs.

443 Pistol and revolver dealer's license ?: 2 yrs.

444 Obliterating, etc., identification mark or number ?: 3 yrs.

445 Restrictions on sale, transfer, and possession of pistols and revolvers ?: 3 yrs.

446 Sale, transfer, etc., of stolen pistol ?: 3 yrs.

448 Penalty See above

POISON

450 Attempting to poison person F: 2-10 yrs.

451 Poisoning or contaminating water, drink, food F: 20 yrs.

POSTERS

RAILROADS

453 Obstruct/break railroad to overthrow cars F: 10 yrs.

454 Same--death resulting from overthrow Punish as murder

457 Removal of bond-wires, nuts, bolts, etc. ?: 5 yrs.

458 Shooting or throwing at train or occupant M: 5 yrs.

SEXUAL OFFENSES (inclusive)

462 First degree rape F: life

463 Second degree rape F: 20 yrs.

464 First degree sexual offense F: life
 A Second degree sexual offense F: 20 yrs.
 B Third degree sexual offense F: 10 yrs.
 C Fourth degree sexual offense M: 1 yr.

REAL ESTATE

RECORDED MATERIAL--UNAUTHORIZED COPIES

467A Transfer of recorded sound without consent of owner ?: 1 yr.

● 2nd offense ?: 3 yrs.

LITTER CONTROL LAW

JUNKYARDS

RELIGIOUS MEETINGS

RETURNABLE CONTAINERS

474 Unlawful use of registered containers, etc. M: 1 yr.

RIFLES AND SHOTGUNS

481C Short-barreled rifles and short-barreled shotguns M: 5 yrs.

RIVERS, HARBORS

ROBBERY (inclusive)

486 In general ?: 3-10 yrs.
 A Bingo, notes, checks, wills ?: 3-10 yrs.

488 Robbery with deadly weapon ?: 20 yrs.

ROGUES AND VAGABONDS

490 Persons deemed rogues
& vagabonds

M: 3 yrs.

SABBATH BREAKING

SABOTAGE PREVENTION

536 Intentional injury
to or interference
with property

F: 10 yrs./
1 yr.

537 Intentionally defective
workmanship

F: 10 yrs.

538 Attempts

F: 1/2
maximum
penalty

539 Conspirators

F: same
penalty

SIT DOWN STRIKES

SODOMY

553 Sodomy generally

?: 10 yrs.

554 Unnatural or perverted
sexual practices

?: 10 yrs.

TELEPHONE MISUSE

555A Unlawful use of telephone

M: 3 yrs.

557B Publishing number
or code of telephone credit card

?: 12 mos.

THIEVES AND PICKPOCKETS

558 In Baltimore City

?: 5 yrs.

559 On railroads

?: 5 yrs.

560 In counties of state

?: 5 yrs.

THREATS AND THREATENING LETTERS

561 Sending, delivering,
threatening letters

F: 2-10 yrs.

562 Threatening verbally
B* Extortion generally

F: 2-10 yrs.

● ≥ \$300

F: 10 yrs.

● < \$300

M: 18 mos.

C* Extortion by staff or
local officer or employee

● ≥ \$300

F: 10 yrs.

● < \$300

M: 6 mos.

D Extortion by state/local
officer or employee against
another employee

F: 5 yrs.

563 Extorting by false accusation

M: 2 yrs.

TOURIST INFORMATION

TRANSPORTATION FOR IMMORAL PURPOSES

574 Transportation by public
conveyances

575 Penalty

?: 1 yr.

TRESPASS

PICKETING OF DWELLING PLACES

VESSELS

MASS. GEN. LAWS ANN. ch.x, §x (West 1959 & Supp. 1986).

Criminal Classification Information

Ch. 274, §1 Felonies and misdemeanors.

A crime punishable by death or imprisonment in the state prison is a felony. All other crimes are misdemeanors.

Ch. 279, §5 Sentence if no Punishment Is Provided by Statute; Service of Sentence in Certain Cases.

If no punishment for a crime is provided by statute, the court shall impose such sentence, according to the nature of the crime, as conforms to the common usage and practice in the commonwealth. If a person is convicted of a misdemeanor punishable by imprisonment, he may, unless otherwise expressly provided, be sentenced to imprisonment either in the jail or in the house of correction.

INCHOATE OFFENSES

Ch. 274, §6 Attempt to Commit Crime.

Whoever attempts to commit a crime by doing any act toward its commission, but fails in its perpetration, or is intercepted or prevented in its perpetration, shall, except as otherwise provided, be punished as follows:

First, by imprisonment in the state prison for not more than ten years, if he attempts to commit a crime punishable with death.

Second, by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than two and one-half years, if he attempts to commit a crime, except any larceny under section thirty of chapter two hundred and sixty-six, punishable by imprisonment in the state prison for life or for five years or more.

Third, by imprisonment in a jail or house of correction for not more than one year or by a fine of not more than three hundred dollars, if he attempts to commit a crime, except any larceny under said section thirty, punishable by imprisonment in the state prison for less than five years or by imprisonment in a jail or house of correction or by a fine.

Fourth, by imprisonment in a jail or house of correction for not more than two and one half years or by a fine, or by both such fine and imprisonment, if he attempts to commit any larceny punishable under said section thirty.

Ch.274, §7 Punishment for Commission of Crime of Conspiracy.

Any person who commits the crime of conspiracy shall be punished as follows:

First, if the purpose of the conspiracy or any of the means for achieving the purpose of the conspiracy is a felony punishable by death or imprisonment for life, by a fine of not more than ten thousand dollars or by imprisonment in the state prison for not more than twenty years or in jail for not more than two and one half years, or by both such fine and imprisonment.

Second, if clause first does not apply and the purpose of the conspiracy or any of the means for achieving the purpose of the conspiracy is a felony punishable by imprisonment in the state prison for a maximum period exceeding ten years, by a fine of not more than ten thousand dollars or by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by both such fine and imprisonment.

Third, if clauses first and second do not apply and the purpose of the conspiracy or any of the means for achieving the purpose of the conspiracy is a felony punishable by imprisonment in the state prison for not more than ten years, by a fine of not more than five thousand dollars or by imprisonment in the state prison for not more than five years or in jail for not more than two and one half years, or by both such fine and imprisonment.

Fourth, if clauses first through third do not apply and the purpose of the conspiracy or any of the means for achieving the purpose of the conspiracy is a crime, [punishable] by a fine of not more than two thousand dollars or by imprisonment in jail for not more than two and one half years, or both.

If a person is convicted of a crime of conspiracy for which crime the penalty is expressly set forth in any other section of the General laws, the provisions of this section shall not apply to said crime and the penalty therefor shall be imposed pursuant to the provisions of such other section.

MASSACHUSETTS CRIMINAL STATUTES

MASS. GEN. LAWS ANN. ch. x, §x (West 1959 & Supp. 1986).

KEY

- SP = State penitentiary
- J = Jail
- HC = House of corrections
- ? = Place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

NOTE: According to the Office of the District Attorney, Boston, any sentence to be served in prison or in excess of 2 1/2 years constitutes a felony. In practical terms, however, as prison terms are never less than 2 1/2 years in length, any term in excess of 2 1/2 years, regardless of locale, should be considered a felony. Maximum terms are recorded, except where range or minimum (MIN.) is given.

Statute No. and Title Class/Time

RIGHTS OF PERSONS ACCUSED OF CRIME

CRIMES AGAINST GOVERNMENTS

264§1	Treason defined	
264§2	Penalty for treason	SP: life
264§3*	Misprision of treason; penalty	SP: 5 yrs. or J: 2 yrs.
264§11	Promotion of Anarchy; prohibition	SP: 3 yrs. or J: 2 1/2 yrs.
264§19	Subversive organization; knowingly becoming or remaining member; penalty	SP: 3 yrs.
264§21	Subversive organizations; destruction or concealment of books; penalty	SP: 3 yrs. or J: 2 1/2 yrs.
264§23	Subversive organizations; contribution; penalty	SP: 3 yrs. or J: 2 1/2 yrs.

CRIMES AGAINST THE PERSON (inclusive)

265§1	Murder defined	
265§2	Punishment for murder; parole; executive clemency	SP: life
265§3	Duel; wound without and death within state; venue	SP: life
265§4	Accessory in duel • If dies	Accessory before fact to murder---a principal
265§9	Prize fighting; engaging	SP: 10 yrs.
265§10	Prize fight; aiding or promoting; penalty	SP: 5 yrs. or J: 2 1/2 yrs.

265§11	Prize fight; appointment within and fight without state; penalty	SP: 5 yrs.
265§12	Boxing matches; penalty	HC: 3 mos.
265§13	Manslaughter; punishment	J or HC: 2 1/2 yrs. or SP: 20 yrs./life/any term of yrs. HC: 2 1/2 yrs.
	A Assault or assault and battery; punishment	
	B Indecent assault and battery on child under fourteen; penalties; any term of yrs. or subsequent offenses; eligibility for parole etc.	SP: 10 yrs./life/
	C Assault and battery in order to collect loan; penalty	J or HC: 2 1/2 yrs. SP: 3-5 yrs./5-10 yrs. or J or HC: 2 1/2 yrs. HC: 90 days-2 1/2 yrs. SP: 5-10 yrs./10 yrs. MIN.
	D Assault and battery upon certain public servants	
	F Indecent assault and battery on mentally retarded person	
	G Commission of a felony for hire; additional punishment	SP: 5 yrs.
	H Indecent assault and battery on child of fourteen; penalties	SP: 5 yrs. or J or HC: 2 1/2 yrs. HC: 90 days-2 1/2 yrs.
	I Assault on emergency medical technician, ambulance operator, or ambulance attendant	
265§14	Mayhem; punishment	SP: 20 yrs. or J: 2 1/2 yrs.
265§15	Assault; intent to murder or maim; penalty	SP: 10 yrs. or J: 2 1/2 yrs.
	A Assault and battery with dangerous weapon; punishment; victim sixty-five or older; minimum sentence for repeat offenders	SP: 10 yrs./2-10 yrs. or J: 2 1/2 yrs./2-2 1/2 yrs.
	B Assault with dangerous weapon punishment; victim sixty-five or older; minimum sentence for repeat offenders	SP: 5 yrs./2-5 yrs. or J: 2 1/2 yrs./2-2 1/2 yrs.
265§16	Attempt to murder	SP: 20 yrs. or J: 2 1/2 yrs.
265§17	Armed robbery; punishment	SP: life/any term of yrs./5-life/10-life
265§18	Assault with intent to rob or murder; dangerous weapon; punishment; victim sixty-five or older; minimum sentence for repeat offenders	SP: 20 yrs./2-20 yrs.
	A Dangerous weapon; assault in dwelling house; punishment any term of yrs.	SP: life/5-life 10-life
	B Use of firearms while committing a felony; second or subsequent offenses; punishment	HC: yr. MIN. or SP: 2 1/2-5 yrs. SP: 5 yrs.

265 §19 Robbery by unarmed person; punishment; victim sixty-five or older; minimum sentence for repeat offenders	SP: life/ 2-life/ any term of yrs.	CRIMES AGAINST PROPERTY (inclusive)	
265 §20 Simple assault; intent to rob or steal; punishment	SP: 10 yrs.	266 §1 Dwelling houses; burning or aiding in burning	SP: 20 yrs. or J or HC: 2 1/2 yrs.
265 §21 Stealing by confining or putting in fear	SP: life/any term of years	266 §2 Meeting house; burning or aiding in burning	SP: 10 yrs. or J or HC: 2 1/2 yrs.
265 §22 Rape, generally; penalties; eligibility for parole, etc. A Rape of child; use of force	SP: life/ 20 yrs./any term of years SP: life/any term of years	266 §5 Wood and other property; burning or aiding in burning A Attempts	SP: 3 yrs. or J or HC: 1 yr. SP: 10 yrs. or J or HC: 2 1/2 yrs.
265 §23 Rape and abuse of child	SP: life/ any term of yrs./5-life or J or HC: life	266 §7 Woods; wanton or reckless injury or destruction by fire	HC: 2 yrs.
265 §24 Assault with intent commit rape; penalties; eligibility for parole, etc. B Assault of child; intent to commit rape; punishment	SP: 20 yrs./ any term of yrs./life or J or HC: 2 1/2 yrs. SP: life/5- life/any term of years	266 §8 Injury by fire; negligent use 266 §9 Injury by fire; negligent use in town; damages	HC: 2 yrs. J: 1 mo.
265 §25 Attempted extortion; punishment	SP: 15 yrs. or HC: 2 1/2 yrs.	266 §10 Insured property; burning with intent to defraud	SP: 5 yrs. or J or HC: 2 1/2 yrs.
265 §26 Kidnapping; punishment	SP: 10 yrs. or J: 2 yrs.	266 §11 Fire alarm, engine or apparatus; injury before fire	HC: 2 yrs.
265 §26A Kidnapping of minor or incompetent by relative; punishment	SP: 5 yrs. or HC: 1 yr.	266 §12 Fire alarm, engine or apparatus; injury during fire to prevent alarm or extinction of fire	SP: 7 yrs. or J: 2 1/2 yrs.
265 §28 Poison; use with intent to injure; punishment	SP: life/any term of yrs.	266 §13 Fire engines; wanton or malicious injury A Duty of hotel manager, etc. to notify fire department and sound alarm; penalty	HC: 2 yrs. J or HC: 2 1/2 yrs.
265 §29 Assault; intent to commit felony; punishment	SP: 10 yrs. or J: 2 1/2 yrs.	266 §14 Burglary; armed; assault on occupants	SP: 10 yrs.- life
265 §30 Gross negligence; persons having care of common carrier; penalty	J: 2 1/2 yrs.	266 §15 Burglary; unarmed	SP: 20 yrs./ 5-20 yrs.
265 §32 Glass; throwing in public streets and beaches; penalty	HC: 1 mo.	266 §16 Breaking and entering at night A Building, vessel, or vehicle; breaking and entering with intent to commit misdemeanor	SP: 20 yrs. or J or HC: 2 1/2 yrs. HC: 6 mos.
265 §34 Tattooing body of person by other than qualified physician; punishment	HC: 1 yr.	266 §17 Entering without breaking at night; breaking and entering in day time	SP: 10 yrs.
265 §35 Throwing or dropping objects onto public way; punishment	HC: 1 yr.	266 §18 Dwelling house; entry at night; breaking and entering in day time	SP: 10 yrs. or J: 2 yrs.
265 §36 Throwing or dropping objects at sporting events; punishment	HC: 1 yr.	266 §19 Railroad car; breaking and entering	SP: 10 yrs. or HC: 2 yrs.
265 §37* Violation of constitutional rights; punishment	SP: 10 yrs. or HC: 1 yr.	266 §20 Stealing in building, ship, or railroad car A Breaking and entering of trucks, tractor trailers or freight containers B Stealing in trucks, tractors, trailers, or freight containers	SP: 5 yrs. or J: 2 yrs. SP: 10 yrs. or HC: 2 yrs. SP: 5 yrs. or J: 2 yrs.
265 §38 Abuse of patients in long-term care facilities	J or HC: 2 yrs.		
265 §39 Assault or battery for purpose of intimidation; punishment	HC: 2 1/2 yrs.		

266§21 Stolen property; refusal to surrender	SP: 5 yrs. or J or HC: 2 yrs.	266§33* Larceny; false pretenses relating to contracts, banking transactions or credit ● if firearm or value exceeds \$100	SP: 5 yrs. or J: 2 yrs.
266§22 Poultry thieves; detention by owner; penalty	SP: 3 yrs. or HC: 2 yrs.	● if not firearm, value less than \$100 ● if stolen from common carrier/courier 18 mos. -	J: 1 yr. HC: 6 mos.- 2½yrs./HC:
266§23* Embezzlement of property at fire; effect ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier	SP: 5 yrs. or J: 2 yrs. J: 1 yr.	● steal trade secret, regardless of value	HC: 2½yrs. SP: 5 yrs. or J: 2 yrs.
● steal trade secret, regardless of value	HC: 6 mos.- 2½yrs./ HC: 18 mos.- 2½yrs.	266§34* False pretenses constitute larceny ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier	SP: 5 yrs. or J: 2 yrs. J: 1 yr.
266§24 Stealing at a fire; punishment	SP: 5 yrs. or J: 2 yrs.	● steal trade secret, regardless of value	HC: 6 mos.- HC: 18 mos.- 2½yrs. SP: 5 yrs. or J: 2 yrs.
266§25* Larceny by stealing; punishment; victim sixty-five or older; minimum sentence for repeat offenders ● steal from person of another	SP: 5 yrs. or J: 2½yrs./ 2 yr. MIN.	266§37* Drawing and uttering fraudulent checks, drafts and orders ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier	SP: 5 yrs. or J: 2 yrs. J: 1 yr.
266§27 Tools of contractors, builders or mechanics; stealing; penalty A Motor vehicle or trailer; removal or concealment to defraud insurer; penalty	SP: 5 yrs. or J or HC: 1 yr. MIN.	● steal trade secret, regardless of value B Credit card offenses: fraud and misrepresentation; larceny; unlawful sales and purchases C Credit card offenses: controlling as security for debt; forgery; failure to give value represented as given, etc. D Publishing information on how to fraudulently avoid payment for telecommunication services	HC: 6 mos.- 2½yrs./ HC: 18 mos.- 2½yrs. SP: 5 yrs. or J: 2 yrs. J or HC: 1 yr.
266§28 Motor vehicle or trailer; theft or concealment; operation without owner's consent after revocation of license; penalties; revocation and reinstatement of licenses	SP: 10 yrs. or J or HC: 2½ yrs./ 1 yr. MIN./ 10 yrs.	266§38* Wrongful detention of money by carriers and their employees ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier	SP: 5 yrs. or J: 2 yrs. J: 1 yr.
266§30* Larceny; general provisions and penalties ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier	SP: 5 yrs. or J: 2 yrs. J: 1 yr.	● steal trade secret, regardless of value A Shoplifting; penalty; arrest without warrant ● third offense	SP: 5 yrs. or J or HC: 2½yrs. HC: 12 mos.
266§31 Signature; obtaining under false pretenses	HC: 6 mos.- 2½yrs./ HC: 18 mos.- 2½yrs. SP: 5 yrs. or J: 2 yrs. Fine J: 2 yrs.	266§32* Fraudulent conversion of property by captain of vessel ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier	HC: 6 mos.- 2½yrs./ HC: 18 mos.- 2½yrs. SP: 5 yrs. or J: 2 yrs. J: 1 yr.
266§32* Fraudulent conversion of property by captain of vessel ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier	SP: 10 yrs. or J: 2 yrs.	● steal trade secret, regardless of value A Misuse of construction loans	SP: 5 yrs. or J: 2 yrs. J: 1 yr.
● steal trade secret, - regardless of value	HC: 6 mos.- 2½yrs./ 18 mos.- HC: 2½yrs. J: 2 yrs.	266§39 Larceny and destruction of wills	SP: 5 yrs. or HC: 2 yrs.
		266§40 Common and notorious thief	SP: 20 yrs. or J: 2½yrs.
		266§41 Second conviction of larceny of a bicycle	SP: 5 yrs. or J: 2 yrs.

266§42 Larceny of paper designed for bank bills, etc.	SP: life/any term of yrs.	266§64 Fraudulent hiring of horses, carriages, autos, etc.	HC: 2 mos.
266§43 Printer retaining such paper, etc.	SP: life/any term of yrs.	266§65 Unauthorized issue of stock	SP: 10 yrs. or HC: 1 yr.
266§47 Penalty for stealing, wrongfully removing collar from or poisoning a dog	HC: 1 yr./ HC: 6 mos.	266§66 Fraudulent issue of stock	SP: 10 yrs. or HC: 1 yr.
266§49 Making, holding, using burglarious instrument or motor vehicle master keys	SP: 10 yrs. or J: 2 1/2 yrs.	266§67 False entry in book of corporation A False representations made to municipality B False, fictitious or fraudulent claims made to commonwealth or municipality C False entry on accounting statements or financial statements with respect to public projects	SP: 10 yrs. or HC: 1 yr. SP: 5 yrs. or HC: 2 1/2 yrs. SP: 5 yrs. or HC: 2 1/2 yrs.
266§50 Fraud or embezzlement by employee in treasury	SP: life/any term of yrs.	266§69 Unlawful use of registered insignia A Fraudulent display of seal	SP: 5 yrs. or HC: 2 yrs. HC: 1 mo. Fine
266§51 Fraud or embezzlement by city, town or county officer	SP: 10 yrs. or J: 2 yrs.	266§70 Unlawful use of insignia	HC: 1 mo.
266§52 Fraud or embezzlement by bank officer, employee A Certain crimes related to banks and banking	SP: 15 yrs. or J: 2 1/2 yrs. SP: 10 yrs. or J or HC: 2 1/2 yrs.	266§71 Signature, money or membership, obtaining under false pretense A Individuals and corporations, false use of names of benevolent organizations	HC: 1 mo. HC: 1 yr.
266§54 Penalty for receiving deposits by insolvent banks	HC: 2 1/2 yrs.	266§72 Fraternal names, use in publication	HC: 1 yr.
266§55 Liquidating agent or receiver; embezzlement	SP: 10 yrs. or J or HC: 2 1/2 yrs.	266§73 Obtaining goods under false pretense of carrying on business	HC: 1 yr.
266§56 Brokers or agents; embezzlement	SP: 5 yrs. or J: 2 1/2 yrs.	266§74 Fraudulent use of credit of corporation	SP: 5 yrs. or J: 2 yrs.
266§57 Fiduciaries; embezzlement	SP: 10 yrs. or J: 2 yrs.	266§75* Obtaining property by trick ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier ● steal trade secret, regardless of value	SP: 10 yrs. SP: 5 yrs. or J: 2 yrs. J: 1 yr. HC: 6 mos.- HC: 18 mos.- 2 1/2 yrs. SP: 5 yrs. or J: 2 yrs.
266§58* Embezzlement from voluntary association ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier ● steal trade secret, regardless of value	SP: 5 yrs. or J: 2 yrs. J: 1 yr.	266§76 Gross fraud at common law	SP: 10 yrs. or J: 2 yrs.
266§59 Embezzlement from voluntary association ● if firearm or value exceeds \$100 ● if not firearm, value less than \$100 ● if stolen from common carrier/courier ● steal trade secret, regardless of value	HC: 6 mos.- 2 1/2 yrs./ HC: 18 mos.- 2 1/2 yrs. SP: 5 yrs. or J: 2 yrs.	266§77 Sale of certain articles as sterling and coin silver	SP: 5 yrs. or J: 2 yrs. HC: 30 days HC: 1 yr. Fine
266§60 Buying or receiving stolen goods A Buying, receiving, stolen trade secrets	SP: 5 yrs. or J or HC: 2 1/2 yrs. ?: 5 yrs. or J: 2 yrs.	266§78 False marking of articles made of gold, etc.	Fine
266§62 Common receiver of stolen goods	SP: 10 yrs.	266§79 False representation of imitations of fur	Fine
266§63 Unlawful taking of boats, certain vehicles and animals	HC: 6 mos.		

266§80 Encumbered land; conveyance without notice	HC: 1 yr.	266§102 Willful throwing or placing explosives at or near persons or property; unlawful possession	SP: 20 yrs. or HC: 2 ¹ / ₂ yrs.
266§81 Selling attached land without notice	SP: 3 yrs. or J: 1 yr.	A Possession of infernal machine	SP: 10 yrs. or J: 2 ¹ / ₂ yrs.
266§82 Concealment of mortgaged personalty; use of rental personalty as container for illegal sale of liquor	HC: 1 yr.	B Possession of molotov cocktail	SP: 5 yrs. or HC: 2 ¹ / ₂ yrs.
266§83 Personalty; sale by mortgagor without consent	HC: 1 yr.	266§103 Throwing oil of vitriol, coal tar	SP: 5 yrs. or J: 2 ¹ / ₂ yrs.
266§84 Sale by hires of personalty without consent	HC: 1 yr.	266§104 Injury to building	? : 2 mos. Fine
266§85 Sale of collateral security before debt due	J: 2 yrs.	A Removal or injury to goal posts	
266§86 Buying hired property	HC: 1 yr.	266§105 Pulling down stone walls or fences	Fine
266§87 Larceny of leased or rental property	HC: 1 yr.	266§106 Injury to ice taken as merchandise	Fine
266§88 Consignee fraudulently depositing or pledging	SP: 5 yrs.	266§107 Injury to bridge	SP: 5 yrs. or J: 2 yrs.
266§89 Falsely pretending to hold a degree, etc.	HC: 1 yr.	266§108 Destroying vessel to defraud owner or insurer	SP: 10 yrs. or J: 2 ¹ / ₂ yrs.
266§90 Falsely claiming endorsement	HC: 1 yr.	266§109 Fitting out vessel with intent to destroy it	SP: 20 yrs. or J: 2 ¹ / ₂ yrs.
266§91 Untrue and misleading advertisements prohibited	Fine	266§110 False invoice of cargo to defraud insurer	SP: 10 yrs. or J: 2 yrs.
A Advertising relative to sale of merchandise, commodities, etc.	HC: 1 yr.	266§111 False protest	SP: 10 yrs. or J: 2 yrs.
266§92 Publishing of false or exaggerated statements	SP: 10 yrs.	A Fraudulent claims under policies of insurance	SP: 5 yrs. or J: 6 mos.-2 ¹ / ₂ yrs.
A Sale of motor vehicles which have been submerged in water, etc.	Fine	B Fraudulent motor vehicle insurance claims	HC: 6 mos.-2 ¹ / ₂ yrs.
266§93 Obtaining or giving false pedigree of animals	HC: 2 yrs.	266§112 Malicious killing of cattle	SP: 5 yrs. or J: 1 yr.
266§94 Malicious destruction of boundary monument, milestone	HC: 6 mos.	266§113 Cutting timber, wood, shrubs on land of another	HC: 5 days-6 mos./6 mos.
266§95 Malicious destruction of historical monument	HC: 2 yrs.	266§114 Malicious injury to trees, fences	HC: 6 mos.
266§96 Defacing building of the Commonwealth	HC: 2 yrs.	266§115 Trespass in orchard, garden	HC: 6 mos.
266§97 Defacing building of county	HC: 2 yrs.	266§116A Protection of, wild azaleas wild orchids and cardinal flowers	Fine
266§98 Wilful injury to schoolhouse, church or furniture	HC: 2 yrs.	266§117 Entering orchard with intent	HC: 6 mos./5 days-6 mos.
A Wilful destruction of playground apparatus	Fine	266§118 Suffering animals to trespass on land	Fine
266§99 Defacement of books of libraries	HC: 6 mos.	266§119 Transportation of insect pests	HC: 2 mos.
266§100 Detention of books of libraries	Fine	266§120 Trespass on buildings, boats improved or enclosed land, etc.	HC: 30 days
266§101 Injury to building	HC: 2 mos.	A Motor vehicle; parking on private way; prosecution; evidence	"no penalty"
		B Entry on abutting land for maintenance of building	"no penalty"

D Removal of motor vehicle from private way or from improved or enclosed property	Fine	266§142 Purchasers of scrap copper wire	Fine
		A Records of purchase or sale of gold, silver, platinum	HC: 1 yr.
266§121 Entry on land with firearms	HC: 2 mos.	266§143 Unauthorized reproduction, transfer, sale of sound recording	HC: 1 yr.
A Trespass by motor vehicle or other powered devices	Fine		
266§122 Defacement of notice against trespassers	Fine	266§144 Conversion of milk containers	Fine
266§123 Trespassing upon land of certain institutions	HC: 3 mos.	FORGERY AND CRIMES AGAINST THE CURRENCY	
266§124 Malicious injury to legal notice	Fine	267§1 False or forged records, certificates, etc.	SP: 10yrs. or J: 2 yrs.
266§125 Malicious injury to show bill	Fine	267§2 Railroad or admission tickets, passes or badges	SP: 3 yrs. or J: 2 yrs.
266§126 Defacing natural scenery property	Fine	267§3 Seal of land court; stamping documents without authority	SP: 10 yrs. or J: 2 yrs.
266§127* Personalty; malicious or wanton injuries	SP: 10 yrs. or J: 2 1/2 yrs.	267§4 Forging or using w/o authority railroad company stamp	SP: 3 yrs. or J: 2 yrs.
• if willful and malicious	SP: 10 yrs or J: 2 1/2 yrs.	267§5 Uttering false or forged records, deeds, or other	SP: 10 yrs. or J: 2 yrs.
• if wanton	J: 2 1/2 yrs.	267§6 Uttering a forged railroad or admission ticket, pass, etc.	SP: 3 yrs. or J: 2 yrs.
• if < \$100	J: 2 1/2 mos.	267§7 False or forged note, certificate, or other bill of credit issued for debt of Commonwealth	SP: life or any term of yrs.
A Churches, synagogues, buildings used for purpose of burial, etc. destruction, defacement, etc.	HC: 2 1/2 yrs. or SP: 5 yrs.	267§8 False, forged or counterfeited bank bill, note, traveller's check	SP: life or any term of yrs.
266§128 Defacing milk cans	Fine	267§9 Possession of 10 more false, forged or counterfeited notes or bills	SP: life or any term of yrs.
266§129 Injury to property at correctional institutions	SP: 3 yrs.	267§10 Uttering or passing false, forged or counterfeit note, etc.	SP: 5 yrs. or J: 1 yr.
266§130 Injury to property at other penal institutions	HC: 6 mos.-2 1/2 yrs.	267§11 Common utterers of counterfeit bills	SP: 10 yrs.
266§132 Killing or frightening pigeons	HC: 1 mo.	267§12 Possession of false, forged or counterfeit bills, etc.	SP: 5 yrs. or J: 1 yr.
266§133 Injury to property of humane society	HC: 6 mos.	267§13 Tools or material for making false, forged etc.	SP: 10 yrs. or J: 2 yrs.
266§135 Mooring vessel to a buoy	HC: 3 mos.	267§17 Counterfeiting coin	SP: life or any term of yrs.
266§137 Raising water to injure mill	HC: 6 mos.	267§18 Possession of less than 10 pieces of counterfeit coin	SP: 10 yrs. or J: 2 yrs.
266§138 Injury to dam, reservoir	SP: 5 yrs. or J: 2 yrs.	267§19 Common utterers of counterfeit coins	SP: 20 yrs.
A Damage to machinery, use in transmission of water for agricultural purposes	SP: 5 yrs. or J: 2 yrs.	267§20 Tools for making counterfeit coins	SP: 10 yrs. or J: 2 yrs.
266§139 Defacing ID numbers of motor vehicles	SP: 3 yrs. or HC: 2 yrs.	267§26 Gathering or retaining bank bills or notes	HC: 2 yrs.
A Removing, altering machine numbers, etc.	J or HC: 1 yr.		
266§140 Sale of motor vehicle master keys for illegal use	HC: 1 yr.		
266§141A Turning back or resetting odometer with intent, etc.	J or HC: 30 days-2 yrs.		

267§27 Possession of worthless bank bills or notes	SP: 5 yrs. or HC: 2½yrs.	CRIMES AGAINST PUBLIC PEACE	
267§28 Uttering, passing or tendering worthless bank bills or notes	SP: 5 yrs. or HC: 2½yrs.	269§2 Refusing or neglecting to depart or to assist in suppressing assembly or in arresting persons	HC: 1 yr.
CRIMES AGAINST PUBLIC JUSTICE		269§7 Injury to building or vessel by persons unlawfully ; assembled punishment; liability	SP: 5 yrs. or J: 2 yrs.
268§1 Perjury	SP: 20 yrs. or J: 2½yrs.	269§10 Carrying dangerous weapons; possession of machine gun or sawed-off shotgun; confiscation; return of firearm; colleges and universities; punishment	SP: 2½ 5 yrs./ 5-7 yrs./7- 10 yrs./10- 15 yrs. or J or HC: 1-2½yrs. 6 mos.- 2½yrs./ 2½yrs. SP: 5 yrs. or J or HC: 2½yrs. SP: 7 yrs.
268§2 Subornation of perjury	SP: 20 yrs. or J: 2½yrs.	A Selling, giving or using silencers, confiscation and destruction	
268§3 Attempt to procure another to commit perjury	SP: 5 yrs. or J: 1 yr.	C Use of tear gas, etc., in commission of crime; penalty	
268§13 Corrupting masters, auditors, jurors, etc. B Intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings	SP: 5 yrs. or J: 1 yr. SP: 5 yrs. or J or HC: 2½yrs.	D Use or wearing of body armor in commission of crime	SP: 2½-5 yrs. or J or HC: 1-2½yrs.
268§14 Receipt of gift by juror, etc.	SP: 5 yrs. or J: 1 yr.	269§11B Possession or control of firearm with serial or identification number removed or mutilated, while committing or attempting a felony; destruction	SP: 2½-5 yrs. or J: or HC: 6 mos.- 2½yrs.
268§15 Aiding escape from a correctional institution or jail	SP: 10 yrs./ 7 yrs. or J: 2 yrs.	269§14 Explosives or other dangerous substance or continuance; false reports as to location; punishment	SP: 20 yrs. or J or HC: 2½yrs.
268§16 Escape or attempt to escape or failure to return from temporary release or furlough	SP: 10 yrs. or J or HC: 2½yrs.	CRIMES AGAINST PUBLIC HEALTH	
268§19 Suffering or consenting to an escape from a penal institution	SP: 20 yrs.	270§1 Adulterating liquor; sale; forfeiture	SP: 3 yrs.
268§28 Delivering drugs or articles to prisoners in correctional institutions or jails; possession	SP: 5 yrs. or J or HC: 2 yrs.	270§4 Food, drink or drug containing wood alcohol	SP: 5 yrs. or J or HC: 2½yrs.
268§31 Delivery or receipt of articles to or from inmates A Interference with fire fighting apparatus	SP: 3 yrs. or J: 2½yrs. SP: 5 yrs./ HC: 30 days - 2½yrs.	270§8A Foods containing foreign injury causing substances; distribution or sale	SP: 5 yrs.
268§36 Compounding or concealing felonies	SP: 5 yrs. or J: 1 yr./2 yrs.	CRIMES AGAINST PUBLIC POLICY	
268§39 Perjury; statements alleging motor vehicle theft; penalty; subsequent offense	HC: 5 mos.-2 yrs./HC or SP: 1 yr.- 5 yrs.	271§6A Plans under which purchasers agree to obtain more purchasers; injunction receivers B Skilo and similar games	SP: 3 yrs. or J or HC: 2½yrs. SP: 3 yrs. or J or HC: 2½yrs.
CONDUCT OF PUBLIC EMPLOYEES		271§7 Lotteries; disposal of property by chance	SP: 3 yrs. or J or HC: 2½yrs.
268A§2 Corrupt gifts, offers or promises to influence official acts; corruption of witnesses	SP: 3 yrs. or J or HC: 2½yrs.	271§12 Making, sale and possession, or receipt of money for, false lottery tickets, tokens or share in lottery	SP: 3 yrs.
FINANCIAL DISCLOSURE BY CERTAIN PUBLIC OFFICIALS AND EMPLOYEES		271§16A Organizing or promoting gambling facilities or services	SP: 15 yrs.
268B§7 Penalties for violation of confidentiality and for perjury	HC: 1 yr.		

271§17 Keeping of, presence in, or permitting a place for registering bets or dealing in pools; custodian or depository A Telephones; use for gaming purposes; penalty	SP: 3 yrs. or J or HC: 2½ yrs. HC: 1 yr.	272§19 Procuring miscarriage	SP: 5- 20 yrs./7 yrs.
271§31A Racing results or information; transmission for unlawful purposes; penalty	SP: 5 yrs. or J or HC: 2½ yrs. HC: 1 yr.	272§20 Advertising relative to miscarriage or prevention of pregnancy	SP: 3 yrs. or J: 2½ yrs.
271§36* Making contracts of bucketing; keeper of shop; dissolution of corporation; restraint from doing business • 2d offense	HC: 1 yr. ?: 5 yr.	272§21 Instruments or other articles for self-abuse, prevention of conception or abortion, in general	SP: 5 yrs. or J or HC: 2½ yrs.
271§39 Gifts to influence business affairs threats; penalty	SP: 5 yrs. or HC: 2 yrs.	272§28 Matter harmful to minors, dissemination; possession; defenses	SP: 5 yrs. or J or HC: 2½ yrs.
271§49 Criminal usury	SP: 10 yrs. or J or HC: 2½ yrs.	272§29 Dissemination or possession of obscene matter; punishment; defense A Posing or exhibiting child in state of nudity or sexual conduct; punishment; defense B Dissemination of visual material of child in state of nudity or sexual conduct; punishment; defense, determination of child's age	SP: 5 yrs. or J or HC: 2½ yrs. SP: 10-20 yrs. SP: 10-20 yrs.
CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND GOOD ORDER			
272§2 Enticing away a person for prostitution or sexual intercourse	SP: 3 yrs. or J: 1 yr.	272§34 Crime against Nature	SP: 20 yrs.
272§3 Drugging persons for sexual intercourse	SP: 3 yrs. or J or HC: 2½ yrs.	272§35 Unnatural and lascivious acts A Unnatural and lascivious acts with child under 16	SP: 5 yrs. or J or HC: 2½ yrs. SP: 5 yrs./ 5 yrs. MIN. or J or HC: 2½ yrs.
272§4 Inducing person under 18 to have sexual intercourse	SP: 3 yrs. or J or HC: 2½ yrs.	272§62 Third conviction of being a common nightwalking	HC: 2½ yrs.
272§4A Inducing minor into prostitution; penalties	SP: 3-5 yrs.	272§64 Punishment of tramps; entering buildings; injuries to or threats against persons or property; carrying weapons	HC: 1 yr. - 2½ yrs.
272§4B Living off or sharing earnings of minor prostitute; penalties	SP: 5 yrs. MIN.	272§71 Disinterring bodies	SP: 3 yrs. or J: 2½ yrs.
272§5 Sexual intercourse with feeble minded persons	SP: 3 yrs. or J or HC: 2½ yrs.	272§73 Tombs, graves, memorials, trees, floats; injuring, removing	SP: 5 yrs. or J or HC: 2½ yrs.
272§6 One controlling a place, inducing or suffering a person to resort there for sexual intercourse	SP: 2-5 yrs.	272§77A Willfully injuring police dogs and horses	HC: 2½ yrs.
272§7 Support from, or sharing, earnings of prostitute, soliciting for prostitute	SP: 2-5 yrs. or HC: 1 yr.	272§94 Owning, possessing, or training fighting animals; establishing or promoting exhibitions	SP: 5 yrs. or J or HC: 1 yr.
272§13 Detaining, or drugging to detain person in place for prostitution	SP: 5 yrs. or HC: 1- 2½ yrs.	272§99 Interception of wire and oral communications A Overhearing deliberations of jury by using devices	SP: 5 yrs. or J or HC: 2½ yrs. SP: 5 yrs.
272§14 Adultery	SP: 3 yrs. or J: 2 yrs.	DESSERTION, NON-SUPPORT AND ILLEGITIMACY	
272§15 Polygamy	SP: 5 yrs. or J: 2½ yrs.	273§15A Abandonment and willful nonsupport; penalties; alternatives sentencing; restitution	HC: 2 yrs./ SP: 5 yrs.
272§16 Lascivious cohabitation; open and gross lewdness	SP: 3 yrs. or J: 2 yrs.		
272§17 Incestuous marriage or intercourse	SP: 20 yrs. or J: 2½ yrs.		

FELONIES, ACCESSORIES AND ATTEMPTS TO COMMIT CRIMES

274S4 Accessories after fact; punishment; relationship as defense; cross examination; impeachment

SP: 7 yrs. or
J: 2 1/2 yrs.

E Trafficking in marihuana, cocaine, heroin, morphine, opium, etc.

SP: 2 1/2
15 yrs./
1 yr. MIN./
3-15 yrs./
5-15 yrs./
J or HC: 2-
2 1/2 yrs.

274S6* Attempts to commit crimes; punishment

SP: 10 yrs. or
J or HC: 2 1/2
yrs./1 yr.

F Unlawful manufacture, etc. of controlled substances in Classes A to C to minors

SP: 5-15 yrs./
5 yr. MIN./
3-15 yrs./
2 1/2-15 yrs.
J or HC: 2-
2 1/2 yrs. J or
HC: 1 yr.

274S7 Conspiracy; penalties

SP: 20 yrs./
10 yrs./5 yrs.
or J: 2 1/2 yrs.

G Counterfeit substances; unlawful creation, etc.

J or HC: 1-
2 yrs. SP: 3-
5 yrs.

UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)

94CS8 Regulation of Research and Study Projects involving certain drugs

HC: 1 yr.

I Drug paraphernalia; sale, possession or manufacture with intent to sell

SP: 4 yrs./
8 yrs. HC:
2 1/2 yrs. J or
HC: 2 1/2 yrs.

94CS21 Packaging and labeling by pharmacist filling prescription

?: 6 mos./
2 yrs.

94CS33 Unlawful use of registration numbers in manufacture or distribution, or fraudulently possession of controlled substances

?: 1 yr.
HC: 2 yrs./
6 mos.
SP: 2 1/2
5 yrs. J or
HC: 2 1/2 yrs.

94CS22 Contents of prescription written by practitioner

?: 6 mos./
2 yrs.

94CS34 Unlawful possession of particular controlled substances including heroin and marihuana

?: 1 yr.

94CS24 Dispensing by practitioner for narcotic drug research or treatment of drug dependent persons

?: 1 yr./2 yrs.

94CS35 Unlawful presence at a place where heroin is kept or being in company of person in possession thereof

SP: 10 yrs.
J or HC:
2 1/2 yrs.

• (a) maintain/submit record of specified substance dispensed

94CS25 Restrictions

?: 1 yr./2 yrs.

94CS37 Theft of controlled substances from persons authorized to dispense or possess

See above

94CS26 Distribution in course of business in violation of section 16 or furnishing false information in application, etc. prohibited

?: 1 yr./2 yrs.

94CS38 Violation of sections 24(a), 25, 26, or 27

See above

94CS27 Instruments for administering controlled substances by injection

?: 1 yr./2 yrs.

94CS39 Violation of sections 21 or 22

Max. penalty
for offense

94CS32 Class A controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.

SP: 10 yrs./
5-15 yrs./
5 yrs. MIN.
J or HC:
2 1/2 yrs.

94CS40 Conspiracy

A Class B controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.

SP: 10 yrs./
3-10 yrs.
3 yrs. MIN.
J or HC:
2 1/2 yrs.

B Class C controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.

SP: 5 yrs./
2 1/2-10 yrs./
2 yr. MIN.
J or HC: 2-
2 1/2 yrs./
2 yr. MIN.

C Class D controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.

J or HC:
2 yrs./1-
2 1/2 yrs.

D Class E controlled substances; unlawful manufacture, distribution, dispensing or possession with intent to manufacture, etc.

J or HC: 9
mos./ 1-
1 1/2 yrs.

MICH. COMP. LAWS ANN. Sx (West 1968, 1980 & Supp. 1986).

Criminal Classification Information

750.503 Punishment of felonies when not fixed by statute

Sec. 503. PUNISHMENT OF FELONIES WHEN NOT FIXED BY STATUTE--A person convicted of a crime declared in this or any other act of the state of Michigan, to be a felony, for which no other punishment is specially prescribed by any statute in force at the time of the conviction and sentence, shall be punished by imprisonment in the state prison for not more than 4 years or by a fine of not more than 2,000 dollars, or by both such fine and imprisonment.

750.504 Punishment of misdemeanors when not fixed by statute

Sec. 504. PUNISHMENT OF MISDEMEANORS WHEN NOT FIXED BY STATUTE--A person convicted of a crime declared in this or any other act of the state of Michigan to be a misdemeanor, for which no other punishment is specially prescribed by any statute in force at the time of the conviction and sentence, shall be punished by imprisonment in the county jail for not more than 90 days or by a fine of not more than 100 dollars, or by both such fine and imprisonment.

750.505 Punishment of indictable common law offenses

Sec. 505. Any person who shall commit any indictable offenses at the common law, for the punishment of which no provision is expressly made by any statute of this state, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by a fine of not more than \$10,000.00 or both in the discretion of the court.

750.506 Optional jail sentence for first offenders convicted of felonies

Sec. 506. OPTIONAL JAIL SENTENCE FOR FIRST OFFENDERS CONVICTED OF FELONIES--Whenever any person shall be convicted of a first offense herein declared to be a felony, punishable by imprisonment for a term of not more than 5 years, the court may instead of imposing the sentence provided, sentence such convicted person to the county jail for a period not to exceed 6 months.

750.6 Division of crime

Sec. 6. DIVISION OF CRIME--A crime is:

- 1. A felony; or
- 2. A misdemeanor

750.7 Felony

Sec. 7. FELONY--The term "felony" when used in this act, shall be construed to mean an offense for which the offender, on conviction may be punished by death, or by imprisonment in state prison.

750.8 Misdemeanor

Sec. 8. MISDEMEANOR--When any act or omission, not a felony, is punishable according to law, by a fine, penalty or forfeiture, and imprisonment, or by such fine, penalty or forfeiture, or imprisonment, in the discretion of the court, such act or omission shall be deemed a misdemeanor.

750.9 Misdemeanor

Sec. 9. MISDEMEANOR--When the performance of any act is prohibited by this or any other statute, and no penalty for the violation of such statute is imposed, either in the same section containing such prohibition, or in any other section or statute, the doing of such act shall be deemed a misdemeanor.

INCHOATE OFFENSES

750.91 Attempt to Murder

Sec. 91. ATTEMPT TO MURDER BY POISONING, ETC.--Any person who shall attempt to commit the crime of murder by poisoning, drowning, or strangling another person, or by any means not constituting the crime of assault with intent to murder, shall be guilty of a felony, punishable by imprisonment in the state prison for life or any term of years.

750.92 Attempt to commit crime

Sec. 92. ATTEMPT TO COMMIT CRIME--Any person who shall attempt to commit an offense prohibited by law, and in such attempt shall do any act towards the commission of such offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the same, when no express provision is made by law for the punishment of such attempt, shall be punished as follows:

- 1. If the offense attempted to be committed is such as is punishable with death, the person convicted of such attempt shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years;
- 2. If the offense so attempted to be committed is punishable by imprisonment in the state prison for life, or for 5 years or more, the person convicted of such attempt shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or in the county jail not more than 1 year;
- 3. If the offense so attempted to be committed is punishable by imprisonment in the state prison for a term less than 5 years, or imprisonment in the county jail or by fine, the offender convicted of such attempt shall be guilty of a misdemeanor, punishable by imprisonment in the state prison or reformatory not more than 2 years or in any county jail not more than 1 year or by a fine not to exceed 1,000 dollars; but in no case shall the imprisonment exceed 1/2 of the greatest punishment which might have been inflicted if the offense so attempted had been committed.

761.1 Definitions

* * *

(g) "Felony" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by death or by imprisonment for more than 1 year, or an offense expressly designated by law to be a felony.

(h) "Misdemeanor" means a violation of a penal law of this state which is not a felony, or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or by a fine that is not a civil fine.

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BLASPHEMY		CONCEALING DEATH OF INFANT CHILD CREDIT CARDS	
BOATS AND NAVIGATION		750.157n Stealing, removing, retaining or secreting another's card without consent	F
750.104 Fitting out vessel with intent to destroy	F	750.157p Possession of another's card with intent to circulate or sell	F
750.105 False invoice of cargo	F	750.157q Delivery, circulation, or sale of wrongly held or obtained card	F
750.106 False protest, making or processing	F	750.157r Fraud, forgery, material alteration; counterfeiting	F
BREAKING AND ENTERING (inclusive)		750.157t Sales to or services performed for violators	F
750.110 Breaking and entering	F: 15 yrs.	750.157u Causing cardholder to be overcharged	F
750.111 Entering without breaking	F: 5 yrs.	CRIME AGAINST NATURE OR SODOMY	
750.112 Burglary with explosives	F: 15-30 yrs.	750.158 Penalty	F: 15 yrs.
750.116 Burglar's tools, possession	F: 10 yrs.	DEAD HUMAN BODIES	
BRIBERY AND CORRUPTION		750.160 Disinterment and mutilation	F: 10 yrs.
750.117 Public officer; bribery	F	DISORDERLY PERSONS	
750.118 Same; accepting bribe	F: 10 yrs.	DISTURBING MEETINGS	
750.119 Jurors, appraisers, etc.; bribery	F	DESERTION AND NON-SUPPORT	
750.120 Same; accepting bribe	F	750.161 Desertion and non-support; bond; conditions; forfeiture	F: 1-3 yrs.
750.121 Public institutions; bribery of officers	F	DUELLING	
750.124 Bribery of athlete	F	750.171 Engaging in or challenging to fight duel	F: 10 yrs.
BUCKET SHOPS		EMBEZZLEMENT	
750.128 Punishment	F: 2 yrs.	750.174* Embezzlement	
750.129 Accessories	F	● if value ≤ \$100.00	M
CHECKS, INSUFFICIENT FUNDS		● if value > \$100	F: 10 yrs.
750.131* Definition; punishment	M: 93 days/ 6 mos./ 1 yr.	750.175 Same; public officer, agent or servant	F: 10 yrs.
● if < \$50	F: 13 mos.	750.176 Same; administrator, executor or guardian	F: 10 yrs.
● if 4th offense, ≤ \$50	M: 1 yr.	750.177* Same; chattel mortgagor, vendee or lessee	
● if \$50-200	F: 13 mos.	● > \$100 value of goods embezzled	F: 2 yrs.
● if 3d offense, \$50-200	F: 2 yrs.	● ≤ \$100 value of goods embezzled	M
● if > \$200		750.178* Same; chattel mortgage, lease or contract property, by others	
a Drawing checks upon bank without any bank account		● > \$100	F: 2 yrs.
CHILDREN		● ≤ \$100	M
750.135 Children, exposing with intent to injure or abandon	F: 10 yrs.	750.179 Same; railroad passenger tickets	F
750.136 Cruelty to children; bond, suspension of sentence; search warrant	F		
a Torturing of children; penalty	F: 10 yrs.		
CIVIL RIGHTS			
COMPOUNDING OFFENSES			
750.149* Punishment			
● when offense punishable by death or life	F		
● when offense punishable in any other manner	M: 1 yr.		

750.180 Same; bank, deposit, trust company, or credit union	F: 20 yrs.	750.211 Explosives with intent to use unlawfully, manufacture, etc.	F: 2-5 yrs.
750.182 Same; warehouse man or forwarder of property received for	F	a Device designed to explode upon impact, upon application of heat, or device highly incendiary, possession with intent to use unlawfully	F
ESCAPES, RESCUES, JAIL AND PRISON BREAKING			
750.193 Breaking prison; escape; attempts; penalty; venue; prison defined; escape from prison guard and mental health facility; work pass program and parole violators	F: 5 yrs.	EXTORTION	
		750.213 Malicious threats to extort money	F: 20 yrs.
		FALSE PERSONATION	
		FALSE PRETENSES AND FALSE REPRESENTATION	
750.194 Same; Detroit House of Correction	F: 2 x sentence	750-218* False pretenses with intent to defraud	
750.197c Escape and jailbreaking; penalty	F	● if goods valued ≤ \$100	M
750.199a Absconding or forfeiting bond in criminal or paternity proceedings, felony	F	● if goods valued > \$100	F: 10 yrs.
EXPLOSIVES AND BOMBS			
750.200 Common carriers for passengers, transportation of explosives	F	750.219(a)* Telephone service, use of false credit or telephone number or use of number without authority	M
750.201 Concussion or friction, explosives, explode by, unlawful acts	F	● obtains or attempts to obtain telephone service, transmission of message by false credit cards, etc.	F
		● if total value of telephone service exceeds \$100.00	
		FIREARMS	
750.202 Marking of explosives intended for shipment	F	750.224 Weapons, manufacture or sale	F: fine
750.204 Sending explosives with intent to injure persons	F: 5 yrs.	a Portable weapon or device emitting electrical current, impulse, wave or beam; sale or possession, felony	F
a Sending or transporting device represented or presented as an explosive, incendiary device, or bomb	F	b Manufacture, sale, or possession of a short-barreled shotgun or short-barreled rifle; punishment; application of section, application of § 776.20	F: 5 yrs.
750.205 Placing explosives; intent to destroy but without resulting damage	F: 15 yrs.	750.226 Firearm or dangerous weapon, carrying with unlawful intent	F: 5 yrs.
a Intimidation or harassment by device represented or presented as an explosive, incendiary device or bomb	F	750.227 Concealed weapons carrying	F: 5 yrs.
750.206 Same; with intent to destroy and causing damage to property	F: 25 yrs.	b Possession at time of commission or attempted commission of felony; additional sentence, punishment	F: 2 yrs./5 yrs./10 yrs.
750.207 Same; with intent to destroy and causing injury to any person	F: life	750.230 Alteration of firearms	F: 2 yrs.
750.208 Same; aiding and abetting with intent to destroy	F: 15 yrs.	FIRES	
750.209 Placing foul and offensive substances with intent to injure, molest or coerce	F: 15 yrs.	750.241* Fireman, obstructing and disobeying, riot or civil disturbance	
750.210 Possession of bombs with intent to use unlawfully	F: 2-5 yrs.	● anyone willfully hinders, obstructs fireman in performance of his duties	F
a Valerium, unlawful acts	F: 2-5 yrs.	● any person who in vicinity of fire, disobeys any rule of officer commanding any fire department at fire . . .	M

● during riot or other civil disturbance, anyone who obstructs maintenance of any public service facility	F	750.278 Fraudulent warehouse receipts, executing and delivering	F: 5 yrs.
electricity, gas, telephone, water		750.279 Personal property, fraudulent disposition	F
FIREWORKS		750.280 Gross frauds and cheats at common law	F: 10 yrs.
FLAG AND COAT OF ARMS		750.282* Public utility service; injury or interference with use; presumption; prima facie evidence; waiver of charges	
FORGERY AND COUNTERFEITING		● if damage of value of < \$500	M
750.248 Forgery of records and other instrument, venue	F: 14 yrs.	● if damage value > \$500	F
750.249 Same; uttering and publishing	F: 14 yrs.	750.300 Insurance company, killing or injuring animals to defraud	F: 2 yrs.
750.250 Forgery of notes, etc., issued for debt of state, political subdivisions	F: 7 yrs.	GAMBLING	
750.251 Forgery of bank bills and promissory notes	F: 7 yrs.	750.313 Gambling in stocks, bonds, grain, produce; penalty	F: 2 yrs.
750.252 Possession of counterfeit notes, etc. with intent to utter same	F: 7 yrs.	HOMICIDE (inclusive)	
750.253 Uttering counterfeit notes, etc.	F: 5 yrs.	750.316 First degree murder	F: life
750.254 Possession of counterfeit bank, state or municipal bills or notes	F: 5 yrs.	750.317 Second degree murder	F: life
750.255 Tools and implements for counterfeiting bills or notes	F: 10 yrs.	750.319 Death as result of fighting a duel	F: life
750.260 Counterfeiting and possession of coins	F: life	750.320 Seconds in duels resulting in death	Accessory
750.261 Same; possession of less than 5 counterfeit coins	F: 10 yrs.	750.321 Manslaughter	F: 15 yrs.
750.262 Same; tools	F: 10 yrs.	750.322 Same; wilful killing of unborn quick child	F: 15 yrs.
750.266 Forged railroad passenger tickets	F	750.323 Same; death of quick child or mother from use of medicine or instrument	F: 15 yrs.
FORTUNE TELLING		750.327 Death due to explosives	F: life
FRAUDS AND CHEATS		750.328 Death due to explosives; placed with intent to destroy building or object	F: life
250.271 Domestic corporations, securities, fraudulent issue and sale	F: 10 yrs.	750.329 Death, firearm pointed intentionally but without malice	F: 15 yrs.
750.272 Foreign corporations, stock fraudulently issued, sale	F: 10 yrs.	HORSERACING	
750.273 Signature, fraudulently obtaining	F: 10 yrs.	750.332 Fraudulent entry of horses in speed contests	F
750.274 Note, fraudulent signature; knowingly purchasing, collection	F: 10 yrs.	INCEST	
750.276 Promise to vendee of grain to sell at fictitious price, signature to note	F	INDECENCY AND IMMORALITY	
750.277 Same; sale and transfer	F	750.338 Gross indecency; between male persons	F: 5 yrs./life
		a Same; female persons	F: 5 yrs./life
		b Same; between male and female persons	F: 5 yrs./life

INDIANS

750.348 Inciting Indians

F

KIDNAPPING

750.349 Kidnapping
a Prisoner taking
another as hostage

F: life
F: life

750.350 Kidnapping, child
under 14
a* Detention or conceal-
ment by adoptive or natural
parent; penalty, defense
• adoptive or natural parent
can't take child from legal
guardian/parent for more
than 24 hours with intent
to detain
• if take child outside state
for more than 24 hrs.

F: life

M: 45 days

F: 1 yr. + 1
day

LABORERS, MECHANICS, EMPLOYEES
AND WORKERS

LARCENY (inclusive)

750.356* Larceny
• if stolen property > \$100
• if stolen property ≤ \$100
a Same; from motor
vehicles or trailers; attached
accessories; breaking or
entering, damaging
b Breaking and entering coin
operated telephone, penalty

F: 5 yrs.
M
F: 5 yrs.

F

750.357 Larceny from the person
a Larceny of livestock

F: 10 yrs.
F

750.358 Larceny at a fire

F: 5 yrs.

750.360 Larceny's places of
abode, work, storage, conveyance,
worship and other places

F

750.362 Same; by conversion, etc.
a* Same; rented motor
vehicle, trailer or other
tangible property; penalty
• if value > \$100
• if value ≤ \$100

F: 5 yrs.

F: 2 yrs.
M

750.363 Same; by false
personation

F: 5 yrs.

750.365 Same; from car or
persons detained or injured
by accident

F: 20 yrs.

750.366 Same; railroad
passenger tickets

F

750.367 Taking or injuring
trees, shrubs, vines, plants
b Taking possession
of and use of airplane

F: 5 yrs.

F: 5 yrs.

LEGAL PROCESS

LIBEL AND SLANDER

LOTTERIES

750.374 Same; second offense

F

MALICIOUS AND WILFUL MISCHIEF
AND DESTRUCTION

750.377 Maliciously destroying
or injuring animals; poisoning
a* Malicious destruction
of property; personality
• if damage > \$100
• if damage ≤ \$100
b Same; property of
police or fire department

F

F
M
F

750.378 Same; dam, reservoir,
canal, trench, etc.

F

750.379 Same; bridges, etc.

F

750.380* Same; house, barn
or building of another
• if damage > \$100
• if damage ≤ \$100

F
M

750.383a Same; wilfully
cutting, breaking, obstructing,
destroying or manipulating
without authority utility
equipment or appliances

F

750.386 Same; machinery and
appliances

F: 20 yrs.

750.387* Same; tombs and
memorials to dead
• anyone other than burial
right owner who mutilates,
destroys monuments
• damage > \$100 or acts
against 2 or more separate
burial rights or places . . .

M

F: 5 yrs.

750.392 Vessels, wilfully
destroying

F: 10 yrs.

MASKS AND DISGUISES

MAYHEM AND FOOD

750.397 Mayhem
a Placing harmful
objects or substances in food

F: 10 yrs.
F: 10 yrs.

MILITARY

750.405 Same; inticing

F: 5 yrs.

750.406 Military stores,
larceny, embezzlement or destruction

F: 5 yrs.

MISCELLANEOUS

750.410(a) Conspiring to
commit person to institution for
mental incompetents deemed felony

F

750.416 Excess fees to members
of legislature for services

F

MOTOR VEHICLES		750.458 Detaining female in house of prostitution for debt	F: 2-20 yrs.
750.413 Motor vehicle; taking possession and driving away	F: 5 yrs.	750.459 Transporting female for prostitution	F: 20 yrs.
750.417 Same; removal out of state, consent of mortgagee	F	PUBLIC EXHIBITS AND ENTERTAINMENT	
750.418 Same; removal out of state, consent of vendor	F	PUBLIC HEALTH	
750.420 Motor vehicle; equipment with smoke or gas producing devices	F	750.480 Refusing to deliver records and money to successor in office	F
750.421 Same; or trailer designed for defense or attack	F: 5 yrs.	PUBLIC RECORDS	
PERJURY		PUBLIC SAFETY	
750.422 Perjury committed in courts	F: life/15 yrs.	RADIO BROADCASTING	
750.423 Definition	F: 15 yrs.	RAILROADS	
750.424 Subornation of perjury	F: 5 yrs.	750.511 Attempt to wreck or endanger safety of passengers	F: life
750.425 Inciting or procuring one to commit perjury	F: 5 yrs.	750.512 Uncoupling locomotive or cars	F: 10 yrs.
PHYSICIANS AND SURGEONS		750.513 Fraudulent railroad securities, making or issuing	F: 10 yrs.
POISONS		750.514 Seizing locomotive with mail or express car attached	F: 10 yrs.
750.436 Poisoning food, drink, medicines, wells, etc.	F: life	750.516 Forcible detention of railroad train	F: life
POLYGAMY		750.517 Entering train for robbing by means of intimidation	F: life
750.439 Polygamy	F	RAPE (inclusive)	
750.440 Knowingly marrying one to whom marriage is prohibited	F	750.520b First degree criminal sexual conduct	F: life
750.441 Practice of polygamy, teaching, soliciting, advocating	F	c Second degree criminal sexual conduct	F: 15 yrs.
PRIZE FIGHTS		d Third degree criminal sexual conduct	F: 15 yrs.
750.442 Participating in prize fights	F	f Second or subsequent offenses	F: 5 yrs.
750.443 Training party for prize fight	F	g Assault with intent to commit criminal sexual conduct	F: 10 yrs./5 yrs.
PROSTITUTION		RIOTS AND UNLAWFUL ASSEMBLIES	
750.451* Violations penalties, first, second and subsequent offenses		ROBBERY (inclusive)	
• first offense	M: 90 days jail	750.529 Armed robbery; aggravated assault	F: life
• 17 yrs. or older 2nd offense	M: 1 yr.	750.530 Unarmed robbery	F: 15 yrs.
• third offense	F: 2 yrs.	750.531 Bank, safe and vault robbery	F: life
750.452 House of ill-fame; keeping, maintaining or operating	F	SEDUCTION	
750.455 Pandering	F: 20 yrs.	750.532 Punishment	F: 15 yrs.
750.456 Placing wife in house of prostitution	F: 20 yrs.		
750.457 Earnings of prostitute, accepting	F: 20 yrs.		

SLAUGHTERHOUSES STOLEN, EMBEZZLED, OR CONVERTED PROPERTY

750.535* Buying receiving, possessing or concealing stolen, embezzled, or converted money, goods, or property
 ● if property > \$100 F: 5 yrs.
 ● if property ≤ \$100 M
 ● on 3rd misd. conviction, F: 5 yrs.
 property < \$100
 a Chopshop; owning, F: 5 yrs.
 operating, or conducting;
 penalties; seizure and forfeiture

TELEGRAPH AND TELEPHONE

750.539c Eavesdropping upon F: 2 yrs.
 private conversation
 d Installation of device for F: 2 yrs.
 observing photographing or eavesdropping in private place
 e Use or divulgence of F: 2 yrs.
 information unlawfully obtained
 f Unlawful manufacture, F: 2 yrs.
 possession or transfer of eavesdropping devices
 i Proof of installation of F: 2 yrs.
 device as prima facie evidence of violation

THE STAR SPANGLED BANNER

TREASON AND SUBVERSION

750.544 Treason; punishment F: life
 750.545 Misprision of treason F: 5 yrs.
 a Subversion against state; F: life
 penalty
 b Same; misprison felony F
 c Same; defined F
 d Same; aid by corporations, F: total
 forfeiture of charter of fined assets
 corporation

TRESPASS

UNFAIR DISCRIMINATION, RESTRAINT OF TRADE AND TRUSTS

WEIGHTS AND MEASURES

FELONIOUS DRIVING

752.191 Felonious driving; F: 2 yrs.
 penalty

RIOTING AND RELATED CRIMES

752.541 Riot See below

752.543 Unlawful assembly See below

752.544 Felony; penalty F: 10 yrs.

TIMBER

752.701 Timber; value above F: 1 yr.
 certain amount; destruction, removal, receipt, penalty

COMPUTERS

752.797 Violations; misdemeanor, F: 10 yrs.
 felony penalties

VENDING MACHINE SLUGS

752.802 Same; manufacture, felony F: 5 yrs.

COIN OPERATED DEVICES

752.811 Entry with intent to F: 3 yrs.
 steal; possession of means of entry with intent to steal

HEALTH CARE FALSE CLAIM ACT

752.1003 False health care F: 4 yrs.
 claims; violations, punishment; exceptions

752.1004 Kickbacks, bribes, F: 4 yrs.
 rebates; punishment

752.1005 Agreements, F: 10 yrs.
 combinations, or conspiracies; punishment

752.1006 Subsequent offenses, F: 2 x
 punishment regular term

CONTROLLED SUBSTANCES (inclusive)

333.7401 Unlawful manufacture, F: life/30
 delivery or possession yrs./20 yrs./
 with intent to manufacture or 7 yrs./4
 deliver; unlawful dispensing, yrs./2 yrs.
 prescription or administration; penalties

333.7402 Counterfeit substance; F: 10 yrs./5
 creation, delivery or possession yrs./
 with intent to deliver; penalties 4 yrs./2 yrs.

333.7403 Possession of F: life/30 yrs.
 controlled dangerous substance; 10 yrs./4
 yrs./2
 yrs./1 yr.

333.7404 Use of controlled M: 1 yr./
 dangerous substance; penalties 6 mos./90
 days

333.7405 Prescription violations; M: 2 yrs.
 manufacture or distribution not authorized by license; failure to keep records; refusal to allow inspection; maintaining premises for use or sale

333.7406 Violations of section See above
 33.7405; penalties

333.7407 Distribution without F: 4 yrs.
 order form; use of fictitious, revoked, suspended or license issued to another; fraud; misuse of trademarks and labels; penalties

333.7410* Distribution to minors; F: 20 yrs./
 distribution of marijuana; M: 1 yr.
 penalty

333.7413 Second or subsequent F: life
 offenses; penalties

MINN. STAT. ANN. Sx (West 1964, 1970 & Supp. 1986, 1987).

Criminal Classification Information

609.02 Definitions

* * *

Subd. 2. Felony. "Felony" means a crime for which a sentence of imprisonment for more than one year may be imposed.

Subd. 3. Misdemeanor. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than \$700, or both, may be imposed.

Subd. 4. Gross misdemeanor. "Gross misdemeanor" means any crime which is not a felony or misdemeanor. The maximum fine which may be imposed for a gross misdemeanor is \$3,000.

Subd. 4a. Petty misdemeanor. "Petty misdemeanor" means a petty offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than \$100 may be imposed.

* * *

609.03 Punishment when not otherwise fixed

If a person is convicted of a crime for which no punishment is otherwise provided the person may be sentenced as follows:

- (1) If the crime is a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000 or both; or
- (2) If the crime is a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; or
- (3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both; or
- (4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than \$1,000, or to imprisonment for a specified term of not more than six months if the fine is not paid.

609.10 Sentences available

Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows:

- (1) To life imprisonment; or
- (2) To imprisonment for a fixed term of years set by the court; or
- (3) To both imprisonment for a fixed term of years and payment of a fine; or
- (4) To payment of a fine without imprisonment or to imprisonment for a fixed term of years if the fine is not paid; or
- (5) To payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both.

609.17 Attempts

* * *

Subd. 4. Whoever attempts to commit a crime may be sentenced as follows:

- (1) If the maximum sentence provided for the crime is life imprisonment, to not more than 20 years; or
- (2) For any other attempt, to not more than one half of the maximum imprisonment or fine or both provided for the crime attempted, but such maximum in any case shall not be less than imprisonment for 90 days or a fine of \$100. Laws 1963, c. 753.

609.175 Conspiracy

Subdivision 1. To cause arrest or prosecution.

Whoever conspires with another to cause a third person to be arrested or prosecuted on a criminal charge knowing the charge to be false is guilty of a misdemeanor.

Subd. 2. To commit crime. Whoever conspires with another to commit a crime and in furtherance of the conspiracy one or more of the parties does some overt act in furtherance of such conspiracy may be sentenced as follows:

- (1) If the crime intended is a misdemeanor, by a sentence to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or
- (2) If the crime intended is murder in the first degree or treason, to imprisonment for not more than 20 years; or
- (3) If the crime intended is any other felony or a gross misdemeanor, to imprisonment or to payment of a fine of not more than one half the imprisonment or fine provided for that felony or gross misdemeanor or both.

* * *

609.33 Disorderly house	Fine	CRIMES AGAINST THE ADMINISTRATION OF JUSTICE	
609.34 Fornication	M	609.47 Interference with property in official custody	1 yr.
609.342 Criminal sexual conduct in the first degree	20 yrs.	609.475 Impersonating officer	M
609.343 Criminal sexual conduct in the second degree	15 yrs.	609.48 Perjury	5 yrs./ 3 yrs.
609.344 Criminal sexual conduct in the third degree	10 yrs.	609.485* Escape from custody	5 yrs./ 1 yr. + 1 day
609.345 Criminal sexual conduct in the fourth degree	5 yrs.	● If charge is gross misdemeanor	1 yr.
		● If charge is misdemeanor	90 days
		● If violence	2 x penalty
609.346 Subsequent offenses	MIN. 3 yrs.	609.487 Fleeing a peace officer in a motor vehicle	10 yrs./ 5 yrs./3 yrs./ 1 yr.
609.352 Solicitation of children to engage in sexual conduct	F: 3 yrs.	609.49 Release, failure to appear	1 yr.
CRIMES AGAINST THE FAMILY		609.495 Aiding an offender to avoid arrest	3 yrs.
609.355 Bigamy	5 yrs.	609.498* Tampering with a witness	5 yrs. 1 yr.
		● If second degree	
609.365 Incest	10 yrs.	609.50 Obstructing legal process or arrest	1 yr.
609.377* Malicious punishment of a child	1 yr.	THEFT AND RELATED CRIMES (inclusive)	
● If substantial bodily harm	3 yrs.	609.52* Theft	10 yrs./ 5 yrs. 90 days
609.378 Neglect of a child	1 yr.	● If < \$250	
CRIMES AGAINST THE GOVERNMENT		609.525* Bringing stolen goods into state	10 yrs./ 5 yrs. 90 days
		● If < \$250	
609.385 Treason	Life	609.53* Receiving stolen property	10 yrs./ 5 yrs. 90 days
609.39 Misprision of treason	5 yrs.	● If < \$300	
609.395 State military forces; interfering with, obstructing or other	20 yrs.	● If subsequent offense	2 x penalty
609.405* Criminal syndicalism	5 yrs.	609.535 Issuance of dishonored checks	M
● If permit assembly	1 yr.	609.54 Embezzlement of public funds	10 yrs./5 yrs.
CRIMES AFFECTING PUBLIC OFFICER OR EMPLOYEE		609.545 Misusing credit card to secure services	M
609.42 Bribery	10 yrs.	609.55 Unauthorized use of a motor vehicle	3 yrs.
609.425 Corruptly influencing legislator	5 yrs.	609.551* Rustling & livestock theft	10 yrs./5 yrs. 90 days
		● If value ≤ \$300	
609.44 Public office: illegally assuming; non surrender	1 yr.	DAMAGE OR TRESPASS TO PROPERTY (inclusive)	
609.445 Failure to pay over state funds	3 yrs.	609.561 Arson in the first degree	20 yrs.
609.45 Public officer; unauthorized compensation	M	609.562 Arson in the second degree	10 yrs.
609.455 Permitting false claims against government	5 yrs.	609.563 Arson in the third degree	5 yrs.
609.465 Presenting false claims to public officer or body of public funds	Attempted theft	609.576* Negligent fires	3 yrs. 1 yr. 90 days
		● If value ≥ \$300 but < \$10,000	
609.466 Medical assistance fraud of public funds	Attempted theft	● If value < \$300	

609.582* Burglary	20 yrs./ 10 yrs./5 yrs. 1 yr.	CRIMES AGAINST REPUTATION	
• If enter without consent		CRIMES RELATING TO COMMUNICATIONS	
609.59 Possession of burglary tools	3 yrs.	609.785* Fraudulent long distance telephone calls	3 yrs./ 5 yrs. 90 days
609.595* Damage to property	5 yrs.	• If < \$300	
• If NOT aggravated	M	609.79 Obscene or harassing telephone calls	M
609.60 Dangerous trespass and other acts	5 yrs.	CRIMES RELATING TO A BUSINESS	
609.605 Trespasses and other acts	M	609.821* Financial transaction card fraud	10 yrs./ 5 yrs./3 yrs. 90 days
• If battered women's shelter	GM	• No property obtained	
609.611 Defrauding insurer	3 yrs./5 yrs.	MISCELLANEOUS CRIMES	
609.615* Defeating security on realty	5 yrs.	609.825* Bribery of participant or official in contest	5 yrs.
• If < \$300	90 days	• If fail to report	1 yr.
609.62 Defeating security on personalty	2 yrs.	609.83 Falsely impersonating another	5 yrs.
FORGERY AD RELATED CRIMES		609.85* Crimes against railroad employees and property	
609.625 Aggravated forgery	10 yrs.	• Intend injury	F
609.63 Forgery	3 yrs./5 yrs.	• Other	GM
609.635 Obtaining signature by false pretense	10 yrs.	CRIMES AGAINST COMMERCE	
609.64 Recording, filing of forged instrument	3 yrs.	609.86* Commercial bribery	3 yrs. 90 days
609.645 Fraudulent statements	3 yrs.	• If < \$500	
609.65* False certification by notary public		609.88* Computer damage	10 yrs./ 5 yrs. 90 days
• If to defraud	3 yrs.	• If < \$500	
• Other	90 days	609.89* Computer theft	10 yrs./ 5 yrs. 90 days
• If < \$500		• If < \$500	
CRIMES AGAINST PUBLIC SAFETY AND HEALTH		DRUG OFFENSES (inclusive)	
609.67 Machine guns and short barreled shotguns	5 yrs.	152.09 sub.1 Prohibited acts	See below
PUBLIC MISCONDUCT OR NUISANCE		152.09 sub.2 Prohibited acts	See below
609.687 Adulteration	40 yrs./ 5 yrs.	152.092 Possession of drug paraphernalia prohibited	PM
609.71 Riot	1 yr./5 yrs.	152.093 Manufacture or delivery of drug paraphernalia prohibited	M
609.713 Terroristic threats	3 yrs./5 yrs.	152.094 Delivery of drug paraphernalia to a minor prohibited	GM
GAMBLING		152.095 Advertisement of drug paraphernalia prohibited	M
609.75 Acts of or relating to gambling	M	152.096 Conspiracies prohibited	F
609.76* Other acts relating to gambling	GM	152.097 Simulated controlled substances	See below
• If sports bookmaking	F	152.15* . Violations; penalties	See below
609.765 Criminal defamation	1 yr.	(1)(1) Schedule I or II narcotic-sale	20 yrs.
609.77 False information to news media	M	• Second offense	2-30 yrs.
		(1)(2) Other Schedules I, or II, 15 yrs. other amount	
		• Second offense	1-30 yrs.
		(1)(3) Schedules I, II or III -	5 yrs.

other substance	
● Second offense	1-10 yrs.
(1)(4) Schedule IV - sale	3 yrs.
● Second offense	6 mos. -
(1)(5) Schedule V - sale	6 yrs.
● Second offense	1 yr.
	M
(2)(1) Schedule I or II	5 yrs.
narcotic - possess	
(2)(2) Other Schedule I, II,	3 yrs.
III - possess	
(2)(3) Schedule IV	3 yrs.
(2)(4) Schedule V	1 yr.
(2)(5) Small amount marijuana-	PM
possess	
● Second offense in 2 yrs. or in carM	
(2)(6) Failure comply with PM	M
sentence	
(2)b Mfg., sale of	3 yrs.
-noncontrolled substance	
(3) Procure by fraud	4 yrs.
(4) Distribution to minors	2 x penalty
-possess on school premises	
(4)(a) Distribution to minors	2 x penalty
(5) Second offense, certain	2 x penalty
violations	

MISSISSIPPI

MISSISSIPPI CRIMINAL STATUTES
MISS. CODE ANN. §x (1973 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- SP = State penitentiary
- J = County jail
- ? = Place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = Greater than, less than
- ≥ , ≤ = Greater than or equal, less than or equal

MISS. CODE ANN. §x (1973 & Supp. 1986).

Criminal Classification Information

§1-3-11 Felony.

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

§1-3-19 Infamous crime.

The term "infamous crime," when used in any statute, shall mean offenses punished with death or confinement in the penitentiary.

§99-19-31 Penalty where none fixed elsewhere by statute.

Offenses for which a penalty is not provided elsewhere by statute, and offenses indictable at common law, and for which a statutory penalty is not elsewhere prescribed, shall be punished by fine of not more than one thousand dollars (\$1,000.00) and imprisonment in the county jail not more than six (6) months, or either.

* * *

INCHOATE OFFENSES

§97-1-1 Conspiracy.

If two (2) or more persons conspire . . . each of them, shall be guilty of a felony and upon conviction may be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both.

Provided, that where the crime conspired to be committed is capital murder or murder as defined by law or is a violation of section 41-29-139(b)(1) or section 41-29-139(c)(2)(D), Mississippi Code of 1972, being provisions of the Uniform Controlled Substances Law, the offense shall be punishable by a fine of not more than five hundred thousand dollars (\$500,000.00) or by imprisonment for not more than twenty (20) years, or by both.

Provided, that where the crime conspired to be committed is a misdemeanor, then upon conviction said crime shall be punished as a misdemeanor as provided by law.

§97-1-7 Attempt to commit offense—punishment.

Every person who shall design and endeavor to commit an offense, and shall do any overt act toward the commission thereof, but shall fail therein, or shall be prevented from committing the same, on conviction thereof, shall, where no provision is made by law for the punishment of such offense, be punished as follows: If the offense attempted to be committed be capital, such offense shall be punished by imprisonment in the penitentiary not exceeding ten years; if the offense attempted be punishable by imprisonment in the penitentiary, or by fine and imprisonment in the county jail, then the attempt to commit such offense shall be punished for a period or for an amount not greater than is prescribed for the actual commission of the offense so attempted.

NOTES: Maximum term is recorded, except where a minimum (MIN.) or a range is given. Classification of penalties with either a range from jail to penitentiary, e.g., J: 1 mo. to SP: 5 yrs., or an optional J/SP term, are subject to prosecutorial discretion and hence flagged with an asterisk. This information has been provided by the Office of the District Attorney, Jackson.

Statute No. and Title	Class/Time
CRIMES AGAINST THE PERSON (inclusive)	
97-3-1 Abduction for purposes of marriage	SP: 5-15 yrs.
97-3-3 Abortion - causing abortion or miscarriage	SP: 1-10 yrs.
• with death of mother	SP: death/life
97-3-5 Abortion - advertisement, sale or gift of drugs or instruments	J: 3 mos.
97-3-7* Simple assault; aggravated assault	J: 6 mos.
• if simple	J: 1 yr.
• if aggravated	SP: 20 yrs./30 yrs.
• if police/fire	
97-3-13* False confinement - sending sane person to insane asylum	SP: 1 yr. or J: 6 mos.
97-3-21 Homicide - penalty for murder	SP: death/life
97-3-25 Homicide - penalty for manslaughter	SP: 2-20 yrs.
97-3-49 Suicide - aiding	F: 10 yrs./1 yr.
97-3-51 Interstate removal of child under age fourteen by non-custodial parent or relative	F: 3 yrs.
97-3-53 Kidnapping; capital punishment authorized	?: life/1-30 yrs.
97-3-55 Libel	Court's discretion
97-3-59* Mayhem	SP: 7 yrs. or J: 6 mos.
97-3-61* Poisoning with intent to kill or injure	SP: 10 yrs. or J: 1 yr.

97-3-63 Poisoning with intent to kill where death does not ensue	SP: 10 yrs.	97-5-41 Carnal knowledge of step or adopted child; carnal knowledge of child of cohabitating partner	SP: 10 yrs.
97-3-65 Rape; carnal knowledge of child under fourteen years of age	SP: life/ death	CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT	
97-3-67* Rape - carnal knowledge of unmarried persons over fourteen and under eighteen years of age	J: 6 mos. or SP: 5 yrs.	97-7-11* Conspiracy to defraud state - obtaining public funds fraudulently	SP: 5 yrs. or J: 6 mos.
97-3-71 Rape - assault with intent to ravish	SP: life	97-7-13* Conspiracy to defraud state - defeating or preventing prosecution of just claim due state	SP: 5 yrs. or J: 6 mos.
97-3-75 Robbery - penalty	SP: 15 yrs.	97-7-15 Conspiracy to defraud state - each party guilty of felony when one or more conspirators act	F; SP: 5 yrs. or J: 6 mos.
97-3-79 Robbery - use of deadly weapon	SP: life/3 yrs.	97-7-17 Conspiracy to prevent holding a public office or discharging its duties, etc. - by use of force, etc.	SP: 5 yrs.
97-3-81 Robbery; threatening letter demanding money, property	SP: 5 yrs.	97-7-19 Conspiracy to prevent holding public office or discharging its duties, etc. - by use of boycott	SP: 5 yrs.
97-3-85 Threats and intimidation - by letter	J: 6 mos. or notice	97-7-23 Criminal syndicalism - penalty for commission of certain acts	?: 1-10 yrs.
97-3-87* Threats and intimidation - whitecapping	J: 6 mos. or SP: 5 yrs.	97-7-25 Criminal syndicalism - unlawful assemblage to advocate	?: 1-10 yrs.
97-3-89 Timber, trees and saw logs - tampering with to injure or harass owner prohibited	M: 3-6 mos.	97-7-29 Destroying, injuring, etc. property to hinder war efforts	SP: 10 yrs.
97-3-91 Timber, trees and saw logs - penalty for tampering when injury occurs	F: 10 yrs.	97-7-31 Destroying, injuring, etc. state or federally licensed communications systems	SP: 10 yrs.
97-3-93 Timber, trees and saw logs - penalty for tampering when death results	SP: 2-20 yrs.	97-7-33 False statements to federal authorities as to denial of constitutional rights by the state or its agents	F: 6 mos.- 5 yrs.
97-3-101 Sexual battery - penalty	SP: 30 yrs./ 5-30 yrs.	97-7-35 False swearing - false sworn statements to federal authorities as to denial of constitutional rights by the state or its agents	F: 6 mos.- 5 yrs.
OFFENSES AFFECTING CHILDREN			
97-5-1* Abandonment of child under age six	SP: 7 yrs. or J: 1 yr.	97-7-37 False swearing - false sworn statements to federal authorities as to denial of constitutional rights by state or its agents with intent or purpose to deceive or cause investigation	F: 6 mos.- 5 yrs.
97-5-3 Desertion or non-support of child under age sixteen	SP: 2 yrs.	97-7-42* Fraudulent use of food coupons dispensed by state welfare department ● third offense	M: 1 yr. F: 1-5 yrs.
97-5-5 Enticing child for concealment, prostitution or marriage	SP: 10 yrs.	97-7-45 Legislature - preventing or attempting to prevent meetings	SP: 10 yrs.
97-5-21 Seduction of child under age eighteen	SP: 10 yrs.	97-7-49 Legislature - altering bills or resolutions before passage	F: 10 yrs.
97-5-23 Touching, handling, etc. child for lustful purposes	SP: 1-10 yrs.	97-7-51 Legislature - altering bills or resolutions after passage	F: 10 yrs.
97-5-33 Exploitation of children - prohibitions	See below		
97-5-35 Exploitation of children - penalties	SP: 2-20 yrs.		
97-5-39* Contributing to the neglect or delinquency of a child; felonious abuse and/or battery of a child ● contributes to neglect or delinquency ● burn or torture, otherwise abuse or mutilate	M: 1 yr. SP: 20 yrs.		

97-7-53 Legislature - bribing or influencing member	F: 10 yrs.	97-9-49* Escape of prisoners; penalties for convicts in jail and persons under arrest or custody; wilful failure to return to jail after being entrusted to leave	
97-7-55 Legislature - member accepting or agreeing to accept bribes	F: 1-10 yrs.	• if felon	SP: 5 yrs.
97-7-57 Legislature - influence peddling	F: 10 yrs.	• if misdemeanor	J: 1 yr.
97-7-65* Timber--cutting and rafting from state lands	SP: 5 yrs	97-9-55* Intimidating judge, juror, witness, to attorney, etc., or obstructing justice	J: 1 mo. to SP: 5 yrs.
• if value < \$25	J: 6 mos	97-9-59 Perjury--definition	See below
97-7-67 Treason	SP: life/death	97-9-61 Perjury - penalty	SP: 10 yrs./ 10 yrs. MIN.
97-7-71 Violent overthrow of constitution or government-advocacy punished	F: 3-20 yrs.	97-9-63 Perjury - subordination of	SP: 10 yrs.
		97-9-65 Perjury - bribery to procure	SP: 5 yrs.
OFFENSES AFFECTING ADMINISTRATION OF JUSTICE			
97-9-3* Court records and public papers - stealing, concealing, destroying	SP: 5 yrs. or J: 1 yr.	97-9-77 Wills - alteration, destruction or secretion	SP: 2 yrs.
OFFENSES INVOLVING PUBLIC OFFICIALS			
97-9-5* Bribery - jurors, arbitrators and referees accepting, and person promising them, punished	SP: 5 yrs. or J: 1 yr.	97-11-1 Alteration of records	SP: 10 yrs.
97-9-7* Bribery - taking reward for compounding or concealing, etc.	SP: 5 yrs. or J: 1 yr.	97-11-11 Bribery - offering property to candidate officer, trustee or his wife to influence his action	SP: 10 yrs.
97-9-9* Bribery--taking reward for compounding or concealing crime punishable by less than life imprisonment	SP: 3 yrs. or J: 6 mos.	97-11-13 Bribery - penalty when officer, agent, trustee or his wife accepts bribe	SP: 10 yrs.
97-9-11 Champerty and maintenance; solicitation and stirring up of litigants prohibited	See below	97-11-25 Embezzlement - officers, trustees and public employees converting property to own use	SP: 20 yrs.
97-9-13 Champerty and maintenance - penalty	SP: 1 yr.	97-11-27* Embezzlement - officers and public agents failing to agents failing to deliver money, records, etc. to successor	SP: 10 yrs. or J: 1 yr.
97-9-19 Champerty and maintenance--penalty for false affidavit	SP: 10 yrs./ 10 yrs. MIN.	97-11-29 Embezzlement - accounts to be kept by all public officers - false entries, false certificates, loan of public funds and fraud on treasury	SP: 20 yrs.
97-9-27 Escape of prisoners - conveying articles useful for escape of felons	SP: 10 yrs.	97-11-31 Embezzlement - fraud committed in public office	SP: 10 yrs.
97-9-29 Escape of prisoners - aiding escape of felons generally - rescuing prisoners from custody	SP: 10 yrs.	97-11-33 Extortion - collecting unauthorized fees and fees for services not actually rendered	SP: 5 yrs.
97-9-35* Escape of prisoners--officer or guard of penitentiary or any other person permitting	SP: 2 yrs. or J: 6 mos.	97-11-53 Offer of inducements to influence public official's action on award of contracts or accomplishment of official acts	F: 10 yrs.
97-9-41 Escape of prisoners - concealing or harboring escaped prisoner	F: 5 yrs.	ELECTION CRIMES	
97-9-45 Escape of prisoners - penalty for penitentiary convicts serving less than life term -time earned toward parole forfeited	SP: 5 yrs.	97-13-1* Bribery - influencing electors orelection officers	SP: 2 yrs. or J: 1 yr.
97-9-47 Escape of prisoners - penalty for penitentiary convicts penitentiary convicts serving less than life term - attempt by force or violence	SP: 5 yr. MIN.	97-13-9 Ballots - false entries on voting lists - stuffing - removing, altering, etc.	SP: 5 yrs.
		97-13-19 Corrupt conduct, etc. by election official	SP: 2 yrs.

97-13-23 Failure to make return of votes cast	SP: 5 yrs.	97-17-19 Burglary - breaking and entering dwelling	SP: 10 yrs.
97-13-25 Registration - falsely procuring registration	SP: 10 yrs.	97-17-21 Burglary - inhabited dwelling	SP: 7-10 yrs.
97-13-27 Registration - neglect or misconduct by registrar	SP: 1-3 yrs.	97-17-23 Burglary - inhabited dwelling - breaking in at night while armed with deadly weapon	SP: 25 yrs.
97-13-29 Troops of armed men not to be brought near election place	SP: 2 yrs.	97-17-25 Burglary - breaking out of dwelling	SP: 10 yrs.
97-13-39 Intimidating elector to prevent voting	J: 2 yrs.	97-17-27 Burglary - breaking inner door of dwelling at night	SP: 10 yrs.
OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS			
97-15-3 Highway commission members and employees--bribery	F: 1-5 yrs.	97-17-29 Burglary - breaking inner door of dwelling by one lawfully in house	SP: 10 yrs.
97-15-5 Highway commission members, employees or highway contractors - conspiracy to violate contracts and defraud state	SP: 1-5 yrs.	97-17-33 Burglary - breaking and entering building other than dwelling house	SP: 7 yrs.
97-15-7 Highway commissioner - candidates for public office not to accept campaign contributions, etc. from road builders	SP: 3 yrs.	97-17-35 Burglary - possession of burglar's tools	SP: 5 yrs.
97-15-9 Highway contractors, material men, etc. - campaign contributions, etc. to candidates for highway commissioner prohibited	SP: 10 yrs.	97-17-37 Burglary - with explosives	SP: 5-40 yrs.
97-15-25 Levees - maliciously cutting, destroying, etc.	SP: 5 yrs.	97-17-39 Public buildings, schools and churches - destroying, defacing, etc., structure furniture or grounds	?: 6 mos.
CRIMES AGAINST PROPERTY (inclusive)			
97-17-1 Arson - first degree - burning dwelling house or out-building	SP: 2-20 yrs.	97-17-41 Larceny - grand larceny defined - penalty	SP: 5 yrs.
97-17-3 Arson - first degree - state supported school buildings - failure to report accidental fires - juvenile offenders	SP: 2-20 yrs./ 2-10 yrs.	97-17-43 Larceny - petit larceny defined - penalty	J: 3 mos./ 1-6 mos.
97-17-5 Arson - second degree - other buildings or structures	SP: 1-10 yrs.	97-17-49 Larceny - shearing wool from dead sheep	J: 5-20 days
97-17-7 Arson - third degree - personal property	SP: 1-3 yrs.	97-17-51* Larceny - stealing dog	J: 6 mos. or SP: 1-2 yrs.
97-17-9 Arson - fourth degree - attempt to burn	SP: 1-2 yrs.	97-17-53* Larceny - stealing live-stock ● second or subsequent offense	J: 6 mos. to SP: 5 yrs. SP: 1-20 yrs.
97-17-11 Arson - insured property	SP: 1-10 yrs.	97-17-55 Larceny - stealing milk from cow	J: 3 mos.
97-17-13* Arson - wilfully or negligently firing woods, marsh, meadow, etc. ● wilfully ● neglectfully	SP: 1-2 yrs. M: 3 mos.	97-17-57 Larceny - stealing fish from fish farmers	J: 1 yr.
97-17-14 Aggravated assault upon firefighter	SP: 10 yrs.	97-17-58 Larceny - taking of crabs or crab pots	J: 3 mos.
97-17-15 Boundary landmarks - altering or destroying	Fine	97-17-59* Larceny - stealing timber ● less than \$25 ● more than \$25	M: 30- 100 days. SP: 1-5 yrs.
97-17-17 Brands of saw-logs - altering or defacing	J: 3 mos.	97-17-61 Larceny - taking and carrying away certain animals or motor vehicles not amounting to larceny	J: 6 mos.
		97-17-65 Looting	F: 15 yrs.
		97-17-67 Malicious mischief	J: 12 mos.
		97-17-68 Coin-operated devices - description of days/offenses and imposition of penalties	J: 30/ 6 mos.-1 yr.

97-17-69* Receiving stolen property	J: 6 mos. to SP: 5 yrs.	FALSE PRETENSES AND CHEATS	
97-17-71 Receiving stolen property - junk dealers to keep records of copper purchases - interstate transportation of copper materials	M	97-19-33 False personation - personating another to marry, become bail or surety, confess judgment, acknowledge recorded instrument, or act in suit	SP: 10 yrs.
97-17-73 Removing agricultural products subject to lien from premises where produced	J: 6 mos.	97-19-35* False personation - personating another to receive money or property ● grand larceny ● petit larceny	SP: 5 yrs. J: 3 mos./1-6 mos.
97-17-75 Removing personal property subject to lien out of county, or selling	J: 1 yr.	97-19-41 Obtaining signature or thing of value with intent to defraud - penalty for using false negotiable instrument	SP: 7 yrs.
97-17-77* Removing personal property subject to lien out of state ● less than \$400 ● removal with intent to defraud at \$400 or more	M: 12 mos. F: 1-3 yrs.	97-19-45 Producing child with intent to intercept inheritance	SP: 10 yrs.
97-17-79 Trees - boxing pines	J: 3 mos.	97-19-47 Receiving deposits when bank is insolvent	F: 1-2 yrs.
97-17-81 Trees - cutting or rafting upon lands of another	J: 5 mos.	97-19-51 Selling property previously sold or encumbered	Punish as obtaining under false pretenses whatever goods obtained
97-17-83 Trees - injuring or destroying shade or ornamental tree	J: 10-30 days		
97-17-85 Trespass - going upon enclosed land of another	Fine		
97-17-87 Trespass - willful or malicious penalty	J: 6 mos.	97-19-53 Substituting child to deceive parent or guardian	SP: 7 yrs.
97-17-89 Trespass - destruction or carrying away of vegetation, etc. not amounting to larceny	J: 6 mos.	97-19-55 Bad checks	
97-17-91 Trespass - defacing, altering or destroying notices posted on land	Fine	97-19-67* Bad checks; penalties; restitution ● first offense < \$100 ● second offense < \$100 ● third and subsequent, regardless of amount ● check ≥ \$100, first or second offense	M: 5 days-6 mos. M: 30 days-1 yr. F: 1-5 yrs. F: 3 yrs.
97-17-93 Trespass; entering upon posted lands of another; posting requirements	M: 30 days		
97-17-95 Trespass - entry on premises where atomic machinery, rockets and other machinery are manufactured, etc.	F: 5 yrs.	97-19-71* Fraud in connection with state or federally funded assistance programs; penalty	SP: 3 yrs. or J: 1 yr.
97-17-97 Trespass - going into or upon, or remaining in or upon buildings, premises or land of another after being forbidden to do so	M: 6 mos.	FORGERY AND COUNTERFEITING	
97-17-99 Trespass - inciting or soliciting, etc. persons to go into or upon, or remain in or upon, buildings, premises or lands of another	J: 6 mos.	97-21-1* Account books kept in public offices	See 97-21-33
97-17-101 Mutilation of motor vehicle or farm implement identification number	F; SP: 5 yrs. or J: 6 mos.	97-21-3* Account books kept by corporations	See 97-21-33
		97-21-7* Certificate of acknowledgement or proof of deeds and other recordable instruments	See 97-21-33
		97-21-9* Certificate of public security, share in public stock or indorsement thereof	See 97-21-33
		97-21-13* Coins; gold and silver coins and treasury notes of the United States	See 97-21-33

97-21-15* Coins; gold and silver coins of foreign countries	See 97-21-33	OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS	
		97-23-19* Embezzlement - by agents, bailees, trustees, servants and persons generally	SP: 10 yrs. or J: 1 yr.
97-21-17* Coins; possession of counterfeit gold or silver coin with intention to utter	See 97-21-33		
		97-23-21* Embezzlement - evidence of debt negotiable by delivery but not delivered	SP: 10 yrs. or J: 1 yr.
97-21-19* Corporate evidences of debt signed by pretended officer	See 97-21-33		
		97-23-23* Embezzlement - buying or receiving embezzled goods	J: 6 mos. to SP: 5 yrs.
97-21-21* Destruction, erasure, or obliteration of a writing deemed forgery	See 97-21-33		
		97-23-25* Embezzlement - property held in trust or received on contract	SP: 10 yrs. or J: 1 yr.
97-21-23* Engraving or possessing plate for printing bank checks, note or other evidence of debt; possessing impressions made from such plate	See 97-21-33		
		97-23-27* Embezzlement - property borrowed or hired	J: 6 mos. to SP: 5 yrs.
97-21-25* Engraving or possessing plate for printing bank check, note or other evidence of debt; when plate deemed imitation of genuine instrument	See 97-21-33		
		97-23-39 Preventing employment by force or violence - penalty	F: 6 mos./ 2 yrs.
97-21-29* Making and uttering instrument in own name under pretense that it is act of another of same name	See 97-21-33		
		97-23-41* Preventing employment by force or violence - conspiracy	J: 6 mos. or SP: 2 yrs.
		97-23-43* Profession - practicing without license ● second offense ● subsequent - discretion of court	J: 3-12 mos. SP: 1 yr. MIN. SP: 5 yrs.
97-21-31* Parts of several genuine instruments connected to make one instrument	See 97-21-33		
		97-23-45* Shoplifting - elements of the offense	See below
97-21-33* Penalty for forgery ● less than \$100	SP: 2-15 yrs. J: 12 mos.		
		97-23-47* Shoplifting - penalties - subsequent offenses ● first offense, < \$100 ● second offense, < \$100 ● third or subsequent, regardless of value ● when over \$100	M: 5 days- 6 mos. M: 30 days- 1 yr. F: 1-5 yrs. F: 5 yrs.
97-21-35* Pleadings, process and other court papers, license, or written instruments generally	See 97-21-33		
97-21-37* Possession of counterfeit bank notes or other instrument with intention to utter	See 97-21-33		
		97-23-85 Unlawful restraint of trade - boycott - civil liability	2 yrs.
97-21-43* Railroad tickets; possession of forged or altered tickets	See 97-21-33		
		OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS	
97-21-45* Record of will or other instrument constituting evidence, judgment or decree of court, or return on process	See 97-21-33		
		97-25-1* Electric power lines and facilities; tampering, injury or unauthorized use; stealing or destroying fixtures and equipment ● steal property ≥ \$100	M SP: 5 yrs.
97-21-47* Seal of state and other government and corporate seals or their impressions	See 97-21-33		
		97-25-9 Railroads - embezzlement of ticket	SP: 5 yrs.
97-21-49* Selling or offering to sell counterfeit notes or other evidence of debt, etc.	See 97-21-33		
		97-25-13 Railroads - intoxication of engineer or conductor	SP: 1-15 yrs.
97-21-59* Uttering counterfeit instrument or coin	See 97-21-33		
		97-25-17 Railroads - leaving switch open or improperly placed	SP: 15 yrs.
97-21-61* Warrants on state treasury, United States treasury, or county, city, town, or village treasury	See 97-21-33		
		97-25-19* Railroads - locomotive to be stopped before entering or crossing track of other company ● if death or injury occurs	J: 1 yr. SP: 15 yrs.
97-21-63* Will, deed, certificate of acknowledgement or proof of recordable instrument	See 97-21-33		
		97-25-23 Railroads; obstructing or injuring; derauling cars	SP: 1-10 yrs.

97-25-31 Railroads - stealing animal killed or wounded by railroad	Punish as larceny of animal	97-29-45* Profane and indecent language over telephone; jurisdiction	J: 6 mos. or SP: 2 yrs.
97-25-35 Railroads; stealing or interfering with community or signaling equipment	?: 5 yrs.	97-29-55 Seduction of female over age of eighteen by promised or pretended marriage	SP: 5 yrs.
97-25-37 Railroads - stopping or standing at crossing	SP: 15 yrs.	97-29-59 Unnatural intercourse	SP: 10 yrs.
97-25-45 Railroads, public utilities, and carriers; obstructing or impeding by intimidation, force or violence	SP: 1-5 yrs.	97-29-61 Voyeurism - trespass by "peeping tom"	SP: 5 yrs.
		OBSCENE MATERIALS, PERFORMANCES AND DEVICES	
97-25-47 Railroad trains, buses, trucks, motor vehicles, depots, stations, and other transportation facilities; willfully shooting or throwing at	SP: 1-5 yrs.	97-29-109 Penalties	?: 1 yr.
		INTOXICATING BEVERAGES OFFENSES	
97-25-53* Telegraphs and telephones; injury or destroying lines; interrupting communications; stealing or destroying fixtures	J: 6 mos. SP: 5 yrs.	97-31-21 Manufacturing or distilling unlawful--making wine at home permitted - penalties	F: 5-10 yrs.
● obstruct, injure, break, destroy		97-31-23 Manufacturing or distilling unlawful - possession of a still	F: 1-3 yrs./ 5-10 yrs.
● taking or carrying away specified property	J: 3 mos.	97-31-27* Sale, possession, etc. of intoxicating beverages prohibited - penalties	J: 1 wk.- 3 mos.
● other property		● second offense	J: 60 days- 6 mos.
97-25-55 Aircraft piracy - boarding aircraft with dangerous or deadly weapon or instrument	?: 20 yrs./ 50 yrs./ 10 yrs.	● subsequent offenses	SP: 1-5 yrs.
97-25-57 Nuclear sabotage	?: 1-5 yrs.	97-31-35 Sale, possession, etc. of intoxicating beverages prohibited in penitentiary, jails, convict camps	J: 1 yr. MIN.
CRIMES AFFECTING PUBLIC HEALTH			
97-27-15 Food sales - selling meat of animal not slaughtered, or unwholesome bread or drink	SP: 1-5 yrs.	GAMBLING AND LOTTERIES	
CRIMES AGAINST PUBLIC MORALS AND DECENCY			
97-29-5 Adultery and fornication - between certain persons forbidden to intermarry	SP: 10 yrs.	97-33-7* Gambling - certain machines and devices prohibited - confiscation and destruction - pin ball machines	M: 3 months
97-29-9 Adultery and fornication - going out of this state to marry	SP: 10 yrs.	● second offense	J: 6 mos. to SP: 2 yrs.
97-29-13 Bigamy - defined - penalty	SP: 10 yrs.	97-33-23 Gambling; gambling with minor knowing him to be underage	SP: 2 yrs.
97-29-17* Bribery - participant in professional or amateur games or other athletic contests - wrestling excepted	J: 6 mos. to SP: 5 yrs.	97-33-31 Lotteries - penalty for putting on	SP: 5 yrs.
97-29-19* Dead bodies - disinterment for sale or wantonness	J: 1 yr. to SP: 5 yrs.	CRIMES AGAINST PUBLIC PEACE AND SAFETY	
97-29-21* Dead bodies - buying or receiving	J: 1 yr. to SP: 5 yrs.	97-35-3* Disorderly conduct - certain acts performed with intent to provoke breach of peace - penalties	M: 4 mos.
97-29-23* Dead bodies - opening graves for certain purposes	J: 6 mos. to SP: 2 yrs.	● conduct leads to breach of peace	SP: 10 yrs.
97-29-27 Incest - marriage with prohibited degrees	SP: 10 yrs.	97-35-7* Disorderly conduct - failure to comply with requests or commands of law enforcement officers - penalties	J: 6 mos.
97-29-29 Incest - persons divorced for incest not to cohabitate or copulate	SP: 10 yrs.	● causes, aids, encourages, abets another in disorderly conduct	J: 6 mos.
		● evince willful or wanton disregard for the life or safety of another and if death or injury results	F: 5 yrs.

WEAPONS AND EXPLOSIVES

97-37-1* Deadly weapons - carrying deadly weapons and use of imitation firearm prohibited - penalties ● second conviction	J: 6 mos.	(b)(2) First offender, less than 1 kilo./more than 1 oz. marijuana	F: 20 yrs.
● third or more	J: 30 days-6 mos.	(b)(3) Less than 1 ounce marijuana	? : 3 yrs.
● previously convicted felons	SP: 1-5 yrs. SP: 1-5 yrs.	(b)(4) Schedule III and IV (b)(5) Schedule V (c) Possession (c)(1) Schedule I or II except marijuana	? : 20 yrs. ? : 10 yrs. See below F: 3 yrs.
97-37-21 Explosives - false report of placing	SP: 5 yrs.	(c)(2)(A) One ounce or less of marijuana ● second conviction within	\$100-\$200 ? : 5-60 days 2 yrs.
97-37-23 Explosives - unlawful possession - duty of officer to make search and seize explosives	SP: 5 yrs.	● third or subsequent	M: 5 days-6 mos. M: 90 days

97-37-25 Explosives; unlawful use	SP: life	(c)(2)(B) Operator of motor vehicle - possession	J: 1 yr. or SP: 3 yrs.
97-37-29* Shooting into dwelling house	J: 1 yr. to SP: 10 yrs.	(c)(2)(C) More than 1 oz./less than 1 kilo. (c)(2)(D) More than 1 kilo. (c)(3) Schedule III, IV, V (d)(1) Paraphernalia (d)(2) Selling or intent to sell paraphernalia (d)(3) 18 or older, to 3 yrs. his junior (d)(4) Ads for paraphernalia (e) Physician prescribing amphetamine solely for obesity	SP: 20 yrs. ? : 1 yr. M: 6 mos. M: 6 mos. M: 1 yr. M: 6 mos. M: 6 mos.

DUELING

97-39-11* Fighting in public place with deadly weapon, or seconding such a fight - penalty ● with death	? : 3 mos. Punish as murder		
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CRUELTY TO ANIMALS

97-41-17* Poisons - administering to animals	SP: 3 yrs or J: 1 yr.	41-29-140 Fines and penalties; violation of section 41-29-139 (receive/expend funds for felony in 41-29-139)	F: 5 yrs.
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RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT

97-43-5 Acquisition of real property or interest in business enterprise; debt collection; conspiracy	See below	41-29-141 Prohibited acts B; penalties (distribute or dispense in violation of 41-29-137)	Crime: 1 yr.
97-43-7 Penalties (racketerring)	F: 20 yrs.	41-29-143 Prohibited acts C; penalties (distribute as a registrant)	Crime: 1 yr.

COMPUTER CRIMES

97-45-3 Computer fraud; penalties	? : 5 yrs.	41-29-144 Acquiring or obtaining possession of controlled substance or prescription by misrepresentation, fraud and the like; penalty	Crime: 1-5 yrs
97-45-5* Offense against computer users; penalties ● less than \$100 value ● \$100 or more	? : 6 mos. ? : 5 yrs.	41-29-145 Distribution to persons under age 21	2 x penalty penalty under 41-29-139
97-45-7* Offense against computer equipment; penalties ● less than \$100 ● \$100 or more	? : 6 mos. ? : 5 yrs.	41-29-146 False representation of controlled substance or counterfeit substance; penalty	J: 1 yr.
97-45-9* Offense against intellectual property; penalties ● less than \$100 ● \$100 or more	? : 6 mos. ? : 5 yrs.	41-29-147 Second or subsequent offenses	2 x penalty

UNIFORM CONTROLLED SUBSTANCES LAW (inclusive)

41-29-137 Prescriptions	See 41-29-141		
41-29-139 *Prohibited acts A; penalties (b) Selling, distribute, create, etc. (b)(1) Schedule I or II, with exceptions	See below See below ? : 30 yrs.		

MISSOURI

MO. REV. STAT. § X (Vernon 1979 & Supp. 1987)
For drugs: MO. REV. STAT. § (Vernon 1983 & Supp. 1987)

Criminal Classification Information

556.016. Classes of crimes

1. An offense defined by this code or by any other statute of this state, for which a sentence of death or imprisonment is authorized, constitutes a "crime". Crimes are classified as felonies and misdemeanors.
2. A crime is a "felony" if it is so designated or if persons convicted thereof may be sentenced to death or imprisonment for a term which is in excess of one year.
3. A crime is a "misdemeanor" if it is so designated or if persons convicted thereof may be sentenced to imprisonment for a term of which the maximum is one year or less.

556.021. Infractions

1. An offense defined by this code or by any other statute of this state constitutes an "infraction" if it is so designated or if no other sentence than a fine, or fine and forfeiture or other civil penalty is authorized upon conviction.
2. An infraction does not constitute a crime and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a crime.

557.016. Classification of Offenses

1. Felonies are classified for the purpose of sentencing into the following four categories:
 - (1) Class A felonies;
 - (2) Class B felonies;
 - (3) Class C felonies; and
 - (4) Class D felonies
2. Misdemeanors are classified for the purpose of sentencing into the following three categories:
 - (1) Class A misdemeanors;
 - (2) Class B misdemeanors; and
 - (3) Class C misdemeanors.
3. Infractions are not further classified.

557.021. Classification of offenses outside this Code

1. Any offense defined outside this code which is declared to be a misdemeanor without specification of the penalty therefor is a Class A misdemeanor.
2. Any offense defined outside this code which is declared to be a felony without specification of the penalty therefor is a Class D felony.
3. For the purpose of applying the extended term provisions of Section 558.016, RSMo, and for determining the penalty for attempts and conspiracies, offenses defined outside of this code shall be classified as follows:
 - (1) If the offense is a felony
 - (a) It is a Class A felony if the authorized penalty includes death, life imprisonment or imprisonment for a term of twenty years or more;
 - (b) It is a Class B felony if the maximum term of imprisonment authorized exceeds ten years but is less than twenty years;
 - (c) It is a Class C felony if the maximum term of imprisonment authorized is ten years;
 - (d) It is a Class D felony if the maximum term of imprisonment is less than ten years;

- (2) If the offense is a misdemeanor
 - (a) It is a Class A misdemeanor if the authorized imprisonment exceeds six months in jail;
 - (b) It is a Class B misdemeanor if the authorized imprisonment exceeds thirty days but is not more than six months;
 - (c) It is a Class C misdemeanor if the authorized imprisonment is thirty days or less;
 - (d) It is an infraction if there is no authorized imprisonment.

558.011. Sentence of Imprisonment, Terms—Conditional Release

1. The authorized terms of imprisonment, including both prison and conditional release terms, are:
 - (1) For a Class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment;
 - (2) For a Class B felony, a term of years not less than five years and not to exceed fifteen years;
 - (3) For a Class C felony, a term of years not to exceed seven years;
 - (4) For a Class D felony, a term of years not to exceed five years;
 - (5) For a Class A misdemeanor, a term not to exceed one year;
 - (6) For a Class B misdemeanor, a term not to exceed six months;
 - (7) For a Class C misdemeanor, a term not to exceed fifteen days.
2. In cases of Class C and D felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a Class C or D felony, it shall commit the person to the custody of the department of corrections and human resources for a term of years not less than two years and not exceeding the maximum authorized terms provided in subdivisions (3) and (4) of subsection 1 of this section.
3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the defendant to the custody of the department of corrections and human resources for the term imposed under section 557.036, RSMo, or until released under procedures established elsewhere by law.
 - (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the defendant to the county jail or other authorized penal institution for the term of his sentence or until released under procedures established elsewhere by law.
4. (1) A sentence of imprisonment for a term of years shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036, RSMo, shall be:
 - (a) One-third for terms of nine years or less;
 - (b) Three years for terms between nine and fifteen years;
 - (c) Five years for terms more than fifteen years, including life imprisonment; and the prison term shall be the remainder of such term. The prison term may be extended by the board of probation and parole pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of a prisoner by the board of probation and parole, subject to conditions of release that the board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state board of probation and parole. The conditions of release shall include avoidance by the offender of any other crime, federal or state, and other conditions that the board in its discretion deems reasonably necessary to assist the release in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the board of probation and parole. The director of the division of adult institutions may file with the board of probation and parole a petition to extend the conditional release date when an inmate fails to follow the rules and regulations of the division of adult institutions or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the board of probation and parole shall convene a hearing on the petition. The inmate shall be present and may call witnesses in his behalf and cross-examine witnesses appearing against him. The hearing shall be conducted as provided in section 217.670, RSMo. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the director of the division of adult institutions to file a petition for an extension with the board and for the board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a board decision has not been reached, the inmate shall be released conditionally. The decision of the board shall be final.

564.011. Attempt

* * *

3. Unless otherwise provided, an attempt to commit an offense is a:

(1) Class B felony if the offense attempted is a Class A felony.

(2) Class C felony if the offense attempted is a class B felony.

(3) Class D felony if the offense attempted is a class C felony.

(4) Class A misdemeanor if the offense is a class D felony.

(5) Class C misdemeanor if the offense attempted is a misdemeanor of any degree.

* * *

564.016. Conspiracy

* * *

8. Unless otherwise provided, a conspiracy to commit an offense is a:

(1) Class B felony if the object of the conspiracy is a Class A felony.

(2) Class C felony if the object of the conspiracy is a Class B felony.

(3) Class D felony if the object of the conspiracy is a Class C felony

(4) Class A misdemeanor if the object of the conspiracy is a Class D felony.

(5) Class C misdemeanor if the object of the conspiracy is a misdemeanor of any degree or an infraction.

* * *

MISSOURI CRIMINAL STATUTES

MO. REV. STAT. § X (Vernon 1979 & Supp. 1987)

For drugs: MO. REV. STAT. § (Vernon 1983 & Supp. 1987)

KEY

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

Statute No. and Title Class/Time

Chapter 565

OFFENSES AGAINST THE PERSON (inclusive)

565.020 First degree murder, FA/death
penalty

565.021 Second degree murder, FA
penalty

565.023 Voluntary manslaughter, FB
penalty--under influence of sudden
passion, defendant's burden to
inject

565.024 Involuntary manslaughter, FC
penalty

565.050 Assault, first degree, FB/FA
penalty

565.060 Assault, second degree, FC
penalty

565.065 Unlawful endangerment of FC
another, penalty

565.070 Assault in the third MA/MC
degree

565.090 Harassment MA

565.110 Kidnapping FA/FB

565.120 Felonious restraint FC

565.130* False imprisonment MA
● if removed from state FD

565.150* Interference with custody MA
● if removed from state FD

Chapter 566

SEXUAL OFFENSES (inclusive)

566.030 Rape FB/FA

566.040 Sexual assault in the FC/FB
first degree

566.050 Sexual assault in the FD/FC
second degree

566.060 Sodomy	FB/FA	569.040 Arson in the first degree	FB
566.070 Deviate sexual assault in the first degree	FC/FB	569.050 Arson in the second degree	FC
566.080 Deviate sexual assault in the second degree	FD/FC	569.055 Knowingly burning or exploding	FD
566.090 Sexual misconduct	MA	569.060 Reckless burning or exploding	MA
566.100 Sexual abuse in the first degree	FD/FC	569.065 Negligent burning or exploding	MB
566.110* Sexual abuse in the second degree ● if inflict serious physical injury or display a deadly weapon in a threatening manner	MA FD	569.067 Fire, negligence in setting or allowing to escape on cropland, grassland, marsh, prairie, woodland	MB
566.120 Sexual abuse in the third degree	MB/MA	569.070 Causing catastrophe	FA
566.130 Indecent exposure	MA	569.080 Tampering in the first degree	FC
Chapter 567		569.085 Unlawful endangerment of property, penalty	FC
PROSTITUTION		569.090* Tampering in the second degree ● if second or subsequent violation or tampering with utility meter	MA FD
567.050 Promoting prostitution in the first degree	FB	569.095* Tampering with intellectual property, penalties ● if involves scheme to defraud or to obtain property with value > \$150	MA FD
567.060 Promoting prostitution in the second degree	FC	569.097* Tampering with computer equipment, penalties ● if involves scheme to defraud or to obtain any property with value > \$150	MA FD
567.070 Promoting prostitution in the third degree	FD	● if damage done is > \$150 but < \$1,000	FD
Chapter 568		● if damage done is ≥ \$1,000 or there is an interruption of governmental operation, public communications, or supply of gas, water, etc.	FC
OFFENSES AGAINST THE FAMILY		569.099* Tampering with computer users, penalties ● if done to defraud or obtain any property with value > \$150	MA FD
568.020 Incest	FD	569.100 Property damage in the first degree	FD
568.030 Abandonment of a child	FD	569.120 Property damage in the second degree	MB
568.040* Criminal nonsupport ● if leave state to avoid obligation	MA FD	569.140 Trespass in the first degree	MB
568.060 Abuse of a child	FC/FB	569.150 Trespass in the second degree	Infraction
568.080 Child used in sexual performance, penalties	FC/FB	569.160 Burglary in the first degree	FB
568.090 Promoting sexual performance by a child, penalties	FC	569.170 Burglary in the second degree	FC
568.175 Trafficking in children--elements of crime--penalty	FC	569.180 Possession of burglar's tools	FD
Chapter 569			
ROBBERY, ARSON, BURGLARY, AND RELATED OFFENSES (inclusive)			
569.020 Robbery in the first degree	FA		
569.025 Pharmacy robbery in the first degree, definitions, penalty	FA		
569.030 Robbery in the second degree	FB		
569.035 Pharmacy robbery in the second degree, definitions, penalty	FB		

Chapter 570

STEALING AND RELATED OFFENSES (inclusive)

570.030* Stealing--penalties
 ● if value is > \$150, actor physically takes property from person of victim, or if specified materials involved

MA
 FC

570.040 Stealing, third offense

FC

570.080* Receiving stolen property
 ● if value > \$150 or person receiving the goods is a dealer in goods of the type in question

MA
 FC

570.085* Alteration or removal of item numbers with intent to deprive lawful owner
 ● if aggregate value is < \$150

FD
 MB

570.090 Forgery

FC

570.100 Possession of a forging instrumentality

FC

570.110 Issuing a fake instrument or certificate

MA

570.120* Passing bad checks
 ● if aggregate amount ≥ \$150 or if issuer had no account with drawee/ no such drawee existed

MA
 FD

570.125* Fraudulently stopping payment on an instrument, penalties
 ● if check amount ≥ \$150 or total of checks ≥ \$150

MA
 FD

570.130* Fraudulent use of a credit device
 ● if property or services to be obtained ≥ \$150

MA
 FD

570.140 Deceptive business practice

MA

570.150 Commercial bribery

MA

570.155* Sports bribery--penalty
 ● if bribe player/participant

F: prison for 10 years maximum, or jail for one year maximum
 M

● if player/participant solicits or attempts to obtain thing of value to affect outcome of contest

570.160 False advertising

MA

570.170 Bait advertising

MA

570.180* Defrauding secured creditors
 ● if amount on secured debt, including interest, ≥ \$500

MA
 FD

570.190* Telephone service fraud
 ● if previous conviction

M
 Prison: not less than two nor more than five years

570.210* Library theft, penalty
 ● if value ≥ \$150

MC
 FC

570.217 Misapplication of funds of financial institution, penalties

FC/FD

570.219 False entries in the records of a financial institution with intent to defraud, penalty

FC

570.220 Check kiting, penalty--financial institution and collected funds defined

FC

570.225* Unauthorized recording prohibited

M: jail for 6 months maximum
 Felony: not less than 2 years nor more than 5

● if second offense

570.230* Sale or offer to sell unauthorized recordings prohibited

M: jail for 6 months maximum
 Felony: not less than 2 years nor more than 5

● if second offense

570.240* Labeling required

M: jail for 6 months maximum
 Felony: not less than 2 years nor more than 5

● if second offense

570.300* Theft of cable television service, penalty

MA

● if value of service appropriated ≥ \$150

FC

Chapter 571

WEAPONS OFFENSES

571.015 Armed criminal action, defined, penalty

Prison: not less than 3 years, in addition to time for crime
 Prison: not less than 5 years, in addition to time for crime
 Prison: not less than 10 years, in addition to time for crime

● if second conviction

● if third or subsequent conviction

571.020* Possession - manufacture - transport - repair - sale of certain weapons a crime--exceptions - penalties

FC
 MA

● if specified weapons
 ● if specified instances

571.030* Unlawful use of weapons--exceptions--penalties		575.180* Failure to execute an arrest warrant	MA
● if specified instances	FD	● if offense involved is a felony	FD
● if specified instances	MB		
571.150 Use or possession of a metal-penetrating bullet during the commission of a crime - definition - penalty	FB	575.195 Escape from commitment	FD
		575.200* Escape, or attempted escape from custody	MA
		● if deadly weapon/dangerous instrument or hostage-taking is involved	FA
571.060* Unlawful transfer of deadly weapons, penalty		● if arrestee is felon	FD
● if specified circumstances	FD		
● if specified circumstances	MA	575.210 Escape or attempted escape from confinement	FD/FC/FA
571.070 Possession of concealable firearm unlawful for certain persons, penalty	FC	575.220 Failure to return to confinement	MC/MA
		● if fails to return to prison	
Chapter 572			
GAMBLING		575.230* Aiding escape of a prisoner	MA
572.030 Promoting gambling in the first degree	FD	● if by introducing deadly/dangerous instrument	FB
		● if escapee is felon	FD
572.050 Possession of gambling records in the first degree	FD	575.240 Permitting escape	FD/FB
Chapter 573		575.260 Tampering with a judicial proceeding	FC
PORNOGRAPHY AND RELATED OFFENSES		575.270* Tampering with a witness--tampering with a victim	MA
573.020 Promoting pornography in the first degree	FD	● if charge is a felony	FC
573.025 Promoting child pornography in the first degree	FB	575.280* Acceding to corruption	MA
		● if judge, juror, or other specific party	FC
573.035 Promoting child pornography in the second degree	FD	● if witness or prospective witness	FD
Chapter 574		Chapter 576	
OFFENSES AGAINST PUBLIC ORDER		OFFENSES AFFECTING GOVERNMENT	
574.070 Promoting civil disorder in the first degree, penalty	FC	576.010 Bribery of a public servant	FD
Chapter 575		576.020 Public servant acceding to corruption	FD
OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE		576.070 Treason	FA
575.020* Concealing an offense	MA	Chapter 577	
● if offense concealed is a felony	FD	PUBLIC SAFETY OFFENSES	
575.030* Hindering prosecution	MA	577.023* Definitions of prior offender, persistent offender, intoxication-related traffic offense -- guilty, prior or persistent offenders, penalties - imprisonment requirements - establishing defendant as prior or persistent offender, grounds - procedure - conviction of city or county ordinances, effect	
● if conduct is a felony	FD	● previously guilty of 577.010 or 577.012	MA
575.040 Perjury	FD/FC/FB/FA	● persistent violator of 577.010 or 577.012	FD
575.100* Tampering with physical evidence	MA	577.060* Leaving the scene of a motor vehicle accident	MA
● if actor impairs or obstructs the prosecution or defense of a felony	FD	● if physical injury involved, property damage > \$100, or previous violator of section	FD
575.150* Resisting or interfering with arrest	MA		
● resisting, by means other than flight, or interfering with a felony arrest	FD		

MISCELLANEOUS CRIMES

578.025* Dogs, fighting, training to fight, or injury for amusement or gain, penalty -- spectator, penalty
 ● own or cause dog to fight for amusement or gain
 ● if spectator

FD

578.150* Failure to return rented personal property -- penalty - exception - notice required, contents
 ● if value \geq \$150

MA

578.265 Selling or transferring possession of solvents for purposes of causing certain symptoms - prohibited -- violation -- penalty

FC

578.305 Bus hijacking, definition, penalty - assault with intent to commit bus hijacking, penalty, with a deadly weapon, penalty -- possession and concealment of deadly weapon by passenger, penalty, exception

FB/FC

578.310 Bombs and explosives placed in or near buses or terminals -- threat to commit offense -- discharging firearms or hurling missiles -- penalties

FA/FC/FB

578.320* Refusal of admission to terminals -- requests for identification or to leave terminal unauthorized, failure to comply, penalty
 ● carrying deadly weapon, explosive, FC etc.

MC

578.330 Removal of baggage or cargo without owner's permission, penalty

FD

Chapter 195

DRUG REGULATIONS (inclusive)

195.020 Prohibited acts
 ● manufacture, sell, prescribe, etc., any controlled or counterfeit substance

See 195.200

195.025 Certain use of vessels, vehicle and aircraft prohibited

See 195.145

195.060 Controlled substances to be dispensed on prescription only, exception -- certain advertising prohibited

Unlawful

195.130 Places used for illegal sale and use -- nuisances -- Suits to enjoin, procedure

Deemed nuisance

195.145 Forfeiture of vehicles or aircraft

Forfeiture

195.170 Fraudulently attempting to obtain a controlled substance, communications to physician not privileged, when--penalty

FD

195.200* Penalties

See below

(1:1) Manufacture, possess, sell, prescribe, etc., any controlled or counterfeit substance
 ● first offense, other than selling giving or delivering controlled Substance in I, II

Prison: 20 yrs. max. or jail: 6 mos. - 1 yr. Jail: 1 yr. max.

(1:1a) First offense, possess \leq 35 gr. marijuana/
 \leq 5 gr. hash

(1:1b) Subsequent offense for marijuana/first offense $>$ 35 gr. marijuana or $>$ 5 gr. hash

Prison: 5 yrs. max. or jail: 1 yr. max.

(1:1c) Deliver $<$ 25 gr. marijuana/ $<$ 5 gr. hash for no pay

Jail: 1 yr. max.

(1:2) Second offense, other than selling, giving, delivering controlled substance in I, II

Prison: 5 yrs. - life

(1:3) Third or subsequent offense, other than selling, giving, delivering controlled substance in I, II

Prison: 10 yrs. - life

(1:4) Except as provided in (1:1c), other than selling, giving, delivering controlled substance in I, II

Prison: 5 yrs. - life

(1:5) Selling, giving, or delivery I, II controlled substance if previously convicted of any felony

Prison: 10 yrs. - life

(2) Violate subsection (2) or (4) of 195.020

MB

(3) Violate subsection (3) of 195.020

FD

(4) Violate subsection (5) or (7) of 195.020

MB

(5) Violate subsection (6) of 195.020

FD

HALLUCINOGENIC, HYPNOTIC, SOMNIFACIENT AND STIMULATING DRUGS (inclusive)

195.240 Possession, sale, distribution or transfer of certain substances prohibited (schedule III, IV or V controlled substance or their paraphernalia)

F; prison: 2 - 10 yrs. or jail: 1 yr. max.

195.250 Obtaining controlled substances by fraud or deception prohibited

F; prison: 2 - 10 yrs. or jail: 1 yr. max.

195.270 Penalty for certain acts (penalty for 195.240, 195.250)

See above

KEY

- F = Felony
- M = Misdemeanor
- SP = State prison
- J = County jail
- ? = Place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = Greater than, less than
- ≥ , ≤ = Greater than or equal, less than or equal

MONT. CODE ANN. §x (1985).

Criminal Classification Information

45-2-101 [Definitions]

* * *

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

(22) "Forcible felony" means any felony which involves the use or threat of physical force or violence against any individual.

* * *

"Misdemeanor" means an offense in which the sentence imposed upon conviction is imprisonment in the county jail for any term or a fine, or both, or the sentence imposed is imprisonment in the state prison for any term of 1 year or less.

INCHOATE OFFENSES

45-4-101 Solicitation

* * *

(2) A person convicted of solicitation shall be punished not to exceed the maximum provided for the offense solicited.

45-4-102 Conspiracy

* * *

(3) A person convicted of the offense of conspiracy shall be punished not to exceed the maximum sentence provided for the offense which is the object of the conspiracy.

45-4-103 Attempt

* * *

(3) A person convicted of the offense of attempt shall be punished not to exceed the maximum provided for the offense attempted.

* * *

NOTES: Maximum term is recorded, except where a sentence range is given. For classifications that are NOT inclusive, crimes with penalties of 1 year or less are NOT recorded.

Statute No. and Title	Class/Time
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Offenses Against the Person

HOMICIDE (inclusive)

45-5-101 Criminal homicide	See below
45-5-102 Deliberate homicide	SP: 10-100 yrs./life/death
45-5-103 Mitigated deliberate homicide	SP: 2-40 yrs.
45-5-104 Negligent homicide	SP: 10 yrs.
45-5-105 Aiding or soliciting suicide	SP: 10 yrs.

ASSAULT (inclusive)

45-5-201* Assault ● if victim < 14 yrs. old	J: 6 mos. SP: 5 yrs.
45-5-202 Aggravated assault --Felony assault	SP: 2-20 yrs./10 yrs.
45-5-203 Intimidation	SP: 10 yrs.
45-5-204 Mistreating prisoners	SP: 10 yrs.
45-5-205 Negligent vehicular assault; penalty	J: 1 yr.
45-5-206* Domestic abuse ● third or subsequent conviction	J: 6 mos. SP: 5 yrs.

KIDNAPPING

45-5-301 Unlawful restraint	J: 6 mos.
45-5-302 Kidnapping	SP: 2-10 yrs.
45-5-303 Aggravated kidnapping	Death/life/ SP: 2-100 yrs./2-10 yrs.
45-5-304 Custodial interference	SP: 10 yrs.

ROBBERY (inclusive)		45-6-316* Issuing a bad check ● as part of a scheme or value of property obtained > \$300	J: 6 mos. SP: 10 yrs.
45-5-401 Robbery	SP: 2-40 yrs.		
SEXUAL CRIMES (inclusive)		45-6-317* Deceptive practices ● as part of a scheme or value of goods obtained > \$300	J: 6 mos. SP: 10 yrs.
45-5-502* Sexual assault ● victim < 16 yrs. and offender 3 or more years older or offender inflicts bodily injury	J: 6 mos. SP: 20 yrs.	45-6-319* Chain distributor schemes ● second offense	SP: 1 yr. SP: 5 yrs.
45-5-503 Sexual intercourse without consent	SP: 2-20 yrs./ 2-40 yrs.	45-6-325* Forgery ● as part of a scheme or value of goods > \$300	J: 6 mos. SP: 20 yrs.
45-5-504 Indecent exposure	J: 6 mos.	45-6-327 Illegal branding or altering or obscuring a brand	SP: 10 yrs.
45-5-505 Deviate sexual conduct	SP: 10 yrs./ 20 yrs.		
45-5-507 Incest	SP: 10 yrs.	Offenses Against Public Administration	
OFFENSES AGAINST THE FAMILY		BRIBERY AND CORRUPT INFLUENCE	
45-5-603 Aggravated promotion of prostitution	SP: 20 yrs.	45-7-101 Bribery in official and political matters	SP: 10 yrs.
45-5-621* Nonsupport ● aggravated	J: 6 mos. SP: 10 yrs.	45-7-102* Threats and other improper influence in official and political matters ● offense threatened or threat to influence a judicial or administrative proceeding	J: 6 mos. SP: 10 yrs.
45-5-625 Sexual abuse of children	SP: 20 yrs.		
Offenses Against Property		PERJURY AND OTHER FALSIFICATION IN OFFICIAL MATTERS	
CRIMINAL MISCHIEF AND ARSON (inclusive)		45-7-201 Perjury	SP: 10 yrs.
45-6-101* Criminal mischief ● causes loss > \$300 or kills commonly domesticated animal or causes interruption or impairment of public services	J: 6 mos. SP: 10 yrs.	45-7-206 Tampering with witnesses and informants	SP: 10 yrs.
45-6-102* Negligent arson ● places another in danger of death or bodily injury	J: 6 mos. SP: 10 yrs.	45-7-207 Tampering with or fabricating physical evidence	SP: 10 yrs.
45-6-103 Arson	SP: 20 yrs.	45-7-208 Tampering with public records or information	SP: 10 yrs.
CRIMINAL TRESPASS AND BURGLARY (inclusive)		45-7-210* False claims to public agencies ● as part of scheme or value > \$300	J: 6 mos. SP: 10 yrs.
45-6-204 Burglary ● if aggravated	SP: 10 yrs. SP: 40 yrs.	OBSTRUCTING GOVERNMENTAL OPERATIONS	
45-6-205 Possession of burglary tools	J: 6 mos.	45-7-303* Obstructing justice ● offender liable to be convicted of a felony ● offender liable to be convicted of a misdemeanor	SP: 10 yrs. J: 6 mos.
THEFT AND RELATED OFFENSES (inclusive)		45-7-306* Escape ● from prison, jail, or supervised release program by use or threat of force or use of weapon ● from prison, jail, halfway house, life skills center, or supervised release program but not use threat of force or weapon use ● from other official detention by use or threat of force or use of weapon ● any other escape	SP: 20 yrs. SP: 10 yrs. SP: 10 yrs. J: 6 mos.
45-6-301* Theft ● exceeding \$300 in value	J: 6 mos. SP: 10 yrs.		
45-6-309* Failure to return rented or leased personal property ● value < \$300 ● value > \$300	J: 6 mos. SP: 10 yrs.		
45-6-311* Unlawful use of a computer ● value < \$300 ● value > \$300	J: 6 mos. SP: 10 yrs.		
45-6-312* Unauthorized acquisition or transfer of food stamps ● as part of a dollar scheme or value > \$150	J: 6 mos. SP: 10 yrs.		

45-7-307* Transferring illegal articles or unauthorized communication

- conveys weapon to person under official detention
- any other illegal article to person under official detention or unauthorized communication to person under official detention

SP: 20 yrs.

J: 10 days

45-7-308* Bail jumping
• in connection with a felony

J: 6 mos.
SP: 10 yrs.

OFFICIAL MISCONDUCT

Offenses Against Public Order

CONDUCT DISRUPTIVE OF PUBLIC ORDER

45-8-103* Riot
• act of violence by person under official detention

J: 6 mos.
SP: 1-5 yrs.

45-8-104* Incitement to riot
• while incarcerated in any state correctional facility

J: 6 mos.
SP: 1-5 yrs.

45-8-105* Criminal syndicalism
• owner knowingly permits assemblage to promote criminal syndicalism
• criminal syndicalism

J: 6 mos.
SP: 10 yrs.

45-8-106 Bringing armed men into the state

SP: 10 yrs.

OFFENSIVE, INDECENT AND INHUMANE CONDUCT

45-8-210 Causing animals to fight - owners, trainers and spectators - penalties - exception - definition

SP: 1-5 yrs.

45-8-214 Bribery in contests

SP: 10 yrs.

45-8-215 Desecration of flags

SP: 10 yrs.

WEAPONS

45-8-303 Possession or use of machine gun in connection with a crime

SP: 20 yrs.

45-8-304 Possession or use of machine gun for offensive purpose

SP: 10 yrs.

45-8-316* Carrying concealed weapons
• previous offense with sentence in excess of one year

J: 6 mos.
SP: 5 yrs.

45-8-318 Possession of deadly weapon by prisoner

F: 5-15 yrs.

45-8-334 Possession of a destructive device

SP: 10 yrs.

45-8-335 Possession of explosives

SP: 20 yrs.

45-8-336 Possession of a silencer

SP: 5 yrs.-
30 yrs.

Dangerous Drugs

OFFENSES INVOLVING DANGEROUS DRUGS (inclusive)

45-9-101 Criminal sale of dangerous drugs
• opiate
• second sale Sch. I/II

SP: 2 yrs./life
SP: 10 yrs./life
SP: 20 yrs./life
SP: 1 yr./life

• third sale Sch. I/II
• all other sales

45-9-102* Criminal possession of dangerous drugs

See below

45-9-102(2) marijuana < 60 grams or hashish 1 gram - first offense
• second or subsequent offense

M: 6 mos.

(3) opiate as defined by 50-32-101(9)

J: 1 yr./SP: 3 yrs.
SP: 2-5 yrs.

(4) not otherwise provided for in subsections (2) or (3)

SP: 5 yrs.

45-9-103 Criminal possession with intent to sell

SP: 2-20 yrs./
20 yrs.

45-9-106* Penalty for fraudulently obtaining dangerous drugs or altering labels of dangerous drugs

See below

(1) altering labels of dangerous drugs

J: 6 mos.

(2)(a) fraudulently obtaining dangerous drugs included in schedule I, schedule II, schedule III, schedule IV or schedule V - first conviction

SP: 1-5 yrs.

(2)(b) second conviction

SP: 5-10 yrs.

45-9-107 Criminal possession of precursors to dangerous drugs

SP: 2-20 yrs.

45-9-112 Criminal sale of imitation dangerous drug, penalty

SP: 5 yrs./
10 yrs.

45-9-113 Criminal possession of imitation dangerous drug with purpose to sell

SP: 5 yrs.

45-9-114 Criminal advertisement of imitation dangerous drug - penalty

SP: 10 yrs.

45-9-115 Criminal manufacture of imitation dangerous drug - penalty

SP: 10 yrs.

45-9-121 Criminal possession of toxic substances - penalty

J: 6 mos.

PROCEDURAL PROVISIONS

Model Drug Paraphernalia Act (inclusive)

45-10-103 Criminal possession of drug paraphernalia

M; J: 6 mos.

45-10-104 Manufacture or delivery of drug paraphernalia

M; J: 6 mos.

45-10-105 Delivery of drug paraphernalia to a minor

M; J: 6 mos.

45-10-106 Advertisement of drug paraphernalia M; J: 6 mos.

GENERAL PROVISIONS

Controlled Substances (inclusive)

GENERAL PROVISIONS

SCHEDULING OF DANGEROUS DRUGS

50-32-208 Prescription and medical requirements for scheduled drugs - penalty M; J: 1 yr.

ANNUAL REGISTRATION

50-32-313 Practitioner's failure to register a misdemeanor M; J: 1 yr.

TRANSFER OF PRECURSORS TO CONTROLLED SUBSTANCES

50-32-405 Failure to report sale or transfer of a precursor to a controlled substance SP: 10 yrs.

NEB. REV. STAT. § (1985, 1986 & Supp. 1986)

Criminal Classification Information

28-104 Offense; crime; synonymous

The terms offense and crime are synonymous as used in this code and mean a violation of, or conduct defined by, any statute for which a fine, imprisonment, or death may be imposed.

28-105 Felonies; classification of penalties; sentences; where served

(1) For purposes of this code and any statute passed by the Legislature after the date of passage of this code, felonies are divided into six classes which are distinguished from one another by the following penalties which are authorized upon conviction.

Class I Felony	Death
Class IA Felony	Life imprisonment
Class IB Felony	Maximum-life imprisonment
	Minimum-ten years imprisonment
Class II Felony	Maximum-fifty years imprisonment
	Minimum-one year imprisonment
Class III Felony	Maximum-twenty years imprisonment
	or twenty-five thousand dollars fine, or both
	Minimum-one year imprisonment
Class IV Felony	Maximum-five years imprisonment, or
	ten thousand dollars fine, or both
	Minimum-none

(2) All sentences of imprisonment for Class IA, IB, II, and III felonies and sentences of one year or more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in this subsection. If the Department of Correctional Services certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the Department of Correctional Services. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisdiction to sentence in felony cases.

(3) Nothing in this section shall limit the authority granted in sections 29-2221 and 29-2222, to increase sentences for habitual criminals.

28-106 Misdemeanors; classification of penalties; sentences; where served

(1) For purposes of this code and any statute passed by the Legislature after the date of passage of this code, misdemeanors are divided into six classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I misdemeanor	Maximum-not more than one year imprisonment, or one thousand dollars fine, or both
Class II misdemeanor	Minimum-none
	Maximum-six months imprisonment, or one thousand dollars fine, or both
Class III misdemeanor	Minimum-none
	Maximum-three months imprisonment, or five hundred dollars fine, or both
Class IIIA misdemeanor	Minimum-none
	Maximum-seven days imprisonment, five hundred dollars fine, or both
Class IV misdemeanor	Minimum-none
	Maximum-no imprisonment, five hundred dollars fine
	Minimum-one hundred dollars
Class V misdemeanor	Maximum-no imprisonment, one hundred dollars fine
	Minimum-none

(2) Sentences of imprisonment in misdemeanor cases shall be served in the county jail, except that in the following circumstances the court may, in its discretion, order that such sentences be served in institutions under the jurisdiction of the Department of Correctional Services.

(a) If the sentence is for a term of one year upon conviction of a Class I misdemeanor, or for a combined term of one year or more in the event of conviction of more than one misdemeanor offense;

(b) If the sentence is to be served concurrently with a term for conviction of a felony; or

(c) If the Department of Correctional Services has certified as provided in section 28-105 as to the availability of facilities and programs for short-term prisoners and the sentence is for a term or combined terms of six months or more.

28-107 Felony or misdemeanor, defined outside of code; how treated

(1) Any felony or misdemeanor defined by state statute outside of this code without specification of its class shall be punishable as provided in the statute defining it, or as otherwise provided by law outside of this code, except as provided in subsections (2) and (3) of this section.

(2) A felony defined by statute outside this code, without classification, the sentence for which exceeds the sentence authorized in this code for a Class III felony, shall constitute for sentencing purposes a Class III felony. A person adjudged guilty under such law is deemed to be convicted of a Class III felony and shall be sentenced for a felony of that class in accordance with this code.

(3) A misdemeanor defined by a statute outside this code, the sentence for which exceeds the sentence authorized in this code for a Class I misdemeanor, shall constitute for sentencing purposes a Class I misdemeanor. A person adjudged guilty under such law is deemed to be convicted of a Class I misdemeanor and shall be sentenced for a Class I misdemeanor in accordance with this code.

NEBRASKA CRIMINAL STATUTES

NEB. REV. STAT. §x (1985, 1986 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- I, IA, IB,
- II, III,
- IIIA, IV,
- V = Crime subclasses
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

INCHOATE OFFENSES

28-201 Criminal attempt; conduct; penalty

* * *

(4) Criminal attempt is:

- (a) A Class II felony when the crime attempted is a Class I, Class IA, or Class IB felony;
- (b) A Class III felony when the crime attempted is a Class II felony;
- (c) A Class IV felony when the crime attempted is a Class III felony;
- (d) A Class I misdemeanor when the crime attempted is a Class IV felony;
- (e) A Class II misdemeanor when the crime attempted is a Class I misdemeanor; and
- (f) A Class III misdemeanor when the crime attempted is a Class II misdemeanor.

Statute No. and Title Class/Time

OFFENSES AGAINST THE PERSON (inclusive)

28-301 Compounding a felony, defined; penalty	MI
28-303 Murder in the first degree; penalty	FI/FIA
28-304 Murder in the second degree; penalty	FIB
28-305 Manslaughter; penalty	FIII
28-306* Motor vehicle homicide; penalty ● cause of death violation of 39.669.01, 39-669.03, or 39-669.07	MI FIV
28-307 Assisting suicide, defined; penalty	FIV
28-308 Assault in the first degree; penalty	FIII
28-309 Assault in the second degree; penalty	FIV
28-310 Assault in the third degree; penalty	MII
28-311.01 Terroristic threats; penalty	FIV
28-313 Kidnapping; penalties	FIA/FII
28-314 False imprisonment in the first degree; penalty	FIV
28-315 False imprisonment in the second degree; penalty	MI
28-316* Violation of custody; penalty ● in contravention of any district or juvenile	MII FIV
28-319 Sexual assault; first degree; penalty second first degree offense	FII/25 yrs.
28-320* Sexual assault, second or third degree; penalty ● second degree - serious personal injury ● third degree - no serious personal injury	FIII MI

28-202 Conspiracy, defined; penalty

* * *

(4) Conspiracy is a crime of the same class as the most serious offense which is an object of the conspiracy, except that conspiracy to commit a Class I felony is a Class II felony.

* * *

28-320.01 Sexual assault of a child; penalty	FIV	28-424 Use of certain compounds	MIII
28-324 Robbery; penalty	FII	28-425 Embalming fluids; use of arsenic or strychnine prohibited; label required; violation; penalty	MIII
28-327 Abortion without informed consent; violation; penalty	MII	28-442 Drug paraphernalia - deliver or manufacture; unlawful; penalty	MII
28-332 Abortion; procedure; protection of viable, unborn child, care and treatment of child aborted; violation; penalty	FIV	28-443 Delivery of drug paraphernalia to a minor; penalty	MI
28-335 Abortion by other than licensed physician; penalty	FIV	28-444 Advertisement of drug paraphernalia; unlawful; penalty	MIII
28-336 Abortion by other than accepted medical procedures; penalty	FIV	28-445 Imitation controlled substance; prohibited acts; determination; penalties; seizure	MIII/MII
28-339 Discrimination against person refusing to participate in an abortion; penalty	MII	OFFENSES AGAINST PROPERTY (inclusive)	
28-342 Aborted child; sell, transfer, distribute, give away, violation, penalty	FIII	28-502 Arson, first degree; penalty	FII
28-344 Abortion reporting form; violation; penalty	MII	28-503 Arson, second degree; penalty	FIII
28-346 Aborted infant; experimentation; prohibition; exception; penalty	FIV	28-504 Arson, third degree; penalty	MI
DRUGS (inclusive)		28-505 Burning to defraud insurer; penalty	FIV
28-402 Administering medicine while intoxicated; penalty	MIII	28-507 Burglary; penalty	FIII
28-403 Administering specified medicine; penalty	MIII	28-508 Possession of burglar's tools; penalty	FIV
28-412 Narcotic drugs; administration to addicts; records; violation; penalty	FIV	28-515 Theft of services; penalty	MII
28-416* Manufacture, distribution or possession with intent	See below	28-516 Unauthorized use of a propelled vehicle; affirmative defense; penalty	MIII
(2)(a) Classified in Schedule I, II or III	FII	28-518* Grading of theft offenses	
• exceptionally hazardous	FIII	• value over \$1000	FIII
(b) Classified in Schedule I, II or III	FIV	• value over \$300 but less than \$1000	FIV
• other than as provided for in section 28-416(2)(a)	FIV	• value over \$100 but less than \$300	MI
(c) Classified in Schedule IV or V		• value \$100 or less	MII
(3) Prescription/possession offense		• second or subsequent conviction, value over \$100 but less than \$300	FIV
• controlled substance other than marijuana	FIV	• second or subsequent conviction, value less than \$100	MI
(4) Possession	MIIIA	• third or subsequent conviction value less than \$100	FIV
- marijuana > 1 oz., < 1 pound	FIV	28-519* Criminal mischief; penalty	
(5) Possession		• loss greater than \$300	FIV
- marijuana > 1 lb.	Unlawful	• loss greater than \$100	MII
(6) Possession		• loss of \$100 or less	MIII
- marijuana < 1 oz.		28-520 Criminal trespass; first degree; penalty	MI
(b) Second offense	MIV	28-521 Criminal trespass; second degree; penalty	MIII/MII
(c) Third and all subsequent offenses	MIIIA	28-523 Littering of public and private property; penalty	MV
28-417 Prescription offense	MIII		
28-418 Prescription offense	FIV		

OFFENSES INVOLVING FRAUD

28-602 Forgery, first degree; penalty FIII

28-603* Forgery, second degree; penalty
 ● value \$300 or more FIII
 ● value exceeds \$75 but less than \$300 FIV
 ● value \$75 or less MI

28-604* Criminal possession of a forged instrument; penalty
 ● first degree forgery FIV
 ● second degree forgery-value \$300 or more FIV
 ● second degree forgery-value exceeds \$75 but less than \$300 MI
 ● second degree forgery-value \$75 or less MII

28-605 Criminal possession of forgery devices; penalty FIV

28-611* Issuing a bad check and obtains property or services; penalty
 ● \$1000 or more FIII
 ● \$300 or more, but less than \$1000 FIV
 ● \$75 or more, but less than \$300 MI
 ● less than \$75 MII
 ● second or subsequent offense amount less than \$300 FIV
 ● issues a bad check without obtaining property or services MII

28-612 False statement or book entry; destruction or secretion of records; penalty; organization; defined FIV

OFFENSES INVOLVING THE FAMILY RELATION

28-703 Incest; penalty FIII

28-706* Criminal nonsupport; penalty; exception MII
 ● criminal nonsupport in violation of a court order FIV

28-707* Child abuse; penalty
 ● committed negligently MI
 ● committed intentionally FIV

28-708* Abuse of an incompetent or disabled person; penalty
 ● committed negligently MI
 ● committed intentionally FIV

OFFENSES RELATING TO MORALS

28-802 Pandering; penalty FIV

OFFENSES INVOLVING INTEGRITY AND EFFECTIVENESS OF GOVERNMENT OPERATION

28-904* Resisting arrest; penalty; affirmative defense MI
 ● second or subsequent offense FIV
 ● use of a deadly weapon FIV

28-905* Operating a motor vehicle to avoid arrest; penalty MI
 ● fleeing arrest for violation of misdemeanor, traffic infraction or city ordinance
 ● fleeing arrest for violation of a felony FIV

28-912 Escape; official detention, defined; knowingly permitting an escape; penalty; defense to prosecution FIV/FIII

28-915 Perjury; subornation of perjury; penalty FIII

28-917 Bribery; penalty FIV

28-918 Bribery of a witness; penalty; witness receiving bribe FIV

28-919 Tampering with witnesses, informants, or jurors; penalty FIV

28-920 Bribery of a juror; penalty; juror receiving bribe; penalty FIV

29-922 Tampering with physical evidence; penalty; physical evidence, defined FIV

28-929 Assault on an officer in the first degree; penalty FII

28-930 Assault on an officer in the second degree; penalty FIII

28-931 Assault on an officer in the third degree; penalty FIV

28-932 Confined person; assault; penalty; sentence FIV/FIII

28-933 Confined person; offenses against another person; penalty; sentence FII

OFFENSES AGAINST PUBLIC PEACE, ORDER, AND DECENCY

GAMBLING

28-1102* Promoting gambling, first degree; penalty MI
 ● second offense FIV
 ● third and subsequent offense FIII

28-1105.01 Gambling debt collection; penalty FIII

OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

28-1202* Carrying a concealed weapon; penalty affirmative defense MI
 ● second or subsequent conviction FIV

28-1203 Transportation or possession of machine guns, short rifles, or short shotguns; penalty; exception FIV

28-1205 Using firearms to commit a felony; penalty; separate and distinct offense FIII

28-1206 Possession of firearms by a felon or a fugitive from justice; penalty	FIV	28-1345 Unlawful acts; harming or disturbing operations; penalties	FIV/FIII
28-1207 Possession of a defaced firearm; penalty	FIV	Noncode Provisions	
28-1208 Defacing a firearm; penalty	FIV	OFFENSES RELATING TO PROPERTY	
28-1215 Unlawful possession of explosive materials, first degree; exception; penalty	FIV	JUSTIFICATION FOR USE OF FORCE	
28-1217 Unlawful transfer of explosives; penalty	FIV	TOBACCO AND CIGARETTES	
28-1219 Obtaining a permit through false representation; penalty	FIV	MANUFACTURE AND SALE OF TOYS	
28-1220 Possession of a destructive device; penalty; permit or license for explosive materials; no defense	FIV	BUILDING REGULATIONS	
28-1221 Threatening the use of explosives; penalty	FIV	DRUGS (inclusive)	
28-1222 Using explosives to commit a felony; penalty	FIII/FII	28-1438 Legend drugs; violations; penalty (not classified as a controlled substance)	MIII
28-1223 Using explosives to damage or destroy property; penalty	FIII/FII	ILLEGAL SOLICITATION OF FUNDS	
28-1224 Using explosives to kill or injure any person; penalty	FIII/FII	CHILD PORNOGRAPHY PREVENTION ACT	
MISCELLANEOUS OFFENSES		28-1463.04 Visual depiction of sexually explicit conduct; prohibited acts; violation; penalty	FIII/FII
DEAD HUMAN BODIES		28-1463.05 Visual depiction of sexually explicit acts related to possessing violation; penalty	FIV
SPREAD OF DISEASE		OPERATION OF AIRCRAFT	
28-1307 Diseased meat; sale; penalty	FIV	28-1469 Aircraft; operation while under influence of liquor or drug; third offense; penalty	FIV
TELEPHONE COMMUNICATIONS		MISCELLANEOUS PROVISIONS	
INTERFERENCE WITH PUBLIC SERVICE COMPANY		DECEPTIVE OR MISLEADING ADVERTISING	
POLICE RADIO SYSTEM		BEVERAGE CONTAINERS	
OBSERVANCE OF BLIND PERSONS			
LOCKS AND KEYS			
PICKETING			
NUISANCES			
DISTURBING THE PEACE			
TRANSFER OF SOUNDS			
FALSE BRANDS AND MARKS			
SHOOTING FROM HIGHWAY OR BRIDGE			
COMPUTERS			
28-1344 Unlawful acts; depriving or obtaining property or services; penalties	FIV/FIII		

4. Where the value of such loss is less than \$25, by a fine of not more than \$500.

NEV. REV. STAT. §x (1985).

Criminal Classification Information

193.120 Classification of crimes.

1. A crime is an act or omission forbidden by law and punishable upon conviction by death, imprisonment, fine, or other penal discipline.
2. Every crime which may be punished by death or by imprisonment in the state prison is a felony.
3. Every crime punishable by a fine of not more than \$1,000, or by imprisonment in a county jail for not more than 6 months, is a misdemeanor.
4. Every other crime is a gross misdemeanor.

193.130 Punishment of felonies.

Every person convicted of a felony:

1. For which a term of imprisonment is provided by statute, shall be sentenced to a definite term of imprisonment which shall be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of such felony prescribed a different penalty.
2. For which no punishment is specially prescribed by statute, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

193.140 Punishment of gross misdemeanors.

Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

193.150 Punishment of misdemeanors.

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such misdemeanor prescribed a different penalty.
2. In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, if the convicted person agrees, he may be sentenced to perform a fixed period of work for the benefit of the community under the conditions prescribed in NRS 176.087.

193.155 Penalty for public offense proportionate to value of property affected or less resulting from offense.

Every person who is guilty of a public offense proportionate to the value of the property affected or the loss resulting from such offense shall be punished as follows:

1. Where the value of such loss is \$5,000 or more or where the damage results in impairment of public communication, transportation or police or fire protection, by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.
2. Where the value of such loss is \$250 or more but less than \$5,000, for a gross misdemeanor.
3. Where the value of such loss is \$25 or more but less than \$250, for a misdemeanor.

193.170 Prohibited act is misdemeanor when no penalty imposed.

Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

193.330 Punishment for attempts.

An act done with intent to commit a crime, and tending by failing to accomplish it, is an attempt to commit that crime; and every person who attempts to commit a crime, unless otherwise prescribed by statute, shall be punished as follows:

1. If a person is convicted of attempted murder or an attempt to commit a crime punishable by death or life imprisonment, the person convicted of the attempt shall be punished by imprisonment in the state prison for not less than 1 year and not more than 20 years.
2. In every other case he shall be punished by imprisonment in such manners as may be prescribed for the commission of the completed offense, for not more than half the longest term, or by a fine of not more than half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both fine and imprisonment; but nothing in this section protects a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed; and a person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

CONSPIRACY

199.480 Penalties.

1. Except as provided in subsection 2, whenever two or more persons conspire to commit murder, robbery, sexual assault, kidnapping in the first or second degree, or arson in the first or second degree, each person shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$5,000.
2. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, they shall be punished in the manner provided in NRS 207.400.
3. Whenever two or more persons conspire:
 - (a) To commit any crime other than those set forth in subsections 1 and 2, and no punishment is otherwise prescribed by law;
 - (b) Falsely and maliciously to procure another to be arrested or proceeded against for a crime;
 - (c) Falsely to institute or maintain any action or proceeding;
 - (d) To cheat or defraud another out of any property by unlawful or fraudulent means;
 - (e) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;
 - (f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or
 - (g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means, each person is guilty of a gross misdemeanor.

NEVADA CRIMINAL STATUTES

NEV. REV. STAT. § (1985).

KEY

- F = Felony
- M = Misdemeanor
- GM = Gross Misdemeanor
- SP = State Prison
- J = County Jail
- ? = Unspecified place of confinement
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = greater than, less than
- ≥, ≤ = greater than or equal, less than or equal

NOTE: Maximum term is recorded, except where a minimum (MIN.) or range is given. For classifications that are not inclusive, crimes with penalties of 6 months or less in the county jail are NOT recorded.

Statute No. and Title Class/Time

Crimes Against State Sovereignty

CRIMES AGAINST STATE SOVEREIGNTY

- 196.010 Treason; definition; penalty SP: 10 yrs.-life
- 196.030 Misprision of treason; definition; penalty SP: 1-3 yrs.

Crimes By And Against The Executive Power of the State

CRIMES BY AND AGAINST THE EXECUTIVE POWER OF THE STATE

- 197.010 Bribery of executive or administrative officer SP: 1-10 yrs.
- 197.020 Bribery of other public officers SP: 1-10 yrs.
- 197.030 Asking or receiving bribe by executive or administrative officer SP: 1-10 yrs.
- 197.040 Asking or receiving bribe by public officer or employee SP: 1-10 yrs.
- 197.050 Rebate or division of salary unlawful SP: 1-6 yrs.
- 197.060 Unlawful to agree to divide salary SP: 1-6 yrs.
- 197.150* Falsely auditing or paying claim
 - charge is \$100 or more SP: 1-10 yrs.
 - charge is less than \$100 M
- 197.170 Extortion by public officer SP: 1-10 yrs.
- 197.200* Oppression under color of office
 - physical force or threat SP: 1-6 yrs.
 - no physical force or threat GM
- 197.210* Fraudulent appropriation of property
 - property valued \$100 or more SP: 1-10 yrs.
 - property valued less than \$100 M

Crimes Against the Legislative Power

Crimes Against Public Justice

BRIBERY AND CORRUPTION

- 199.010 Bribery of judicial officer SP: 1-10 yrs.
- 199.020 Asking or receiving bribe by judicial officer SP: 1-10 yrs.
- 199.030 Jurors and others accepting bribes SP: 1-10 yrs.

RESCUES

- 199.100* Rescuing prisoner
 - rescue with sentence or charge of felony SP: 1-10 yrs.
 - rescue with sentence or charge of gross misdemeanor or misdemeanor with dangerous weapon SP: 1-6 yrs.
 - rescue with sentence or charge of gross misdemeanor or misdemeanor without dangerous weapon M

PERJURY AND SUBORDINATION OF PERJURY

- 199.120 Definition, penalties SP: 1-10 yrs.
- 199.130 False affidavit or complaint to effect arrest or search SP: 1-10 yrs.
- 199.140 Use of fictitious name on affidavit or complaint to effect arrest or search SP: 1-10 yrs.
- 199.160 Procuring the execution of innocent person by perjury or subornation of perjury SP: Life

FALSIFYING EVIDENCE

- 199.210 Offering false evidence SP: 1-10 yrs.
- 199.230* Preventing or dissuading person from testifying or producing evidence
 - physical force or threat SP: 1-6 yrs.
 - no physical force or threat GM
- 199.240 Bribing or intimidating witness to influence testimony SP: 1-10 yrs.
- 199.250 Witness accepting bribe SP: 1-10 yrs.

OTHER OFFENSES

- 199.280* Resisting public officer
 - dangerous weapon used SP: 1-6 yrs.
 - no dangerous weapon used M
- 199.290 Compounding crimes SP: 1-6 yrs.
- 199.300* Intimidating public officer, juror or referee
 - physical force or threat of force SP: 1-6 yrs.
 - no physical force or threat of force GM
- 199.305 Preventing or dissuading witness or victim from reporting crime or commencing prosecution SP: 1-6 yrs.

199.310* Malicious prosecution ● innocent accused of felony ● innocent accused of gross misdemeanor or misdemeanor	SP: 1-6 yrs. M	MAYHEM 200.320 Mayhem, definition; penalty	SP: 1-10 yrs.
199.335* Failure to appear after admission to bail ● admitted incident to prosecutor of felony ● admitted incident to prosecution of misdemeanor or gross misdemeanor	SP: 1-6 yrs. M	KIDNAPPING 200.320 Kidnapping; 1st degree ● if no bodily harm	SP: life SP: 5 yrs. - life
199.360 Fraudulent pretenses relative to birth of infant	SP: 1-10 yrs.	200.330 Kidnapping; 2nd degree 200.340 Penalty for aiding and abetting	SP: 1-15 yrs. SP: life/ 1-15 yrs.
199.370 Substitution of child	SP: 1-10 yrs.	200.359 Detention, concealment or removal of child from person having lawful custody in violation of court order: penalties; restitution	SP: 1-6 yrs.
199.460* Extortion of confession, refusing accused communication with attorney or friend ● force or threat or substantial bodily harm ● no force or threat or substantial bodily harm	SP: 1-6 yrs. GM	SEXUAL ASSAULT AND SEDUCTION (inclusive) 200.366 Sexual assault; definition; penalties	SP: life-no parole/life- parole 10 yrs. life-parole 5 yrs./5 yrs.
CONSPIRACY			
199.480* Conspiracy; penalties ● murder, robbery, sexual assault, kidnapping in 1st or 2nd degree or arson in 1st or 2nd degree ● any other than above or; false arrest of another, defraud another, institute false action, prevent exercise of one's calling or trade, any act injurious to public health morals or commerce	SP: 1-6 yrs. GM	200.368* Statutory sexual seduction; penalties ● perpetrator age ≥ 21 ● perpetrator age < 21	SP: 1-10 yrs. GM
SOLICITATION			
Crimes Against the Person			
HOMICIDE (inclusive)			
200.030 Degrees of murder; penalties ● first degree ● second degree	Death/Life Life/ SP: 5 yrs. (MIN.)	200.380 Robbery	SP: 1-15 yrs.
200.080 Punishment for voluntary manslaughter	SP: 1-10 yrs.	ATTEMPTS TO KILL 200.390 Administration of poison; penalty	SP: 1-20 yrs.
200.090* Punishment for involuntary manslaughter	SP: 1-6 yrs./ GM; J: 1 yr.	ASSAULT OR BATTERY WITH INTENT TO COMMIT A CRIME (inclusive) 200.400* Definitions; penalty ● Assault with intent to kill, commit sexual assault, mayhem, robbery or grand larceny ● Battery with intent to kill, commit sexual assault, mayhem, robbery or grand larceny	GM SP: 2-10 yrs./life
200.210 Killing unborn quick child is manslaughter; penalty	SP: 1-10 yrs.	DUELS AND CHALLENGES 200.450* Challenges to fight, penalties for fighting or acting as second when death ensues ● fight does not involve use of deadly weapon ● fight involves use of deadly weapon ● if death results	SP: 1-6 yrs. SP: 1-10 yrs.
200.220 Woman taking drugs to terminate pregnancy guilty of manslaughter; penalty	SP: 1-10 yrs.	FALSE IMPRISONMENT 200.460* Definitions; penalty ● false imprisonment ● by prison in penal institution without deadly weapon or by any other person with a deadly weapon ● prisoner in lawful custody with the use of a deadly weapon	GM SP: 1-6 yrs. SP: 2-20 yrs.
200.230 Killing by overloading passenger vehicle is manslaughter	SP: 1-10 yrs./ 1-6 yrs.		
200.240 Owner of vicious animal may become guilty of manslaughter; penalty	SP: 1-6 yrs.		
200.260 Death resulting from unlawful manufacture or storage of explosives is manslaughter; penalty	SP: 1-6 yrs.		

ASSAULT AND BATTERY (inclusive)

200.471* Assault: definition; penalties
 ● non-sexual assault or without deadly weapon GM
 ● assault with a deadly weapon SP: 1-6 yrs.

200.481* Battery: definition; penalties
 ● deadly weapon or substantial bodily harm M
 ● without deadly weapon but substantial bodily harm GM
 ● committed upon officer on duty and substantial bodily harm SP: 1-6 yrs.
 ● with deadly weapon SP: 2-10 yrs.
 ● by prisoner without deadly weapon SP: 1-6 yrs.
 ● by prisoner with deadly weapon SP: 2-20 yrs.

ABUSE AND NEGLECT OF CHILDREN

200.508* Abuse, neglect or endangerment of child penalties, definitions
 ● substantial bodily harm or mental harm SP: 1-20 yrs.
 ● physical pain or mental suffering GM

ABUSE, NEGLECT AND EXPLOITATION OF OLDER PERSONS

200.5099* Penalties
 ● abuse, neglect and exploitation M
 ● unjustifiable physical or mental pain GM
 ● substantial bodily harm SP: 1-6 yrs.

LIBEL

INTERCEPTION AND DISCLOSURE OF WIRE AND RADIO COMMUNICATIONS OR PRIVATE CONVERSATIONS

200.620 Interception and attempted interception of wire or radio communication prohibited; exceptions See below

200.630 Disclosure of contents or substance of wire or radio communication prohibited; exceptions See below

200.640 Unauthorized connection with facilities prohibited See below

200.650 Unauthorized, surreptitious intrusion of privacy by listening device prohibited See below

200.690 Penalties SP: 1-6 yrs.

USING MINORS IN PORNOGRAPHIC PERFORMANCE

200.710 Using minor in producing pornography unlawful SP: life/5 yrs.

200.720 Promotion of sexual performance of minor unlawful SP: life/5 yrs.

200.730* Possession of visual presentation depicting sexual conduct of person under 16 yrs. unlawful; penalties M
 ● second offense GM
 ● third or subsequent offense SP: 1-6 yrs.

Crimes Against Public Decency and Morals

DESERTION AND NON-SUPPORT OF SPOUSE AND CHILDREN

201.020* Penalties, intermittent sentence
 ● conduct persisted less than 6 months M
 ● conduct persisted more than 6 months GM
 ● conduct persisted more than 1 year or any subsequent offense SP: 1-6 yrs.

CONTRIBUTORY DELINQUENCY AND NEGLECT OF CHILDREN

ABORTIONS; CONCEALING BIRTH

201.120 Abortion; definition; punishment SP: 1-10 yrs.

BIGAMY, INCEST AND CRIME AGAINST NATURE

201.160 Bigamy: definition; punishment SP: 1-6 yrs.

201.170 Marrying a married person SP: 1-6 yrs.

201.180 Incest: punishment SP: 1-10 yrs.

201.190 Crimes against nature: punishment; definition SP: 1-6 yrs.

201.193 Crimes against nature: sexual penetration SP: 1-6 yrs.

201.195* Solicitation of minor to engage in acts constituting crime against nature
 ● if minor actually engaged in act SP: 1-6 yrs.
 ● if minor did not engage in act GM

LEWDNESS AND INDECENT EXPOSURE

201.210* Open or gross lewdness: penalty; limitations on parole and probation GM
 ● second or subsequent offense SP: 1-6 yrs.

201.220* Indecent or obscene exposure: penalty; limitations on parole and probation GM
 ● second or subsequent offense SP: 1-6 yrs.

201.230 Lewdness with child under 14 years; penalty; limitations on parole and probation SP: 1-10 yrs.

OBSCENITY

OBSCENE THREATENING OR ANNOYING TELEPHONE CALLS

EXHIBITION AND SALE OF OBSCENE MATERIAL TO MINORS

CRIMES AGAINST RELIGION

DESECRATION OF FLAGS

PANDERING, PROSTITUTION AND DISORDERLY HOUSES

201.300 Pandering: definition; punishment; exception SP: 1-10 yrs./
 SP: 1-6 yrs.

201.310 Pandering: placing spouse in brothel; penalties	SP: 1-10 yrs./ SP: 1-6 yrs.	202.380* Sale or possession of tear gas bombs or weapons which are not permitted under NRS 202-370 to 202-440, inclusive; penalties	
201.320 Living from earnings of prostitute	SP: 1-6 yrs.	● anyone other than a convicted person	GM
201.330 Pandering: detaining person in brothel because of debt	SP: 1-10 yrs./ SP: 1-6 yrs.	● convicted person	F
201.340 Pandering: furnishing transportation; penalties	SP: 1-10 yrs./ SP: 1-6 yrs.	PUBLIC NUISANCES	
201.360 Placing person in house of prostitution; penalties	SP: 1-10 yrs./ SP: 1-6 yrs.	MISCELLANEOUS CRIMES CONCERNING PUBLIC SAFETY	
SEXUAL PENETRATION OF DEAD HUMAN BODY		EXPLOSIVES; BOMB THREATS	
201.450 Unlawful act; penalty; limitations on parole and probation	SP: life	202.780 Transportation or receipt of explosives for unlawful purpose; penalties	SP: 2-10 yrs./ 2-20 yrs.
Crimes Against Public Health and Safety		202.810 Unlawful possession of explosives in state building; penalties	?: 6 mos.-1 yr.
MINORS AND TOBACCO OR INTOXICATING LIQUOR		202.820 Use or possession of explosives during commission of felony; penalties	SP: 1-10 yrs./ 2-20 yrs.
MISCELLANEOUS CRIMES CONCERNING PUBLIC HEALTH		202.830 Use of explosives to damage or destroy property prohibited; penalty	SP: 2-10 yrs./ 2-20 yrs.
202.170 Willful poisoning or adulterating food, water or medicine	SP: 1-10 yrs.	202.840 Bomb threats prohibited; penalties	SP: 1-6 yrs.
202.248 Use or sale of liquid silicone	SP: 1-6 yrs.	Crimes Against the Public Peace	
DANGEROUS WEAPONS AND FIREARMS		CRIMES AGAINST THE PUBLIC PEACE	
202.255* Setting spring gun or other deadly weapon		203.115 Criminal anarchy; definition, unlawful acts; penalty	SP: 1-10 yrs.
● no injury to human being	GM	203.117 Criminal syndicalism, definition; unlawful acts; penalty	SP: 1-6 yrs.
● non-fatal injuries to human being	SP: 1-6 yrs.	Crimes Against The Revenue And Property of this State	
● fatal death of human being	SP: 1-10 yrs.	CRIMES AGAINST THE REVENUE AND PROPERTY OF THIS STATE	
202.260 Unlawful possession, manufacture or disposition of explosive or incendiary device; penalty, exception	SP: 1-6 yrs.	204.020 Unlawful use of public money: amount of \$100 or more	SP: 1-10 yrs.
202.270 Destruction of building by explosives of conspirators	SP: life	204.030* Misappropriation and falsification of accounts by public officer	
202.275 Unlawful possession, manufacture or disposition of short-barrelled rifle or short-barrelled shotgun; penalty; exceptions	SP: 1-6 yrs.	● amount \$100 or more	SP: 1-10 yrs.
202.285* Discharging firearm at or into structure; vehicle, aircraft or watercraft		● amount less than \$100	M
● abandoned location	M	204.050* Misappropriation by treasurer	
● non-abandoned location	SP: 1-6 yrs.	● amount \$100 or more	SP: 1-10 yrs.
202.350* Manufacture or importation of dangerous weapon without permit, permits issued by sheriff; penalties	GM	● amount less than \$100	M
● second or subsequent offense	F: 1-6 yrs.	Crimes Against Property	
202.360 Ex-felon not to possess firearm; penalty	SP: 1-6 yrs.	ARSON (inclusive)	
TEAR GAS BOMBS AND WEAPONS		205.010 First degree	?: 1-15 yrs.
		205.015 Second degree	?: 1-10 yrs.
		205.020 Third degree	?: 1-6 yrs.

205.025 Fourth degree	?: 1 or not more than 1/2 longest sentence of attempted offense	205.235 Grand larceny: serving and removing part of realty of value of \$100 or more	SP: 1-10 yrs.
205.030 Burning or aiding or abetting burning of property with intent to defraud insurer, penalty	?: 1-6 yrs.	205.237 Grand larceny: use of card or device for automatic withdrawal or transfer of money in financial institution	SP: 1-10 yrs.
BURGLARY (inclusive)		205.240 Petit larceny: definition; punishment	M
205.060 Definition; punishment; venue	SP: 1-10 yrs.	205.245 Petit larceny: serving and removing part of realty of value less than \$100	M
205.075 Burglary with explosives	?: 1-20 yrs.	205.270 Taking property from person of another under circumstances not amounting to robbery; limitation of granting of probation or suspension of sentence	SP: 1-10 yrs.
205.080 Possession of instrument with burglarious intent; making, altering or repair of instrument for committing offense	GM	205.2705 Use of unlawful coin or cheating device in vending machine, telephone or other coin-operated device prohibited	GM
FORGERY AND COUNTERFEITING		205.2707 Theft of money or property of value of \$100 or more from vending machines; penalty; determination of value of property taken including cost to repair any damage to vending machine	SP: 1-10 yrs.
205.090 Forgery of conveyances, negotiable instruments certificates, wills and other instruments; utterance of forged instrument	SP: 1-10 yrs.		
205.100 Making, uttering or possessing with intent to utter fictitious bill, note or check	SP: 1-10 yrs.	MOTOR VEHICLES	
205.130* Issuance of check or draft without sufficient money or credit; penalties		205.273 Receiving or transferring stolen vehicles	SP: 1-10 yrs.
● one or more checks over \$100 during 90-day period	F: 1-10 yrs.		
● one or more checks less than \$100 M during 90-day period		BUYING OR RECEIVING STOLEN GOODS	
● with three misdemeanor convictions for the same	F: 1-10 yrs.	205.275* Receiving, possessing or withholding stolen goods: penalty; prima facie evidence	
● check issued as payment of wages of \$100 or more	GM	● stolen property value of \$100 or more	SP: 1-10 yrs.
205.160 Possessing or receiving forged instruments or bills	SP: 1-10 yrs.	● stolen property value less than \$100	M
205.175 Counterfeiting seals; forgery of signatures of public officers	SP: 1-10 yrs.	EMBEZZLEMENT	
205.180 Counterfeiting gold dust, bars or other articles, making or possessing instruments	SP: 1-10 yrs.	EXTORTION	
205.185 Possessing or receiving counterfeit gold dust, silver, bullion or bars	SP: 1-10 yrs.	205.320 Threats	SP: 1-10 yrs.
205.217 Unlawful reproduction or sale of sound recordings	SP: 1-6 yrs./1-10 yrs.	205.322 Collection of debt	SP: 1-10 yrs.
LARCENY (inclusive)		FRAUD, FALSE IMPERSONATION AND CHEATS	
205.220 Grand larceny: definition; punishment	SP: 1-10 yrs.	205.365* Fraudulently selling real estate twice	
205.225 Grand larceny: theft of certain animals; changing of brand or mark; killing of animal running at large; forfeiture; restitution	SP: 1-10 yrs.	● value of property \$100 or more	SP: 1-10 yrs.
		● value of property less than \$100	M
		205.370* Swindling; credit by false representations	M
		● value of goods \$100 or more	SP: 1-10 yrs.
		205.380* Obtaining money, property, rent or labor by false pretenses	
		● value of thing or labor \$100 or more	SP: 1-10 yrs.
		● value of thing or labor less than \$100	M

205.390 Obtaining signature by false pretense	SP: 1-6 yrs.	DOCUMENTS OF TITLE, BULK TRANSFERS	
205.415* Collecting for benefit without authority ● amount received or promised from sales totals \$100 or more	M SP: 1-10 yrs.	205.520* Issue of document of title for goods not received ● value of goods is \$100 or more ● value of goods is less than \$100	SP: 1-10 yrs. M
205.435 Fraudulent issue of stock	SP: 1-10 yrs.	205.540* Issue of duplicate or additional negotiable document of title not so marked ● value of goods is \$100 or more ● value of goods is less than \$100	SP: 1-10 yrs. M
205.445* Defrauding proprietor of hotel, inn restaurant, motel or similar establishment ● total value \$100 or more	M SP: 1-10 yrs.	205.570* Obtaining or negotiating document of title for goods with intent to defraud ● value of goods is \$100 or more ● value of goods is less than \$100	SP: 1-10 yrs. M
205.465* Possession or sale of document to establish false status or identity ● selling or transferring such a document ● possession of such a document	SP: 1-6 yrs. M	205.580* Inducting bailee to issue negotiable document of title when goods have not been received ● value of goods is \$100 or more ● value of goods is less than \$100	SP: 1-10 yrs. M
UNAUTHORIZED TAMPERING WITH TELEVISION OR MICROWAVE SYSTEMS			
UNLAWFUL USE OF COMPUTERS		205.590* Negotiation of document of title when goods are not in bailee's possession ● value of goods is \$100 or more ● value of goods is less than \$100	SP: 1-10 yrs. M
205.4765* Unlawful use or destruction of computer system or network ● misuse of data, program or supporting documents ● misuse of equipment or supplies ● misuse of computer, system or network ● with intent to defraud or illegally obtain property or caused damage in excess of \$500 or caused impairment of public service	M M M SP: 1-6 yrs.	CREDIT CARDS	
205.477* Unlawful use or denial of use of computer, system or network ● denies or causes denial of use of a computer ● used to obtain personal information or to enter false information about another person ● with intent to defraud or illegally obtain property	M M SP: 1-6 yrs.	205.690 Obtaining or possessing credit card without cardholder's consent; presumption from possession	SP: 1-6 yrs.
UNLAWFUL USE OF TELEPHONE OR TELEGRAPH SERVICE		205.710 Sale or purchase of credit card as security for debt	SP: 1-6 yrs.
205.480* Obtaining telephone or telegraph service with attempt to avoid payment ● value of services is \$100 or more ● value of services is less than \$100	SP: 1-10 yrs. M	205.740 Forgery of credit card; presumption from possession	F: 1-10 yrs.
CONVERSION OF RENTED OR LEASED PERSONAL PROPERTY		205.750 Unauthorized signing of credit card or related document with intent to defraud	SP: 1-10 yrs.
UNLAWFUL RECEIPT OF PAYMENTS TO OBTAIN LOAN FOR ANOTHER		205.760* Fraudulent use of credit card or number of credit amount; presumption of knowledge of revocation of card ● to obtain goods without consent of cardholders or cardholder uses expired card to obtain goods ● cardholder uses with intent to defraud and value during 6-month period \$100 or more ● cardholder uses expired card to obtain goods and value during 6-month period is less than \$100	SP: 1-10 yrs. SP: 1-10 yrs. M
205.517* Unlawful receipt of fee, salary, deposit or money to obtain loan for another ● amount less than \$100 ● amount more than \$100 but less than \$1000 ● amount more than \$1000	M GM SP: 1-6 yrs.	205.770 Fraud by person authorized to provide goods or services; credit card illegally obtained or possessed	SP: 1-6 yrs.
		205.780 Fraud by person authorized to provide goods or services; misrepresentation to insurer	SP: 1-6 yrs.
		205.790 Possession of incomplete credit cards or equipment to produce cards	SP: 1-6 yrs.

205.800 Receiving property or services obtained by unlawful use of credit card; presumption of knowledge	SP: 1-6 yrs.	453.256 Prescriptions offense ● classified in Schedule II	SP: 1-6 yrs.
CARTS USED IN RETAIL STORES AND LAUNDRIES			
Malicious Mischief			
MALICIOUS MISCHIEF			
206.260 Fraudulent and malicious destruction of writings	SP: 1-10 yrs.	453.316(1) Maintain place for sale or use of any controlled substance	J: 1 yr. or SP: 1-10 yrs.
206.300* False signals endangering cars, vessels or motors ● resulting physical injury or property damage ● others	SP: 1-10 yrs.	453.316(2) Second offense or first offense with prior felony conviction of an equivalent section in any state in the United States	SP: 2-20 yrs.
Miscellaneous Crimes			
HABITUAL CRIMINALS			
207.010 Definition; punishment; procedure; trial of primary offense	SP: 10-20 yrs./life	453.321 Prohibited acts "B"; penalties (1) Manufacture or sell controlled or counterfeit substances	See below SP: life/1-20 yrs. 5-20 yrs./15 yrs.
VAGRANTS			
REGISTRATION AND FINGERPRINTING OF CONVICTED PERSONS			
REGISTRATION OF SEX OFFENDERS			
INTERFERENCE WITH EMERGENCY COMMUNICATIONS			
DECEPTIVE ADVERTISING			
MISCELLANEOUS			
207.190* Coercion ● physical force or threat of physical force used ● no physical force or threat of physical force	SP: 1-6 yrs. M	453.323* Prohibited acts "C"; penalties (1) Sale of counterfeit Schedule I or II substance (3) Sale of counterfeit Schedule III, IV or V substance	See below J: 1 yr. or SP: 1-10 yrs. J: 1 yr. or SP: 1-6 yrs.
207.250* Unlawful sales of motor vehicles ● value of vehicle is \$100 or more	M SP: 1-6 yrs.	453.326 Prohibited acts "D"; penalties (a) Prescription violation (b) Refuse entry (c) Maintain drug haven	SP: 1-6 yrs.
207.260* Annoyance or molestation of minor ● second or subsequent offense	M SP: 1-6 yrs.	453.331 Prohibited acts "E"; penalties ● prescription violations	SP: 1-6 yrs.
207.290 Giving or accepting bribe to influence outcome of sporting event	F: 1-6 yrs.	453.332* Unlawful to manufacture, distribute, sell or possess imitation controlled substances; penalties (2) Except as provided in subsection 3 (3) Sale to minor by person over 18 years (4) Use or promotion-- first and second offense	See below M SP: 1-6 yrs. GM
207.340* Acts concerning federal food stamps; prosecution by district attorney or attorney general ● value of coupons is less than \$100M ● value of coupons is \$100 or more	SP: 1-10 yrs.	453.333 Penalties for sale of controlled substance which causes death	Punish as first degree murder
RACKETEERING			
207.400 Unlawful acts; criminal penalties	SP: 5-20 yrs.	453.334 Penalty for second or subsequent offense of sale of controlled substance to minor	SP: life
UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)			
REGULATION			
453.232 Penalty for failure to register controlled substance	SP: 1-6 yrs.	453.336* Unlawful possession not for purpose of sale; penalties (2)(a) Classified in Schedule I, II, III or IV (2)(b) Second offense or first offense with conviction of an equivalent section in any state in the United States (2)(c) Third or subsequent offense or 2 prior convictions of an equivalent offense in any state in the United States (2)(d) Classified in Schedule V (2)(e) Second or subsequent offense	See below SP: 1-6 yrs. SP: 1-10 yrs. SP: 1-20 yrs. J: 1 yr. SP: 1-6 yrs.

(3) Under 21 yrs. of age < 1 ounce of marijuana	See below	453.505 Controlled substance for which prescription not required:	GM
(3)(a) First offense	SP: 1-6 yrs. or J: 1 yr.	Violation of regulation by pharmacist; misrepresentation to pharmacist to obtain controlled substance; penalties	
(3)(b) Second offense	SP: 1-6 yrs.		
(3)(c) Third or subsequent offense	SP: 1-10 yrs.		
453.337 Unlawful possession for sale of substances classified in Schedule I or II; penalties	SP: 1-15 yrs./ 5-15 yrs. /15 yrs.	453.552 Penalties, unless otherwise provided DRUG PARAPHERNALIA	M
453.338 Unlawful possession for sale of substances classified in Schedule III, IV or V; penalties	SP: 1-6 yrs./ 1-10 yrs./ life/2-10 yrs.	453.560 Prohibitions: Unlawful delivery, sale, possession or manufacturing	SP: 1-6 yrs.
453.3385 Trafficking in controlled substances; Schedule I substances except marihuana	SP: 3-20 yrs./ life/25 yrs.	453.562 Prohibitions: Unlawful delivery to minor	SP: 1-10 yrs.
453.339 Trafficking in controlled substances; marihuana	SP: 10-20 yrs./life/ 3-20 yrs./ 15 yrs.	453.564 Prohibitions: Unlawful advertising 453.566 Prohibitions: Unlawful use or possession	M M
453.3395 Trafficking in controlled substances: Schedule II substances	SP: 3-20 yrs./ 5-20 yrs./ life/15 yrs.		

FURTHER REGULATIONS AND PROHIBITIONS

453.375 Authority to possess and administer controlled substances	See 453.421		
453.377 Authority to dispense controlled substances	See 453.421		
453.381 Limitations on prescribing, possessing, administering, transporting and dispensing controlled substances	See 453.421		
453.385 Writing and contents of prescriptions	See 453.421		
453.391 Unlawful taking or obtaining of controlled substance or prescription	See 453.421		
453.401* Conspiracy; any offense which is a felony under Uniform Controlled Substances Act	See below		
(1) Specified offenses	SP: 1-6 yrs./ 5-20 yrs.		
(3) Two or more persons conspire to possess marihuana for purpose of sale	GM		
453.411* Use or under the influence	See below		
(3)(a) Classified in Schedule I, II, III or IV	SP: 1-6 yrs.		
(3)(b) Classified in Schedule V	J: 1 yr.		
453.421 Penalties	SP: 1-6 yrs.		
453.431 Filling or refilling prescriptions: Unlawful acts; penalty	SP: 1-6 yrs.		

N.H. REV. STAT. ANN. Sx (1986 & Supp. 1986)

Criminal Classification Information

625:9 Classification of Crimes

I. The provisions of this section govern the classification of every offense, whether defined within this code or by any other statute.

II. Every offense is either a felony, misdemeanor or violation.

(a) Felonies and misdemeanors are crimes.

(b) A violation does not constitute a crime and conviction of a violation shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

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

(a) Felonies other than murder are either class A felonies or class B felonies when committed by an individual. Felonies committed by a corporation or an unincorporated association are unclassified.

(1) Class A felonies are crimes so designated by statute within or outside this code and any crime defined by statute outside of this code for which the maximum penalty, exclusive of fine, is imprisonment in excess of 7 years.

(2) Class B felonies are crimes so designated by statute within or outside this code and any crime defined outside of this code for which the maximum penalty, exclusive of fine, is imprisonment in excess of one year but not in excess of 7 years.

IV. A misdemeanor is any crime so designated by statute within or outside this code and any crime defined outside of this code for which the maximum penalty, exclusive of fine, is imprisonment not in excess of one year; provided, however, that a crime defined by statute outside of this code is a misdemeanor when committed by a corporation or an unincorporated association if the maximum fine therein provided is more than \$50 but not more than \$200.

V. A violation is an offense so designated by statute within or outside this code and, except as provided in this paragraph, any offense defined outside of this code for which there is not other penalty provided other than a fine or fine and forfeiture or other civil penalty. In the case of a corporation or an unincorporated association, offenses defined outside of this code are violations if the amount of any such fine provided does not exceed \$50.

VI. Prior to or at the time of arraignment, the state may, in its discretion, charge any offense designated a misdemeanor, as defined by paragraph IV, as a violation. In such cases the penalties to be imposed by the court shall be those provided for a violation under RSA 651:2. This paragraph shall not apply to any offense for which a statute prescribes an enhanced penalty for a subsequent conviction of the same offense.

651:2 Sentences and Limitations

I. A person convicted of a felony or misdemeanor may be sentenced to imprisonment, probation, conditional or unconditional discharge, or a fine.

II. If a sentence of imprisonment is imposed, the court shall fix the maximum thereof which is not to exceed:

(a) Fifteen years for a class A felony.

(b) Seven years for a class B felony.

(c) One year for a misdemeanor.

(d) Life imprisonment for murder in the second degree, and, in the case of a felony only, a minimum which is not to exceed 1/2 of the maximum, or if the maximum is life imprisonment, such minimum term as the court may order.

II-a. A person convicted of murder in the first degree shall be sentenced as provided in RSA 630:1-a.

II-b. A person convicted of the felonious use of a firearm, as provided in RSA 650-A:1, shall, in addition to any punishment provided for the underlying felony, be given a minimum mandatory sentence of one year imprisonment for a first offense and a minimum mandatory sentence of 3 years' imprisonment for any subsequent offense. Neither the whole nor any part of the additional sentence of imprisonment hereby provided shall be served concurrently with any other term nor shall the whole or any part of such additional term of imprisonment be suspended. No action brought to enforce sentencing under this section shall be continued for sentencing, nor shall the provisions of RSA 651-A relative to parole apply to any sentence of imprisonment imposed.

II-c. A person convicted of attempted murder shall be sentenced to a term of not more than 30 years imprisonment.

II-d. A person convicted of manslaughter shall be sentenced as provided in RSA 630:2, II.

II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of his sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

III. A person convicted of a violation may be sentenced to probation, conditional or unconditional discharge, or a fine.

IV. A fine may be imposed in addition to any sentence of imprisonment, probation, or conditional discharge. The amount of any fine imposed on:

(a) Any individual may not exceed \$2,000 for a felony, \$1,000 for a misdemeanor, and \$500 for a violation.

(b) A corporation or unincorporated association may not exceed \$50,000 for a felony, \$10,000 for a misdemeanor and \$500 for a violation. A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.

(c) If a defendant has gained property through the commission of any felony, then in lieu of the amounts authorized in paragraphs (a) and (b), the fine may be an amount not to exceed double the amount of that gain.

* * *

651:15 Sentence to State Prison

Whenever the sentence for an offense is to be imprisonment for a maximum of more than one year, the sentence shall be served in the state prison.

651:17 Year or Less

NEW HAMPSHIRE CRIMINAL STATUTES

I. Whenever a person is sentenced either

(a) For a misdemeanor under the provisions of RSA 651:2; or N.H. REV. STAT. ANN. Sx (1986 & Supp. 1986).

(b) For a felony under the provisions of RSA 651:2; KEY

or
(c) For an extended term of imprisonment under RSA 651:6, and the maximum term thereof does not exceed one year.

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

II. The sentence shall be that the offender be confined to hard labor, for the term ordered by the court, in the county house of correction, or in a jail, except where otherwise expressly provided.

INCHOATE OFFENSES

629:1 Attempt

* * *

IV. The penalty for attempt is the same as that authorized for the crime that was attempted, except that in the case of attempt to commit murder the penalty shall be as provided in RSA 651:2, II-c.

Statute No. and Title	Class/Time
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HOMICIDE (inclusive)

630:1 Capital murder	Death
630:1-a First degree murder	Life
630:1-b Second degree murder	Life or term of years
630:2 Manslaughter	30 years
630:3 Negligent homicide	FB
630:4 Causing or aiding suicide	FB

629:2 Criminal Solicitation.

* * *

IV. The penalty for criminal solicitation is the same as that authorized for the crime that was solicited, except that in the case of solicitation of murder it is a class A felony.

ASSAULT AND RELATED OFFENSES (inclusive)

631:1 First degree assault	FA
631:2 Second degree assault	FB
631:2-a Simple assault	M/violation
631:3 Reckless conduct	M
631:4* Criminal threatening ● if public building	M FB
631:5 Operating boat under influence of liquor or drugs	M
631:6 Failure to report injuries	M

629:3 Conspiracy.

* * *

IV. The penalty for conspiracy is the same as that authorized for the crime that was the object of the conspiracy, except that in the case of a conspiracy to commit murder, it is a class A felony.

SEXUAL ASSAULT AND RELATED OFFENSES (inclusive)

632-A:2 Aggravated felonious sexual assault	FA
632-A:3 Felonious sexual assault	FB
632-A:4 Sexual assault	M
632-A:5 Spouse as victim; evidence of husband and wife	Crime

INTERFERENCE WITH FREEDOM

KIDNAPPING

633:1 Kidnapping	FA/FB
633:2 Criminal restraint	FB
633:4* Interference with custody ● within state	FB M

DESTRUCTION OF PROPERTY (inclusive)

634:1 Arson	FA/FB
634:2* Criminal mischief	M
● loss > \$1,000	FB
634:3 Unauthorized use of propelled vehicle or animal	M

UNAUTOMATED ENTRIES (inclusive)

635:1 Burglary	FB/FA
635:2 Criminal trespass	M
635:3 Trespassing stock	Violation
635:4 Prescribed manner of posting	See below
635:5 Penalty	M

ROBBERY (inclusive)

636:1 Robbery	FB/FA
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THEFT (inclusive)

637:3* Theft by unauthorized taking or transfer	
● value > \$1,000	FA
● value > \$500 < \$1,000	FB
● value ≤ \$500	M
637:4* Theft by deception	
● value > \$1,000	FA
● value > \$500 < \$1,000	FB
● value ≤ \$500	M
637:5* Theft by extortion	
● value > \$1,000	FA
● value > \$500 < \$1,000	FB
● value ≤ \$500	M
637:6* Theft of lost or mislaid property	
● value > \$1,000	FA
● value > \$500 < \$1,000	FB
● value ≤ \$500	M
637:7* Receiving stolen property	
● value > \$1,000	FA
● value > \$500 < \$1,000	FB
● value ≤ \$500	M
a Possession of property without serial number	M
637:8* Theft of services	
● value > \$1,000	FA
● value > \$500 < \$1,000	FB
● value ≤ \$500	M
637:9 Unauthorized use of propelled vehicle or rented property	M
637:10* Theft by misapplication of property	
● value > \$1,000	FA
● value > \$500 < \$1,000	FB
● value ≤ \$500	M
637:11* Penalties	See above

FRAUD

638:1* Forgery	M
● if security stamp, check, etc.	FB
638:2 Fraudulent handling of recordable writings	FB
638:4* Issuing bad checks	M
● check > \$1,000	FA
● check > \$500 ≤ 1,000	FB
638:5* Fraudulent use of credit card	M
● value > \$1,000	FA
● value > \$500 ≤ 1,000	FB
638:5a* Fraudulent communications paraphernalia	
● creates, offers, transfers paraphernalia	FB
● possesses paraphernalia	M
638:7* Commercial bribery	M
● value > \$1,000	FA
● value > \$500 ≤ 1,000	FB
638:8 Sports bribery	FA/FB
638:15* Fraud on the Women, Infants, and Children (WIC) Program	M
● value > \$1,000	FA
● value > \$100 ≤ 1,000	FB
638:18* Computer crime penalties	M
● value > \$1,000	FA
● value > \$500	FB
● value ≤ \$500	M
OFFENSES AGAINST THE FAMILY	
639:1 Bigamy	FB
639:2 Incest	FB
639:3* Endangering welfare of child or incompetent	M
● violation # III	FB
639:5 Concealing death of a newborn	FB
CORRUPT PRACTICES	
640:2 Bribery in official & political matters	FB
640:3 Improper influence	FB
FALSIFICATION IN OFFICIAL MATTERS	
641:1 Perjury	FB
641:5 Tampering with witnesses and informants	FB
641:6 Falsifying physical evidence	FB
OBSTRUCTING GOVERNMENTAL OPERATIONS	
642:3* Hindering apprehension or prosecution	M
● actor knows charge to be made against others is murder or FA	FB

642:6 Escape	FA/FB	318:52-a* Fraud or Deceit	
		● if natural person	M
642:7 Implements for escape and other contraband	FB	● if other person	F
		b* Destruction of used Instruments	
642:8* Bail jumping	M	● if natural person	M
● offense is murder or FA	FB	● if other person	F
		c* Sale of hypodermic syringe	
642:9* Assaults by prisoners		● if natural person	M
● offense is simple assault	FB	● if other person	F
● mutual consent fight	M	d* Recording and Filling of Prescription	
● 1st, 2nd degree assault	FA	● if natural person	M
		● if other person	F
ABUSE OF OFFICE		e* Control or Possession of hypodermic or like instruments without prescription prohibited	
BREACHES OF THE PEACE AND OTHER RELATED OFFENSES		● if natural person	M
		● if other person	F
644:1* Riot	M	318:55* Fines and Imprisonment	See above
● deadly weapon, injury	FB		
644:3-b False fire alarm as resulting in injury or death	FB	318-B:2* Acts prohibited	See below
c Unlawful interference with fire alarm apparatus	FB	(I) manufacture, sell, compound, etc. controlled drug	
		(Ia) manufacture, sell, compound, etc. substance represented to be a controlled drug	
644:8-a* Exhibitions of fighting animals (dogs)	FB	(II) deliver, manufacture, etc. drug paraphernalia	
● birds, other animals	M	(III) advertise paraphernalia	
		(IV) --	
PUBLIC INDECENCY		(V) wrongfully obtain controlled drug	
645:2* Prostitution and related offenses	M	(VI) willfully make false statement in prescription	
● violates (b)(c)(d)(e)l	FB	(VII) falsely assume status to obtain drug	
OFFENSES AGAINST THE FLAG		(IX) affix false or forged label	
GAMBLING OFFENSES		(X) --	
SUBVERSIVE ACTIVITIES		318-B:16 Common nuisances	Deemed nuisance
648:2 Felonies	FA		
648:3 Subversive organization	FB	318-B:26* Penalties	See below
SABOTAGE PREVENTION		(I)(a) manufacture, sale of narcotic or controlled drug	FA/F
CHILD PORNOGRAPHY		(I)(b)(1) possess narcotic	F/FB/FA
649-A:3 Offenses	FA/FB	(2) possession other drugs	
OBSCENE MATTERS		● if natural person	M
		● if other person	F
650:2* Offenses		● if 2d offense	FB/F
● sells, deliver, provides materials	FB	(3) possess \geq 1 lb. cannabis	F/FB/FA
● no prior convictions	FA	(II)(a) maintain drug haven	M
● one or more prior convictions		(b) aid, abet (I)(b), (c)	M
FELONIOUS USE OF FIREARMS		(c) make paraphernalia	M
		(d) ad for paraphernalia	M
650-A:1 Felonious use of firearms	FA/FB	(III) conspiracy to violate RSA 318-B:2, II or III	FB
FELONIOUS USE OF BODY ARMOR		(IV) if no penalty specified	M
			FB/F
650-B:2 Felonious use of body armor	FB		
CONTROLLED DRUG ACT (inclusive)			
318:40 Unauthorized Use of the Word "Pharmacy," etc.	M		

N.J. STAT. ANN. § (West 1940, 1982 & Supp.1986)

Criminal Classification Information**2C:1-4. Classes of offenses**

a. An offense defined by this code or by any other statute of this State, for which a sentence of imprisonment in excess of 6 months is authorized, constitutes a crime within the meaning of the Constitution of this State. Crimes are designated in this code as being of the first, second, third or fourth degree.

b. An offense is a disorderly persons offense if it is so designated in this code or in a statute other than this code. An offense is a petty disorderly persons offense if it is so designated in this code or in a statute other than this code. Disorderly persons offenses and petty disorderly persons offenses are petty offenses and are not crimes within the meaning of the Constitution of this State. There shall be no right to indictment by a grand jury nor any right to trial by jury on such offenses. Conviction of such offenses shall not give rise to any disability or legal disadvantage based on conviction of a crime.

c. An offense defined by any statute of this State other than this code shall be classified as provided in this section or in section 2C:43-1 and, except as provided in section 2C:1-5b and chapter 43, the sentence that may be imposed upon conviction thereof shall hereafter be governed by this code. Insofar as any provision outside the code declares an offense to be a misdemeanor when such offense specifically provides a maximum penalty of 6 months imprisonment or less, whether or not in combination with a fine, such provision shall constitute a disorderly persons offense.

d. Subject to the provisions of section 2C:43-1, reference in any statute, rule, or regulation outside the code to the term "high misdemeanor" shall mean crimes of the first, second, or third degree and reference to the term "misdemeanor" shall mean all crimes.

2C:5-4. Grading of criminal attempt and conspiracy; mitigation in cases of lesser danger

a. Grading. An attempt or conspiracy to commit a crime of the first degree is a crime of the second degree. Otherwise an attempt is a crime of the same degree as the most serious crime which is attempted, and conspiracy is a crime of the same degree as the most serious crime which is the object of the conspiracy; provided that, leader of organized crime is a crime of the second degree. An attempt or conspiracy to commit an offense defined by a statute outside the code shall be graded as a crime of the same degree as the offense is graded pursuant to sections 2C:1-4 and 2C:43-1.

b. Mitigation. The court may impose sentence for a crime of a lower grade or degree if neither the particular conduct charged nor the defendant presents a public danger warranting the grading provided for such crime under subsection a. because:

(1) The criminal attempt or conspiracy charged is so inherently unlikely to result or culminate in the commission of a crime; or

(2) The conspiracy, as to the particular defendant charged, is so peripherally related to the main unlawful enterprise.

2C:43-6. Sentence of imprisonment for crime; ordinary terms; mandatory terms

a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced by imprisonment, as follows:

(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between 5 years and 10 years;

(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between 3 years and 5 years;

(4) In the case of crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.

b. As part of a sentence for any crime, where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, as set forth in subsections a. and b. of 2C:44-1, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a., or one-half of the term set pursuant to a maximum period of incarceration for a crime set forth in any statute other than this code, during which the defendant shall not be eligible for parole; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole;

c. A person who has been convicted under 2C:39-4a. of possession of a firearm with intent to use it against the person of another, or of a crime under any of the following sections: 2C:11-3, 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a firearm as defined in 2C:39-1f., shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or 3 years, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth degree.

A person who has been convicted of an offense enumerated by this subsection and who used or possessed a firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of a firearm as defined in 2C:44-3d., shall be sentenced by the court to an extended term as authorized by 2C:43-7c., notwithstanding that extended terms are ordinarily discretionary with the court.

d. The court shall not impose a mandatory sentence pursuant to subsection c., of this section, 2C:43-7c. or 2C:44-3d., unless the ground therefore has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

2C:43-8. Sentence of imprisonment for disorderly persons offenses and petty disorderly persons offenses

A person who has been convicted of a disorderly persons offense or a petty disorderly persons offense may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall not exceed 6 months in the case of a disorderly persons offense or 30 days in the case of a petty disorderly persons offense.

NEW JERSEY CRIMINAL STATUTES

N.J. STAT. ANN. §x (West 1940, 1982 & Supp.1986).

KEY

- 1st = First degree offense
- 2nd = Second degree offense
- 3rd = Third degree offense
- 4th = Fourth degree offense
- PDPO = Petty disorderly persons offense
- DPO = Disorderly persons offense
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

Statute No. and Title Class/Time

CRIMINAL HOMICIDE (inclusive)

2C:11-3 Murder	1st: 30 yrs.- life/death
2C:11-4 Manslaughter	
● aggravated	1st
● other	2nd
2C:11-5 Death by auto	3rd
2C:11-6 Aiding suicide	2nd/4th

ASSAULT; RECKLESS ENDANGERING THREATS (inclusive)

2C:12-1* Assault	
● simple	DPO/PDPO
● aggravated	2nd/3rd/4th
● auto	4th/DPO
● institutionalized elderly	4th
2C:12-2 Recklessly endangering another person	3rd/4th

2C:12-3 Terroristic threats	3rd
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KIDNAPPING AND RELATED OFFENSES: COERCION

2C:13-1 Kidnapping	1st: 15-30 yrs./2nd
2C:13-2 Criminal restraint	3rd
2C:13-3 False imprisonment	DPO
2C:13-4 Interference with custody	4th
2C:13-5 Criminal coercion	4th/3rd

SEXUAL OFFENSES (inclusive)

2C:14-2 Sexual Assault	1st/2nd
2C:14-3 Criminal Sexual contact	3rd/4th
2C:14-4 Lewdness	DPO

ROBBERY (inclusive)

2C:15-1 Robbery	1st/2nd
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ARSON, CRIMINAL MISCHIEF, AND OTHER
PROPERTY DESTRUCTION (inclusive)

2C:17-1 Arson and related offenses	3rd/4th/1st/ 2nd	- it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.	
2C:17-2 Causing or risking widespread injury or damage	2nd/3rd/4th	● if amount involved \geq \$200 but \leq \$500.	4th
2C:17-3* Criminal mischief ● if damage \leq \$500	3rd/4th DPO	● if amount involved $<$ \$200	DPO
2C:17-4 Endangering pipes transmitting certain gases	DPO	2C:20-3* Theft by unlawfully taking or disposition	
2C:17-5 Damage to pipes during excavation or discharge	DPO	● if: - amount involved \geq \$75,000	2nd
2C:17-6* Motor vehicles, removal or alteration of ID number or mark ● if value $<$ \$200	3rd/4th DPO	● if: - amount involved $>$ \$500 but $<$ \$75,000;	3rd
2C:17-7 Nuclear electric generating plant; damaging or tampering with equipment with intent to release radiation	3rd	- property stolen is a firearm, automobile, boat, horse or airplane;	
2C:17-8 Nuclear electric generating plant; damaging or tampering with equipment which results in death	1st	- property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.);	
2C:17-9 Nuclear electric generating plant; damaging or tampering with equipment which results in injury	2nd	- it is from the person of the victim;	
BURGLARY (inclusive)		- it is in breach of an obligation by a person in his capacity as a fiduciary;	
2C:18-2 Burglary	2nd/3rd	- it is by threat not amounting to extortion; or	
2C:18-3* Criminal trespass ● dwelling ● if not a dwelling ● defiant trespass--any place	4th DPO PDPO	- it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.	
THEFT AND RELATED OFFENSES (inclusive)		● if amount involved \geq \$200 but \leq \$500.	4th
2C:20-2* Consolidation of theft offenses; grading; etc. ● if: - amount involved \geq \$75,000 or if the property is taken by extortion	2nd	● if amount involved $<$ \$200	DPO
● if: - amount involved $>$ \$500 but $<$ \$75,000;	3rd	2C:20-4* Theft by deception	
- property stolen is a firearm, automobile, boat, horse or airplane;		● if: - amount involved \geq \$75,000	2nd
- property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.);		● if: - amount involved $>$ \$500 but $<$ \$75,000;	3rd
- it is from the person of the victim;		- property stolen is a firearm, automobile, boat, horse or airplane;	
- it is in breach of an obligation by a person in his capacity as a fiduciary;		- property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.);	
- it is by threat not amounting to extortion; or		- it is from the person of the victim;	
		- it is in breach of an obligation by a person in his capacity as a fiduciary;	
		- it is by threat not amounting to extortion; or	
		- it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.	
		● if amount involved \geq \$200 but \leq \$500.	4th
		● if amount involved $<$ \$200	DPO
		2C:20-5 Theft by extortion	2nd

2C:20-6* Theft of property lost, mislaid, or delivered by mistake		- it is from the person of the victim;	
● if:	2nd	- it is in breach of an obligation by a person in his capacity as a fiduciary;	
- amount involved \geq \$75,000		- it is by threat not amounting to extortion; or	
● if:	3rd	- it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.	
- amount involved $>$ \$500 but $<$ \$75,000;		● if amount involved \geq \$200 but \leq \$500.	4th
- property stolen is a firearm, automobile, boat, horse or airplane;		● if amount involved $<$ \$200	DPO
- property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.);		2C:20-8-(c)-(g) Specified offenses	DPO
- it is from the person of the victim;			
- it is in breach of an obligation by a person in his capacity as a fiduciary;		2C:20-9* Theft by failure to make required disposition of property received	
- it is by threat not amounting to extortion; or		● if:	2nd
- it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.		- amount involved \geq \$75,000	
● if amount involved \geq \$200 but \leq \$500.	4th	● if:	3rd
● if amount involved $<$ \$200	DPO	- amount involved $>$ \$500 but $<$ \$75,000;	
		- property stolen is a firearm, automobile, boat, horse or airplane;	
2C:20-7* Receiving stolen property		- property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.);	
● if:	2nd	- it is from the person of the victim;	
- amount involved \geq \$75,000		- it is in breach of an obligation by a person in his capacity as a fiduciary;	
● if:	3rd	- it is by threat not amounting to extortion; or	
- amount involved $>$ \$500 but $<$ \$75,000;		- it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.	
- property stolen is a firearm, automobile, boat, horse or airplane;		● if amount involved \geq \$200 but \leq \$500.	4th
- property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.);		● if amount involved $<$ \$200	DPO
- it is from the person of the victim;		2C:20-10 Unlawful taking of means of conveyance	DPO/PDPO
- it is in breach of an obligation by a person in his capacity as a fiduciary;			
- it is by threat not amounting to extortion; or		2C:20-11 Shoplifting	DPO
- it is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.			
● if amount involved \geq \$200 but \leq \$500.	4th	2C:20-25* Computer related theft	
● if amount involved $<$ \$200	DPO	● if:	2nd
		- amount involved \geq \$75,000 in damage/alteration to property/services or results in interruption of water/gas/power or public communication	
2C:20-8* Theft of services	See below	● if:	3rd
		- amount \geq \$75,000 in damage/alteration to data, database, computer, etc. resulting from access and reckless act	
2C:20-8(a)+(b) Specified offenses		if:	3rd
● if:	2nd	- amount \leq \$500 but $<$ \$75,000 in damage/alteration to property/services	
- amount involved \geq \$75,000		if:	4th
● if:	3rd	- amount $<$ \$500 but $<$ \$75,000 in damage/alteration to data, database, computer, etc. resulting from access and reckless act	
- amount involved $>$ \$500 but $<$ \$75,000;			
- property stolen is a firearm, automobile, boat, horse or airplane;			
- property stolen is a controlled dangerous substance as defined in P.L. 1970, c. 226 (C.24:21-1 et seq.);			

if: - amount \$7,200 but <\$500 in damage/alteration to property services	4th	2C:21-14 Receiving deposits in a failing financial institution	4th
if: amount > \$200 but < \$500 in damage/ alteration to data, database, computer, etc. resulting from access and reckless act	DPO	2C:21-15 Misapplication of entrusted property and property of government or financial insti- tution	2nd/3rd/4th
2C:20-26 Property or services of \$75,000 or more; degree of crime	See above	2C:21-16 Securing execution of documents by deception	4th
2C:20-27 Property or services between \$500 and \$75,000; degree of crime	See above	2C:21-19* Wrongful credit practices and related offenses ● falsify/fail to state credit terms ● unlawful collection practices ● false statement credit terms	2nd/3rd/4th DPO DPO DPO
2C:20-28* Property or services between \$200 and \$500; degree of crime	See above	OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS	
2C:20-29 Property or services of \$200 or less; disorderly persons offense	DPO/PDPO	2C:24-4 Endangering welfare of children	3rd/4th/2nd
2C:20-30 Damage or wrongful access to computer system; no assessable damage	3rd	2C:24-5 Willful nonsupport	4th
2C:20-31 Disclosure of data from wrongful access; no assessable damage	3rd	DOMESTIC VIOLENCE	
2C:20-32 Wrongful access to computer; lack of damage or destruction	DPO	BRIBERY AND CORRUPT INFLUENCE	
FORGERY AND FRAUDULENT PRACTICES		2C:27-2 Bribery in official and political matters	2nd/3rd
2C:21-1 Forgery & related offenses	3rd/4th	2C:27-3 Threats and other improper influence in official and political matters	3rd
2C:21-2 Criminal simulation	4th	2C:27-4 Compensation for past official behavior	2nd/3rd
2C:21-3* Frauds relating to public records and recordable instruments ● if offer for filing	3rd DPO	2C:27-5 Retaliation for past official action	4th
2C:21-4 Falsifying or tampering with records	4th/3rd	2C:27-6 Gifts to public servants	3rd
2C:21-5* Bad checks ● if < \$200	2nd/3rd/4th DPO	2C:27-7 Compensating public servant for assisting private interests in relation to matters before him	2nd/3rd
2C:21-6 Credit Cards	4th/3rd	PERJURY AND OTHER FALSIFICATION IN OFFICIAL MATTERS	
2C:21-7* Deceptive business practices ● violate (h) or (i) subsections	DPO 4th	2C:28-1 Perjury	3rd
2C:21-9 Misconduct by corporate official	2nd/3rd/4th	2C:28-2 False swearing	4th
2C:21-10 Commercial bribery & breach of duty to act disinterestedly	2nd/3rd/4th	2C:28-3* Unsworn falsification to authorities ● if falsification specifically prescribed	DPO 4th
2C:21-11* Rigging publicly exhibited contest ● if failure to report	2nd/3rd/4th DPO	2C:28-4* False reports to law enforcement authorities ● if false info on offense	4th DPO
2C:21-12 Defrauding secured creditors	4th	2C:28-5 Tampering with witnesses and information; retaliation against them	2nd/3rd
2C:21-13 Fraud in insolvency	2nd/3rd/4th	2C:28-6 Tampering with or fabricating physical evidence	4th
		2C:28-7* Tampering with public records or information ● if to defraud	DPO 3rd

**OBSTRUCTING GOVERNMENTAL OPERATIONS:
ESCAPES**

2C:29-2* Resisting arrest;
eluding officer
● if violence DPO
4th

2C:29-3* Hindering apprehension
or persecution 3rd/4th
● if committed crime DPO
< 3rd degree

2C:29-4 Compounding 2nd/3rd

2C:29-5 Escape 2nd/3rd

2C:29-6 Implements for escape;
other contraband 3rd/2nd

2C:29-7* Bail jumping; default
in required appearance 3rd/4th
● if charge DPO or PDPO DPO/PDPO

2C:29-8 Corrupting or influencing
a jury 3rd

2C:29-9 Contempt 4th

MISCONDUCT IN OFFICE: ABUSE OF OFFICE

2C:30-2 Official misconduct 2nd/3rd

2C:30-3 Speculating or wagering
on official action or information 2nd/3rd

**RIOT, DISORDERLY CONDUCT AND RELATED
OFFENSES**

2C:33-1 Riot; failure to disperse 3rd/4th

2C:33-3 False public alarms 4th

2C:33-10 Putting in fear of
violence by placement of symbol
on property 3rd

2C:33-11 Defacement of property
by placement of symbol, etc. 4th

2C:33-12* Maintaining a nuisance
● if prostitution, pornography DPO
4th

PUBLIC INDECENCY

2C:34-1* Prostitution and related
offenses PDPO
● promotion 3rd

2C:34-2 Obscenity for persons
18 years of age or older 3rd/4th

2C:34-3 Obscenity for persons
under 18 4th

2C:34-4 Public communication of
obscenity 4th

GAMBLING

2C:37-2* Promoting gambling
● certain offenses 4th
DPO

2C:37-3* Possession of gambling
records DPO
● bookmaking > \$1,000 or lottery
with > 100 chances 3rd

2C:37-4 Maintenance of a gambling
resort 4th

**FIREARMS, OTHER DANGEROUS WEAPONS
AND INSTRUMENTS OF CRIME**

2C:39-3 Prohibited weapons and
devices 3rd/4th

2C:39-4 Possession of a weapon
for unlawful purposes 2nd/3rd

2C:39-5 Unlawful possession of
weapons 3rd/4th

2C:39-7 Certain persons not
to have weapons 4th

2C:39-9 Manufacture, transport,
disposition and defacement of
weapons and dangerous instruments
and appliances 3rd/4th

2C:39-10* Violation of the
regulatory provisions relating to
firearms, etc. 3rd/4th
● if notice provision DPO

2C:39-11 Pawnbrokers; loaning
on firearms 3rd

2C:39-13 Unlawful use of
body vests 3rd

2C:39-14 Training, practice or
instruction in use, application
or making of firearm, explosive
device, etc. 3rd

OTHER OFFENSES RELATING TO PUBLIC SAFETY

2C:40-3* Hazing DPO
● if aggravated 4th

MISCELLANEOUS

RACKETEERING

2C:41-3 Criminal penalties 1st/2nd

DRUG OFFENSES (inclusive)

24:21-19* Prohibited acts See below
A--Manufacturing, distributing
or dispensing
b(1) <1 oz. Schedule High
I or II narcotic misdemeanor:
12 yrs.
b(2) >1 oz Schedule I or High
II narcotic misdemeanor:
life
b(3) other Schedule I, High
II, III or IV misdemeanor:
5 yrs.
(4) Schedule V Misdemeanor:
1 yr.

24:21-19.1 Imitation controlled
dangerous substances; distribution,
possession, manufacture; etc. 3 yrs.

24:21-20* Prohibited acts B--Possession, use, or being under influence (specified drugs)	See below
a(1) specified drugs; < 1 oz. Schedule I, II	High misdemeanor: 5 yrs.
a(2) >1 oz Schedule I or II narcotics	High misdemeanor: 7 yrs.
a(3) Schedule V	Misdemeanor: 1 year
a(4) >25 gms. marijuana/> 5 gms. hash	High misdemeanor: 5 yrs.
● < 25 gms./<5 gms.	DPO
24:21-21 Prohibited acts C--Records & order forms of registered manufacturers and distributors	High misdemeanor: 3 yrs.
24:21-22 Prohibited acts D--fraud or misrepresentation	3 yrs.
24:21-24 Attempt, endeavor and conspiracy	Maximum for offense
24:21-26 Distribution to persons under age 18	2 x penalty
24:21-29 Second or subsequent offense	2 x penalty
24:21-30 Theft of large quantities of controlled dangerous substances from legitimate registrants	High misdemeanor: 12 yrs.
24:21-47 Use or possession with intent to use-drug paraphernalia	DPO
24:21-48 Distribute, dispense or possession with intent to distribute or manufacture	4th
24:21-49 Advertising to promote sale	4th
24:21-50 Delivering drug paraphernalia to person under 18 years of age	3rd
24:21-51 Hypodermic syringe or needle prohibition of sale or distribution without prescription	DPO

Criminal Classification Information

30-1-5. Classification of crimes

Crimes are classified as felonies, misdemeanors and petty misdemeanors.

30-1-6. Classified crimes defined

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

B. A crime is a misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment in excess of six months but less than one year is authorized.

C. A crime is a petty misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment for six months or less is authorized.

30-1-7. Degrees of felonies

Felonies under the Criminal Code are classified as follows:

- A. capital felonies;
- B. first degree felonies;
- C. second degree felonies;
- D. third degree felonies; and
- E. fourth degree felonies.

A felony is a capital, first, second, third or fourth degree felony when it is so designated under the Criminal Code. A crime declared to be a felony, without specification of degree, is a felony of the fourth degree.

30-28-1. Attempt to commit a felony

Attempt to commit a felony consists of an overt act in furtherance of and with intent to commit a felony and tending but failing to effect its commission.

Whoever commits attempt to commit a felony upon conviction thereof, shall be punished as follows:

- A. if the crime attempted is a capital or first degree felony, the person committing such attempt is guilty of a second degree felony;
- B. if the crime attempted is a second degree felony, the person committing such attempt is guilty of a third degree felony;
- C. if the crime attempted is a third degree felony, the person committing such attempt is guilty of a fourth degree felony; and
- D. if the crime attempted is a fourth degree felony, the person committing such attempt is guilty of a misdemeanor.

No person shall be sentenced for an attempt to commit a misdemeanor.

30-28-2. Conspiracy

A. Conspiracy consists of knowingly combining with another for the purpose of committing a felony within or without this state.

B. Whoever commits conspiracy shall be punished as follows:

- (1) if the highest crime conspired to be committed is a capital or first degree felony, the person committing such conspiracy is guilty of a second degree felony;

(2) if the highest crime conspired to be committed is a second degree felony, the person committing such conspiracy is guilty of a third degree felony; and

(3) if the highest crime conspired to be committed is a third degree felony or a fourth degree felony, the person committing such conspiracy is guilty of a fourth degree felony.

30-28-3. Criminal solicitation; penalty

* * *

E. Any person convicted of criminal solicitation shall be punished as follows:

(1) if the highest crime solicited is a capital or first degree felony, the person soliciting such felony is guilty of a second degree felony;

(2) if the highest crime solicited is a second degree felony, the person soliciting such a felony is guilty of a third degree felony; and

(3) if the highest crime solicited is a third degree felony or a fourth degree felony, the person soliciting such felony is guilty of a fourth degree felony.

31-18-15. Sentencing authority; noncapital felonies; basic sentences and fines; parole authority

A. If a person is convicted of a noncapital felony, the basic sentence of imprisonment is as follows:

(1) for a first degree felony, eighteen years imprisonment;

(2) for a second degree felony, nine years imprisonment;

(3) for a third degree felony, three years imprisonment; or

(4) for a fourth degree felony, eighteen months imprisonment.

B. The appropriate basic sentence of imprisonment shall be imposed upon a person convicted of a first, second, third or fourth degree felony unless the court alters such sentence pursuant to the provisions of Section 31-18-15.1, 31-18-16 or 31-18-17 NMSA 1978.

C. The court shall include in the judgment and sentence of each person convicted of a first, second, third or fourth degree felony and sentenced to imprisonment in a corrections facility designated by the corrections and criminal rehabilitation department, authority for a period of parole to be served in accordance with the provisions of Section 31-21-10 NMSA 1978 after the completion of any actual time of imprisonment and authority to require, as a condition of parole, the payment of the costs of parole services in accordance with the provisions of that section. The period of parole shall be deemed to be part of the sentence of the convicted person in addition to the basic sentence imposed pursuant to Subsection A of this section together with alterations, if any, pursuant to the provisions of Section 31-18-15.1, 31-18-16 or 31-18-17 NMSA 1978.

D. The court may, in addition to the imposition of a basic sentence of imprisonment, impose a fine not to exceed:

(1) for a first degree felony, fifteen thousand dollars (\$15,000);

(2) for a second degree felony, ten thousand dollars (\$10,000); or

(3) for a third or fourth degree felony, five thousand dollars (\$5,000).

TRESPASS			30-16-16* Falsely obtaining services or accommodations; probable cause; immunity; penalty	
30-14-8 Breaking and entering	F4		● value ≤ \$100	PM
PROPERTY DAMAGE			● value > \$100, < \$2,500	F4
			● value > \$2,500	F3
30-15-1* Criminal damage to property			30-16-17 Unlawful removal of effects	PM
● damage ≤ \$1,000	PM			
● damage > \$1,000	F4			
30-15-3 Damaging insured property	F4		30-16-18* Improper sale, disposal, removal, or concealing of encumbered property	
30-15-4* Desecration of a church			● value ≤ \$100	PM
● damage ≤ \$1,000	M		● value > \$100, < \$2,500	F4
● damage > \$1,000	F4		● value > \$2,500	F3
LARCENY (inclusive)			30-16-20* Crime of shoplifting created	
30-16-1* Larceny			● value ≤ \$100	PM
● property value ≤ \$100	PM		● value > \$100, < \$2,500	F4
● property value > \$100, < \$2,500	F4		● value > \$2,500	F3
● property value > \$2,500, < \$20,000	F3		30-16-24 Appropriating trade secrets; penalty; damages	F4
● property value > \$20,000	F2			
● livestock	F3		30-16-26 Theft of a credit card by taking or retaining possession of cardtaker	F4
● firearm, value < \$2,500	F4			
30-16-2 Robbery	F3/F2/F1		30-16-27 Possession of a credit card stolen, lost, mislaid, or delivered by mistake	PM
30-16-3 Burglary	F3/F4		30-16-28 Fraudulent transfer or receipt of credit card	F4
30-16-4 Aggravated burglary	F2		30-16-29 Fraudulent taking, receiving, or transferring credit cards	M
30-16-5 Possession of burglary tools	F4		30-16-30 Dealing in credit cards of another	F3
30-16-6* Fraud			30-16-31 Forgery of a credit card	F4
● property value ≤ \$100	PM		30-16-32 Fraudulent signing of credit cards or sales slips or agreements	F4
● property value > \$100, < \$2,500	F4		30-16-33 Fraudulent use of credit cards	F4/F3
● property value > \$2,500, < \$20,000	F2		30-16-34 Fraudulent acts by merchants or their employees	F4/F3/F4/F3
● property value > \$20,000	F4		30-16-35 Possession of incomplete credit cards or machinery, plates, or other contrivances	F4
● firearm	F4		30-16-36* Receipt of property obtained in violation of act.	
30-16-7* Unlawful dealing in federal food coupons			● value ≤ \$100	PM
● value ≤ \$100	PM		● value > \$100, < \$300	F4
● value > \$100, < \$2,500	F4		● value ≥ \$300	F3
● value > \$2,500	F3		30-16-37 Obtaining fraudulently acquired transportation ticket at a discount	F4
30-16-8* Embezzlement			30-16-39* Fraudulent acts to obtain or retain possession of rented or leased vehicle or other personal property; penalty	
● value ≤ \$100	PM		● vehicle or value > \$100	F4
● value > \$100, < \$2,500	F4		● value ≤ \$100	PM
● value > \$2,500	F3			
● firearm, value < \$2,500	F4			
30-16-9 Extortion	F3			
30-16-10 Forgery	F3			
30-16-11* Receiving stolen property; penalties				
● value ≤ \$100	PM			
● value > \$100, < \$2,500	F4			
● value > \$2,500	F3			
● firearm, value < \$2,500	F4			
30-16-12 Falsely representing self as incapacitated	PM			
30-16-13 Cheating machine or device	PM			
30-16-14 Failure to label secondhand watches	PM			
30-16-15 Coercing the purchase of insurance from particular broker	PM			

30-16-40* Fraudulent refusal to return a leased vehicle or other personal property; penalty; presumption			30-19-15 Unlawful to accept for profit anything of value to be transmitted or delivered for gambling; penalty	F4
● vehicle or value > \$100	F4			
● value ≤ \$100	PM		CRIMES AGAINST PUBLIC PEACE	
30-16-41* Unauthorized recording; sale of unauthorized recordings; providing equipment for illegal recording; penalties; exemptions			30-20-8 Refusal to comply with restrictions during state of emergency; penalty	F4
● unauthorized recording	F4		30-20-11 Dueling	F4
● sells recording	M		30-20-12* Use of telephone to terrify, intimidate, threaten, harass, annoy, or offend; penalty	
● rents equipment for said purpose	M		● first offense	M
30-16-42 Manufacture, distribution, or sale of phonographic recordings without name of manufacturer and designation of featured performer or group; penalties	M		● second offense	F4
30-16-48 Crude petroleum oil; required documentation; penalty; further investigation	M		30-20-16 Bomb scares unlawful	F4
COMPUTER CRIMES			SABOTAGE AND DISLOYALTY	
30-16A-3* Computer fraud			30-21-1 Sabotage	F2
● with intent to defraud	F4		INTERFERENCE WITH LAW ENFORCEMENT	
● with intent to embezzle; value ≤ \$100	PM		30-22-4 Harboring or aiding a felon	F4
● with intent to embezzle; value > \$100, < \$2,500	F4		30-22-5 Tampering with evidence	F4
● with intent to embezzle; value > \$2,500	F3		30-22-7 Unlawful rescue	F3/F1
30-16A-4* Unauthorized computer use			30-22-8 Escape from jail	F4
● damage valued ≤ \$100	PM		30-22-9 Escape from penitentiary	F2
● damage valued > \$100, < \$2,500	F4		30-22-10 Escape from custody of police officer	F4
● damage valued > \$2,500	F3		30-22-11 Assisting escape	F3
FIRE (inclusive)			30-22-12 Furnished articles for prisoner's escape	F2
30-17-1 Improper handling of fire	PM		30-22-13 Furnishing drugs or liquor to a prisoner	F4
30-17-2 Use of engine without spark arrester	PM		30-22-14 Bringing contraband into places of imprisonment; penalties; definitions	F3/F4
30-17-4 Possession of fireworks	M		30-22-16 Possession of deadly weapon or explosive by prisoner	F2
30-17-5* Arson and negligent arson			30-22-17 Assault by prisoner	F3
● damage valued ≤ \$100	M		30-22-19 Unlawful assault on any jail	F3
● damage valued > \$100, < \$1,000	F4		30-22-22 Aggravated assault upon peace officer	F3
● damage valued > \$1,000	F3		30-22-23 Assault with intent to commit violent felony upon peace officer	F2
● negligent arson	F4		30-22-24 Battery upon peace officer	F4
30-17-6 Aggravated arson	F2		30-22-25 Aggravated battery upon peace officer	F4/F3
ANIMALS			30-22-26 Assisting in assault upon peace officer	F4
30-18-3 Unlawful branding	F4			
30-18-6 Transporting stolen livestock	F4			
30-18-9 Dog fighting; penalty	F4			
GAMBLING				
30-19-3 Commercial gambling	F4			
30-19-13 Bribery of participant in contest	F4			

MISCONDUCT BY OFFICIALS

30-23-2 Paying or receiving public money for services not rendered F4

30-23-3 Making or permitting false public voucher F4

30-23-6* Unlawful interest in a public contract
 ● value received ≤ \$50.00 M
 ● value received > \$50.00 F4

30-31-23* Controlled substances; possession prohibited
 (B)(1) Marijuana < 1 ounce M: 1 yr.
 (2) Marijuana > 1 ounce, < 8 ounces
 (3) Marijuana > 8 ounces
 (4) Controlled substance Schedule I, II, III, or IV, except phencyclidine and Schedule III narcotic
 (5) Phencyclidine or Schedule III narcotic

See below
 PM: 5 days/
 M: 1 yr.
 F4
 M: 1 yr.

BRIBERY

30-24-1 Bribery of public officer or public employee F3

30-24-2 Demanding or receiving bribe by public officer or public employee F3

30-24-3 Bribery of witness F4

30-31-24 Controlled substances; violations of administrative provisions

30-31-25 Controlled substances; prohibited acts
 ● forgery, fraud/prescription violations

F4
 F4

PERJURY AND FALSE AFFIRMATIONS

30-25-1 Perjury F4

30-31-25.1* Possession, delivery, manufacture, or delivery to a minor of drug paraphernalia prohibited
 (A) Use paraphernalia
 (B) Deliver paraphernalia
 (C) Penalties
 (D) Penalty (distribute to minor)

See below
 M: 1 yr.
 M
 F4

INTERFERENCE WITH PUBLIC RECORDS

30-26-1 Tampering with public records F4

IMITATION CONTROLLED SUBSTANCES (inclusive)

MALICIOUS PROSECUTION, ETC.

INITIATORY CRIMES

GLUES

MERCURY

30-30-1 Illegal possession of mercury F4

30-31A-4 Manufacture, distribution or [possession] of imitation controlled substances
 A-5 Sale to a minor F4
 A-6 Possession with intent to distribute an imitation controlled substance F4
 A-7 Advertisement M

FOREST FIRES

FRAUD AND FALSE DEALING

CONTROLLED SUBSTANCES (inclusive)

30-31-7 Schedule II (B) Prescription offenses; methadone See below F: 1-5 yrs.

30-31-20 Trafficking controlled substances; violation F2/F1

30-31-21 Distribution to a minor F3/F2/F1

30-31-22* Controlled or counterfeit substances; distribution prohibited
 (A)(1) Marijuana F4/F3/F2
 (2) Controlled substance in Schedule I, II, III, or IV, except schedule I or II narcotic drugs F3/F2

(3) Controlled substances in Schedule V M: 180 days-1 yr.
 (B)(1) Counterfeit substances in Schedule I, II, III, or IV F4
 (2) Counterfeit substances in Schedule V PM: 6 mos.

30-33-13* Crime to procure or attempt to procure telecommunications service without paying charge; crime to make, possess, sell, give, or transfer certain devices for certain purposes; penalty
 ● with intent to defraud, value \$100, < \$2,500 F4
 ● with intent to defraud, value \$2,500 F3
 ● with the aid of equipment M
 ● with aid of equipment, second offense F4

PUBLIC UTILITIES

WORTHLESS CHECKS

30-36-5* Unlawful issue of worthless checks, penalty
 ● amount > \$1.00, < \$25.00 J: 30 days
 ● amount > \$25.00 SP: 1-3 yrs.

SEXUALLY ORIENTED MATERIAL HARMFUL TO
MINORS

EXHIBITING OBSCENE FILMS OUTDOORS

FALSE REPORTING

PUBLIC ASSISTANCE

30-40-1* Failing to disclose
facts or change of circumstances
to obtain public assistance

- value < \$100 PM
- value > \$100, < \$2,500 F4
- value > \$2,500 F3

30-40-2* Unlawful use of food
stamp identification card or medical
identification card

- value < \$100 PM
- value > \$100, < \$2,500 F4
- value > \$2,500 F3

30-40-3* Misappropriating public
assistance

- value < \$100 PM
- value > \$100, < \$2,500 F4
- value > \$2,500 F3
- food stamp or medical
identification card F4

30-40-4 Making or permitting a
false claim for reimbursement
for public assistance services F4

30-40-6* Failure to reimburse the
department upon receipt of
third-party payment

- value < \$100 PM
- value > \$100, < \$2,500 F4
- value > \$2,500 F3

KICKBACK, BRIBE, OR REBATE

30-41-1 Soliciting or receiving
illegal kickback F4

30-41-2 Offering or paying illegal
kickback F4

RACKETEERING

30-42-4 Prohibited activities;
penalties F2/F2/
F2/F3

LOAN SHARKING

30-43-3 Making extortionate
extensions of credit F3

30-43-4 Financing extortionate
extensions of credit F3

30-43-5 Collection of extensions
of credit by extortionate means F3

Criminal Classification Information

N.Y. Penal Law §X (McKinney 1975 & Supp. 1987)

§5.5 Classifications of felonies and misdemeanors

1. Felonies. Felonies are classified, for the purpose of sentence, into five categories as follows:

- (a) Class A felonies;
- (b) Class B felonies;
- (c) Class C felonies;
- (d) Class D felonies; and
- (e) Class E felonies.

Class A felonies are subclassified, for the purpose of sentence, into two categories as follows: subclass I and subclass II, to be known as class A-I and class A-II felonies, respectively.

2. Misdemeanors. Misdemeanors are classified, for the purpose of sentence, into three categories as follows:

- (a) Class A misdemeanors;
- (b) Class B misdemeanors; and
- (c) Unclassified misdemeanors.

§5.10 Designation of offenses

1. Felonies.

(a) The particular classification or subclassification of each felony defined in this chapter is expressly designated in the section or article defining it.

(b) Any offense defined outside this chapter which is declared by law to be a felony without specification of the classification thereof, or for which a law outside this chapter provides a sentence to a term of imprisonment in excess of one year, shall be deemed a class E felony.

2. Misdemeanors.

(a) Each misdemeanor defined in this chapter is either a class A misdemeanor or a class B misdemeanor, as expressly designated in the section or article defining it.

(b) Any offense defined outside this chapter which is declared by law to be a misdemeanor without specification of the classification thereof or of the sentence therefor shall be deemed a class A misdemeanor.

(c) Except as provided in paragraph (b) of subdivision three, where an offense is defined outside this chapter and a sentence to a term of imprisonment in excess of fifteen days but not in excess of one year is provided in the law or ordinance defining it, such offense shall be deemed an unclassified misdemeanor.

3. Violations. Every violation defined in this chapter is expressly designated as such. Any offense defined outside this chapter which is not expressly designated a violation shall be defined a violation if:

(a) Notwithstanding any other designation specified in the law or ordinance defining it, a sentence to a term of imprisonment which is not in excess of fifteen days is provided therein, or the only sentence provided therein is a fine; or

(b) A sentence to a term of imprisonment in excess of fifteen days is provided for such offense in a law or ordinance enacted prior to the effective date of this chapter but the offense was not a crime prior to that date.

4. Traffic infraction. Notwithstanding any other provision this section, an offense which is defined as a "traffic infraction" shall not be deemed a violation or a misdemeanor by virtue of the sentence prescribed therefor.

§60.05 Authorized dispositions; class A, B, certain C and D felonies and multiple felony offenders

1. Applicability. This section shall govern the dispositions authorized when a person is to be sentenced upon a conviction of a class A felony, a class B felony or a class C, class D or class E felony specified herein, or when a person is to be sentenced upon a conviction of a felony as a multiple felony offender.

2. Class A felony. Except as provided in subdivisions three and four of section 70.06 of this chapter, every person convicted of a class A felony must be sentenced to imprisonment in accordance with section 70.00, unless such person is convicted of either murder in the first degree and is sentenced to death in accordance with section 60.06 or of a class A-II felony and is sentenced to probation in accordance with section 65.00.

3. Class B felony. Except as provided in subdivision six, every person convicted of a class B violent felony offense as defined in subdivision one of section 70.02, must be sentenced to imprisonment in accordance with section 70.02 must be sentenced to imprisonment in accordance with section 70.02; and, except as provided in subdivision six, every person convicted of any other class B felony must be sentenced to imprisonment in accordance with section 70.00, unless such person is convicted of a class B felony defined in article two hundred twenty and is sentenced to a period of probation for life in accordance with section 65.00.

4. Certain class C felonies. Except as provided in subdivision six, every person convicted of a class C violent felony offense as defined in subdivision one of section 70.02 must be sentenced to imprisonment in accordance with section 70.02; and, except as provided in subdivision six, every person convicted of the class C felonies of: attempt to commit any of the class B felonies of bribery in the first degree as defined in section 200.04, bribe receiving in the first degree as defined in section 200.12, conspiracy in the second degree as defined in section 105.15 and criminal mischief in the first degree as defined in section 145.12; criminal usury in the first degree as defined in section 190.42, rewarding official misconduct in the first degree as defined in section 200.22, receiving reward for official misconduct in the first degree as defined in section 200.27, criminal possession of a controlled substance in the fourth degree as defined in subdivision one, two, three, four, five, six, seven, eight, or nine of section 220.09, or criminal sale of a controlled substance in the fourth degree as defined in subdivision one or two of section 220.34, attempt to promote prostitution in the first degree as defined in section 230.32, promoting prostitution in the second degree as defined in section 230.30, arson in the third degree as defined in section 150.10, must be sentenced to imprisonment in accordance with section 70.00.

5. Certain class D felonies. Except as provided in subdivision six, every person convicted of the class D felonies of attempt to commit assault in the first degree as defined in section 120.10, or assault in the second degree as defined in section 120.05, attempt to commit a class C felony as defined in section 230.30, must be sentenced in accordance with section 70.00 or 85.00.

6. Multiple felony offender. When the court imposes sentence upon a second violent felony offender, as defined in section 70.04, or a second felony offender, as defined in section 70.06, the court must impose a sentence of imprisonment in accordance with section 70.04 or 70.06, as the case may be, unless it imposes a sentence of imprisonment in accordance with section 70.08 or 70.10.

7. Fines. Where the court imposes a sentence of imprisonment in accordance with this section, the court also may impose a fine authorized by article eighty and in such case the sentence shall be both imprisonment and a fine.

§70.00 Sentence of imprisonment for felony

1. Indeterminate sentence. Except as provided in subdivision four, a sentence of imprisonment for a felony shall be an indeterminate sentence. When such a sentence is imposed, the court shall impose a maximum term in accordance with the provisions of subdivision two of this section and the minimum period of imprisonment shall be as provided in subdivision three of this section.

2. Maximum term of sentence. The maximum term of an indeterminate sentence shall be at least three years and the term shall be fixed as follows:

(a) For a class A felony, the term shall be life imprisonment;

(b) For a class B felony, the term shall be fixed by the court, and shall not exceed twenty-five years; provided, however, that where the sentence is for a class B felony offense specified in subdivision two of section 220.44, the maximum term must be at least five years and must not exceed twenty-five years;

(c) For a class C felony, the term shall be fixed by the court, and shall not exceed fifteen years;

(d) For a class D felony, the term shall be fixed by the court, and shall not exceed seven years; and

(e) For a class E felony, the term shall be fixed by the court, and shall not exceed four years.

3. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence shall be at least one year and shall be fixed as follows:

(a) In the case of a class A felony, the minimum period shall be fixed by the court and specified in the sentence.

(i) For a class A-I felony, such minimum period shall not be less than fifteen years nor more than twenty-five years.

(ii) For a class A-II felony, such minimum period shall not be less than three years nor more than eight years four months.

(b) Where the sentence is for a class B or class C violent felony offense as defined in subdivision one of section 70.02, the minimum period shall be fixed by the court pursuant to subdivision four of section 70.02. Where the sentence is for a class B felony offense specified in subdivision two of section 220.44, the minimum period must be fixed by the court at one-third of the maximum term imposed and must be specified in the sentence. Where the sentence is for any other felony, the minimum period shall be fixed by the court and specified in the sentence and shall be not less than one year nor more than one-third of the maximum term imposed.

4. Alternative definite sentence for class D, E, and certain class C felonies. When a person, other than a second or persistent felony offender is sentenced for a class D, or class E felony, or to a class C felony specified in article two hundred twenty or article two hundred twenty-one, and the court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that it would be unduly harsh to impose an indeterminate sentence, the court may impose a definite sentence of imprisonment and fix a term of one year or less.

§70.02 Sentence of imprisonment for a violent felony offense

1. Definition of a violent felony offense. A violent felony offense is a class B violent felony offense, a class C violent felony offense, a class D violent felony offense, or a class E violent felony offense, defined as follows:

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, rape in the first degree as defined in section 130.35, sodomy in the first degree as defined in section 130.50, aggravated sexual abuse as defined in section 130.70, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, criminal possession of a dangerous weapon in the first degree as defined in section 265.04, criminal use of firearm in the first degree as defined in section 265.09, aggravated assault upon a peace officer as defined in section 120.11, and intimidating a victim or witness in the first degree as defined in section 215.17.

(b) Class C violent felony offenses: an attempt to commit any of the class B felonies set forth in paragraph (a); assault in the first degree as defined in section 120.10, burglary in the second degree as defined in section 140.25, robbery in the second degree as defined in section 160.10, criminal possession of a weapon in the second degree as defined in section 265.03 and criminal use of a firearm in the second degree as defined in section 265.08.

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); assault in the second degree as defined in section 120.05, sexual abuse in the first degree as defined in section 130.65, criminal possession of a weapon in the third degree as defined in subdivisions four and five of section 265.02, criminal sale of a firearm in the first degree as defined in section 265.12, and intimidating a victim or witness in the second degree as defined in section 215.16.

(d) Class E violent felony offenses: an attempt to commit any of the felonies of criminal possession of a weapon in the third degree as defined in subdivisions four and five of section 265.02 as a lesser included offense of that section as defined in section 220.20 of the criminal procedure law.

2. Authorized sentence.

(a) The sentence imposed upon a person who stands convicted of a class B or class C violent felony offense must be an indeterminate sentence of imprisonment. Except as provided in subdivision five of section 60.05, the maximum term of such sentence such be in accordance with the provisions of subdivision three of this section and the minimum period of imprisonment under such sentence must be accordance with subdivision four of this section.

(b) Except as provided in subdivision five of this section, the sentence imposed upon a person who stands convicted of a class D violent felony offense, other than the offenses of criminal possession of a weapon in the third degree as defined in subdivisions four and five of section 265.02 and criminal sale of a firearm in the first degree as defined in section 265.12, must be in accordance with the applicable provisions of this chapter relating to sentencing for class D felonies.

(c) Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of the class D violent felony offenses of criminal possession of a weapon in the third degree as

defined in subdivisions four and five of section 265.02, or criminal sale of a firearm in the first degree as defined in section 265.12 or the class E violent felonies of attempted criminal possession of a weapon in the third degree as defined in subdivisions four and five of section 265.02 must be a sentence to an indeterminate period of imprisonment, or, in the alternative, a definite sentence of imprisonment for a period of no less than one year, except that:

(i) the court may impose any other sentence authorized by law upon a person who has not been previously convicted in the five years immediately preceding the commission of the offense for a class A misdemeanor defined in this chapter, if the court having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that such sentence would be unduly harsh; and

(ii) the court may apply the provisions of paragraphs (b) and (c) of subdivision five of this section when imposing a sentence upon a person who has previously been convicted of a class A misdemeanor defined in this chapter in the five years immediately preceding the commission of the offense.

3. Maximum term of sentence. The maximum term of an indeterminate sentence for a violent felony offense must be fixed by the court as follows:

(a) For a class B felony, the term must be at least six years and must not exceed twenty-five years; and

(b) For a class C felony, the term must be at least four and one-half years and must not exceed fifteen years.

4. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence for a violent felony offense must be fixed by the court at one-third of the maximum term imposed and must be specified in the sentence; provided, however, that the court may impose a minimum term which is between one-third the maximum and one-half the maximum term imposed when the sentence is for a conviction of a class B armed felony offense.

5. (a) Except as provided in paragraph (b) of this section, where a plea of guilty to a class D violent felony offense is entered pursuant to section 220.10 or 220.30 of the criminal procedure law in satisfaction of an indictment charging the defendant with an armed felony, as defined in subdivision forty-one of section 1.20 of the criminal procedure law, the court must impose an indeterminate sentence of imprisonment pursuant to section 70.00.

(b) In any case in which the provisions of paragraph (a) hereof or the provisions of subparagraph (ii) of paragraph (c) of subdivision two of this section apply, the court may impose a sentence other than an indeterminate sentence of imprisonment, or a definite sentence of imprisonment for period of no less than one year, if it finds that one or more of the following factors exist: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in proof of the defendant's commission of an armed felony.

(c) The defendant and the district attorney shall have an opportunity to present relevant information to assist the court in making a determination pursuant to paragraph (b) hereof, and the court may, in its discretion, conduct a hearing with respect to any issue bearing upon such determination. If the court determines that an indeterminate sentence of imprisonment should not be imposed pursuant to the provisions of such paragraph (b), it shall make a statement on the record of the facts and circumstances upon which such determination is based. A transcript of the court's

statement, which shall set forth the recommendation of the district attorney, shall be forwarded to the state division of criminal justice services along with a copy of the accusatory instrument.

§70.04 Sentence of imprisonment for second violent felony offender

1. Definition of second violent felony offender.

(a) A second violent felony offender is a person who stands convicted of a violent felony offense as defined in subdivision one of section 70.02 after having previously been subjected to a predicate violent felony conviction as defined in paragraph (b) of this subdivision.

(b) For the purpose of determining whether a prior conviction is a predicate violent felony conviction the following criteria shall apply:

(i) The conviction must have been in this state of a class A felony (other than one defined in article two hundred twenty) or of a violent felony offense as defined in subdivision one of section 70.02, or of an offense defined by the penal law in effect prior to September first, nineteen hundred sixty-seven, which includes all of the essential elements of any such felony, or in any other jurisdiction of an offense which includes all of the essential elements of any such felony for which a sentence to a term of imprisonment in excess of one year or a sentence of death was authorized and is authorized in this state irrespective of whether such sentence was imposed;

(ii) Sentence upon such prior conviction must have been imposed before commission of the present felony;

(iii) Suspended sentence, suspended execution of sentence, a sentence of probation, a sentence of conditional discharge or of unconditional discharge, and a sentence of certification to the care and custody of the division of substance abuse services, shall be deemed to be a sentence;

(iv) Except as provided in subparagraph (v) of this paragraph, sentence must have been imposed not more than ten years before commission of the felony of which the defendant presently stands convicted;

(v) In calculating the ten year period under subparagraph (iv), any period of time during which the person who incarcerated for any reason between the time of commission of the previous felony and the time of commission of the present felony shall be excluded and such ten year period shall be extended by a period or periods equal to the time served under such incarceration;

(vi) An offense for which the defendant has been pardoned on the ground of innocence shall not be deemed a predicate violent felony conviction.

2. Authorized sentence. When the court has found, pursuant to the provisions of the criminal procedure law, that a person is a second violent felony offender the court must impose an indeterminate sentence of imprisonment. Except where sentence is imposed in accordance with the provisions of section 70.10, the maximum term of such sentence must be in accordance with the provisions of subdivision three of this section and the minimum period of imprisonment under such sentence must be in accordance with subdivision four of this section.

3. Maximum term of sentence. The maximum term of an indeterminate sentence for a second violent felony offender must be fixed by the court as follows:

(a) For a class B felony, the term must be at least twelve years and must not exceed twenty-five years;

(b) For a class C felony, the term must be at least eight years and must not exceed fifteen years;

(c) For a class D felony, the term must be at least five years and must not exceed seven years;

(d) For a class E felony, the term must be at least four years.

4. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate sentence for a second violent felony offender must be fixed by the court at one-half of the maximum term imposed and must be specified in the sentence.

§70.06 Sentence of imprisonment for second felony offender

1. Definition of second felony offender.

(a) A second felony offender is a person, other than a second violent felony offender as defined in section 70.04, who stands convicted of a felony defined in this chapter, other than a class A-I felony, after having previously been subjected to one or more predicate felony convictions as defined in paragraph (b) of this subdivision.

(b) For the purpose of determining whether a prior conviction is a predicate felony conviction the following criteria shall apply:

(i) The conviction must have been in this state of a felony, or in any other jurisdiction of an offense for which a sentence to a term of imprisonment in excess of one year or a sentence of death was authorized and is authorized in this state irrespective of whether such sentence was imposed;

(ii) Sentence upon such prior conviction must have been imposed before commission of the present felony;

(iii) Suspended sentence, suspended execution of sentence, a sentence of probation, a sentence of conditional discharge or of unconditional discharge, and a sentence of certification to the care and custody of the division of substance abuse services, shall be deemed to be a sentence;

(iv) Except as provided in subparagraph (v) of this paragraph, sentence must have been imposed not more than ten years before commission of the felony of which the defendant presently stands convicted;

(v) In calculating the ten year period under subparagraph (iv), any period of time during which the person was incarcerated for any reason between the time of commission of the previous felony and the time of commission of the present felony shall be excluded and such ten year period shall be extended by a period or periods equal to the time served under such incarceration;

(vi) An offense for which the defendant has been pardoned on the ground of innocence shall not be deemed a predicate felony conviction.

2. Authorized sentence. Except as provided in subdivision five of this section, when the court has found, pursuant to the provisions of the criminal procedure law, that a person is a second felony offender the court must impose an indeterminate sentence of imprisonment. The maximum term of such sentence must be in accordance with the provisions of subdivision three of this section and the minimum period of imprisonment under such sentence must be in accordance with subdivision four of this section.

3. Maximum term of sentence. Except as provided in subdivision five of this section, the maximum term of an indeterminate sentence for a second felony offender must be fixed by the court as follows:

(a) For a class A-II felony, the term must be life imprisonment;

(b) For a class B felony, the term must be at least nine years and must not exceed twenty-five years;

(c) For a class C felony, the term must be at least six years and must not exceed fifteen years;

(d) For a class D felony, the term must be at least four years and must not exceed seven years; and

(e) For a class E felony, the term must be at least three years and must not exceed four years.

4. Minimum period of imprisonment. (a) The minimum period of imprisonment for a second felony offender convicted of a class A-II felony must be fixed by the court at no less than six years and not to exceed twelve and one-half years and must be specified in the sentence.

(b) Except as provided in paragraph (a), the minimum period of imprisonment under an indeterminate sentence for a second felony offender must be fixed by the court at one-half of the maximum term imposed and must be specified in the sentence.

5. Lifetime probation. Notwithstanding any other provision of law the court may sentence a person convicted of a class A-II felony or a class B felony defined in article two hundred twenty of this chapter to lifetime probation in accordance with the provisions of section 65.00.

§70.08 Sentence of imprisonment for persistent violent felony offender; criteria

1. Definition of persistent violent felony offender.

(a) A persistent violent felony offender is a person who stands convicted of a violent felony offense as defined in subdivision one of section 70.02 after having previously been subjected to two or more predicate violent felony convictions as defined in paragraph (b) of subdivision one of section 70.04.

(b) For the purpose of determining whether a person has two or more predicate violent felony convictions, the criteria set forth in paragraph (b) of subdivision one of section 70.04 shall apply.

2. Authorized sentence. When the court has found, pursuant to the provisions of the criminal procedure law, that a person is a persistent violent felony offender the court must impose an indeterminate sentence of imprisonment, the maximum term of which shall be life imprisonment. The minimum period of imprisonment under such sentence must be in accordance with subdivision three of this section.

3. Minimum period of imprisonment. The minimum period of imprisonment under an indeterminate life sentence for a persistent violent felony offender must be fixed by the court as follows:

(a) For a class B felony, the minimum period must be at least ten years and must not exceed twenty-five years;

(b) For a class C felony, the minimum period must be at least eight years and must not exceed twenty-five years;

(c) For a class D felony, the minimum period must be at least six years and must not exceed twenty-five years.

§70.10 Sentence of imprisonment for persistent felony offender

1. Definition of persistent felony offender.

(a) A persistent felony offender is a person, other than a persistent violent felony offender as defined in section 70.08, who stands convicted of a felony after having previously been convicted of two or more felonies, as provided in paragraphs (b) and (c) of this subdivision.

(b) A previous felony conviction within the meaning of paragraph (a) of this subdivision is a conviction of a felony in this state, or of a crime in any other jurisdiction, provided:

(i) that a sentence to a term of imprisonment in excess of one year, or a sentence to death, was imposed therefor; and

(ii) that the defendant was imprisoned under sentence for such conviction prior to the commission of the present felony; and

(iii) that the defendant was not pardoned on the ground of innocence.

(c) For the purpose of determining whether a person has two or more previous felony convictions, two or more convictions of crimes that were committed prior to the time the defendant was imprisoned under sentence for any of such convictions shall be deemed to be only one conviction.

2. Authorized sentence. When the court has found, pursuant to the provisions of the criminal procedure law, that a person is a persistent felony offender, and when it is of the opinion that the history and character of the defendant and the nature and circumstances of his criminal conduct indicate that extended incarceration and life-time supervision will best serve the public interest, the court, in lieu of imposing the sentence of imprisonment authorized by section 70.00, 70.02, 70.04 or 70.06 for the crime of which such person presently stands convicted, may impose the sentence of imprisonment authorized by that section for a class A-1 felony. In such event the reasons for the court's opinion shall be set forth in the record.

§70.15 Sentence of imprisonment for misdemeanors and violation

1. Class A misdemeanor. (a) A sentence of imprisonment for a class A misdemeanor shall be a definite sentence. When such a sentence is imposed for an offense defined outside this chapter, and deemed to be a class A misdemeanor pursuant to section 55.10 of this chapter, the term shall be fixed by the court, and shall not exceed one year; provided, however, that when such a sentence is imposed for a class A misdemeanor defined in this chapter, the term shall be fixed by the court and shall not exceed six months, except as provided in paragraph (b), (c), (d), and (e) of this subdivision.

(b) When a definite sentence is imposed for the following class A misdemeanors, the term shall be fixed by the court, and shall not exceed one year: conspiracy in the fifth degree as defined in section 105.05; assault in the third degree, as defined in section 120.00; official misconduct as defined in section 195.00; criminal possession of a controlled substance in the seventh degree as defined in section 220.03 where the controlled substance is a narcotic drug as that term is defined in subdivision seven of section 220.00; endangering the welfare of a child as defined in section 260.10; criminal possession of a weapon in the fourth degree as defined in section 265.01 where the weapon possessed is a firearm as that term is defined in subdivision three of section 265.00; the attempt to commit criminal injection of a narcotic drug as defined in sections 110.00 and 220.46; or the attempt to commit criminal sale of a firearm in the second degree as defined in sections 110.00 and 265.11; hazing as defined in section 120.16; reckless endangerment in the second degree as defined in section 120.20; self-abortion in the first degree as defined in section 125.55; sexual misconduct as defined in section 130.20; sexual abuse in the second degree as defined in section 130.60; unlawful imprisonment as defined in section 135.05; custodial interference in the second degree as defined in section 135.45; coercion in the second degree as defined in section 135.60; possession of usurious loan records as defined in section 190.45; promoting prison contraband in the second degree as defined in section 205.20; tampering with a witness as defined in section 215.10; tampering with a juror as defined in section 215.25; misconduct by a juror as defined in section 215.30; compounding a crime as defined in section 215.45; obscenity in the second degree as defined in section 235.05; riot in the second degree as defined in section 240.05; inciting to riot as defined in section 240.08; divulging eaves-

dropping device as defined in section 250.25¹ or aggravated harassment in the second degree as defined in section 240.30.

(c) A sentence of imprisonment imposed upon a conviction for criminal possession of a weapon in the fourth degree as defined in subdivision one of section 265.01 must be for a period of no less than one year when the conviction was the result of a plea of guilty entered in satisfaction of an indictment or any count thereof charging the defendant with the class D violent felony offense of criminal possession of a weapon in the third degree as defined in subdivision four of section 265.02, except that the court may impose any other sentence authorized by law upon a person who has not been previously convicted in the five years immediately preceding the commission of the offense for a felony or a class A misdemeanor defined in this chapter, if the court having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that such sentence would be unduly harsh.

(d) When a definite sentence is imposed for a class A misdemeanor upon a person who is a second crime offender as defined in subdivision one of section 400.14 of the criminal procedure law, the term shall be fixed by the court, and shall not exceed one year.

(e) (i) When a definite sentence is imposed for a class A misdemeanor upon a person who was charged with a felony in a felony complaint which was reduced, with the consent of defendant, pursuant to paragraph (b) of subdivision two of section 180.50 of the criminal procedure law upon agreement or understanding that the defendant will plead guilty to a class A misdemeanor and that the district attorney will forgo prosecution of every felony charged in the felony complaint, the term shall be fixed by the court, and shall not exceed one year.

(ii) When a definite sentence is imposed for a class A misdemeanor upon a person who was charged with a felony in a felony complaint which was reduced pursuant to subdivision three of section 180.70 of the criminal procedure law upon agreement or understanding that the defendant will plead guilty to a class A misdemeanor and that the district attorney will forgo prosecution of every felony charged in the felony complaint, the term shall be fixed by the court, and shall not exceed one year.

(iii) When a definite sentence is imposed for a class A misdemeanor upon a person, charged with a felony in an indictment or superior court information, who pleads guilty to a class A misdemeanor upon the agreement or understanding that the district attorney will forgo prosecution of every felony charged within the indictment or information, the term shall be fixed by the court, and shall not exceed one year.

2. Class B misdemeanor. A sentence of imprisonment for a class B misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed three months.

3. Unclassified misdemeanor. A sentence of imprisonment for an unclassified misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall be in accordance with the sentence specified in the law or ordinance that defines the crime.

4. Violation. A sentence of imprisonment for a violation shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed fifteen days.

¹So in original. Should possibly read "divulging eavesdropping warrant as defined in section 250.20."

In the case of a violation defined outside this chapter, if the sentence is expressly specified in the law or ordinance that defines the offense and consists solely of a fine, no term of imprisonment shall be imposed.

§110.05 Attempt to commit a crime; punishment

An attempt to commit a crime is a:

1. Class A-I felony when the crime attempted is the A-I felony of murder in the first degree, criminal possession of a controlled substance in the first degree or criminal sale of a controlled substance in the first degree;
2. Class A-II felony when the crime attempted is a class A-II felony;
3. Class B felony when the crime attempted is a class A-I felony except as provided in subdivision one hereof;
4. Class C felony when the crime attempted is a class B felony;
5. Class D felony when the crime attempted is a class C felony;
6. Class E felony when the crime attempted is a class D felony;
7. Class A misdemeanor when the crime attempted is a class E felony;
8. Class B misdemeanor when the crime attempted is a misdemeanor.

NEW YORK CRIMINAL STATUTES

NY PENAL LAWS § X (McKinney 1975 & Supp. 1987)

KEY

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

Statute No. and Title	Class/Time
TITLE G - ANTICIPATORY OFFENSES	
Article 100 - Criminal Solicitation	
100.00 Criminal Solicitation in the fifth degree	Violation
100.05 Criminal Solicitation in the fourth degree	MA
100.08 Criminal Solicitation in the third degree	FE
100.10 Criminal Solicitation in the second degree	FD
100.13 Criminal Solicitation in the first degree	FC
Article 105 - Conspiracy	
105.00 Conspiracy in the sixth degree	MB
105.05 Conspiracy in the fifth degree	MA
105.10 Conspiracy in the fourth degree	FE
105.13 Conspiracy in the third degree	FD
105.15 Conspiracy in the second degree	FB
105.17 Conspiracy in the first degree	FA-I
Article 115 - Criminal Facilitation	
115.00 Criminal facilitation in the fourth degree	MA
115.01 Criminal facilitation in the third degree	FE
115.05 Criminal facilitation in the second degree	FC
115.08 Criminal facilitation in the first degree	FB

TITLE H - OFFENSES AGAINST THE PERSON INVOLVING PHYSICAL INJURY, SEXUAL CONDUCT, RESTRAINT AND INTIMIDATION

Article 120 - Assault and Related Offenses (inclusive)

120.00 Assault in the third degree	MA
120.03 Vehicular assault in the second degree	FE
120.04 Vehicular assault in the first degree	FD
120.05 Assault in the second degree	FD
120.10 Assault in the first degree	FC
120.11 Aggravated assault upon a police officer or a peace officer	FB
120.15 Menacing	MB
120.16 Hazing	MA
120.20 Reckless endangerment in the second degree	MA
120.25 Reckless endangerment in the first degree	FD
120.30 Promoting a suicide attempt	FE

Article 125 - Homicide, Abortion and Related Offenses (inclusive)

125.10 Criminally negligent homicide	FE
125.12 Vehicular manslaughter in the second degree	FD
125.13 Vehicular manslaughter in the first degree	FC
125.15 Manslaughter in the second degree	FC
125.20 Manslaughter in the first degree	FB
125.25 Murder in the second degree	FA-I
125.27 Murder in the first degree	FA-I/death
125.40 Abortion in the second degree	FE
125.45 Abortion in the first degree	FD
125.50 Self-abortion in the second degree	MB
125.55 Self-abortion in the first degree	MA
125.60 Issuing abortion articles	MB

Article 130 - Sex Offenses (inclusive)

130.20 Sexual misconduct	MA
130.25 Rape in the third degree	FE
130.30 Rape in the second degree	FD
130.35 Rape in the first degree	FB
130.38 Consensual sodomy	MB
130.40 Sodomy in the third degree	FE
130.45 Sodomy in the second degree	FD
130.50 Sodomy in the first degree	FB
130.55 Sexual abuse in the third degree	MB
130.60 Sexual abuse in the second degree	MA
130.65 Sexual abuse in the first degree	FD
130.70 Aggravated sexual abuse	FB

Article 135 - Kidnapping, Coercion and Related Offenses

135.10 Unlawful imprisonment in the first degree	FE
135.20 Kidnapping in the second degree	FB
135.25 Kidnapping in the first degree	FA-I
135.50 Custodial interference in the first degree	FE
135.55 Substitution of children	FE
135.65 Coercion in the first degree	FD

TITLE I - OFFENSES INVOLVING DAMAGE TO AND INTRUSION UPON PROPERTY

Article 140 - Burglary and Related Offenses (inclusive)

140.05 Trespass	Violation
140.10 Criminal trespass in the third degree	MB
140.15 Criminal trespass in the second degree	MA
140.17 Criminal trespass in the first degree	FD
140.20 Burglary in the third degree	FD
140.25 Burglary in the second degree	FC
140.30 Burglary in the first degree	FB
140.35 Possession of burglar's tools	MA

140.40 Unlawful possession of radio devices	MB	Article 165 - Other Offenses Related to Theft (inclusive)	
Article 145 - Criminal Mischief and Related Offenses		165.00 Misapplication of property	MA
145.05 Criminal mischief in the third degree	FE	165.05 Unauthorized use of a vehicle in the third degree	MA
145.10 Criminal mischief in the second degree	FD	165.06 Unauthorized use of a vehicle in the second degree	FE
145.12 Criminal mischief in the first degree	FB	165.07 Unauthorized use of secret scientific materials	FE
145.20 Criminal tampering in the first degree	FD	165.08 Unauthorized use of a vehicle in the first degree	FD
145.45 Tampering with a consumer product in the first degree	FE	165.09 Auto stripping in the second degree	MA
Article 150 - Arson (inclusive)		165.10 Auto stripping in the first degree	FE
150.05 Arson in the fourth degree	FE	165.15 Theft of services	MA/violation
150.10 Arson in the third degree	FC	165.17 Unlawful use of a credit card	MA
150.15 Arson in the second degree	FB	165.20 Fraudulently obtaining a signature	MA
150.20 Arson in the first degree	FA-I	165.25 Jostling	MA
TITLE J - OFFENSES INVOLVING THEFT		165.30 Fraudulent accosting	MA
Article 155 - Larceny (inclusive)		165.35 Fortune telling	MB
155.25 Petit larceny	MA	165.40 Criminal possession of stolen property in the fifth degree	MA
155.30 Grand larceny in the fourth degree	FE	165.45 Criminal possession of stolen property in the fourth degree	FE
155.35 Grand larceny in the third degree	FD	165.50 Criminal possession of stolen property in the third degree	FD
155.40 Grand larceny in the second degree	FC	165.52 Criminal possession of stolen property in the second degree	FC
155.42 Grand larceny in the first degree	FB	165.54 Criminal possession of stolen property in the first degree	FB
Article 156 - Offenses Involving Computers; Definition of Terms [New] (inclusive)		TITLE K - OFFENSES INVOLVING FRAUD	
156.05 Unauthorized use of a computer	MA	Article 170 - Forgery and Related Offenses	
156.10 Computer trespass	FE	170.10 Forgery in the second degree	FD
156.20 Computer tampering in the second degree	MA	170.15 Forgery in the first degree	FC
156.25 Computer tampering in the first degree	FE	170.25 Criminal possession of a forged instrument in the second degree	FD
156.30 Unlawful duplication of computer related material	FE	170.30 Criminal possession of a forged instrument in the first degree	FC
156.35 Criminal possession of computer related material	FE	170.40 Criminal possession of forgery devices	FD
Article 160 - Robbery (inclusive)		170.60 Unlawfully using slugs in the first degree	FE
160.05 Robbery in the third degree	FD	170.65 Forgery of a vehicle identification number	FE
160.10 Robbery in the second degree	FC		
160.15 Robbery in the first degree	FB		

170.70 Illegal possession of a vehicle identification number	FE	190.65 Scheme to defraud in the first degree	FE
Article 175 - Offenses Involving False Written Statements		TITLE L - OFFENSES AGAINST PUBLIC ADMINISTRATION	
175.10 Falsifying business records in the first degree	FE	Article 195 - Official Misconduct and Obstruction of Public Servants Generally	
175.25 Tampering with public records in the first degree	FD	195.07 Obstructing governmental administration in the first degree	FE
175.35 Offering a false instrument for filing in the first degree	FE	195.20 Defrauding the government	FE
175.40 Issuing a false certificate	FE	Article 200 - Bribery Involving Public Servants and Related Offenses	
Article 176 - Insurance Fraud		200.00 Bribery in the third degree	FD
176.15 Insurance fraud in the fourth degree	FE	200.03 Bribery in the second degree	FC
176.20 Insurance fraud in the third degree	FD	200.04 Bribery in the first degree	FB
176.25 Insurance fraud in the second degree	FC	200.10 Bribe receiving in the third degree	FD
176.30 Insurance fraud in the first degree	FB	200.11 Bribe receiving in the second degree	FC
Article 180 - Bribery Not Including Public Servants and Related Offenses		200.12 Bribe receiving in the first degree	FB
180.03 Commercial bribery in the first degree	FE	200.20 Rewarding official misconduct in the second degree	FE
180.08 Commercial bribe receiving in the first degree	FE	200.22 Rewarding official misconduct in the first degree	FC
180.15 Bribing a labor official	FD	200.25 Receiving reward for official misconduct in the second degree	FE
180.25 Bribe receiving by a labor official	FD	200.27 Receiving reward for official misconduct in the first degree	FC
180.40 Sports bribing	FD	200.45 Bribe giving for public office	FD
180.45 Sports bribe receiving	FE	200.50 Bribe receiving for public office	FD
180.51 Tampering with a sports contest in the first degree	FE	Article 205 - Escape and Other Offenses Relating to Custody	
180.52 Impairing the integrity of a pari-mutual betting system in the second degree	FE	205.10 Escape in the second degree	FE
180.53 Impairing the integrity of a pari-mutual betting system in the first degree	FD	205.15 Escape in the first degree	FD
Article 185 - Frauds on Creditors		205.17 Absconding from temporary release in the first degree	FE
Article 190 - Other Frauds		205.19 Absconding from a community treatment facility	FE
190.26 Criminal impersonation in the first degree	FE	205.25 Promoting prison contraband in the first degree	FD
190.30 Unlawfully concealing a will	FE	205.60 Hindering prosecution in the second degree	FE
190.40 Criminal usury in the second degree	FE	205.65 Hindering prosecution in the first degree	FD
190.42 Criminal usury in the first degree	FC		

Article 210 - Perjury and Related Offenses		220.16 Criminal possession of a controlled substance in the third degree	FB
210.10 Perjury in the second degree	FE	220.18 Criminal possession of a controlled substance in the second degree	FA-II
210.15 Perjury in the first degree	FD	220.21 Criminal possession of a controlled substance in the first degree	FA-I
210.40 Making an apparently sworn false statement in the first degree	FE	220.31 Criminal sale of a controlled substance in the fifth degree	FD
Article 215 - Other Offenses Relating to Judicial and Other Proceedings		220.34 Criminal sale of a controlled substance in the fourth degree	FC
215.00 Bribing a witness	FD	220.39 Criminal sale of a controlled substance in the third degree	FB
215.05 Bribe receiving by a witness	FD	220.41 Criminal sale of a controlled substance in the second degree	FA-II
215.11 Tampering with a witness in the third degree	FE	220.43 Criminal sale of a controlled substance in the first degree	FA-I
215.12 Tampering with a witness in the second degree	FD	220.44 Criminal sale of a controlled substance in or near school grounds	FB
215.13 Tampering with a witness in the first degree	FB	220.45 Criminally possessing a hypodermic instrument	MA
215.15 Intimidating a victim or witness in the third degree	FE	220.46 Criminal injection of a drug	FE
215.16 Intimidating a victim or witness in the second degree	FD	220.50 Criminally using drug paraphernalia in the second degree	MA
215.17 Intimidating a victim or witness in the first degree	FB	220.55 Criminally using drug paraphernalia in the first degree	FD
215.19 Bribing a juror	FD	220.60 Criminal possession of precursors of controlled substances	FE
215.20 Bribe receiving by a juror	FD	220.65 Criminal sale of a prescription for a controlled substance	FC
215.40 Tampering with physical evidence	FE	Article 221 - Offenses Involving Marijuana (inclusive)	
215.51 Criminal contempt in the first degree	FE	221.05 Unlawful possession of marijuana	Violation
215.56 Bail jumping in the second degree	FE	221.10 Criminal possession of marijuana in the fifth degree	MB
215.57 Bail jumping in the first degree	FD	221.15 Criminal possession of marijuana in the fourth degree	MA
215.70 Unlawful grand jury disclosure	FE	221.20 Criminal possession of marijuana in the third degree	FE
TITLE M - OFFENSES AGAINST PUBLIC HEALTH AND MORALS		221.25 Criminal possession of marijuana in the second degree	FD
Article 220 - Controlled Substances Offenses (inclusive)		221.30 Criminal possession of marijuana in the first degree	FC
220.03 Criminal possession of a controlled substance in the seventh degree	MA		
220.06 Criminal possession of a controlled substance in the fifth degree	FD		
220.09 Criminal possession of a controlled substance in the fourth degree	FC		

221.35 Criminal sale of marijuana in the fifth degree	MB	TITLE O - OFFENSES AGAINST MARRIAGE, THE FAMILY, AND THE WELFARE OF CHILDREN AND INCOMPETENTS	
221.40 Criminal sale of marijuana in the fourth degree	MA	Article 255 - Offenses Affecting the Marital Relationship	
221.45 Criminal sale of marijuana in the third degree	FE	255.13 Bigamy	FE
221.50 Criminal sale of marijuana in the second degree	FD	255.25 Incest	FE
221.55 Criminal sale of marijuana in the first degree	FC	Article 260 - Offenses Relating to Children and Incompetents	
Article 225 - Gambling Offenses		260.00 Abandonment of a child	FE
225.10 Promoting gambling in the first degree	FE	Article 263 - Sexual Performance by a Child	
225.20 Possession of gambling records in the first degree	FE	263.05 Use of a child in a sexual performance	FC
Article 230 - Prostitution Offenses		263.10 Promoting an obscene sexual performance by a child	FD
230.05 Patronizing a prostitute in the second degree	FE	263.15 Promoting a sexual performance by a child	FD
230.06 Patronizing a prostitute in the first degree	FD	TITLE P - OFFENSES AGAINST PUBLIC SAFETY	
230.25 Promoting prostitution in the third degree	FD	Article 265 - Firearms and Other Dangerous Weapons	
230.30 Promoting prostitution in the second degree	FC	265.02 Criminal possession of a weapon in the third degree	FD
230.35 Promoting prostitution in the first degree	FB	265.03 Criminal possession of a weapon in the second degree	FC
Article 235 - Obscenity and Related Offenses		265.04 Criminal possession of a weapon in the first degree	FB
235.06 Obscenity in the second degree	FE	265.08 Criminal use of a firearm in the second degree	FC
235.07 Obscenity in the first degree	FD	265.09 Criminal use of a firearm in the first degree	FB
235.21 Disseminating indecent materials to minors	FE	265.10* Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances	
TITLE N - OFFENSES AGAINST PUBLIC ORDER, PUBLIC SENSIBILITIES AND THE RIGHT TO PRIVACY		● Manufacture of a machine gun	FD
Article 240 - Offenses Against Public Order		● Manufacture of a switchblade, billy, bludgeon, etc.	MA
240.06 Rioting in the first degree	FE	● Transport of a machine gun or firearm silencer	FD
240.15 Criminal anarchy	FE	● Transport of a firearm, switchblade, etc.	MA
240.31 Aggravated harassment in the first degree	FE	● Disposal of machine gun, firearm silencer	FD
240.60 Falsely reporting an incident in the first degree	FE	● Knowingly buy machine gun, or firearm with defaced identity number	FD
Article 245 - Offenses Against Public Sensibilities		● Disposal of knuckles, switchblade, MA etc.	
Article 250 - Offenses Against the Right to Privacy		- second offense	FD
250.05 Eavesdropping	FE	● Selling same to person less than 16 years old	MA
		● Willfully defaces machine gun, firearm	FD
		● Disposal of same without notifying authorities	MA
		265.11 Criminal sale of a firearm in the second degree	FE
		265.12 Criminal sale of a firearm in the first degree	FD

- 265.35* Prohibited use of weapons
- Hunting with dangerous weapon within city limits MA
 - Fire at airplane, train FD/FE
 - Pointing a gun at others, shooting within school range, harming others without malice MA

Article 270 - Other Offenses Relating to Public Safety

- 270.20 Unlawful wearing of a body vest FE

Article 275 - Offenses Relating to Unauthorized Recording of Sound

- 275.05 Manufacture of unauthorized recording of sound FE

TITLE W - PROVISIONS RELATING TO FIREARMS, FIREWORKS, PORNOGRAPHY EQUIPMENT AND VEHICLES USED IN THE TRANSPORTATION OF GAMBLING RECORDS

Article 400 - Licensing and Other Provisions Relating to Firearms

Article 405 - Licensing and Other Provisions Relating to Fireworks

Article 410 - Seizure and Forfeiture of Equipment Used in Promoting Pornography

Article 415 - Seizure and Forfeiture of Vehicles, Vessels and Aircraft Used to Transport or Conceal Gambling Records

Article 420 - Seizure and Destruction of Unauthorized Recordings of Sound and Forfeiture of Equipment Used in the Production Thereof

Article 450 - Disposal of Stolen Property

TITLE X - ORGANIZED CRIME CONTROL ACT

Article 460 - Enterprise Corruption [New]

- 460.20 Enterprise corruption FB

N.C. GEN. STAT. § (1986)

Criminal Classification Information

§14-1 Felonies and misdemeanors defined

A felony is a crime which:

- (1) Was a felony at common law
 - (2) Is or may be punishable by death;
 - (3) Is or may be punishable by imprisonment in the State's prison; or
 - (4) Is designated as a felony by statute.
- Any other crime is a misdemeanor.

§14-1.1 Punishment for felonies occurring on and after July 1, 1981

(a) For felonies that occur on or after the effective date of Article 81A of Chapter 15A [July 1, 1981] of the General Statutes, the following punishments shall be applicable:

- (1) A Class A felony shall be punishable by death or life imprisonment as provided by Article 100 of Chapter 15A of the General Statutes;
 - (2) A Class B felony shall be punishable by life imprisonment;
 - (3) A Class C felony shall be punishable by imprisonment up to 50 years, or by life imprisonment, or a fine, or both imprisonment and fine;
 - (4) A Class D felony shall be punishable by imprisonment up to 40 years, or a fine or both;
 - (5) A Class E felony shall be punishable by imprisonment up to 30 years, or a fine or both;
 - (6) A Class F felony shall be punishable by imprisonment up to 20 years, or a fine or both;
 - (7) A Class G felony shall be punishable by imprisonment up to 15 years, or a fine or both;
 - (8) A Class H felony shall be punishable by imprisonment up to 10 years, or a fine or both;
 - (9) A Class I felony shall be punishable by imprisonment up to five years, or a fine or both;
 - (10) A class J felony shall be punishable by imprisonment up to three years, or a fine or both;
- (b) A felony not assigned by statute to any felony class shall be punishable as a Class J felony.

§14-2.4 Punishment for conspiracy to commit a felony

Unless a different punishment is expressly stated, a person who is convicted of a conspiracy to commit a felony is guilty:

- (1) Of a Class J felony if the felony he conspired to commit was a Class H, I or J felony;
- (2) Of a Class H felony if the felony he conspired to commit was any other class of felony.

§14-3 Punishment of misdemeanors, infamous offenses, offenses committed in secrecy and malice or with deceit and intent to defraud

(a) Except as provided in subsection (b), every person who shall be convicted of any misdemeanor for which no specific punishment is prescribed by statute shall be punishable by fine, by imprisonment for a term not exceeding two years, or by both, in the discretion of the court.

(b) If a misdemeanor offense as to which no specific punishment is prescribed be infamous, done in secrecy and malice, or with deceit and intent to defraud, the offender shall, except where the offense is a conspiracy to commit a misdemeanor, be guilty of a Class H felony.

§14-4 Violation of local ordinances misdemeanor

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, or town, he shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00), or imprisoned for not more than 30 days.

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

§15A-1340.4. Presumptive punishment for felony other than Class A or Class B felony; prior felony convictions; consideration of aggravating and mitigating factors; written findings

(f) Unless otherwise specified by statute, presumptive prison terms for felonies classified under Chapter 14 and any other specific penalty statutes are as follows:

- (1) For a Class C felony, imprisonment for 15 years.
- (2) For a Class D felony, imprisonment for 12 years.
- (3) For a Class E felony, imprisonment for 9 years.
- (4) For a Class F felony, imprisonment for 6 years.
- (5) For a Class G felony, imprisonment for 4 1/2 years.
- (6) For a class H felony, imprisonment for 3 years.
- (7) For a Class I felony, imprisonment for 2 years.
- (8) For a Class J felony, imprisonment for 1 year.

NORTH CAROLINA CRIMINAL STATUTES

N.C. GEN. STAT. §x (1986).

KEY

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

Statute No. and Title Class/Time

PRINCIPALS AND ACCESSORIES

- 14-5.2 Accessory before fact punishable as principal FB
- 14-7 Accessories after the fact; trial and punishment FH

HABITUAL FELONS

- 14-7.1 Persons defined as habitual felons F
- 14-7.6 Sentencing of habitual felons FC/7 yrs./14 yrs.

Offenses Against the State

REBELLION

- 14-8 Rebellion against the state FG
- 14-9 Conspiring to rebel against the state FH

SUBVERSIVE ACTIVITIES

- 14-12* Punishment for violations
 - first offense M
 - second offense FH
- 14-12.1 Certain subversive activities made unlawful FH

PROHIBITED SECRET SOCIETIES AND ACTIVITIES

- 14-12.15 Punishment for violation of article FI

COUNTERFEITING AND ISSUING MONETARY SUBSTITUTES

- 14-13 Counterfeiting coin and uttering coin that is counterfeit FH
- 14-14 Possessing tools for counterfeiting FH

ENDANGERING EXECUTIVE AND LEGISLATIVE OFFICERS

- 14-6.6 Assault on executive or legislative officer FH/FG/FF
- 14-16.7 Threats against executive or legislative officers FJ

Offenses Against the Person

HOMICIDE (inclusive)

- 14-17 Murder in the first and second degree defined; punishment
 - first degree Death/life in prison
 - second degree FC
- 14-18 Punishment for manslaughter
 - voluntary manslaughter FF
 - involuntary manslaughter FH
- 14-20 Killing adversary in duel; aiders and abettors declared accessories FC

RAPE AND OTHER SEX OFFENSES (inclusive)

- 14-27.2 First-degree rape FB
- 14-27.3 Second-degree rape FD
- 14-27.4 First-degree sexual offense FB
- 14-27.5 Second-degree sexual offense FD
- 14-27.6 Penalty for attempt
 - first degree rape/sexual offense FF
 - second degree rape/sexual offense FH
- 14-27.7 Intercourse and sexual offenses with certain victims; consent no defense FG

ASSAULTS (inclusive)

- 14-28 Malicious castration FD
- 14-29 Castration or other maiming without malice aforethought FH
- 14-30 Malicious maiming FH
- 14-30.1 Malicious throwing of corrosive acid or alkali FH
- 14-31 Maliciously assaulting in a secret manner FF
- 14-32 Felonious assault with deadly weapon with intent to kill or inflicting serious injury; punishments FF/FH
- 14-32.1* Assaults on handicapped persons; punishments
 - deadly weapon/serious injury FG
 - any aggravated assault and battery FI
 - simple assault and battery M
- 14-33 Misdemeanor assaults, batteries and affrays, simple and aggravated; punishment M/30 days-2 yrs.
- 14-34 Assaulting by pointing gun M: 6 mos.
- 14-34.1 Discharging certain barreled weapons or a firearm into occupied property FH

14-34.2 Assault with a firearm or other deadly weapon upon law-enforcement officer, fireman, or emergency medical services personnel	FI	14-56.1* Breaking into or forcibly opening coin or currency-operated machines ● forcibly break; unauthorized use	M
HAZING		● previous conviction	FH
KIDNAPPING AND ABDUCTION		14-56.2 Damaging or destroying coin or currency-operated machines	M
14-39 Kidnapping	FD/FE	14.56.3* Breaking into paper currency machines ● first conviction	M
14-41 Abduction of children	FG	● with previous conviction	FH
14-42 Conspiring to abduct children	FG	14-57 Burglary with explosives	FE
14-43 Abduction of married women	FH	ARSON AND OTHER BURNINGS (inclusive)	
14-43.3 Felonious restraint	FJ	14-58 Punishment for arson	FC/FD
ABORTION AND KINDRED OFFENSES		14-58.2 Burning of mobile home, manufactured-type house or recreational trailer house	F
14-44 Using drugs or instruments to destroy unborn child	FH	14-59 Burning of certain public buildings	FE
14-45 Using drugs or instruments to produce miscarriage or injure pregnant woman	FI	14-60 Burning of schoolhouses or buildings of educational institutions	FE
LIBEL AND SLANDER		14-61 Burning of certain bridges and buildings	FE
MALICIOUS INJURY OR DAMAGE BY USE OF EXPLOSIVE OR INCENDIARY DEVICE OR MATERIAL		14-62 Burning of churches and certain other buildings	FE
14-49 Malicious use of explosive or incendiary; attempt; punishment	FE	14-62.1 Burning of building or structure in process of construction	FE
14-49.1 Malicious damage of occupied property by use of explosive or incendiary; attempt; punishment	FC	14-63 Burning of boats and barges	FH
14-50 Conspiracy to injure or damage by use of explosive or incendiary; punishment	FG	14-64 Burning of gin houses and tobacco houses	FH
Offenses Against the Habitation and Other Buildings		14-65 Fraudulently setting fire to dwelling houses	FH
BURGLARY AND OTHER HOUSEBREAKINGS (inclusive)		14-66 Burning of personal property	FH
14-51 First and second degree burglary	F	14-67 Attempting to burn dwelling houses and certain other buildings	FH
14-52 Punishment for burglary	FC/FD	14-67.1 Burning or attempting to burn other buildings	FH
14-53 Breaking out of dwelling house burglary	FD	14-68 Failure of owner of property to comply with orders of public authorities	M
14-54* Breaking or entering buildings generally ● intent to commit any felony, larceny ● wrongfully breaks and enters	FH M	14-69 Failure of officers to investigate incendiary fires	M
14-55 Preparation to commit burglary or other housebreakings	FH	14-69.1 Making a false report concerning destructive device	M
14-56 Breaking or entering into or breaking out of railroad cars, motor vehicles, trailers, aircraft, boats, or other water craft	FI	14-69.2 Perpetrating hoax by use of false bomb or other device	M

Offenses Against Property		ROBBERY (inclusive)	
LARCENY (inclusive)		14-87 Robbery with firearms or other dangerous weapons	FD
14-70 Distinctions between grand and petit larceny abolished; punishment; accessories to larceny	F	14-87.1 Punishment for common-law robbery and attempted common-law robbery	FH
14-71 Receiving stolen goods	F	14-88 Train robbery	FF
14-71.1 Possessing stolen goods	F	14-89 Attempted train robbery	FF
14-72 Larceny of property; receiving stolen goods or possessing stolen goods not exceeding \$400.00 in value	FH	14-89.1 Safecracking	FH
14-72.1 Concealment of merchandise in mercantile establishments	M	EMBEZZLEMENT	
14-72.2* Unauthorized use of a motor-propelled conveyance		14-90 Embezzlement of property received by virtue of office or employment	FH
• unauthorized use of aircraft	FI	14-91 Embezzlement of state property by public officers and employees	FF
• all other unauthorized use of motor-propelled conveyance	M	14-92 Embezzlement of funds by public officers and trustees	FH
14-72.3 Removal of shopping cart from shopping premises	M: 30 days	14-94 Embezzlement by officers of railroad companies	FH
14-74 Larceny by servants and other employees	FH	14-95 Conspiring with officers of railroad companies to embezzle	FH
14-75.1 Larceny of secret technical processes	FH	14-96 Embezzlement by insurance agents and officers	F; punish as larceny
14-76 Larceny, mutilation, or destruction of public records and papers	M	14-98 Embezzlement by surviving partner	FH
14-76.1 Mutilation or defacement of records and papers in the N.C. archives	M: 2 yrs.	14-99 Embezzlement of taxes by officers	FI
14-77 Larceny, concealment or destruction of wills	M	FALSE PRETENSES AND CHEATS	
14-78 Larceny of ungathered crops	M: fine	14-100 Obtaining property by false pretenses	FH
14-78.1 Trading for corn without permission of owner of premises	M: 6 mos.	14-101 Obtaining signatures by false pretenses	FI
14-79 Larceny of ginseng	FI	OBTAINING PROPERTY OR SERVICES BY FALSE OR FRAUDULENT USE OF CREDIT DEVICE OR OTHER MEANS	
14-80* Larceny of wood and other property from land		FINANCIAL TRANSACTION CARD CRIME ACT	
• if done with felonious intent	F	14-113.17 Punishment and penalties	FJ
• if not done with felonious intent	M	FRAUDS	
14-81 Larceny of horses, mules, swine and cattle	FH	14-118.4 Extortion	FH
14-82 Taking horses or mules for temporary purposes	M: 6 mos.	FORGERY	
14-85 Pursuing or injuring livestock with intent to steal	F	14-120 Uttering forged paper or instrument containing a forged endorsement	FI
14-86 Destruction or taking of soft drink bottles	M: 6 mos.	14-121 Selling of certain forged securities	FI
		14-122 Forgery of deeds, wills and certain other instruments	FI

14-123 Forging names to petitions and uttering forged petitions	FI	14-202.1 Taking indecent liberties with children	FH
14-124 Forging certificate of corporate stock and uttering forged certificates	FI	ADULT ESTABLISHMENTS	
14-125 Forgery of bank notes and other instruments by connecting genuine parts	F	PROSTITUTION	
Criminal Trespass		Offenses Against Public Justice	
TRESPASSES TO LAND AND FIXTURES		PERJURY	
14-136* Setting fire to grass and brushlands and woodlands		14-209 Punishment for perjury	FH
● intentionally set fires	M: prison 1 yr.	14-210 Subornation of perjury	F
● intent to damage property	FI	14-211 Perjury before legislative committees	FH
● second and subsequent offenses	FH	14-212 Perjury in court-martial proceedings	FH
14-141 Burning or otherwise destroying crops in the field	FI	14-213 False death statement of insurance company	FH
14-149 Desecrating, plowing over or covering up graves	FI	14-214 False statement to procure benefit of insurance policy or certificate	FI
TRESPASSING UPON POSTED PROPERTY TO HUNT, FISH OR TRAP		14-215 False oath to statement required of fraternal benefit societies	FH
14-163 Poisoning livestock	FH	14-216 False oath to certificate of mutual fire insurance company	FH
TRESPASSES TO PERSONAL PROPERTY		BRIBERY	
VEHICLES AND DRAFT ANIMALS -- PROTECTION OF BAILOR AGAINST ACTS OF BAILEE		14-217 Bribery of officials	FI
REGULATING THE LEASING OF STORAGE BATTERIES		14-218 Offering bribes	FI
Offenses Against Public Morality and Decency		14-220 Bribery of jurors	FH
OFFENSES AGAINST PUBLIC MORALITY AND DECENCY		OBSTRUCTING JUSTICE	
14-177 Crime against nature	FH	14-221 Breaking or entering jails with intent to injure prisoners	FG
14-178 Incest between certain near relatives	FG	14-221.1 Altering, destroying, or stealing evidence of criminal conduct	FI
14-190.1 Obscene literature and exhibitions	FJ	14-221.2 Altering court documents or entering unauthorized judgments	FH
14-190.6 Employing or permitting minor to assist in offense under article	FI	14-225.2* Harassment of and communication with jurors	
14-190.7 Dissemination to minors under the age of 16 years	FI	● harass, intimidate juror's spouse	FI
14-190.8 Dissemination to minors under age of 13	FH	● as result of prior official action, threatens former juror or spouse	M
14-190.16 First degree sexual exploitation of a minor	FG	14-233 Making of false report by bank examiners; accepting bribes	FH
14-190.17 Second degree sexual exploitation of a minor	FH	SECRET LISTENING	
14-190.18 Promoting prostitution of a minor	FG	MISCONDUCT IN PUBLIC OFFICE	
14-190.19 Participating in prostitution of a minor	FH	MISCONDUCT IN PRIVATE OFFICE	
		14-253* Failure of certain railroad officers to account with successors	F
		● conspiring with president	M

14-254 Malfeasance of corporation officers	FG	14-288.8 Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions	FI
PRISON BREACH AND PRISONERS			
14-256* Prison breach and escape from county or municipal confinement facilities or officers	M	14-288.9* Assault on emergency personnel; punishments	
● if break from jail, prison	M	● any person who commits assault on emergency personnel	M
● convicted of felony and serving sentence	FJ	● any person who commits assault on emergency personnel with or without the use of any dangerous weapon or substance	FI
14-258 Conveying messages and weapons to or trading with convicts and other prisoners	FH	14-288.20 Certain weapons at civil disorders	FI
14-258.2 Possession of dangerous weapon or poison	FH	General Police Regulations	
14-258.3 Taking of hostage, etc. by prisoner	FI	LOTTERIES, GAMING, BINGO, AND RAFFLES	
14-259* Harboring or aiding certain persons		MARATHON DANCES AND SIMILAR ENDURANCE CONTESTS	
● if hidden person charged of misdemeanor	M	PROTECTION OF MINORS	
● if hidden person charged of felony	FI	14-318.4 Child abuse a felony	FH
CUSTODIAL INSTITUTIONS			
Offenses Against the Public Peace		14-320 Transporting child outside the state with intent to violate custody order	FJ
OFFENSES AGAINST THE PUBLIC PEACE			
Offenses Against the Public Safety		PROTECTION OF THE FAMILY	
OFFENSES AGAINST THE PUBLIC SAFETY			
14-278 Willful injury to property of railroads	FH	14-322.1 Abandonment of child or children for six months	FI
14-282 Displaying false lights on seashore	FH	ALCOHOLIC BEVERAGES	
14-282.2 Dumping of toxic substances	FH	14-329* Manufacturing, trafficking in, transporting, or possessing poisonous alcoholic beverages	
RIOTS AND CIVIL DISORDERS			
14-288.2* Riot; inciting to riot; punishments		● manufacturing	FH
● willfully engage in riot	M	● transport or possess	M
● property damage > \$1500; or serious bodily injury; or person has dangerous weapon or substance	FI	CRUELTY TO ANIMALS	
● willfully incite riot so danger of riot created	M	14-363* Animal fights, other than cock fights, and animal baiting	
● willfully incites or urges others to riot, property damage > \$1500 or some bodily injury	FH	(a) promote, conduct fighting	M
		(b) owns, trains animals	M: 1 yr.
		(c) participate in fight	M: 6 mos.
		(d) person who commits offense under (a) within 3 years of previous offense	FJ
		PROTECTION OF LIVESTOCK RUNNING AT LARGE	
		14-367 Altering the brands and misbranding another's livestock	F; punish as larceny
		PROTECTION OF ATHLETIC CONTESTS	
14-288.6* Looting; trespass during emergency		14-373 Bribery of players, managers, coaches, referees, umpires or officials	FH
● trespass during emergency	M		
● trespass during emergency and damages, ransacks, destroys property of another	FI	14-374 Acceptance of bribes by players, managers, coaches, referees, umpires or officials	FH

14-377 Intentional losing of athletic contest or limiting margin of victory or defeat	FH	CONTROLLED SUBSTANCES ACT (inclusive)	
MISCELLANEOUS POLICE REGULATIONS		90-95* Violations; penalties	See below
14-398* Theft or destruction of property of public libraries, museums, etc.		(b) manufacture, sale and delivery	FH/FI
● steal, take, retain,	M	(c) same for counterfeit	FI
destroy property ≤ \$50		(d)(1) possess Schedule I	FI
● property > \$50	FH	(2) possess Schedule II, III, IV	M: 2 yrs.
14-401.11* Distribution of certain food at Halloween and all other times prohibited		● certain quantities	FI
● any person violating provisions	M	(3) possess Schedule V	M: 6 mos.
● where actual effect on person eating food would be greater than mild physical discomfort without any lasting effect	FH	(4) possess Schedule VI	M: 30 days
● any person violating 65:14-1401(a)3	FD	● for hashish/marijuana	General M
SALE OF WEAPONS IN CERTAIN COUNTIES		● for same, larger quantities	FI
OTHER FIREARMS		(e)(3) if penalty is 2 years + second offense	FI
SALE, ETC., OF PYROTECHNICS		(4) if penalty is 6 months + second offense	M: 2 yrs.
THE FELONY FIREARMS ACT		(5) sale to minor	FE
14-415.1 Possession of firearms, etc., by felon prohibited	FI	(7) if suspended sentence + second offense	M: 6 mos.
HANDLING OF POISONOUS REPTILES		(h) trafficking in marijuana, methaqualone, cocaine, and opiates	FH MIN. 5 yrs./ FG MIN. 7 yrs./ FF MIN. 14 yrs./ FD MIN. 35 yrs./ FE MIN. 18 yrs./ FC MIN. 45 yrs.
DEBT ADJUSTING		90-95.1 Continuing criminal enterprise	FC
USE, SALE OF GLUE		90-98 Attempt and conspiracy; penalties for offense	MAX. penalty
RECORDS, TAPES, ETC.		90-108* Prohibited acts; penalties	M
PUBLIC INTOXICATION		● if intentional violation	FI
COMPUTER-RELATED CRIME		TOXIC VAPORS ACT (inclusive)	
14-454* Accessing computers		90-113.13 Violation a misdemeanor	M
(a) access or cause to be accessed any computer or system to defraud; obtaining materials other than educational testing material	FH	DRUG PARAPHERNALIA (inclusive)	
(b) if access or cause to be accessed for reasons other than given in (a)	M	90-113.22 Possession of drug paraphernalia	M: 1 yr.
14-455* Damaging computers and related materials		90-113.23* Manufacture or delivery of drug paraphernalia	M: 2 yrs.
● willfully alters, damages, destroys computer	FH	● over 18 delivers to one under 18 and 3 years younger	FI
● Destroy any computer software, program, data, etc.	M	90-113.24 Advertisement of drug paraphernalia	M: 6 mos.
14-457 Extortion	FH		

N.D. CENT. CODE §x (1981, 1985 & Supp. 1985)

Criminal Classification Information

12.1-32-01 Classification of offenses - Penalties

Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

1. Class AA felony, for which a maximum penalty of life imprisonment may be imposed. Notwithstanding the provisions of section 12-59-05, a person found guilty of a class AA felony shall not be eligible to have his sentence considered by the parole board for thirty years, less sentence reduction earned for good conduct, after his admission to the penitentiary.
2. Class A felony, for which a maximum penalty of twenty years' imprisonment, a fine of ten thousand dollars, or both, may be imposed.
3. Class B felony, for which a maximum penalty of ten years' imprisonment, a fine of ten thousand dollars, or both, may be imposed.
4. Class C felony, for which a maximum penalty of five years' imprisonment, a fine of five thousand dollars, or both, may be imposed.
5. Class A misdemeanor, for which a maximum penalty of one year's imprisonment, a fine of one thousand dollars, or both, may be imposed.
6. Class B misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of five hundred dollars, or both, may be imposed.
7. Infraction, for which a maximum fine of five hundred dollars may be imposed. Any person convicted of an infraction who has, within one year prior to commission of the infraction of which he was convicted, been previously convicted of an offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint shall specify that the offense is a misdemeanor.

This section shall not be construed to forbid sentencing under section 12.1-32-09, relating to extended sentences.

12.1-32-02.1 Minimum prison terms for armed offenders

Notwithstanding any other provisions of this title, minimum terms of imprisonment shall be imposed upon an offender and served without benefit of parole when, in the course of committing an offense, he inflicts or attempts to inflict bodily injury upon another, or threatens or menaces another with imminent bodily injury with a dangerous weapon, an explosive, or a firearm. Such minimum penalties shall apply only when possession of a dangerous weapon, an explosive, or a firearm has been charged and admitted or found to be true in the manner provided by law, and shall be imposed as follows:

1. If the offense for which the offender is convicted is a class A or class B felony, the court shall impose a minimum sentence of four years' imprisonment.
2. If the offense for which the offender is convicted is a class C felony, the court shall impose a minimum sentence of two years' imprisonment.

This section applies even when being armed is an element of the offense for which the offender is convicted.

12.1-06-01 Criminal attempt

* * *

3. Criminal attempt is an offense of the same class as the offense attempted, except that (a) an attempt to commit a class AA felony is a class A felony and an attempt to commit a class A felony is a class B felony; and (b) whenever it is established by a preponderance of the evidence at sentencing that the conduct constituting the attempt did not come dangerously close to commission of the crime, an attempt to commit a class B felony shall be a class C felony and an attempt to commit a class C felony shall be a class A misdemeanor.

12.1-06-02 Criminal facilitation

* * *

3. Facilitation of a class A felony is a class C felony. Facilitation of a class B or class C felony is a class A misdemeanor.

12.1-06-03 Criminal solicitation

* * *

4. Criminal solicitation is an offense of the class next below that of the offense solicited.

12.1-06-04 Criminal conspiracy

* * *

6. Conspiracy is an offense of the same class as the crime which was the objective of the conspiracy.

NORTH DAKOTA CRIMINAL STATUTES

N.D. CENT. CODE Sx (1981, 1985 & Supp. 1985).

KEY

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

Statute No. and Title Class/Time

CRIMINAL ATTEMPT - FACILITATION - SOLICITATION - CONSPIRACY

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

- 12.1-06.1-02 Leading organized crime - classification FB
- 12.1-06.1-03 Illegal control of an enterprise - illegally conducting an enterprise FB
- 12.1-06.1-08 Computer fraud - classification FB/FC

TREASON - FLAG DESECRATION

- 12.1-07.01 Treason FA

OBSTRUCTION OF LAW ENFORCEMENT - ESCAPE

- 12.1-08-02* Preventing arrest or discharge of other duties
 - prevent arrest for misdemeanor MA
 - prevent arrest for FA, FB, FC FC
- 12.1-08-03* Hindering law enforcement
 - conduct of other constitutes FAA, FA, FB FC
- 12.1-08-04* Aiding consummation of crime
 - conduct of other is FA or FB FC
 - conduct of other is FC or MA MA
- 12.1-08-05* Failure to appear after release - bail jumping
 - actor charged with felony MA
 - FC

- 12.1-08-06* Escape
 - uses firearm MA
 - uses force FB
 - FC

- 12.1-08-08 Inciting or leading riot in detention facilities FC

- 12.1-08-09 Introducing or possessing contraband useful for escape FC/FB

TAMPERING AND UNLAWFUL INFLUENCE

- 12.1-09-01 Tampering with witnesses and informants in proceedings FC

- 12.1-09-02 Tampering with informants in criminal investigations FC

- 12.1-09-03 Tampering with physical evidence FC

CONTEMPT, OBSTRUCTION OF JUDICIAL PROCESS

PERJURY - FALSIFICATION - BREACH OF DUTY

- 12.1-11-01 Perjury FC

- 12.1-11-05* Tampering with public records
 - public servant FC
 - other person MA

BRIBERY - UNLAWFUL INFLUENCE OF PUBLIC SERVANTS

- 12.1-12-01 Bribery FC

- 12.1-12-02 Illegal influence between legislators or between legislators and governor FC

- 12.1-12-06 Threatening public servants FC

- 12.1-12-07 Sports bribery FC

- 12.1-12-08 Commercial bribery FC

CONFIDENTIAL INFORMATION - CONFLICT OF INTEREST - IMPERSONATION

- 12.1-13-01 Disclosure of confidential information provided to government FC

DEFAMATION - INTERCEPTION OF COMMUNICATIONS

- 12.1-15-02* Interception of wire or oral communications - eavesdropping
 - intentionally intercepts FC
 - secretly loiters MA

- 12.1-15-03* Traffic in intercepting devices
 - manufacture, assemble, etc. FC
 - place advertisement, etc. MA

HOMICIDE (inclusive)

- 12.1-16-01 Murder FAA/FA

- 12.1-16-02 Manslaughter FB

- 12.1-16-03 Negligent homicide FC

ASSAULTS, THREATS, COERCION - HARASSMENT (inclusive)

- 12.1-17-01* Simple assault
 - peace officer/correctional inst. employee MB
 - FC

- 12.1-17-01.1 Assault MA

- 12.1-17-02 Aggravated assault FC

- 12.1-17-03* Reckless endangerment
 - risk of death MA
 - FC

12.1-17-04	Terrorizing	FC	12.1-22-03* Criminal trespass	
12.1-17-05	Menacing	MA	● remain in dwelling	FC
12.1-17-06	Criminal coercion	MA	● exclude intruders	MA
12.1-17-07	Harassment	MA/MB	● trespass notice given by actual communication	MB
KIDNAPPING			12.1-22-04 Breaking into or concealment within a vehicle	FB/FC
12.1-18-01	Kidnapping	FA/FB	12.1-22-05 Stowing away	MA
12.1-18-02	Felonious restraint	FC	THEFT AND RELATED OFFENSES (inclusive)	
SEX OFFENSES (inclusive)			12.1-23-02* Theft of property	
12.1-20-03	Gross sexual imposition	FA/FB	● if property/services > \$10,000 or acquired via threat to commit FA/FB or inflict serious bodily injury	FB
12.1-20-04	Sexual imposition	FC/FB	● FC if:	FC
12.1-20-05	Corruption or solicitation of minors	MA	(a) value > \$500	
12.1-20-06	Sexual abuse of wards	MA	(b) acquired by threat and done by public servant or > \$50	
12.1-20-07	Sexual assault	MA/MB	(c) value > \$50 and acquired by public servant in duties	
12.1-20-08	Fornication	MA/MB	(d) a firearm, ammunition, explosive, auto, aircraft, or other motor-propelled vehicle	
12.1-20-09	Adultery	MA	(e) government file, etc. stolen from office or public servant	
12.1-20-10	Unlawful cohabitation	MB	(f) defendant in business of buying stolen property	
12.1-20-11	Incest	FC	(g) property related to money	
12.1-20-12	Deviate sexual act	MA	(h) livestock	
12.1-20-12.1	Indecent exposure	MB	(i) key to property	
12.1-20-13	Bigamy	FC	● all other	MA/MB
DAMAGING PROPERTY OR PUBLIC SERVICES (inclusive)			12.1-23-03* Theft of services	
12.1-21-01	Arson	FB	● if property/services > \$10,000 or acquired via threat to commit FA/FB or inflict serious bodily injury	FB
12.1-21-02	Endangering by fire or explosion	FB/FC	● FC if:	FC
12.1-21-03	Failure to control or report a dangerous fire	MA	(a) value > \$500	
12.1-21-03.1	Negligent act resulting in fire - penalty	MB	(b) acquired by threat and done by public servant or > \$50	
12.1-21-04	Release of destructive forces	FB/FC	(c) value > \$50 and acquired by public servant in duties	
12.1-21-05*	Criminal mischief	MB	(d) a firearm, ammunition, explosive, auto, aircraft, or other motor-propelled vehicle	
● intentionally cause loss		FC	(e) government file, etc. stolen from office or public servant	
● recklessly cause loss		MA	(f) defendant in business of buying stolen property	
12.1-21-06*	Tampering with or damaging a public service	MB	(g) property related to money	
● intentional conduct		FC	(h) livestock	
● reckless conduct		MA	(i) key to property	
ROBBERY - BREAKING AND ENTERING OFFENSES (inclusive)			● all other	MA/MB
12.1-22-01	Robbery	FA/FB/FC	12.1-23-04* Theft of property lost, mislaid, or delivered by mistake	
12.1-22-02	Burglary	FB/FC	● if property/services > \$10,000 or acquired via threat to commit FA/FB or inflict serious bodily injury	FB
			● FC if:	FC
			(a) value > \$500	
			(b) acquired by threat and done by public servant or > \$50	
			(c) value > \$50 and acquired by public servant in duties	

(d) a firearm, ammunition, explosive, auto, aircraft, or other motor-propelled vehicle		12.1-27.2-03 Promoting or directing an obscene sexual performance by a child	FB
(e) government file, etc. stolen from office or public servant		12.1-27.2-04 Promoting a sexual performance by a child	FC
(f) defendant in business of buying stolen property		GAMBLING AND RELATED OFFENSES	
(g) property related to money		12.1-28-02* Gambling - related offenses - classification of offenses	
(h) livestock		● participate in lottery	MA
(i) key to property		● engage in gambling	FC
● all other	MA/MB		
12.1-23-05 Grading of theft offenses	See above	PROSTITUTION	
12.1-23-06* Unauthorized use of a vehicle	MA	12.1-29-01* Promoting prostitution	MA
● value > \$5,000	FC	● under §§6 or c(1)	FC
12.1-23-07 Misapplication of entrusted property	MA	12.1-29-02* Facilitating prostitution	MA
12.1-23-08* Defrauding secured creditors	MA	● intentionally cause prostitution	FC
● value > \$500	FC	SUNDAY CLOSING LAWS	
12.1-23-08.1 Removal of identification marks	MA	DISORDERLY CONDUCT - USURY - TOBACCO TO MINORS	
12.1-23-08.2 Possession of altered property	MA	12.1-31-02 Engaging in or financing criminal usury business	FC
12.1-23-08.3 Dealing in stolen property	FC/FB	DRUG PARAPHERNALIA (inclusive)	
12.1-23-08.4 Duplication of keys	MB	12.1-31.1-03 Unlawful possession of drug paraphernalia	MA
THEFT OF CABLE TV		12.1-31.1-04 Unlawful manufacture or delivery of drug paraphernalia	MA
FORGERY AND COUNTERFEITING		12.1-31.1-05 Unlawful delivery of drug paraphernalia to a minor	FC
12.1-24-01* Forgery or counterfeiting	MA	12.1-31.1-06 Unlawful advertisement of drug paraphernalia	MA
● > \$10,000	FB	UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)	
● > \$100	FC	19-03.1-23* Prohibited acts A - Penalties	See below
12.1-24-02 Facilitation of counterfeiting	FB/FC	(1)(a) manufacture, deliver	FA
RIOT		(b) manufacture, deliver	FB
12.1-25-01* Inciting riot	MA	(c) manufacture, deliver	FC
● 100+ people	FC	(d) manufacture, deliver	MA
12.1-25-02 Arming rioters	FC	(2)(a) mfg. counterfeit	FA
FIREARMS AND DESTRUCTIVE DEVICES		(b) mfg. counterfeit	FB
OBSCENITY CONTROL		(c) mfg. counterfeit	FC
12.1-27.1-01 Obscenity - definitions - dissemination - classification of offenses	FC	(d) mfg. counterfeit	MA
12.1-27.1-03 Promoting obscenity to minors - minor performing in obscene performance - classification of offenses	FC	(3) possess	FC
SEXUAL PERFORMANCES BY CHILDREN		● if 1/2-1 oz. marijuana	MA
12.1-27.2-02 Use of a child in a sexual performance	FB	● if < 1/2 oz. marijuana	MB
		19-03.1-24 Prohibited acts B - Penalties	FC
		(1a-c) prescription violations	
		(1d) refuse entry	
		(1e) maintain drug haven	
		19-03.1-26 Disposing of needles and paraphernalia	MA
		19-03.2-03* Prohibited acts - Penalties - exception	FC
		● if possess imitation drug	MB

OHIO REV. CODE ANN. Sx (Anderson 1980, 1982 & Supp. 1985, 1986)

Criminal Classification Information

§2901.02 Classification of offenses

As used in the Revised Code:

(A) Offenses include aggravated murder, murder, aggravated felonies of the first, second, and third degree, felonies of the first, second, third, and fourth degree, misdemeanors of the first, second, third, and fourth degree, minor misdemeanors, and offenses not specifically classified.

(B) Aggravated murder when the indictment or the count in the indictment charging aggravated murder contains one or more specifications of aggravating circumstances listed in division (A) of section 2929.04 or Revised Code, and any other offense for which death may be imposed as a penalty, is a capital offense.

(C) Aggravated murder and murder are felonies.

(D) Regardless of the penalty which may be imposed, any offense specifically classified as a felony is a felony, and any offense specifically classified as a misdemeanor is a misdemeanor.

(E) Any offense not specifically classified is a felony if imprisonment for more than one year may be imposed as a penalty.

(F) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.

(G) Any offense not specifically classified is a minor misdemeanor if the only penalty which may be imposed is a fine not exceeding one hundred dollars.

§2929.02 Penalties for murder

(A) Whoever is convicted of, pleads guilty to, or pleads no contest and is found guilty of, aggravated murder . . . shall suffer death or be imprisoned for life In addition, the offender may be fined an amount fixed by the court, but not more than twenty-five thousand dollars.

(B) Whoever is convicted of, pleads guilty to, or pleads no contest and is found guilty of, murder . . . shall be imprisoned for an indefinite term of fifteen years to life. In addition, the offender may be fined an amount fixed by the court, but not more than fifteen thousand dollars.

§2929.11 Penalties for felony

(B) Except as provided in division (D) of this section, section 2929.71, and Chapter 2925. of the Revised Code, terms of imprisonment for felony shall be imposed as follows:

(1) For an aggravated felony of the first degree:

(a) If the offender has not previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term, which may be imposed as a term of actual incarceration, shall be five, six, seven, eight, nine, or ten years, and the maximum term shall be twenty-five years;

(b) If the offender has previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term shall be imposed as a term of actual incarceration of ten, eleven, twelve, thirteen, fourteen, or fifteen years, and the maximum term shall be twenty-five years;

(2) For an aggravated felony of the second degree:

(a) If the offender has not previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term, which may be imposed as a term of actual incarceration, shall be three, four, five, six, seven, or eight years, and the maximum term shall be fifteen years;

(b) If the offender has previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term shall be imposed as a term of actual incarceration of eight, nine, ten, eleven, or twelve years, the maximum term shall be fifteen years;

(3) For an aggravated felony of the third degree:

(a) If the offender has not previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term, which may be imposed as a term of actual incarceration, shall be two, three, four, or five years, and the maximum term shall be ten years;

(b) If the offender has previously been convicted of or pleaded guilty to any aggravated felony of the first, second, or third degree, aggravated murder or murder, or any offense set forth in any existing or former law of this state, any other state, or the United States that is substantially equivalent to any aggravated felony of the first, second, or third degree or to aggravated murder or murder, the minimum term shall be imposed as a term of actual incarceration of five, six, seven, or eight years, and the maximum term shall be ten years;

(4) For a felony of the first degree, the minimum term shall be four, five, six, or seven years, and the maximum term shall be twenty-five years;

(5) For a felony of the second degree, the minimum term shall be two, three, four, or five years, and the maximum term shall be fifteen years;

(6) For a felony of the third degree, the minimum term shall be two years, thirty months, three years, or four years, and the maximum term shall be ten years;

(7) For a felony of the fourth degree, the minimum term shall be eighteen months, two years, thirty months, or three years, and the maximum term shall be five years.

(C) Fines for felony shall be imposed as follows:

(1) For an aggravated felony of the first degree or a felony of the first degree, not more than ten thousand dollars;

(2) For an aggravated felony of the second degree or a felony of the second degree, not more than seven thousand five hundred dollars;

(3) For an aggravated felony of the third degree or a felony of the third degree, not more than five thousand dollars;

(4) For a felony of the fourth degree, not more than two thousand five hundred dollars.

(D) Whoever is convicted of or pleads guilty to a felony of the third or fourth degree and did not [cause or threaten] physical harm to any person with a deadly weapon, as defined in Section 2923.11 of the Revised Code, and who has not previously been convicted of an offense of violence shall be imprisoned for a definite term, and, in addition, may be fined or required to make restitution. The restitution shall be fixed by the court as provided in this section. The terms of imprisonment shall be imposed as follows:

(1) For a felony of the third degree, the term shall be one, one and one-half, or two years;

(2) For a felony of the fourth degree, the term shall be six months, one year, or eighteen months

* * *

INCHOATE OFFENSES

§2923.01 Conspiracy

* * *

(J) Whoever violates this section is guilty of conspiracy, which is:

(1) A felony if the first degree, when one of the objects of the conspiracy is aggravated murder or murder;

(2) An aggravated felony of the next lesser aggravated degree than the most serious offense that is the object of the conspiracy, when the most serious offense that is the object of the conspiracy is an aggravated felony of the first or second degree;

(3) A felony of the fourth degree, when the most serious offense that is the object of the conspiracy is an aggravated felony of the third degree;

(4) A felony of the next lesser degree than the most serious offense that is the object of the conspiracy, when the most serious offense that is the object of the conspiracy is a felony of the first, second, or third degree;

(5) A felony punishable by a fine of not more than twenty-five thousand dollars or imprisonment for not more than eighteen months, or both when the offense that is the object of the conspiracy is a violation of any provision of Chapter 3734. of the Revised Code, other than section 3734.18 of the Revised Code, that relates to hazardous wastes;

(6) A misdemeanor of the first degree, when the most serious offense that is the object of the conspiracy is a felony of the fourth degree.

§2923.02 Attempt

* * *

(E) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit aggravated murder or murder is a felony of the first degree. An attempt to commit an aggravated felony of the first or second degree is an aggravated felony of the next lesser aggravated degree than the aggravated felony attempted. An attempt to commit an aggravated felony of the third degree is a felony of the fourth degree. An attempt to commit any other offense is an offense of the next lesser degree than the offense attempted. In the case of an attempt to commit an offense other than a violation of Chapter 3734. of the Revised Code that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. In the case of an

attempt to commit a violation of any provision of Chapter 3734. of the Revised Code, other than section 3734.18 of the Revised Code, that relates to hazardous wastes, an attempt is a felony punishable by a fine of not more than twenty-five thousand dollars or imprisonment for not more than eighteen months, or both. An attempt to commit a minor misdemeanor, or to engage in conspiracy, is not an offense under this section.

§2923.03 Complicity

* * *

(F) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense.

OHIO CRIMINAL STATUTES

OHIO REV. CODE ANN. Sx (Anderson 1980, 1982 & Supp. 1985, 1986)

KEY

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

Statute No. and Title Class/Time

HOMICIDE AND ASSAULT (inclusive)

2903.01 Aggravated Murder	Aggravated murder
2903.02 Murder	Murder
2903.03 Voluntary Manslaughter	AG F1
2903.04 Involuntary Manslaughter	AGF1/AGF3
2903.05 Negligent homicide	M1
2903.06 Aggravated vehicular homicide	F4/F3
2903.07* Vehicular homicide ● if previously convicted of an offense under this section or section 2903.06	M1 F4
2903.11 Felonious Assault	AGF2/AGF1
2903.12 Aggravated Assault	F4/F3
2903.13 Assault	M1
2903.14 Negligent assault	M3
2903.21 Aggravated menacing	M1
2903.22 Menacing	M4
2903.31 Hazing	M4

KIDNAPPING AND EXTORTION

2905.01 Kidnapping	AGF1/AGF2
2905.02 Abduction	AGF3
2905.04* Child Stealing ● offender removes child from this state or previous conviction for child stealing, or kidnapping or abduction involving a minor ● physical harm is done to minor ● offender is not a natural or adaptive parent, or stepparent ● offender is not a natural or adaptive parent or stepparent and physical harm is done to the minor	M1 F4 F2 AGF2 AGF1
2905.05* Criminal child enticement ● previous conviction of an offense under this section	M1 F4

2905.11 Extortion	AGF3
2905.22* Extortionate extension of credit; criminal using ● violates division (C) of this section	F3 M1

SEX OFFENSES (inclusive)

2907.02 Rape	AGF1 (life)
2907.03 Sexual battery	F3
2907.04* Corruption of a minor ● if offender is less than four years older than the other person	F3 M1
2907.05 Gross sexual imposition	F4/F3
2907.06 Sexual imposition	M3
2907.07 Importuning	M1/M4
2907.08 Voyeurism	M3
2907.09 Public indecency	M4
2907.12 Felonious sexual penetration	AGF1 (life)
2907.21 Compelling prostitution	F3
2907.22 Promoting prostitution	F4/F3
2907.23 Procuring	M1
2907.24 Soliciting	M3
2907.25 Prostitution	M3
2907.31* Disseminating matter harmful to juveniles ● if material or performance involved is obscene	M1 F4
2907.32* Pandering obscenity ● previous conviction of a violation of this section or of section 2907.31	M1 F4
2907.32.1* Pandering obscenity involving a minor ● Violation of division (A)(5) of this section	F2/F4 M1
2907.32.2* Pandering sexually oriented matter involving a minor ● Violation of division (A)(5) of this section	F2/F4 M1
2907.32.3* Illegal use of minor in nudity--oriented material or performance ● violates division (A)(3) of this section	F2/F4 M1
2907.33 Deception to obtain matter harmful to juveniles	M2/unruly child
2907.34 Compelling acceptance of objectionable materials	F4

ARSON AND RELATED OFFENSES (inclusive)			2913.03* Unauthorized use of a vehicle	M1
2909.02 Aggravated Arson	AGF1		● previous conviction of a violation of this section or of any other theft offense, violation of division (A) of this section	F4
2909.03* Arson	F3/F2		● violation of division (B) of this section	F4
● if value of property or amount of physical harm involved is less than \$300, violation of division (A)(1) of this section is M1	M1			
2909.04 Disrupting public services	F3		2913.04 Unauthorized use of property	M4
2909.05 Vandalism	F4		2913.11* Passing bad checks	F4/F3
2909.06* Criminal damaging or endangering	M2/M1		● if check is for payments of less than \$300	M1
● if property involved in a violation of this section is an aircraft or any equipment used in the operation of aircraft and if the violation creates a risk of physical harm	F4		2913.21* Misuse of credit cards	F4/F3
2909.07* Criminal mischief	M3/M1		● violation of division (A), (B)(1), or (C) of this section	M1
● if property involved in a violation of this section is an aircraft or any equipment used in the operation of aircraft, or any cargo to be used in aircraft and if violation creates a risk of physical harm	F4		● if cumulative retail value of property and services involved in one or more violations of division (B)(2), (3), or (4) of this section and occur within a period of 90 consecutive days is less than \$300	M1
2909.08* Endangering aircraft or airport operations	M2/M1		2913.31 Forgery	F4
● if violation creates a risk of physical harm of aircraft that is the subject of violation is occupied	F4		2913.32 Criminal simulation	F4
ROBBERY, BURGLARY AND TRESPASS (inclusive)			2913.33 Making or using slugs	M2
2911.01 Aggravated Robbery	AGF1		2913.41* Defrauding a livery or hostelry	M1
2911.02 Robbery	AGF2		● if previous conviction of an offense under this section or of any other theft offense	F4
2911.11 Aggravated burglary	AGF1		2913.42* Tampering with records	M1
2911.12 Burglary	AGF2		● if the writing or record is a will at the time of the offense, or a record kept by or belonging to a governmental agency	F4
2911.13 Breaking and entering	F4		2913.43* Securing writings by deception	F4/F3
2911.21 Criminal trespass	F4		● when value of property or obligation involved is less than \$300	M1
2911.31 Safecracking	F3		2913.44 Personating an officer	M1
2911.32* Tampering with coin machines	M1		2913.44.1 Law enforcement emblem	Minor misdemeanor
● previous conviction of a violation in this section or of any theft offense as defined in 2913.01	F4		2913.45 Defrauding creditors	M1
THEFT AND FRAUD (inclusive)			2913.46* Trafficking in or illegal use of food stamps	F4/F3
2913.02* Theft	F4/F3		● no prior conviction of the "food stamp act" and in violation of division (B) of this section	M1
● if value of property or services stolen is less than \$300 then violation is petty theft	M1		the face value of the food stamp coupons involved is less than \$200	
			2913.51* Receiving stolen property	F4/F3
			● if value of property involved is less than \$300	M1

GAMBLING		2919.25* Domestic violence	M1
2915.02* Gambling	M1	● previous conviction of domestic violence or a violation of section 2903.11, 2903.12 or 2903.13 involving a person who was a family or household member at the time of such violation	F4
● previous conviction of any gambling offense	F4		
2915.03* Operating a gambling house	M1	2919.27* Violating protection order or consent agreement	M4/M1
● previous conviction of any gambling offense	F4	● previous conviction or pleaded guilty to two or more violations of this section	F4
2915.05* Cheating	M1	OFFENSES AGAINST JUSTICE AND PUBLIC ADMINISTRATION	
● if potential gain from cheating is \$300 or more, or if offender has prior conviction of any gambling offense or any theft offense	F4	2921.02 Bribery	F3
2915.06 Corrupting sports	F4/F3	2921.03 Intimidation	F3
2915.07 Conducting illegal bingo game	F3	2921.04* Intimidation of crime victim or witness	M1
2915.12* Bingo for amusement only	M1	● violation of division (B) of this section	F3
● subsequent offenses	F4	2921.11 Perjury	F3
OFFENSES AGAINST THE PUBLIC PEACE		2921.12 Tampering with evidence	F3
2917.02 Aggravated riot	F4/F3	2921.13* Falsification	M1
2917.21* Telephone harassment	M1	● violation of division (A)(9) of this section	F3
● previous conviction of a violation of this section	F4	● violation of division (A)(10) of this section if amount of insurance claim is \$300 or more and is less than \$5000, or previous conviction of a theft offense	F4
2917.31* Inducing panic	M1	● violation of division (A)(10) of this section if amounts of insurance claim is \$5000 or more, or if claim is made for the theft of a motor vehicle, or previous conviction of two or more theft offenses	F3
● violation of this section results in physical harm to any person	F4	2921.32* Obstructing justice	M1
OFFENSES AGAINST THE FAMILY		● if crime committed by person aided is a felony	F4
2919.12* Unlawful abortion	M1	2921.34 Escape	F4
● previous conviction or pleaded guilty to a violation of this section	F4	2921.35 Aiding escape or resistance to authority	F4
2919.13 Abortion manslaughter	F1	2921.36* Illegal conveyance of weapons or prohibited items onto detention facility or institution	F4
2919.22* Endangering children	M1	● violation of divisions (A)(2), (A)(3), or (C) of this section involving an item listed in division (A)(2) or (A)(3) of this section	M2
● violation results in serious physical harm to the child involved, or previous conviction of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child--	F4	2921.41 Theft in office; restitution; withholding of retirement benefits	F3
violations of sections (A) or (B)(1) of this section	F3	2921.42* Having an unlawful interest in a public contract	F4
● violation of division (B)(2)(3) or (4) of this section	F2	● violation of division (A)(3)(4) or (5) of this section	M1
● violation of division (B)(5) or (6) of this section or violation of (B)(2)(3) or (4) of this section that results in serious physical harm to the child involved or previous conviction of an offense under this section or of an offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child			

2921.51* Impersonating a peace officer or private policeman ● violation of division (D) of this section for purpose of committing or facilitating the commission of a felony ● violation of division (E) of this section	M4/M1 F3 F2	2925.14 Selling paraphernalia for the use of marihuana to juveniles 2925.21 Theft of drugs 2925.22* Deception to obtain a dangerous drug ● previous conviction of a drug abuse offense ● drug involved is compound, mixture, etc. included in schedule I or II, with the exception of marihuana (A) previous conviction of a felony drug abuse offense	M1 F4/F3/F2/F1 M1 F4 F4 F3
CONSPIRACY, ATTEMPT, AND COMPLICITY; WEAPONS CONTROL			
2923.12* Carrying concealed weapons ● previous conviction of a violation of this section or of any offense of violence, or if weapon involved is a firearm which is either loaded or for which offender has ammunition readily at hand, or if weapon involved is dangerous ordnance ● if offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved	M1 F3 F2	2925.23 Illegal processing of drug documents 2925.31 Abusing harmful intoxicants 2925.32 Trafficking in harmful intoxicants	F4/F3/F2 M4/M1 M4/M3
2923.13 Having weapons while under disability	F4	2925.36* Illegal dispensing of drug samples ● if drug involved is a compound, mixture, etc. included in schedule I or II with the exception of marihuana	F4
2923.17 Unlawful possession of dangerous ordnance	F4	2925.37* Offenses involving counterfeit controlled substances ● violation of division (A) of this section	F4/F3/F2 M1
2923.20* Unlawful transactions in weapons ● violation of division (A)(1) or (A)(2) of this section	M2/M4 F3	MISCELLANEOUS OFFENSES	
2923.24 Possessing criminal tools	F4	2927.01* Abuse of a corpse ● violation of division (B) of this section	M2 F4
2923.32 Engaging in pattern of corrupt activity; forfeiture	F1		
DRUG OFFENSES (inclusive)			
2925.02 Corrupting another with drugs	F1/F2/F4		
2925.03* Trafficking in drugs ● if offense involves a gift of 20 grams or less of marihuana; 1st offense ● subsequent offenses of gift of marihuana of 20 grams or less	F3/F2/F1/F4 Minor misdemeanor M3		
2925.11* Drug abuse ● if drug involved is a compound, mixture, preparation, or substance included in schedule III, IV, or V (A) previous conviction of drug abuse offense ● if drug involved is marihuana ● marihuana involved is less than one hundred grams or resin, extraction, etc. is less than one gram	F4/F3 M3 M2 M4 Minor misdemeanor		
2925.12 Possessing drug abuse instruments	M2/M1		
2925.13* Permitting drug abuse ● previous conviction of a drug abuse offense	M1 F4		

OKLAHOMA

OKLA. STAT. ANN. tit. 21, §x (West 1983 & Supp. 1986).

For drugs: OKLA. STAT. ANN. tit. 63 §x (West 1984 & Supp 1987).

Criminal Classification Information

§4 Crimes classified

Crimes are divided into:

1. Felonies;
2. Misdemeanors

§5 Felony defined

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

§6 Misdemeanor defined

Every other crime is a misdemeanor

§9 Punishment of felonies

Except in cases where a different punishment is prescribed by this chapter, or by some existing provision of law, every offense declared to be felony is punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

§10 Punishment of misdemeanor

Except in cases where a different punishment is prescribed by this chapter or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

§51 Second and subsequent offenses after conviction of offense punishable by imprisonment in penitentiary

A. Every person who, having been convicted of any offense punishable by imprisonment in the penitentiary, commits any crime after such conviction is punishable therefore as follows:

1. If the offense of which such person is subsequently convicted is such that upon a first conviction an offender would be punishable by imprisonment in the penitentiary for any term exceeding five (5) years, such person is punishable by imprisonment in the penitentiary for a term not less than ten (10) years.
2. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the penitentiary for five (5) years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the penitentiary for a term not exceeding ten (10) years.
3. If such subsequent conviction is for petit larceny, the person convicted of such subsequent offense is punishable by imprisonment in the penitentiary for a term not exceeding five (5) years.

B. Every person who, having been twice convicted of felony offenses, commits a third, or thereafter, felony offenses within ten (10) years of the date following the completion of the execution of the sentence, shall be punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) years. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location. Nothing in this section shall abrogate or affect the punishment by death in all crimes now or hereafter made punishable by death.

INCHOATE OFFENSES

§42 Attempts to commit crimes—Punishment

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

1. If the offense so attempted be punishable by imprisonment in the penitentiary for four (4) years or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the penitentiary, or in a county jail, as the case may be, for a term not exceeding one-half (1/2) the longest term of imprisonment prescribed upon a conviction for the offense so attempted.
2. If the offense so attempted be punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of such attempt is punishable by imprisonment in a county jail for not more than one (1) year.
3. If the offense so attempted be punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction of the offense so attempted.
4. If the offense so attempted be punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half (1/2) the longest term of imprisonment and one-half (1/2) the largest fine which may be imposed upon a conviction for the offense so attempted.

OKLAHOMA CRIMINAL STATUTES

OKLA. STAT. ANN. tit. 63§x (West 1983 & Supp. 1986).
 For drugs: OKLA. STAT. ANN. tit. 63§x (West 1984 & Supp 1987).

KEY

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

NOTE: Maximum sentence given, unless range or minimum (MIN.) is specified. Term to be served in state penitentiary, unless county jail (CJ) is specified. For classifications that are not inclusive and felony or misdemeanor not specified in statute, crimes with penalties of ≤ 1 year in county jail are not recorded.

Statute No. and Title Class/Time

Crimes Against the Elective Franchise

CRIMES AGAINST THE EXECUTIVE POWER

21:265 Bribing or offering bribe to executive officer 10 yrs.

21:266 Asking or receiving bribes 10 yrs.

CRIMES AGAINST THE LEGISLATIVE POWER

21:301 Preventing meetings of legislature 5-10 yrs.

21:303 Compelling adjournment of legislature 5-10 yrs.

21:305 Compelling legislature to perform or omit act 5-10 yrs.

21:306 Altering draft bill F

21:307 Altering engrossed copy of bill F

21:308 Bribery of or influencing members 10 yrs.

21:309 Soliciting bribes - trading votes 10 yrs.

21:318 Bribery See below

21:320 Penalty for violating Section 318 2-5 yrs.

21:321 Member of legislature-- Soliciting or securing employment with state department or institution See below

21:322 Penalty for violating Section 321 F: 1-5

CRIMES AGAINST THE REVENUE AND PROPERTY OF THE STATE

21:341 Embezzlement and false accounts by officers F: 1-20 yrs.

21:349 Injuring or burning public buildings 25 yrs.

21:350 Seizing military stores 10 yrs.

21:355* Member of governing body not to furnish public supplies for consideration Max. 5 yrs. or MIN. 30 days CJ

21:356* Contract or purchase void --Members of body liable Max. 5 yrs. or MIN. 30 days CJ

21:357* Penalty for such contract or purchase See above

21:358 False, fictitious or fraudulent claims against state See below

21:359 Penalties 2 yrs.

FLAGS, OFFENSES CONCERNING

21:372 Mutilation, treating with indignity or destroying flag-- Definitions See below

21:373 Penalty 3 yrs.

21:374 Display of red flag or emblem of disloyalty or anarchy F: 10 yrs.

BRIBERY AND CORRUPTION

21:380 Bribery of fiduciary 10 yrs.

21:381* Bribing officers 5 yrs. or CJ 1 yr.

21:382* Officers receiving bribes 10 yrs. or 1 yr. CJ

21:383 Bribing jurors, referees, etc. 10 yrs.

21:384 Receiving bribes by jurors, referees, etc. F

21:399* Athletic contests - bribery of participants, officials, etc. 5 yrs. or 1 yr. CJ

21:400 Acceptance of bribe by participant, official, etc. F: 1 yr. or 1 yr. CJ

CONSPIRACY

21:421 Conspiracy - definition - punishment F: 10 yrs.

21:422 Conspiracy outside state against peace of the state 10 yrs.

21:424 Punishment for conspiracy against state 10 yrs.

21:434 Attempt to escape from penitentiary F

21:435* Escape from other prison	1 yr. CJ or 2 yrs.	RESCUES	
21:438* Carrying into prison things to aid escape		21:521* Rescuing prisoners	10 yrs.
● If prisoner was convicted of felony	10 yrs.	● If prisoner was in custody upon charge or conviction of felony	
● If prisoner was convicted of other than felony	1 yr. CJ	● If prisoner was in custody otherwise than upon charge for felony	1 yr. CJ
21:440 Harboring criminals and fugitives - penalty	10 yrs. (hard labor)	OTHER CRIMES AGAINST PUBLIC JUSTICE	
21:443 Escape from penal institution	7 yrs.	21:531 Injury to records - embezzlement by officer	F
21:444* Escape or attempt to escape from arrest or detention		21:532 Permitting escapes	F
● If arrested or detained for misdemeanor	M	21:539 Resisting execution of process in time of insurrection	2 yrs.
● If arrested or detained for felony	F	21:540B Roadblocks	F: 5 yrs.
21:445 Unauthorized entry into penal institution, jail, etc.	F: 5 yrs.	21:543* Compounding crimes	5 yrs.
FALSIFYING EVIDENCE		● Where crime compounded is punishable either by death or imprisonment at state penitentiary for life	
21:453 Preparing false evidence	F	● Where crime compounded was punishable by imprisonment in state penitentiary for any other term than life	3 yrs. or 6 mos. CJ
21:455 Preventing witness from giving testimony	F: 10 yrs.	● Where violation is crime punishable by imprisonment in county jail, or fine, or is a misdemeanor or violation	1 yr. CJ
21:456 Bribing witness - subornation of perjury		21:578 Inheritance, intercepting by fraudulent production of intent	10 yrs.
● To induce witness to give false testimony	F	21:579 Substituting a child	7 yrs.
● To induce witness to swear falsely	20 yrs./ 10 yrs./ 5 yrs.	21:588 Recording of grand or petit jury proceedings - listening or observing - penalty	F: 2 yrs.
FORGING, STEALING, MUTILATING AND FALSIFYING JUDICIAL AND PUBLIC RECORDS AND DOCUMENTS		21:590 Maintenance of financial and business records - retention and disposal procedure violations	F: 3 yrs.
21:461 Larceny or destruction of records by clerk or officer	5 yrs.	ASSAULT AND BATTERY (inclusive)	
21:462* Larceny or destruction of records by other persons	5 yrs. or 1 yr. CJ	21:644 Assault & battery, how punished	CJ 30 or 90 days
21:463 Offering forged or false instruments for record	F	21:645* Assault, battery, or assault & battery with dangerous weapon	F: 10 yrs. or 1 yr. CJ
FREE FRANKS OR PASSES, GRANTING OR USING NEPOTISM		21:646 Aggravated assault & battery defined	See below
PERJURY OR SUBORDINATION OF PERJURY		21:647 Punishment for aggravated assault & battery	CJ 1 yr.
21:491 Perjury defined--Defense		21:649 Assault or battery upon police or other law officer - penalty	CJ 6 mos.
21:496 Contradictory statements as perjury	See below	21:649.1 Certain acts against police dog prohibited - penalty	M: CJ 6 mos.
21:500 Punishment for perjury	20 yrs./ 10 yrs./ 5 yrs.	21:649.2 Killing police dog - penalty	M: CJ 1 yr.
21:504 Perjury by subornation-- Attempted perjury by subornation	See below	21:650 Aggravated assault & battery upon police officers	F
21:505 Punishment of subornation of perjury	20 yrs./ 10 yrs./5 yrs.		

21:650.1 Athletic contests - assault & battery upon referee, umpire, etc.	M: 1 yr. CJ	MAIMING (inclusive)	
		21:751* Maiming defined	See below
21:650.2 Aggravated assault & battery upon Department of Corrections employee	F	21:752* Maiming one's self	See below
		21:755* Maiming by disfigurement	See below
ATTEMPTS TO KILL (inclusive)		21:759* Punishment for maiming	7 yrs. or 1 yr. CJ
21:651 Poison, attempt to kill by administering it	10 yrs.	LIBEL AND SLANDER	
21:652 Shooting with intent to kill--assault & battery with deadly weapon	Life/20 yrs.	ROBBERY (inclusive)	
		21:791 Robbery defined	
21:653* Punishments for other assaults with intent to kill	5 yrs. or CJ 1 yr.	21:797 Degrees of robbery	
21:662 Punishment for dueling	10 yrs.	21:798 Punishment for first degree	10 yrs.
FELONIOUS ASSAULTS (inclusive)		21:799 Punishment for second degree	10 yrs.
21:681* Assaults with intent to commit felony	5 yrs or CJ 1 yr.	21:800 Robbery by two or more persons -- Punishment	5-50 yrs.
HOMICIDE (inclusive)		21:801 Robbery or attempted robbery with dangerous weapon or imitation firearm--punishment	F: 5 yrs. MIN./ 10 yrs. MIN.
21:701.7 Murder in the first degree	Death/life	SUICIDE	
21:701.8 Murder in the second degree	10 yrs.-life	21:813 Aiding suicide	See below
21:701.9 Punishment for Murder	See above	21:814 Furnishing weapon or drug	See below
21:701.16 Solicitation for murder in the first degree	5 yrs.-life	21:815 Aid in attempt to commit suicide	See below
21:711 Manslaughter in the first degree defined		21:817 Punishment for aiding suicide	7 yrs.
21:712 Liability of physicians	4 yrs.	21:818 Punishment for aiding an attempt at suicide	2 yrs.
21:713 Killing an unborn quick child	4 yrs.	MISCELLANEOUS OFFENSES AGAINST THE PERSON--IN GENERAL	
21:714 Procuring destruction of unborn child	4 yrs.	21:832* Willfully poisoning food	10 yrs. or 1 yr. CJ
21:715 Punishment for manslaughter in the first degree	4 yrs.	RIGHT TO PRIVACY	
21:716* Manslaughter in the second degree	See below	TATTOOING	
21:717* Owner of mischievous animal which kills person	2-4 yrs. or 1 yr. CJ	CHILD ABUSE	
21:722* Punishment for manslaughter in the second degree	2-4 yrs. or 1 yr. CJ	21:843* Abuse of children--Penalty	20 yrs. or 1 yr. CJ
KIDNAPPING		21:843.1 Caretaker--Abuse, neglect or financial exploitation of charge	F: 10 yrs.
21:741 Kidnapping defined	10 yrs.	EXPLOSIVES	
21:745 Kidnapping for purpose of extortion--Assisting in disposing receiving, possessing or exchanging money or property received	F: 10 yrs./ 5 yrs.	21:849 Wiring or equipping of vehicles or structures with explosives	F: 5 yrs.-life
		ABANDONMENT AND NEGLECT OF WIFE OR CHILDREN	
		21:851 Desertion of children under age of ten--Penalty	F: 1-10 yrs.

21:852* Omission to provide for a child--Penalties		21:987 Dissemination of gambling information	5 yrs.
● provision necessities	M		
● if leave state to avoid child	F: 1 yr.	21:988 Conspiracy	Maximum penalty
21:853 Desertion of wife or child under 15--Penalty	F: 1-10 yrs.	21:991* Betting or letting premises for betting on races	
		● gamblers	90 days
		● owners/operators	F: 10 yrs.
CONTRIBUTING TO DELINQUENCY OF MINORS			
21:856* Contributing to delinquency of minors--Punishment	M: 6 mos.	INDECENT EXPOSURE OBSCENITY AND DISORDERLY HOUSE	
● 2d violation	F: 3 yrs.		
ABORTION AND CONCEALING DEATH OF CHILDREN			
21:861 Procuring an abortion	2-5 yrs.	21:1021 Indecent exposure--indecent exhibits--obscene or indecent writings, pictures, etc.--solicitation of minors	F: 30 days-10 yrs./10 yrs.-30 yrs.
TRAFFICKING IN CHILDREN			
21:867 Punishment	F: 1-3 yrs.	21:1021.2 Minors--obscene or indecent writings, pictures	F: 20 yrs.
● 2d conviction	3 yrs. MIN.	21:1021.3 Guardians--Parents--Custodians --Consent to participation of minors in obscene writings	F: 20 yrs.
ADULTERY			
21:871 Adultery defined--Who may institute prosecution		21:1024.2 Purchase, procurement or possession of obscene materials--penalty	F: 5 yrs.
21:872 Punishment for adultery	5 yrs.	21:1040.51 Pictures, movies, etc. showing acts of sexual intercourse or unnatural copulation prohibited--exceptions--penalties	F: 15 yrs.
BIGAMY, INCEST, AND SODOMY			
21:881 Bigamy defined		JUNK DEALERS	
21:883 Punishment for bigamy	5 yrs.	LOTTERIES	
21:884* Person marrying bigamist	5 yrs. or 1 yr. CJ	21:1053* Preparing or drawing lottery--punishment	2 yrs. or 1 yr. CJ
21:885 Incest	10 yrs.	21:1066 Selling plan as lottery	See below
21:886 Crime against nature	10 yrs.	21:1068 Penalty	2 yrs.
21:888 Forcible sodomy	F: 20 yrs.	PANDERING	
CHILD STEALING			
21:891* Child stealing--Punishment	10 yrs. or 1 yr. CJ	21:1087* Child under 18 years of age--procuring for prostitution, lewdness or other indecent act	M: 6 mos.-1 yr. CJ
		● subsequent offense	F: 1-10 yrs.
CRIMES AGAINST RELIGION AND CONSCIENCE			
FORTUNE TELLING			
GAMBLING			
21:941 Opening, conducting or carrying on gambling game	F: 1-10 yrs.	21:1088* Child under 18 years--inducing, keeping, detaining for prostitution	F: 1-25 yrs.
21:946 Illegal use of building--Nuisance--Penalty	F: 1-10 yrs.	● owner of premises	M: 6 mos.-1 yr.
21:948 Officers--Gambling--Collusion	F: 1-10 yrs.	● subsequent offense by owner	F: 1-10 yrs.
21:950 Officers receiving consideration for protection against arrest or conviction	F	PAWNBROKERS	
21:954 Confidence games--Three-card monte	F: 1-5 yrs.	21:1092 Refusing to Exhibit stolen goods	F
21:982 Commercial gambling	10 yrs.	RAPE, ABDUCTION, CARNAL ABUSE OF CHILDREN AND SEDUCTION (inclusive)	
21:986 Installing communications facilities for gamblers	5 yrs.	21:1111 Rape defined	
		21:1111.1 Rape by instrumentation [Note: Defined as Rape I if bodily harm occurs. Otherwise, considered Rape II.]	See below
		21:1114 Rape in first degree--Second degree	See below

21:1115 Punishment for rape in first degree	5 yrs.-death	21:1266.4 Unlawful acts (subversive behavior)	See below
21:1116 Punishment for rape in second degree	1-15 yrs.	21:1266.5 Penalties	F: 1-20 yrs.
21:1117 Compelling woman to marry	1-10 yrs.	21:1267.1 Penalty for organizing or assisting to organize groups, companies, etc.	F
21:1118 Intent to compel woman to marry	10 yrs.	MANUFACTURING, SELLING AND WEARING WEAPONS	
21:1119* Abduction of person under fifteen	5 yrs. or 1 yr. CJ	21:1272.1 Carrying weapons or firearms into establishments wherein beer and intoxicating liquors are consumed	See below
21:1120* Seduction under promise of marriage	5 yrs. or 1 yr. CJ	21:1272.2 Penalties	F: 2 yrs.
21:1122 Marriage after seduction--penalty for abandonment	2-10 yrs.	21:1282 Carrying or using sling shot	F
21:1123 Lewd or indecent proposals or acts to child under 16	1-20 yrs.	21:1284 Penalty	1-10 yrs.
21:1124 Access to computers, computer systems and computer networks prohibited for certain purposes--Penalty	F: 5 yrs.	21:1287 Use of firearm or other offensive weapon while committing or attempting to commit a felony	F: 2-10 yrs./10-30 yrs.
VIOLATING SEPULTURE AND THE REMAINS OF THE DEAD		21:1289.16 Pointing firearms	See below
21:1161* Unlawful removal of dead body	5 yrs. or 1 yr. CJ	21:1289.17 Penalty	F: 1-10 yrs.
21:1162* Purchasing dead body	5 yrs. or 1 yr. CJ	21:1289.18 Sawed-off shotgun and sawed-off rifle defined--violations, etc.	F: 2 yrs.
21:1163* Unlawful interference with places of burial	2 yrs. or 6 mos. CJ	21:1289.20 Manufacture, importation or advertisement for sale of restricted bullets	10 yrs.
GENERAL AND MISCELLANEOUS PROVISIONS		21:1289.21 Use or attempted use of restricted bullet	2-10 yrs.
21:1172* Obscene, threatening or harassing telephone calls • if 2d offense	M F	MASKS & DISGUISES; THREATENING LETTERS; UNLAWFUL ORGANIZATIONS	
21:1192 Spread of infectious diseases	F: 2-5 yrs.	21:1302 Trespass--Masked person demanding admission to premises	1-5 yrs.
21:1214 Radio sets capable of receiving on police frequencies--unlawful uses--penalty	F: 3 yrs.	21:1303 Assaults while masked or disguised	F: 5-20 yrs.
21:1217 Firemen--interference with performance of duties--penalty	F: 2-10 yrs.	OTHER CRIMES AGAINST PUBLIC PEACE	
CRIMINAL SYNDICALISM AND SABOTAGE		21:1311 Riot defined	
21:1265.2 Destroying or interfering with property with intent to hinder defense preparations or prosecution of war	10 yrs.	21:1312* Punishment for riot • other	F: 2-10 yrs./20 yrs. M
21:1265.3 Causing defect in articles used in defense preparation or prosecution of war	10 yrs.	21:1314 Unlawful assembly defined	
21:1265.4 Attempts--Punishment--Acts constituting	1/2 punishment	21:1320.4 Penalty for riot or incitement to riot	F: 10 yrs.
21:1265.5 Conspiracies	Same as for offense	21:1320.5 Penalty for unlawful assembly	F: 5 yrs.
21:1266 Advocating overthrow of government by force--penalty	F: 5 yrs.-life	21:1320.10 Teaching demonstrating or training in the use of firearms, explosives, or incendiary devices in furtherance of riot or civil disorder	F

21:1321.7 Offenses and penalties (destroy during unrest)	F: 2-10 yrs.	21:1454* Embezzlement by trustee --punish as larceny ● if grand theft ● if petit theft	5 yrs. 30 days CJ
21:1327 Advocating of unlawfulness, criminal syndicalism, sabotage, sedition or treason upon public school grounds prohibited	F: 2-10 yrs./ 10 yrs.-life	21:1455* Embezzlement by bailee --punish as larceny ● if grand theft ● if petit theft	5 yrs. 30 days CJ
21:1368 Possession of explosives by convicted felons--penalty	F: 10 yrs.	21:1456* Embezzlement by clerk or servant --punish as larceny ● if grand theft ● if petit theft	5 yrs. 30 days CJ
ARSON (inclusive)			
21:1401 Arson in the first degree	35 yrs.	21:1462* Punishment for embezzlement	See above
21:1402 Arson in the second degree	25 yrs.	21:1463 Diversion of state funds made felony	F: 1-10 yrs.
21:1403 Arson in the third degree	15 yrs.	21:1464* Failure to return certain leased or rented property --punish as larceny ● if grand theft ● if petit theft	5 yrs. 30 days CJ
21:1404 Arson in the fourth degree	10 yrs.	DOCUMENTS OF THE TITLE TO MERCHANDISE, OFFENSES RESPECTING	
21:1411 Fraudulent bill of lading	5 yrs.	EXTORTION AND BLACKMAIL	
21:1412 Fraudulent warehouse receipts	5 yrs.	21:1481 Extortion defined	
21:1414 Duplicate receipts or vouchers	5 yrs.	21:1482 Threats constituting extortion	See 21:1483
21:1415 Selling goods without consent of holder or bill of lading	5 yrs.	21:1483 Punishment for extortion	5 yrs.
21:1416 Unlawful delivery of goods, what is	5 yrs.	21:1485 Obtaining signature by extortion	See 21:1483
BURGLARY AND HOUSE BREAKING (inclusive)			
21:1431 Burglary in first degree	See below	21:1486 Letters, threatening	See 21:1483
21:1435 Burglary in second degree--Acts constituting	See below	21:1488 Blackmail	5 yrs.
21:1436 Punishment of burglary	7-20 yrs./ 2-7 yrs.	FALSE PRETENSES, FALSE PERSONATIONS, CHEATS AND FRAUDS	
21:1437 Possession of burglar's implements	M	21:1503* Defrauding hotels, inns, restaurants, etc. ● if > \$20	M F: 5 yrs.
21:1438 Entering buildings or structures with certain intent	M	21:1506* Mock auction	3 yrs. or 1 yr. CJ
21:1441 Burglary with explosives	F: 20-50 yrs.	21:1521* Motor vehicle lease or rental payment by false or bogus check ● if > \$20	M F: 7 yrs.
21:1442 Possession of certain tools by persons previously convicted of burglary	F	21:1531 Marriage by impersonator--becoming bail or surety--execution of instrument--creating liability or benefit	10 yrs.
EMBEZZLEMENT			
21:1452* Embezzlement by officer, etc. of corporation, etc. --punish as larceny ● if grand theft ● if petit theft	5 yrs. 30 days CJ	21:1541.2 Value of more than \$50 ● refers to 21:1541.1	F: 10 yrs.
21:1453* Embezzlement by carrier or other person --punish as larceny ● if grand theft ● if petit theft	5 yrs. 30 days CJ	21:1541.3 False or bogus checks, drafts, etc.	F: 10 yrs.
		21:1542* Obtaining property or signature under false pretenses	3 yrs. or 1 yr. CJ
		21:1543* Obtaining signature or property for charitable purposes by false pretenses	3 yrs. or 1 yr. CJ

21:1544 False negotiable paper	7 yrs.	21:1582 False evidence of debt	7 yrs.
21:1550.22 Taking credit card or debit card--Receiving taken credit card or debit card	3 yrs.	21:1583 Counterfeiting coin	7 yrs.
21:1550.23 Receiving, holding or concealing lost or mislaid card	3 yrs.	21:1584 Counterfeiting coin for exportation	7 yrs.
21:1550.24 Selling or buying credit card or debit card	3 yrs.	21:1585 Forging process of court or title to property	7 yrs.
21:1550.25 Controlling credit or debit card as security for debt	3 yrs.	21:1586 Making false entries on public book	7 yrs.
21:1550.26 Receiving taken or retained card upon giving consideration	3 yrs.	21:1587 Forging tickets of passage	7 yrs.
21:1550.27 False making or embossing of credit or debit card	3 yrs.	21:1588 Postage stamps, forging	7 yrs.
21:1550.28 Signing of card--Possession of signed or unsigned card	3 yrs.	21:1589 False entries in corporation books	7 yrs.
21:1550.29 Forged or revoked card	3 yrs.	21:1590 Officer or employee of corporation making false entries	7 yrs.
21:1550.30 Failure to furnish money, goods or services represented to have been furnished	3 yrs.	21:1591 Possession of counterfeit coins	7 yrs.
21:1550.31 Possessing incomplete cards	7 yrs.	21:1592 Uttering forged instruments or coins	7 yrs.
21:1550.32 Receiving of money, goods, or services in violation of Section 1550.29	3 yrs.	21:1593 Falsely obtaining signature	7 yrs.
21:1550.33 Penalties	See above	21:1621 Punishment for forgery	7-20 yrs./ 7 yrs.
FORGERY OR COUNTERFEITING		21:1622 Fraudulently uttering one's signature as that of another of same name	See 21:1621
21:1561 Wills, deeds and certain other instruments, forgery of	7-20 yrs.	21:1623 Fraudulently uttering one's endorsement as another's	See 21:1621
21:1562 Forgery of public securities	7-20 yrs.	21:1624 Erasure and obliterations	See 21:1621
21:1571 Public and corporate seals	7 yrs.	21:1626 Signing fictitious names as officers of corporations	See 21:1621
21:1572 Records	7 yrs.	FRAUDS AND OFFENSES IN CORPORATE AFFAIRS	
21:1573 Making false entries in record	7 yrs.	21:1632 Fraud procuring organization of stock company	3-10 yrs.
21:1574 Making false certificate of acknowledgement	7 yrs.	21:1635* Destroying or falsifying books	3-10 yrs. or 1 yr. CJ
21:1575 False bank note plates	7 yrs.	FRAUDS ON INSURANCE COMPANIES	
21:1577 Notes, checks, bills, drafts--sale, exchange or delivery	7 yrs.	21:1662 False claim or proof of loss in insurance	3 yrs.
21:1578 Possession of forged evidences of debt	7 yrs.	FRAUDULENT INSOLVENCIES BY INDIVIDUALS	
21:1579 Possession of other forged instruments	7 yrs.	INJURIES TO ANIMALS	
21:1580 Issuing spurious certificates of stock	7 yrs.	21:1681* Poisoning cattle	3 yrs. or 1 yr. CJ
21:1581 Reissuing cancelled certificates of stock	7 yrs.	21:1681* Cruelty to animals	5 yrs. or 1 yr. CJ
		21:1694 Instigating or encouraging dogfight	F: 1-10 yrs.
		21:1695 Keeping place, equipment or facilities for dogfighting	F: 1-10 yrs.

21:1696 Servicing or facilitating dogfight	F: 1-10 yrs.	21:1731* Larceny of merchandise from retailer or wholesaler ● 1st conviction + ≤ \$50 ● 2d conviction + ≤ \$50	30 days CJ 30 days-1 yr. CJ 2-5 yrs. 1-5 yrs.
21:1697 Owning, possessing, keeping or training dog for fighting	F: 1-10 yrs.	● 3d conviction + ≤ \$50 ● if > \$50	
21:1699.1 *Punishment ● SS1694-1697 ● S1698	F: 1-10 yrs. M: 1 yr. CJ	21:1737 Larceny of cable television services	M: 6 mos CJ
LARCENY (inclusive)			
21:1701 Larceny defined		MALICIOUS MISCHIEF	
21:1702* Larceny of lost property ● if grand larceny ● if petit larceny	5 yrs. 30 days CJ	21:1751* Railroads, injuries to	4 yrs. or 6 mos.
21:1705 Punishment for grand larceny	5 yrs.	21:1752 Death from displacing railroad equipment	4 yrs.
21:1706 Punishment for petit larceny	30 days CJ	21:1755 Toll house or gate, injuries to	F
21:1707 Grand larceny in house or vessel	8 yrs.	21:1765 House of worship or contents injuring	F
21:1708 Grand larceny in night time from person	10 yrs.	21:1767.1 Bombs and explosives--foul, poisonous, offensive or injurious substances	F
21:1713* Receiving stolen property--presumption	5 yrs. or 1 yr. CJ	21:1767.2 Violations of preceding section	F: 3-10 yrs. 7-life
21:1714 Fraudulent consumption of gas	M	21:1777* Piles, removing or injuring	2-5 yrs. or 1 yr. CJ
21:1716 Larceny of domestic animals	F: 3-10 yrs./ F: 6 mos.- 3 yrs.	21:1778* Train signal light, removing or masking--false light or signal	1 yr. CJ or 3-10 yrs.
21:1719 Domestic fowls, larceny of--receiving stolen fowls	5 yrs. or 2 yrs. CJ	21:1779 Injuring written instruments the false making of which would be forgery	7- 20 yrs./7 yrs.
21:1720 Automobile, air craft or other motor vehicle	F: 3- 20 yrs.	21:1785* Works of literature or art	3 yrs. or 1 yr. CJ
21:1721 Tapping pipeline	F: 1-10 yrs.	21:1786* Injuries to pipes & wires	3 yrs. or 1 yr. CJ
21:1722* Taking oil, gas, gasoline, or any product thereof ● ≤ \$50 ● > \$50	M: 60 days CJ F: 1-10 yrs.	OTHER OFFENSES AGAINST PROPERTY RIGHTS	
21:1723 Larceny from the house	F	21:1834* Chattels encumbered by mortgage, conditional sales contract or security agreement	3 yrs. or 1 yr. CJ
21:1724 Penalty for larceny from the house	5 yrs.	21:1834.2 Misappropriation of funds as embezzlement	5 yrs.
21:1726 Mercury--Possession of more than one pound without evidence of title	F: 1-5 yrs.	21:1837 Hard or solid substances in grain--inflammable or explosive substances in cotton	F: 1-5 yrs.
21:1727* Copper--stealing or removing	F: 1-5 yrs. or 90-200 days CJ	21:1861* Information to be furnished by solicitor--calls exempt ● 3d offense	M F
21:1728* Possessing, receiving or transporting stolen copper	1-5 yrs. or 90-200 days CJ	21:1866* Reproduction of sound recordings for sale prohibited ● 2d violation	M: fine F: 2 yrs.
		21:1903 Seizure of bus--assault and battery--use of dangerous weapon--concealed weapon etc.	F: 20 yrs./ 10 yrs./ 5 yrs.
		21:1904 Unauthorized removal of baggage, cargo or other item	F: 5 yrs.

21:1905 Destruction, removal, alteration, coverage and defacement of manufacturer's serial number	See below
21:1906 Violations-penalties	5 yrs.
21:1953* Prohibited acts--computer crimes act	
● violate (1-3)	F: 1-10 yrs.
● violate (4)	M: 30 days CJ
21:1955 Penalties	See above
UNIFORM CONTROLLED DANGEROUS SUBSTANCES ACT (inclusive)	
63:2-313.18 Sales Limitations--Penalties	M
63:2-401 *Prohibited acts A--Penalties	See below
(B)(1) Distribute Schedule I, II	F: 5 yrs.-life
(B)(2) Distribute other Schedule I-IV	F: 2-20 yrs.
(B)(3) Distribute Schedule V	F: 5 yrs.
(B)(4) Distribute imitation drug	M: 1 yr. CJ
● 2d conviction	F: 5 yrs.
(B)(5) Mfg, sell synthetic drug	F: 20 yrs/ 10 yrs/-life
(C) 2d felony violation	2 x penalty
(D) Distribute to minor	2 x penalty
(E) Manufacture drugs	F: 20 yrs.-life
63:2-402 *Prohibited acts B--Penalties	See below
(B)(1) Possess Schedule I and II	F: 2-10 yrs./4-20 yrs.
(B)(2) Possess Schedule III, IV, V	M: 1 yr.
● 2d violation	F: 2-10 yrs.
63:2-403 Prohibited acts C--Penalties (larceny, burglary, robbery re drugs)	F: 10 yrs. MAX./10 yrs. MIN./ 5 yrs./life
63:2-404 Prohibited acts D--Penalties	See below
(A1-4) Prescription violations	F: 5 yrs.
(A5) Refuse entry	F: 5 yrs.
(A6) Maintain drug haven	F: 5 yrs.
63:2-405 *Prohibited acts E--Penalties	See below
(A) Inject opiums	M
(B-C) Drug paraphernalia	M
(D) Deliver same to < 18 and \geq 3 years junior	F
63:2-406 Prohibited acts F--Penalties (prescription violations)	F: 20 yrs.
63:2-407 Prohibited acts G--Penalties	F: 10 yrs./ 4-20 yrs.
63:2-408 Endeavor and conspiracy	Same as offense
63:2-411 General penalty clause	M: 1 yr.

Or. Rev. Stat. § X (1985 & Supp. 1986)

Criminal Classification Information

161.405 "Attempt" described.

(1) A person is guilty of an attempt to commit a crime when the person intentionally engages in conduct which constitutes a substantial step toward commission of the crime.

(2) An attempt is a:

(a) Class A felony if the offense attempted is murder or treason.

(b) Class B felony if the offense attempted is a Class A felony.

(c) Class C felony if the offense attempted is a Class B felony.

(d) Class A misdemeanor if the offense attempted is a Class C felony or an unclassified felony.

(e) Class B misdemeanor if the offense attempted is a Class A misdemeanor.

(f) Class C misdemeanor if the offense attempted is a Class B misdemeanor.

(g) Violation if the offense attempted is a Class C misdemeanor or an unclassified misdemeanor.

161.435 "Solicitation" described.

(1) A person commits the crime of solicitation if with the intent of causing another to engage in specific conduct constituting a crime punishable as a felony or as a Class A misdemeanor or an attempt to commit such felony or Class A misdemeanor the person commands or solicits such other person to engage in that conduct.

(2) Solicitation is a:

(a) Class A felony if the offense solicited is murder or treason.

(b) Class B felony if the offense solicited is a Class A felony.

(c) Class C felony if the offense solicited is a Class B felony.

(d) Class A misdemeanor if the offense solicited is a Class C felony.

(e) Class B misdemeanor if the offense solicited is a Class A misdemeanor.

161.450 "Conspiracy" described.

(1) A person is guilty of criminal conspiracy if with the intent that conduct constituting a crime punishable as a felony or a Class A misdemeanor be performed, the person agrees with one or more persons to engage in or cause the performance of such conduct.

(2) Criminal conspiracy is a:

(a) Class A felony if an object of the conspiracy is commission of murder, treason, or a Class A felony.

(b) Class B felony if an object of the conspiracy is commission of a Class B felony.

(c) Class C felony if an object of the conspiracy is commission of a Class C felony.

(d) Class A misdemeanor if an object of the conspiracy is commission of a Class A misdemeanor.

161.505 "Offense" described.

An offense is conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law or ordinance of a political subdivision of this state. An offense is either a crime or a violation or an infraction.

161.515 "Crime" described.

(1) A crime is an offense for which a sentence of imprisonment is authorized.

(2) A crime is either a felony or a misdemeanor.

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

161.535 Classification of felonies.

(1) Felonies are classified for the purpose of sentence into the following categories:

(a) Class A felonies;

(b) Class B felonies;

(c) Class C felonies; and

(d) Unclassified felonies.

(2) The particular classification of each felony defined in the Oregon Criminal Code, except murder under ORS 163.115 and treason under ORS 166.005, is expressly designated in the section defining the crime. An offense defined outside this code which, because of the express sentence provided is within the definition of ORS 161.525, shall be considered an unclassified felony.

161.545 "Misdemeanor" described.

A crime is a misdemeanor if it is so designated in any statute of this state or if a person convicted thereof may be sentenced to a maximum term of imprisonment of not more than one year.

161.555 Classification of misdemeanors.

(1) Misdemeanors are classified for the purpose of sentence into the following categories:

(a) Class A misdemeanors;

(b) Class B misdemeanors;

(c) Class C misdemeanors; and

(d) Unclassified misdemeanors.

(2) The particular classification of each misdemeanor defined in the Oregon Criminal Code is expressly designated in the section defining the crime. An offense defined outside this code which, because of the express sentence provided is within the definition of ORS 161.545, shall be considered an unclassified misdemeanor.

(3) An offense defined by a statute of this state, but without specification as to its classification or as to the penalty authorized upon conviction, shall be considered a Class A misdemeanor.

161.565 "Violation" described.

An offense is a violation if it is so designated in the statute defining the offense or if the offense is punishable only by a fine, forfeiture, fine and forfeiture, or other civil penalty. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.

161.575 Types of violations.

(1) Any violation defined in the Oregon Criminal Code is expressly designated in the section defining the offense. Any offense defined outside this code which is punishable as provided in ORS 161.565 shall be considered a violation.

(2) Violations are not classified.

161.585 Classification of certain crimes determined by punishment.

(1) When a crime punishable as a felony is also punishable by imprisonment for a maximum term of one year or by a fine, the crime shall be classed as a misdemeanor if the court imposes a punishment other than imprisonment under ORS 137.124 (1).

(2) Notwithstanding the provisions of ORS 161.525, upon conviction of a crime punishable as described in subsection (1) of this section, the crime is a felony for all purposes until one of the following events occurs, after which occurrence the crime is a misdemeanor for all purposes.

(a) Without granting probation, the court imposes a sentence of imprisonment to a correctional facility other than the penitentiary or the Oregon State Correctional Institution.

(b) Without granting probation, the court imposes a fine.

(c) Upon revocation of probation, the court imposes a sentence of imprisonment to a correctional facility other than the penitentiary or the Oregon State Correctional Institution.

(d) Upon revocation of probation, the court imposes a fine.

(e) The court declares the offense to be a misdemeanor, either at the time of granting probation, upon suspension of imposition of sentence, or on application of defendant or the probation officer of the defendant thereafter.

(f) The court grants probation to the defendant without imposition of sentence upon conviction and defendant is thereafter discharged without sentence.

(g) Without granting probation and without imposing sentence, the court declares the offense to be a misdemeanor and discharges the defendant.

161.605 Maximum prison terms for felonies.

The maximum term of an indeterminate sentence of imprisonment for a felony is as follows:

- (1) For a Class A felony, 20 years.
- (2) For a Class B felony, 10 years.
- (3) For a Class C felony, 5 years.
- (4) For an unclassified felony as provided in the statute defining the crime.

161.610 Enhanced Penalty for use of firearm during commission of felony; pleading; presentence hearing; minimum penalties; suspension or reduction of penalty.

(1) As used in this section, "firearm" means a weapon which is designed to expel a projectile by the action of black powder or smokeless powder.

(2) The use or threatened use of a firearm, whether operable or inoperable, by a defendant during the commission of a felony may be pleaded in the accusatory instrument and proved at trial as an element in aggravation of the crime as provided in this section. When a crime is so pleaded, the aggravated nature of the crime may be indicated by adding the words "with a firearm" to the title of the offense. The unaggravated crime shall be considered a lesser included offense.

(3) Notwithstanding the provisions of ORS 161.605 or 137.010 (2), if a defendant is convicted of a felony having as an element the defendant's use or threatened use of a firearm during the commission of the crime, the court shall impose at least the minimum term of imprisonment as provided in subsection (4) of this section. Except as provided in subsection (5) of this section, in no case shall any person punishable under this section become eligible for work release, parole, temporary leave, or terminal leave until the minimum term of imprisonment is served, less a period of time equivalent to any reduction of imprisonment granted for good time served, nor shall the execution of the sentence imposed upon such person be suspended by the court.

(4) The minimum terms of imprisonment for felonies having as an element the defendant's use or threatened use of a firearm in the commission of the crime shall be as follows:

(a) Except as provided in subsection (5) of this section, upon the first conviction for such felony, five years.

(b) Upon conviction for such felony committed after punishment pursuant to paragraph (a) of this subsection, 10 years.

(c) Upon conviction for such felony committed after imprisonment pursuant to paragraph (b) of this subsection, 30 years.

(5) If it is the first time that the defendant is subject to punishment under this section, the court may suspend the execution of the sentence otherwise required under paragraph (a) of subsection (4) of this section, or impose a lesser term of imprisonment, when the court expressly finds mitigating circumstances justifying such lesser sentence and sets forth those circumstances in its statement on sentencing.

161.615 Prison terms for misdemeanors.

Sentences for misdemeanors shall be for a definite term. The court shall fix the term of imprisonment within the following maximum limitations:

- (1) For a Class A misdemeanor, 1 year.
- (2) For a Class B misdemeanor, 6 months.
- (3) For a Class C misdemeanor, 30 days.
- (4) For an unclassified misdemeanor, as provided in the statute defining the crime.

161.705 Reduction of certain felonies to misdemeanors.

(1) Notwithstanding ORS 161.525, the court may enter judgment of conviction for a Class A misdemeanor and make disposition accordingly when:

(a) A person is convicted of any Class C felony; or

(b) A person is convicted of a Class B felony pursuant to ORS 475.992(2)(a); or

(c) A person is convicted of the Class B felony of possession of marijuana pursuant to ORS 475.992(4)(a); or

(d) A person convicted of any of the felonies described in paragraphs (a) to (c) of this subsection, or of a Class A felony pursuant to ORS 166.720, has successfully completed a sentence of probation; and

(e) The court, considering the nature and circumstances of the crime and the history and character of the defendant, believes that it would be unduly harsh to sentence the defendant for a felony.

(2) This section does not apply, however, in cases subject to ORS 475.995.

163.415 Sexual abuse in the second degree	MA	Burglary and Criminal Trespass (inclusive)	
163.425 Sexual abuse in the first degree	FC	164.215 Burglary in the second degree	FC
163.435 Contributing to the sexual delinquency of a minor	MA	164.225 Burglary in the first degree	FA
163.445 Sexual misconduct	MC	164.235 Possession of burglar's tools	MA
163.465 Public indecency	MA	164.243 Criminal trespass in the second degree by a guest	MC
Offenses Against Family		164.245 Criminal trespass in the second degree	MC
163.515 Bigamy	FC	164.255 Criminal trespass in the first degree	MA
163.525 Incest	FC	164.265 Criminal trespass while in possession of firearm	MA
163.535 Abandonment of a child	FC	164.270 Closure of premises to motor-propelled vehicles	MC
163.555 Criminal nonsupport	FC	Arson and Related Offenses (inclusive)	
Visual Recording of Sexual Conduct by Children		164.315 Arson in the second degree	FC
163.670 Using child in display of sexual conduct	FB	164.325 Arson in the first degree	FA
163.675 Sale or exhibition of visual reproduction of sexual conduct by child	FC	164.335 Reckless burning	MA
163.680 Paying for viewing child's sexual conduct	FC	Criminal Mischief and Related Offenses	
OFFENSES AGAINST PROPERTY		164.365 Criminal mischief in the first degree	FC
Theft and Related Offenses (inclusive)		164.377* Computer crime ● Entering computer to defraud, obtain money by fraud, commit theft, or knowingly damage computer, software, etc. ● Access computer, software, etc., without authorization	MA
164.045 Theft in the second degree	MA	Robbery (inclusive)	
164.055 Theft in the first degree	FC	164.395 Robbery in the third degree	FC
164.065* Theft of lost, mislaid property		164.405 Robbery in the second degree	FB
● I	FC	164.415 Robbery in the first degree	FA
● II	MA	Littering	
164.075 Theft by extortion	FB	Unlawful Transport	
164.085* Theft by deception		Miscellaneous	
● I	FC	164.885 Endangering aircraft	FC
● II	MA	OFFENSES INVOLVING FRAUD OR DECEPTION	
164.095 Theft by receiving		Forgery and Related Offenses	
● I	FC	165.013 Forgery in the first degree	FC
● II	MA	165.022 Criminal possession of a forged instrument in the first degree	FC
164.125* Theft of services			
● If obtained/attempted to obtain is < \$200	MA		
● If total obtained is ≥ \$200 within a 12-month period	FC		
164.132 Unlawful distribution of cable television equipment	MB		
164.135 Unauthorized use of a vehicle	FC		
164.140* Criminal possession of rented or leased property			
● If amount < \$200	MA		
● If amount ≥ \$200	FC		

165.032 Criminal possession of a forgery device	FC	Discharging Weapons	
165.055* Fraudulent use of a credit card		Miscellaneous	
● If amount obtained or attempted to obtain is < \$200	MA	166.660 Unlawful paramilitary activity	FC
● If amount obtained or attempted to obtain is \geq \$200	FC	Racketeering	
165.065* Negotiating a bad check	MA	166.720 Racketeering activity unlawful; penalties	FA
● If previously convicted in state of negotiating a bad check or of theft by deception by means of a bad check	FC	OFFENSES AGAINST PUBLIC HEALTH, DECENCY AND ANIMALS	
165.070 Possessing fraudulent communications device	FC	Prostitution and Related Offenses	
Business and Commercial Offenses		167.012 Promoting prostitution	FC
165.085 Sports bribery	FC	167.017 Compelling prostitution	FB
165.090 Sports bribe receiving	FC	Obscenity and Related Offenses	
Crimes Involving Communications		167.062* Sadomasochistic abuse or sexual conduct in live show	
Miscellaneous		● Knowingly engage in live public show	MA
OFFENSES AGAINST PUBLIC ORDER; FIREARMS AND OTHER WEAPONS; RACKETEERING		● To direct, manage, etc., public show	FC
Treason, Riot, Disorderly Conduct, and Related Offenses		Gambling Offenses	
166.005 Treason	Prison for life	167.127 Promoting gambling in the first degree	FC
166.015 Riot	FC	167.137 Possession of gambling records in the first degree	FC
166.085 Abuse of a corpse	FC	Offenses Involving Controlled Substances (inclusive)	
Intimidation		167.212 Tampering with drug records	FC
166.165 Intimidation in the first degree	FC	167.222 Frequenting a place where controlled substances are used	MA
Possession and Use of Weapons		Offenses Against Animals	
166.220 Attempting to use unlawfully dangerous weapon; carrying with dangerous weapon intent to use it unlawfully	FC	Miscellaneous	
166.270* Certain exconvicts forbidden to possess arms		CONTROLLED SUBSTANCES; EXPERIMENTAL DRUGS (inclusive)	
● Exconvict in possession of firearm	FC	Uniform Controlled Substances Act	
● Exconvict in possession of restricted weapon	MA	Experimental Drugs	
166.275 Possession of weapons by inmates of penal institutions	Prison: up to 20 yrs.	Marijuana	
Possession of Destructive Device or Firearm in Public Building		Hypodermic Devices	
Sale or Transfer of Firearms		Penalties	
166.410 Manufacture, importation, sale, gift, loan, or possession of firearms	Prison: not more than 5 yrs.	475.991 Penalty for unlawful delivery of imitation controlled substance	MA
166.450 Obliteration or change of identification marks on firearms	Prison: not more than 5 yrs.		

475.992* Prohibited acts generally; penalties	
(1)(a) Manufacture/deliver controlled substance in Schedule I	FA
(1)(b) Manufacture/deliver controlled substance in Schedule II	FB
(1)(c) Manufacture/deliver controlled substance in Schedule III	FC
(1)(d) Manufacture/deliver controlled substance in Schedule IV	MB
(1)(e) Manufacture/deliver controlled substance in Schedule V	MC
(2)(a) Deliver marijuana for consideration	FB
(2)(b) Deliver for no consideration less than one avoirdupois ounce of marijuana	MA
(3)(a) Create/deliver a counterfeit substance in Schedule I	FA
(3)(b) Create/deliver a counterfeit substance in Schedule II	FB
(3)(c) Create/deliver a counterfeit substance in Schedule III	FC
(3)(d) Create/deliver a counterfeit substance in Schedule IV	MB
(3)(e) Create/deliver a counterfeit substance in Schedule V	MC
(4)(a) Possess controlled substance in Schedule I	FB
(4)(b) Possess controlled substance in Schedule II	FC
(4)(c) Possess controlled substance in Schedule III	MA
(4)(d) Possess controlled substance in Schedule IV	MC
(4)(e) Possess controlled substance in Schedule V	Violation
(4)(f) Possess less than one avoirdupois ounce of marijuana	Violation
475.993* Prohibited acts for registrants; penalties	
(2)(a) If Schedule I controlled substance	FC
(2)(b) If Schedule II controlled substance	MA
(2)(c) If Schedule III controlled substance	MB
(2)(d) If Schedule IV, V controlled substance	MC
475.994 Prohibited acts involving records and fraud; penalties	MA
475.995* Penalties for distribution to minors	
(1) If Schedule I or II controlled substance	FA
(2) If Schedule III controlled substance	FB
(3) If Schedule IV controlled substance	MA
(4) If Schedule V controlled substance	MB
(5) If marijuana and (a) defendant is more than 18 years of age or (b) deliver is to person at least three years younger than the defendant	FA

PENNSYLVANIA

18 PA. CONS. STAT. ANN. §x (Purdon 1983 & Supp. 1986).
For drugs: 35 PA. STAT. §x (Purdon 1977 & Supp. 1986).

Criminal Classification Information

§106 Classes of offenses

(a) General rule. An offense defined by this title for which a sentence of death or of imprisonment is authorized constitutes a crime. The classes of crime are:

- (1) Murder of the first degree or of the second degree.
- (2) Felony of the first degree.
- (3) Felony of the second degree.
- (4) Felony of the third degree.
- (5) Misdemeanor of the first degree.
- (6) Misdemeanor of the second degree.
- (7) Misdemeanor of the third degree.

(b) Classification of crimes.

(1) A crime is a murder of the first degree or of the second degree if it is so designated in this title or if a person convicted of criminal homicide may be sentenced in accordance with the provisions of section 1102 of this title (relating to sentence for murder).

(2) A crime is a felony of the first degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is more than ten years.

(3) A crime is a felony of the second degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than ten years.

(4) A crime is a felony of the third degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than seven years.

(5) A crime declared to be a felony, without specification of degree, is of the third degree.

(6) A crime is a misdemeanor of the first degree, if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than five years.

(7) A crime is a misdemeanor of the second degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than two years.

(8) A crime is a misdemeanor of the third degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than one year.

(9) A crime declared to be a misdemeanor, without specification of degree, is of the third degree.

(c) Summary offenses. An offense defined by this title constitutes a summary offense if:

(1) it is so designated in this title, or in a statute other than this title; or

(2) if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than 90 days.

(d) Other crimes. Any offense declared by law to constitute a crime, without specification of the class thereof, is a misdemeanor of the second degree, if the maximum sentence does not make it a felony under this section.

(e) Section applicable to other statutes. An offense hereafter defined by any statute other than this title shall be classified as provided in this section.

INCHOATE OFFENSES

§905 Grading of criminal attempt, solicitation and conspiracy

(a) Grading. Except as otherwise provided in this section, attempt, solicitation and conspiracy are crimes of the same grade and degree as the most serious offense which is attempted or solicited or is an object of the conspiracy. An attempt, solicitation or conspiracy to commit murder or a felony of the first degree is a felony of the second degree.

(b) Mitigation. If the particular conduct charged to constitute a criminal attempt, solicitation or conspiracy is so inherently unlikely to result or culminate in the commission of a crime that neither such conduct nor the actor presents a public danger warranting the grading of such offense under this section, the court may dismiss the prosecution.

§1102. Sentence for murder of the first degree

A person who has been convicted of a murder of the first degree shall be sentenced to death or to a term of life imprisonment.

§1103. Sentence of imprisonment for felony

A person who has been convicted of a felony may be sentenced to imprisonment as follows:

(1) In the case of a felony of the first degree, for a term which shall be fixed by the court at not more than 20 years.

(2) In the case of a felony of the second degree, for a term which shall be fixed by the court at not more than ten years.

(3) In the case of a felony of the third degree, for a term which shall be fixed by the court at not more than seven years.

§1104. Sentence of imprisonment for misdemeanors

A person who has been convicted of a misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall be not more than:

(1) Five years in the case of a misdemeanor of the first degree.

(2) Two years in the case of a misdemeanor of the second degree.

(3) One year in the case of a misdemeanor of the third degree.

§1105. Sentence of imprisonment for summary offenses

A person who has been convicted of a summary offense may be sentenced to imprisonment for a term which shall be fixed by the court at not more than 90 days.

BURGLARY AND OTHER CRIMINAL INTRUSION (inclusive)		3932* Theft of leased property -punish as theft	
3502 Burglary	F1	● Amount > \$2,000	F3
		● If not in Sa	M1
3503 Criminal trespass 1-10 years	M3/summary offense	● Amount ≥ \$50 < \$200	M2
		● Amount < \$50	M3
ROBBERY (inclusive)		3933* Unlawful use of computer	
		● If S(a)(1)	F3
3701 Robbery	F1/F2/F3	● If S(a)(2)	M1
THEFT AND RELATED OFFENSES (inclusive)		FORGERY AND FRAUDULENT PRACTICES	
3903* Grading of theft offenses		4101* Forgery	
● Amount > \$2,000, vehicle, firearm, or fencing	F3	● Writing part of issue of money, securities, will, deed, etc.	F2/F3
● If not in Sa	M1	● Otherwise	M1
● Amount ≥ \$50 < \$200	M2	4103 Fraudulent destruction, removal or concealment of recordable instruments	F3
● Amount < \$50	M3		
3921* Theft by unlawful taking or disposition	See 3903	4106* Credit cards	
		● Value > \$500	F3
3922* Theft by deception	See 3903	● Value ≥ \$50 < \$500	M2
		● Value < \$50	Summary offense
3923* Theft by extortion	See 3903		
3924* Theft of property lost, mislaid, or delivered by mistake - punish as theft:		4107.2 Deception relating to certification of minority business enterprise or women's business enterprise	F3
● Amount > \$2,000	F3		
● If not in Sa	M1	Offenses Against the Family	
● Amount ≥ \$50 < \$200	M2	Offenses Against Public Administration	
● Amount < \$50	M3		
3925* Receiving stolen property	See 3903	BRIBERY AND CORRUPT INFLUENCE	
3926 Theft of services		4701 Bribery in official and political matters	F3
● Value < \$50	Summary offense		
● Value ≥ \$50	M2	FALSIFICATION AND INTIMIDATION	
3927* Theft by failure to make required disposition of funds received	See 3903	4902 Perjury	F3
		4909 Witness or informant taking bribe	F3
3928 Unauthorized use of automobiles and other vehicles	M2: 2 yrs.	4952 Intimidation of witnesses or victims	F3
3929* Retail theft		4953* Retaliation against witness or victim	
● Value < \$150 first offense	Summary offense	● Retaliation accomplished as in (b) 1-5	F3
● Second offense, value < \$150	M2	● Otherwise	M2
● First or second offense, value ≥ \$150	M1	OBSTRUCTING GOVERNMENTAL OPERATIONS	
● Third, subsequent offense, regardless of value	F3	5105* Hindering apprehension or prosecution	
3929.1* Library theft		● If conduct constitutes F1 or F2 of aided person	F3
● Value < \$150, first offense	Summary offense	● Otherwise	M2
● Value < \$150, second offense	M2		
● Value ≥ \$150, first or second offense	M1	5107* Aiding consummation of crime	
● Regardless of value, third, subsequent offense	F3	● If principal offense is F1 or F2	F3
		● Otherwise	M2
3930* Theft of trade secrets		5121* Escape	
● Force, violence	F3: 7 yrs.	● Actor under arrest, employs force, etc.	F3
● Intent to wrongfully deprive	M1	● Otherwise	M2
3931* Theft of unpublished dramas and compositions	See 3903		

5124* Default in required appearance		(f)(2) Violate (a) 12, 14, 30 for any I, II, III controlled or counterfeit substance	F: 5 yrs.
● Fails to appear with/without bail	M2	(f)(3) Violate (a) 12, 14, 30 for IV controlled or counterfeit substance	F: 3 yrs.
● Answer to charge of felony	F3	(f)(4) Violate (a) 12, 14, 30 for V controlled or counterfeit substance	M: 1 yr.
ABUSE OF OFFICE			
Offenses Against Public Order and Decency			
RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES			
5501 Riot	F3	(g) Violate (a) 31	M: 30 days
		(i) Violate (a) 32, 33, 34	M: 1 yr.
		● If a minor	M2: 2 yrs.
		(j) Certain violations	F: 5 yrs.
WIRETAPPING AND ELECTRONIC SURVEILLANCE			
5703 Interception, disclosure or use of wire or oral communications	F3	35:780-114 Distribution to persons under age 18	2 x penalty
5705 Possession, sale, distribution, manufacture or advertisement of intercepting devices	F3	35:780-115 Second or subsequent offense	2 x penalty
PUBLIC INDECENCY			
5902* Prostitution and related offenses		35:806.1 Physician's name printed or stamped on prescription form	M3
● Under (b) (b1) (b2) (b3)	F3	35:806.2 Penalty	See above
● Otherwise	M2	35:821 Sale, etc. of cocaine and eucaine	Imprison 2 yrs.
5903* Obscene and other sexual materials		35:822 Sales by wholesalers and manufacturers	Imprison 2 yrs.
● Violate (a) or (f)	M1	35:823 Reports of sales by wholesalers	Imprison 2 yrs.
● Violate (a) with prior violation of (a)	F3	35:824 Punishment for violations	See above
● Violate (c) or (d)	M1	35:825 Illegal possession; punishment	M:6 mos.
● Violate (c) or (d) with prior violation of (c) or (d)	F3		
Miscellaneous Offenses			
FIREARMS AND OTHER DANGEROUS ARTICLES			
6121 Certain bullets prohibited	F3		
MINORS			
6312 Sexual abuse of children	F2		
NUISANCES			
PROPRIETARY AND OFFICIAL RIGHTS			
PUBLIC UTILITIES			
SPORTS AND AMUSEMENTS			
TRADE AND COMMERCE			
CONTROLLED SUBSTANCES (inclusive)			
35:780-113* Prohibited acts penalties (drugs, imitation drugs and paraphernalia covered)	See below		
(b) Violate (a) 1-11, 13, 15-20	M: 1 yr./ 3 yrs.		
(c) Violate (a) 21, 22, 24	M: 6 mos./ 2 yrs.		
(d) Violate (a) 23	M: 3 yrs.		
(e) Violate (a) 25-29	M: 3 yrs.		
(f)(1) Violate (a) 12, 14, 30 for narcotic I, II controlled or counterfeit substance	F: 15 yrs./ 10 yrs.		

KEY

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

R.I. GEN. LAWS § (1981 & Supp. 1986).

Criminal Classification Information

11-1-1 Common law offenses not covered by statute.
Every act and omission which is an offense at common law, and for which no punishment is prescribed by the general laws, may be prosecuted and punished as an offense at common law. Every person who shall be convicted of any such offense which is a misdemeanor at common law shall be imprisoned for a term not exceeding one (1) year or be fined not exceeding five hundred dollars (\$500). Every person who shall be convicted of any such offense which is a felony at common law shall be imprisoned for a term not exceeding five (5) years or be fined not exceeding five thousand dollars (\$5,000).

11-1-2 Felony - Misdemeanor - Petty misdemeanor and violation distinguished.
Unless otherwise provided, any criminal offense which at any given time may be punished by imprisonment for a term of more than one (1) year, or by a fine of more than one thousand dollars (\$1,000), is hereby declared to be a felony; any criminal offense which may be punishable by imprisonment for a term not exceeding one (1) year, or by a fine of not more than one thousand dollars (\$1,000), or both, is hereby declared to be a misdemeanor; and any criminal offense which may be punishable by imprisonment for a term not exceeding six (6) months or by a fine of not more than five hundred dollars (\$500), or both, is hereby declared to be a petty misdemeanor; any offense which may be punished by a fine only of not more than five hundred dollars (\$500) is hereby declared to be a violation.

INCHOATE OFFENSES

11-1-6 Conspiracy.
Except as otherwise provided by law, every person who shall conspire with another to commit an offense punishable under the laws of this state, shall be subject to the same fine and imprisonment as pertain to the offense which such person shall have conspired to commit, provided, that imprisonment for such conspiracy shall not exceed ten (10) years.

11-1-7 Conspiracy to commit offense outside the state.
Every person who shall, within this state, conspire with another to engage in conduct in another state punishable under the laws of that state, which conduct would also be punishable under the laws of this state, shall be subject to the same fine and imprisonment as under the law of this state pertain to the offense which such person shall have conspired to commit, provided that imprisonment for such conspiracy shall not exceed ten (10) years.

11-1-9 Soliciting another to commit a crime.
Every person who solicits another to commit or join in the commission of a felony under the laws of this State, shall be guilty of a felony and upon conviction thereof, shall be subject to the same fine and imprisonment as pertain to the offense which such person did solicit another to commit, provided that imprisonment for such solicitation shall not exceed ten (10) years.

NOTE: For categories that are NOT inclusive, crimes with maximum penalties of one year or less are not recorded, unless crime is specified to be a felony. Maximums are recorded, unless a range or minimum (MIN.) is specified.

Statute No. and Title	Class/Time
GENERAL PROVISIONS	
11-1-4 Harboring criminal	5 yrs.
11-1-5 Compounding or concealing felony	5 yrs.
11-1-8 Bail jumping	F
ABANDONMENT AND NONSUPPORT	
11-2-2 Desertion by leaving State- Decree as evidence	5 yrs.
ARSON AND FIRES (inclusive)	
11-4-2 Arson-First degree	5 yrs./20 yrs.
11-4-3 Arson-Second degree	2-20 yrs./20 yrs.
11-4-4 Arson-Third degree	2-20 yrs./20 yrs.
11-4-5 Arson-Fourth degree	1-3 yrs.
11-4-6 Arson-Fifth degree	1-20 yrs.
11-4-7 Arson-Sixth degree	2 yrs.
11-4-8 Arson-Seventh degree	Fine
11-4-10 Interference with fire alarm apparatus--Penalty	F: 1-5 yrs.
ASSAULTS (inclusive)	
11-5-1 Assault with intent to commit specified felonies	1-20 yrs.
11-5-2 Felony assault	10 yrs.
11-5-3 Simple assault or battery	1 year
11-5-4 Assault with dangerous weapon in dwelling house	10 yrs.-Life
11-5-5 Assault of police officers, firemen, busdrivers and dog officers	F: 3 yrs.
11-5-6 Assault and battery in the collection of a loan	5 yrs./3-10 yrs.

11-5-7 Assault of schoolteachers and other school officials	3 yrs.	11-8-5 Breaking and entering other buildings with criminal intent --railroad cars	10 yrs.
11-5-8 Assault on correctional officers	3 yrs.	11-8-5.1 Unlawful breaking and entering of business place, public building or ship during the daytime	3 yrs.
11-5-9 Domestic assault - Procedure--victim to be informed of rights--Penalties	M: 1 yr.	11-8-6 Entry to steal poultry - arrest--fine	5 yrs.
11-5-10 Assault on persons 60 years of age or older	5 yrs.	11-8-7 Making, repairing, or possessing burglary tools	10 yrs.
11-5-11 Assault on mentally retarded persons	5 yrs.	CHILDREN	
BIGAMY, ADULTERY, FORNICATION AND INCEST		11-9-1* Exploitation for commercial or immoral purposes ● if sexual	M: 1 yr. 10 yrs./ 15 yrs./ 20 yrs.
11-6-1 Bigamy	1-5 yrs.	11-9-1.1 Child nudity prohibited in publications	10 yrs./ 15 yrs.
11-6-4 Incest	10 yrs.	11-9-5 Cruelty to or neglect of child	F: 1-3 yrs.
BRIBERY		11-9-5.3 Child abuse	5-10 yrs./ 5 yrs.
11-7-1 Bribery of juror or person exercising judicial function	7 yrs.	11-9-17 Sterilization	F: 5 yrs.
11-7-2 Acceptance of bribe by juror or person exercising judicial function	7 yrs.	11-9-18 Care of babies born alive during attempted abortions	F: 5 yrs.
11-7-3 Solicitation or acceptance of bribe by agent, employee, or public official	See below	COMMERCIAL TRANSACTIONS	
11-7-4 Bribery of agent, employee, or public official	See below	11-9.1-2 Fraudulent issuance of bill of lading	5 yrs.
11-7-5 Penalty for violations ● §§11-7-3 and 1-7-4	7 yrs.	11-9.1-4 Unlawful issuance of duplicate bill of lading	5 yrs.
11-7-8 Accepting bribe to obtain preferential military treatment	5-25 yrs.	11-9.1-6 Transfer of bill of lading for goods not in control of carrier	5 yrs.
11-7-9 Corruption of sports participant or official	7 yrs.	11-9.1-7 Fraudulently procuring issuance of bill of lading	5 yrs.
BURGLARY AND BREAKING AND ENTERING (inclusive)		11-9.1-8 Failure to mark non-negotiable bill of lading	5 yrs.
11-8-1 Burglary	5 yrs.	11-9.1-9 Issuance of fraudulent warehouse receipt	5 yrs.
11-8-1.1 Attempted breaking and entering	Same as particular offense	11-9.1-11 Failure to mark duplicate warehouse receipt	5 yrs.
11-8-2 Unlawful breaking and entering of dwelling house	1-5 yrs.	CRIMES AGAINST NATURE	
11-8-2.1 Unlawful breaking and entering of dwelling with possession of instruments relating to wrongful setting of fires	15 yrs.	11-10-1 Abominable and detestable crime against nature	7-20 yrs.
11-8-2.2 Breaking and entering of dwelling when resident on premises	1-10 yrs.	DISORDERLY CONDUCT	
11-8-3 Entry of building or ship with felonious intent	10 yrs.	11-11-2 Use of dangerous or offensive instruments or substances to disturb public assemblies	5 yrs.
11-8-4 Breaking and entering business place, public building, a ship at night with felonious intent	10 yrs.	DUELING AND FIGHTING	
		11-12-1 Engaging in a duel	1-7 yrs.

11-12-2 Challenging or accepting challenge to duel	1-7 yrs.	FRAUD AND FALSE DEALING	
11-12-6 Fighting by appointment	10 yrs.	11-18-1.1 Fraudulent insurance claims for stolen motor vehicles	F: 5 yrs.
11-12-7 Aiding fight by appointment	5 yrs.	11-18-25 Concealment or transfer of property with intent to defraud creditors	2 yrs.
11-12-8 Leaving state to fight by appointment	5 yrs.	11-18-27 Sale of false diplomas or certificates	2 yrs.
EXPLOSIVES AND FIREWORKS			
11-13-1* Sale, use or possession of fireworks		11-18-29 Fraudulent stock certificates	1-10 yrs.
● class "C" fireworks	F: 1 yr.	11-18-31 Solicitation in name of law enforcement agency	2 yrs.
● value of fireworks < \$500	M: 1 yr.		
11-13-8 Delivery or transportation of unmarked explosives of inflammable substances	5 yrs.	GAMBLING AND LOTTERIES	
11-13-9 Threats, false report of or placing bombs in buildings	10 yrs.	11-19-1 Promotion of lotteries	F: 2 yrs.
FALSE PRESENTATION			
FLAGS AND EMBLEMS			
FOODS AND BEVERAGES			
11-16-4 Furnishing wood alcohol for beverage purposes	Life/any term of years	11-19-5* Acts in aid of policy game	1 yr.
11-16-5 Poisoning with intent to kill	Life/any term of years	● second offense	1-5 yrs.
11-16-6 Poisoning in general	1-20 yrs.	11-19-14* Bookmaking	1 yr.
11-16-7 Tampering with packaging	3-10 yrs.	● second offense	1-5 yrs.
FORGERY AND COUNTERFEITING			
11-17-1 Forgery and counterfeiting in general	10 yrs.	11-19-14.1* Bookmaking at race-track or fronton--entry by convicted bookmakers prohibited	
11-17-2 Forgery, counterfeiting, or alteration of state debt certificate or bank bill or note	2-10 yrs.	● engage in bookmaking	F: 5 yrs.
11-17-3 Passing of counterfeit certificates, bill or notes	2-10 yrs.	● entry	1 yr.
11-17-4 Importation or possession of counterfeit certificate, bill or note	2-10 yrs.	11-19-18 Keeping at gambling places or devices--acting as dealer, banker or lookout	2 yrs.
11-17-5 Manufacture, repair or possession of counterfeiting devices	2-10 yrs.	11-19-39* Enforcement and penalties--charitable organizations and gambling	M: 1 yr.
11-17-7 Forgery or counterfeiting of coins	2-10 yrs.	● subsequent offenses	5 yrs.
11-17-8 Passing of counterfeit coins	2-10 yrs.	GRAVES AND CORPSES	
11-17-9 Importation or possession of counterfeit coin with intent to pass	2-10 yrs.	11-20-1 Disinterment of body	10 yrs.
11-17-10 Manufacture, repair, or possession of device for counterfeit coins	2-10 yrs.	11-20-2 Desecration of a grave	2 yrs.
		HAZING	
		11-21-3 Tattooing or permanent disfigurement	1-10 yrs.
		HIGHWAYS	
		HOMICIDE (inclusive)	
		11-23-1 Murder	See below
		11-23-2 Penalties for murder	Life/10 yrs. to life
		11-23-2.1 Penalty for murder of kidnapped person under age 18	Life
		11-23-3 Manslaughter	30 yrs.
		11-23-5 Wilfull killing of unborn quick child	30 yrs.
		11-23-6 Controlled substance transaction resulting in death of minor	Life

HOTELS AND PUBLIC PLACES

JAILS AND PRISONS

11-25-1 Escape from correctional institutions	3 yrs.
11-25-2 Assault or escape by a custodial unit inmate	1-20 yrs.
11-25-4 Assault or escape by prisoner of medium or minimum custodial unit	1-20 yrs.
11-25-5 Officer voluntarily allowing prisoner to escape	10 yrs.
11-25-6 Officer negligently allowing escape	5 yrs.
11-25-8 Conveyance to prisoner of instruments for escape	10 yrs./ 5 yrs.
11-25-9 Assisting inmate of correctional institutions to escape	3 yrs.
11-25-14 Conveyance of unauthorized articles to or from institutions	10 yrs.
11-25-16 Juvenile escapees	2 yrs.
11-25-19 Record of visitors	3 yrs.

KIDNAPPING

11-26-1 Kidnapping	F: 20 yrs.
11-26-1.1 Childsnatching	F: 2 yrs.
11-26-2 Kidnapping with intent to extort	F: 5 yrs. (MIN.)

LAW PRACTICE

MALFEASANCE AND MISFEASANCE

11-28-1 Failure to pay state funds into treasury	5 yrs.
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MAYHEM

11-29-1 Penalty for mutilation or disabling	1-10 yrs.
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NUISANCES

OBSCENE AND OBJECTIONABLE PUBLICATIONS AND SHOWS

11-31-1 Circulation of obscene publications and shows	2 yrs.
11-31-10 Sale or exhibition to minors of indecent publications, pictures or articles	2 yrs.
11-31-12 Penalty for making receipt of obscene publications a condition to delivery	2 yrs.

OBSTRUCTING JUSTICE

11-32-3 Obstruction of the judicial system	5 yrs.
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11-32-5 *Intimidation of witnesses and victims of crimes	1 yr.
● causes physical injury or damages to property in attempt to intimidate	5 yrs.

PERJURY AND FALSE SWEARING

11-33-1 Perjury	
11-33-2 Penalty for perjury	20 yrs.
11-33-3 Attempt to procure perjury	10 yrs.

PROSTITUTION AND LEWDNESS

11-34-1* Pandering	6 mos.-5 yrs.
● subsequent offenses	1-10 yrs.
11-34-5* Transportation for indecent purposes--harboring prostitution	6 mos.5 yrs.
● subsequent offenses	1-10 yrs.
11-34-5.1 Deriving support or maintenance from prostitution	5 yrs.

PUBLIC UTILITIES

11-35-4 Injuries to electric or communication lines	2 yrs.
11-35-18 Bomb threats and similar false reports	10 yrs.
11-35-22 Offenses in connection with authorized interception of communications	5 yrs.
11-35-24 Possession, sale, distribution, manufacture and advertising of intercepting device	5 yrs.

11-35-25* Fraudulent communication devices	3 yrs.
● possession of devices, instruments or plans	M: 1 yr.

RAILROADS AND CARRIERS

11-36-1 Hindering passage of trains--placing explosives near highways, buildings or tracks	20 yrs.
11-36-3* Throwing missiles at trains	1 yr.
● if injury occurs	F: 3 yrs.

11-36-4 Injuring railroad signals or signal lines	2 yrs.
11-36-8 Removal of waste or packing from journal boxes	3 yrs.
11-36-9 Obstruction of street railway company	2 yrs.

SEXUAL ASSAULT (inclusive)

11-37-2 Definition of first degree sexual assault	
11-37-2.1 First degree sexual assault by spouse	10 yrs.

11-37-3 Penalty for first degree sexual assault	10 yrs.	11-41-5* Penalties for larceny ● if < \$500 ● if victim ≥ 65 ● if > \$500 or firearm	1 yr. 2 yrs.-10 yrs. 10 yrs./ 2-10 yrs.
11-37-3.3 Failure to report	M: 1 yr.		
11-37-4 Definition of second degree sexual assault		11-41-6 Attempted larceny	Same as completed act
11-37-5 Penalty for second degree sexual assault	3-15 yrs.	11-41-7 Larceny from the person	1-10 yrs.
11-37-6 Definition of third degree sexual assault		11-41-8 Stealing of animals	1 yr.
11-37-7 Penalty for third degree sexual assault	5 yrs.	11-41-9 Theft of poultry	1 yr.
11-37-8 Penalty for assault with intent to commit first degree sexual assault	3-20 yrs.	11-41-10 Robbing of fish nets and weirs	Fine
11-37-8.1 Definition of guilt of first degree child molestation sexual assault		11-41-11 Embezzlement by bank officer	20 yrs.
11-37-8.2 Penalty for first degree child molestation sexual assault	20 yrs.	11-41-12 Fraudulent conversion by agent or factor	5 yrs.
11-37-8.3 Definition of guilt of second degree child molestation sexual assault		11-41-13 Obtaining signature by false pretenses	5 yrs.
11-37-8.4 Penalty for second degree child molestation sexual assault	6-30 yrs.	11-41-14 Failure to return book or other library property	Fine
RIOTOUS ASSEMBLY		11-41-17 Unauthorized transfer of vehicle sold on conditional sale	1 yr.
11-38-5 Inciting riot at a correctional institution	10 yrs.	11-41-18 Defacement or conversion of rental battery	Fine
ROBBERY (inclusive)		11-41-19 Refusal to return rental battery	M: fine
11-39-1 Penalty for robbery and armed robbery	5 yrs./ 10 yrs.- life	11-41-20* Shoplifting ● more than \$100 or previous conviction	M: 1 yr. F: 5 yrs.
SUNDAY LAWS		11-41-20.1 Shoplifting--use of implements in concealment	F: 5 yrs.
THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND MISAPPROPRIATION (inclusive)		11-41-23 Larceny of marine equipment	1-10 yrs.
11-41-1 *Stealing as larceny ● if < \$500 ● if victim ≥ 65 ● if > \$500 or firearm	1 yr. 2 yrs.-10 yrs. 10 yrs./ 2-10 yrs.	11-41-24 Habitual offender ● §§ 11-41-20; 11-41-2; 11-41-1	6 mos.-1 yr.
11-41-2* Receiving stolen goods ● if property obtained from person < 18 ● if < \$500 ● if victim ≥ 65 ● if > \$500 or firearm	10 yrs. 1 yr. 2 yrs.-10 yrs. 10 yrs./ 2-10 yrs.	11-41-25 Siphoning of gasoline	Fine
11-41-3* Embezzlement and fraudulent conviction ● if < \$500 ● if victim ≥ 65 ● if > \$500 or firearm	1 yr. 2 yrs.-10 yrs. 10 yrs./ 2-10 yrs.	GROCERY AND LAUNDRY CARTS, MILK CASES AND EGG BASKETS	
		THREATS AND EXTORTION	
		11-42-2 Extortion and blackmail	15 yrs.
		11-42-3 Ethnic or religious intimidation	5 yrs.
		11-42-4 Threats to public officials	5 yrs.
		TREASON AND RELATED OFFENSES	
		11-43-1 Treason	Prison for life
		11-43-3 Misprision of treason	5-20 yrs.

11-43-7 Unlawful exercise of functions of state office	Prison for life	<ul style="list-style-type: none"> ● dealing in credit cards of another 3 yrs. ● forgery of credit card 3 yrs. ● signing credit card of another 1 yr.
11-43-11 Advocating forcible overthrow of government	F: 10 yrs.	
11-43-12 Advocating anarchy or unlawful destruction of property	F: 10 yrs.	11-49-4* Fraudulent use of credit cards <ul style="list-style-type: none"> ● value of goods < \$100 1 yr. ● value of goods > \$100 3 yrs.
11-43-13 Conspiracy to advocate anarchy or of government	F: 10 yrs.	11-49-5* Fraud by person authorized to provide goods or services See below
TRESPASS AND VANDALISM		
11-44-8 Injury to or interference with water control substances	5 yrs.	
11-44-31 Desecration of places of public assemblage	F: 5 yrs.	11-49-5(A)* Illegally obtained or illegally possessed credit card; credit card forged, revoked or expired credits <ul style="list-style-type: none"> ● violation of 11-49-5(A) value of goods < \$100 1 yr. ● violation of 11-49-5(A) value of goods > \$100 3 yrs. ● misrepresentation to issuers <ul style="list-style-type: none"> --total value of goods < \$500 1 yr. --total value of goods > \$500 3 yrs.
DISORDERLY CONDUCT		
WATERS		
INTERTIDAL SALT MARSHES		
WEAPONS		
11-47-3 Carrying dangerous weapon or substances when committing a crime of violence	1-20 yrs./ 5-10 yrs./ 10 yrs.-life	11-49-6.1* Publishing information for fraudulent purposes <ul style="list-style-type: none"> ● first offense M: 1 yr. ● second or subsequent offense F: 3 yrs.
11-47-5 Criminals and fugitives prohibited from possession	2-10 yrs.	
11-47-5.1 Larceny of a firearm	1-5 yrs.	GAMES OF CHANCE
11-47-8 License or permit required for carrying pistol--possession of machine gun	1-5 yrs./ 10 yrs.	ORGANIZED CRIMINAL GAMBLING
11-47-20 Sale or possession of silencers	1 yr. 1 day (MIN.)	11-51-2 Organized criminal gambling business 5 yrs.
11-47-20.1 Armour-piercing bullets	3 yrs.	COMPUTER CRIME
11-47-20.2 Possession during commission of a felony	1-10 yrs.	11-52-2 Access to computer for fraudulent purposes F: 5 yrs.
11-47-23 False information in securing pistol or license	5 yrs.	11-52-3 Intentional access, alteration, damage or destruction F: 5 yrs.
11-47-24 Alteration of marks of identification on firearms	5 yrs.	11-52-4 Computer theft F: 5 yrs.
11-47-26* Penalties for violations of this chapter unless otherwise specified	5 yrs.	DEFAMATION
<ul style="list-style-type: none"> ● with relation to rifle, air pistol, "blank gun", or "BB gun" --first offense ● second or subsequent offense 	Fine 30 days	11-53-2 Threat by terror 2 yrs./10 yrs.
SUBSTANCES RELEASING TOXIC VAPORS		
CREDIT CARD CRIME ACT		
11-49-3* Theft--Obtaining credit card through fraudulent means		EXPERIMENTATION ON HUMAN FETUSES
<ul style="list-style-type: none"> ● theft by taking or retaining possession of card taken ● theft of card and lost, mislaid or delivered by mistake ● purchase or sale of credit card of 1 yr. another ● obtaining control of credit card as security for debt 	1 yr. 1 yr. 1 yr.	11-54-2 Experimentation on human fetuses, penalties F: 1 yr. (MIN.)
DUTY TO RENDER ASSISTANCE		
RACKETEER VIOLENCE		
		11-55-3 Paramilitary training prohibited, penalty for violation F: 5 yrs.
		DUTY TO RENDER ASSISTANCE
		11-57-1 Violent crime in and of racketeering F: 2-10 yrs.
		11-57-2 Solicitation to commit a violent crime in and of racketeering F: 2-10 yrs.

Uniform Controlled Substances Act (inclusive)		(C) Controlled substance listed in schedule V	2 yrs.
SHORT TITLE AND DECLARATION		(D) Controlled substance listed in schedule I as marijuana	60 yrs.
STANDARDS AND SCHEDULES		(E) Imitation controlled substance	Twice sentence for substance imitated
REGULATION OF, MANUFACTURE, DISTRIBUTING, PRESCRIBING, ADMINISTERING AND DISPENSING			
OFFENSES AND PENALTIES		21-28-4.08 Conspiracy	Same as substantive offense
21-28-4.01* Prohibited acts A - penalties; manufacture, deliver, or possess with intent to do same with	See below		
(A)(1) Controlled substance classified in schedule I or II, except marijuana	Life	21-28-4.09 General penalty clause; unspecified offenses; penalties	1 yr.
(A)(2)(a) Controlled substance classified in schedule I or II	30 yrs.	21-28-4.11 Second offenses	Twice term otherwise authorized
(b) Controlled substance classified in schedule III or IV	20 yrs.	21-28-4.13 Impersonation of health officials - penalties	1 yr.
(c) Controlled substance classified in schedule V	1 yr.	21-28-4.14 Third or subsequent offense	Three times term otherwise authorized
(B)(1)(a) Counterfeit substance classified in schedule I or II	30 yrs.	21-28-4.15* Employment of person under age eighteen (18)	See below
(b) Counterfeit substance classified in schedule III or IV	20 yrs.	(a) Controlled substance listed in schedules I and II except marijuana	Life
(c) Counterfeit substance classified in schedule V	1 yr.	(b) Controlled substance listed in schedule III or IV	20 yrs.
(C)(1)(a) Possession of controlled substance classified in schedule I, II, III, IV and V except marijuana	3 yrs.	(c) Controlled substance listed in schedule V or marijuana	1 yr.
(b) Possession of controlled substance classified in schedule I as marijuana	1 yr.	21-28-4.16 Crimes against pharmacies	15 yrs.
(D) Manufacture, deliver, or possess with intent to do same with imitation controlled substance	Same as substance was designed to resemble/ 5 yrs.	POWERS OF ENFORCEMENT PERSONNEL	
21-28-4.02 Prohibited acts B - penalties - prescription offenses	5 yrs.	NARCOTIC GUIDANCE COUNCIL	
21-28-4.03 Prohibited acts C - penalties - prescription offenses	5 yrs.	DRUG ABUSE REPORTING SYSTEM	
21-28-4.04 Prohibited acts D - penalties - hypodermic instruments	5 yrs.	21-28.3-4 Breach of confidentiality	M: 6 mos.
21-28-4.05 Prohibited acts E - false representations to obtain controlled substances	5 yrs.	CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH ACT	
21-28-4.06* Prohibited acts F - places used for unlawful sale, use or keeping of controlled substances	See below	21-28.4-10 Penalties	1 yr.
(1)(a) Maintain place	5 yrs.	SALE OF DRUG PARAPHERNALIA	
(b) Allow place	15 yrs.	21-28.5-2 Manufacture or delivery of drug paraphernalia - penalty	2 yrs.
(c) Visit place	1 yr.	21-28.5-3 Delivery of drug paraphernalia to a minor - penalty	5 yrs.
21-28-4.07* Distribution to persons under age 18	See below	RE-USE OF SYRINGES	
(A) Controlled substance listed in schedules I and II except marijuana	Life	21-29.1-1 Re-use of syringes prohibited	Misdemeanor
(B) Controlled substance listed in schedule III and IV	Life	DRUGS AND POISONS GENERALLY	
		21-30-1 Distribution in streets or from house to house prohibited	1 yr.
		21-30-4 Sale or possession of wood alcohol with unlawful intent	6 mos.

S.C. CODE ANN. §x (Law. Co-op. 1985 & Supp. 1986).

Criminal Classification Information

§16-1-10. Crimes classified as felonies.

The crimes referred to in the following sections: 12-54-40 (tax evasion, failure to collect or remit taxes, assisting in filing false return or document, or attempting to defeat collection of taxes); §§16-1-40 (accessory before the fact in the commission of a felony); 16-3-10 (murder); 16-3-30 (killing by poison); 16-3-40 (killing by stabbing or thrusting); 16-3-50 (manslaughter); 16-3-70 (administering or attempting to administer poison); 16-3-210 and 16-3-220 (lynching); 16-3-410 (challenging or accepting challenge to duel); 16-3-430 (killing in a duel); 16-3-620 (assault and battery with intent to kill); 16-3-651 to 16-3-653 (criminal sexual conduct); 16-3-655 (criminal sexual conduct with minors); 16-3-910 (kidnapping); 16-3-920 (conspiracy to kidnap); 16-9-10 to 16-9-40 (perjury and subornation of perjury); 16-9-210 (bribery); 16-9-220 (accepting bribes); 16-9-260 (corrupting jurors and others); 16-9-270 (acceptance of bribes by jurors and others); 16-9-410 (aiding escape from prison and rescuing prisoner); 16-9-420 (aiding escape from officer or other person); 16-11-110 (arson); 16-11-310 to 16-11-313 (burglary); 16-11-330 (robbery while armed with a deadly weapon); 16-11-350 (train robbery); 16-11-360 (robbery on trains); 16-11-380 (entering bank, etc., with intent to steal); 16-11-390 (safecracking); 16-11-540 (damaging, destroying, etc., building, vehicle or other property by means of explosive or incendiary); 16-11-550 (threatening to kill, injure or intimidate individual or damage or destroy property by means of explosive or incendiary); 16-13-10 (forgery); 16-13-210 (embezzlement of public funds); 16-13-230 (breach of trust with fraudulent intent); 16-15-10 (bigamy); 16-15-120 (buggery); 16-17-470 (eavesdropping or peeping); 16-17-495 (transporting child under sixteen outside State with intent to violate custody order); 23-29-60 and 23-29-90 (registration of members of subversive organizations); 24-3-950 (furnishing contraband to prisoners); 25-7-20 to 25-7-70 (spying and sabotage of war effort); 44-41-80(a) (illegal abortion); the crimes of treason, attempt to rape, robbery and highway robbery, grand larceny and mayhem; 16-3-625 (resisting arrest by a law enforcement officer with use or threat of use of a deadly weapon); 44-53-370(e) (trafficking in controlled substances); 56-5-2945 (injuring or killing any person while driving vehicle under influence of alcohol or drugs); 34-11-90 (drawing or uttering instrument in violation of Chapter 11 of Title 34 in excess of five thousand dollars); 16-3-1060, 20-7-1710, and 21-21-20 (receiving compensation for relinquishment of child for adoption); 16-3-75 (tampering with human drug products or food items); 16-27-30 and 16-27-40 (animal fighting and baiting); and all other criminal offenses punishable under the laws of this State which were felonies under the common law are hereby classified as and declared to be felonies.

§16-1-15. Burglary defined.

Burglary as used in §16-1-10 means burglary of any degree.

§16-1-20. All other crimes classified as misdemeanors.

All other criminal offenses punishable under the laws of this State are hereby classified as and declared to be misdemeanors, anything in any of the statutes of this State which refer to such offenses to the contrary notwithstanding.

§16-1-60. Violent crimes.

For purposes of definition under South Carolina law a violent crime includes the offenses of murder, criminal sexual conduct in the first and second degree, assault and battery with intent to kill, kidnapping, voluntary manslaughter, armed robbery, drug trafficking as defined in §§44-53-370(e), arson in the first degree, burglary in the first degree, and burglary in the second degree under §16-11-312(B).

§16-1-70. Nonviolent crimes.

For purposes of definition under South Carolina law a nonviolent crime is all offenses not specifically enumerated in §16-1-60.

§17-25-20. Punishment for felony when not specially provided for.

When no special punishment is provided for a felony, it shall, at the discretion of the court, be by one or more of the following modes, to wit: Confinement in the Penitentiary or in a workhouse or penal farm, when such institutions shall exist, for a period of not less than three months nor more than ten years, with such imposition of hard labor and solitary confinement as may be directed.

§17-25-30. Sentence where no punishment is provided.

In cases of legal conviction when no punishment is provided by statute the court shall award such sentence as is conformable to the common usage and practice in this State, according to the nature of the offense, and not repugnant to the Constitution.

INCHOATE OFFENSES

Note: Attempts and solicitation appear in individual crime definition sections. See coding section.

§16-17-410. Conspiracy.

The crime known to the common law as "conspiracy" is hereby defined as a combination between two or more persons for the purpose of accomplishing a criminal or unlawful object or an object neither criminal nor unlawful by criminal or unlawful means. The crime of conspiracy is hereby declared to be a misdemeanor, and any person found guilty of the crime of conspiracy shall be sentenced to pay a fine of not more than five thousand dollars or to be imprisoned for not more than five years; provided, that in no event shall a person who is convicted of the crime of conspiracy be given any greater fine or sentence than he would have received had he carried out the criminal or unlawful act contemplated by the conspiracy and had he been convicted of the criminal or unlawful act contemplated by the conspiracy or had he been convicted of the criminal or unlawful acts by which the conspiracy was to be carried out or effected.

SOUTH CAROLINA CRIMINAL STATUTES

S.C. CODE ANN. § (Law. Co-op. 1985 & Supp. 1986).

ASSAULT AND CRIMINAL SEXUAL CONDUCT (inclusive)**KEY**

- F = Felony
 M = Misdemeanor
 SP = State penitentiary
 J = Jail
 HL = Hard labor
 ? = Place of confinement not specified
 * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
 >, < = Greater than, less than
 ≥, ≤ = Greater than or equal, less than or equal

NOTE: Maximum sentence given, unless range or minimum (MIN.) specified. In addition to the statutory and common law crimes related in §16-1-10, the common law crime of strongarm robbery is to be considered a felony. This information has been provided by the Office of the Attorney General, Columbia.

Statute No. and Title Class/Time

Felonies and Misdemeanors; Accessories

16-1-40 Accessories before fact shall be punished as principals F

Offenses Against the Person**HOMICIDE (inclusive)**

16-3-10 "Murder" defined

16-3-20 Punishment for murder: separate sentencing proceeding to determine whether sentence should be life or death Death/life/
20 yrs. MIN.

16-3-30 Killing by poison Punish as murder/death

16-3-40 Killing by stabbing or thrusting Punish as murder/death

16-3-50 Manslaughter SP: 2-30 yrs.
HL/3 mos.-
3 yrs.

16-3-70 Administering or attempting to administer poison F: 2-10 yrs.

16-3-75 Tampering with human drug product or food item; penalty F: 10-
30 yrs./
5 yrs. MIN.

LYNCHING

16-3-210 Lynching in the first degree F: death/5-40 yrs.

16-3-220 Lynching in the second degree F: 3-20 yrs.
HL

DUELING

16-3-410 Sending or accepting challenge to fight SP: 2 yrs.

16-3-430 Killing in a duel Death

16-3-610 Assault with concealed weapon SP: 3-12 mos. with or without HL

16-3-620 Assault and battery with intent to kill F: 20 yrs.

16-3-625 Resisting arrest with deadly weapon; sentencing; "deadly weapon" defined; application of section F: 2-10 yrs.

16-3-651 Criminal sexual conduct: definitions

16-3-652 Criminal sexual conduct in the first degree F: 30 yrs.

16-3-653 Criminal sexual conduct in the second degree F: 20 yrs.

16-3-654 Criminal sexual conduct in the third degree F: 10 yrs.

16-3-655 Criminal sexual conduct with minors F: 30 yrs./
20 yrs.

16-3-730 Publishing name of victim of criminal sexual assault unlawful M: 3 yrs.

SEXUAL PERFORMANCE BY CHILDREN**KIDNAPPING**

16-3-910 Kidnapping F: life

16-3-920 Conspiracy to kidnap F: life

MISCELLANEOUS OFFENSES

16-3-1060 Receipt of compensation for relinquishing custody of child for adoption; penalty F: 10 yrs.

COMPENSATION OF VICTIMS OF CRIME**VICTIM/WITNESS ASSISTANCE PROGRAM****VICTIMS' AND WITNESS' BILL OF RIGHTS****Offenses Against Civil Rights****OFFENSES AGAINST CIVIL RIGHTS****Offenses Against the Peace****OFFENSES DURING STATE OF EMERGENCY**

16-7-10 *Acts considered unlawful in area designated by governor in proclamation of emergency
 ● failure to obey; proclamation, peace officer, curfew, or order to disperse M: 30 days
 ● enter, damage, take or disturb property of another F: courts

OFFENSES TENDING TO BREACH OF PEACE		16-11-140 Burning of crops and other kinds of personal property	SP: 1-3 yrs.
Offenses Against Public Justice		16-11-150 Burning lands of another without consent	?: 1 yr./5 yrs.
PERJURY		16-11-160 Carrying fire on lands of another without permit	M: 30 days
16-9-10 Perjury and subornation of perjury	F; ?: 6 mos.	16-11-170 Wilfully burning lands of another	M: 1-5 yrs.
16-9-20 Subornation of perjury in civil actions	F; ?: 6 mos.	16-11-180 Negligently allowing fire to spread to lands or property of another	M: 20-30 days/ 30 days-1 year
16-9-30 False swearing before persons authorized to administer oaths	F; ?: 6 mos.	16-11-190 Attempts to burn, with intent to defraud another's personal property	?: 1-10 yrs.
16-9-40 Additional permissible punishment for wilful and corrupt perjury or subornation of perjury	SP: 7 yrs. HL	BURGLARY, HOUSEBREAKING, ROBBERY AND THE LIKE (inclusive)	
BRIBERY, CORRUPTION OF JURORS AND THE LIKE		16-11-311 Burglary; first degree	F: life/ 15 yrs. MIN.
16-9-210 Giving or offering bribes to officers	SP: 5 yrs. HL	16-11-312 Burglary; second degree	F: 15 yrs.
16-9-220 Acceptance of bribes by officers	SP: 10 yrs. HL	16-11-313 Burglary; third degree	F: 5 yrs./ 10 yrs.
16-9-260 Corrupting jurors, arbitrators, umpires or referees	SP: 5 yrs. HL or J: 1 yr.	16-11-330 Robbery and attempted robbery while armed with a deadly weapon	?: 10-25 yrs. HL/?: 3 yrs./ 20 yrs. HL
16-9-270 Accepting of bribes by jurors, arbitrators, umpires or referees	SP: 5 yrs. or J: 1 yr.	16-11-350 Train robbery by stopping train	SP: 2-20 yrs.
INTERFERENCE WITH JUDICIAL PROCESS		16-11-360 Robbery after entry upon train	SP: 10-20 yrs.
AIDING OR PERMITTING ESCAPE OR TAKING OF PRISONERS		16-11-370 Robbery of operators of motor vehicles for hire	F: 5-25 yrs.
16-9-410 Aiding escapes from prison; rescuing prisoners	SP: 7 yrs. HL/2 yrs. HL	16-11-380 Entering bank, depository or building and loan association with intent to steal	F: life/ 5 yr. MIN.
16-9-420 Aiding escape from custody of officers	SP: 2 yrs. HL	16-11-390 Safecracking	F: life/10 yrs. MIN.
16-9-430 Jailer or other officer wilfully suffering escapes	Same sentence as prisoner liable to suffer	TRESPASS AND UNLAWFUL USE OF PROPERTY OF OTHERS	
Offenses Against Property		16-11-535 Malicious injury to place of worship	F: 6 mos.-5 yrs.
GENERAL PROVISIONS		16-11-540 Damaging or destroying building, vehicle or other vehicle or other property by means of explosive or incendiary	F: 2-20 yrs./ 10-25 yrs./ 25-50 yrs.
ARSON AND OTHER OFFENSES INVOLVING FIRE (inclusive)		16-11-550 Threatening to kill, injure or intimidate individual or damage or destroy property by means explosive or of incendiary	F: 1-10 yrs./ 5-15 yrs.
16-11-110 Arson	?: 5-25 yrs./ 2-20 yrs./?: 1-10 yrs.		
16-11-125 Making false claim or statement in support of claim to obtain insurance benefits for fire or explosion loss	M: 5 yrs.		
16-11-130 Burning personal property to defraud insurer	SP: 1-5 yrs.		

THEFT OF CABLE TELEVISION SERVICE		16-13-260* Obtaining property under false tokens or letters ● value < \$50	?: court's discretion M
BOOTLEG RECORDS AND TAPES			
Forgery, Larceny, Embezzlement, False Pretenses and Cheats		16-13-290 Securing property by fraudulent impersonation of officer	M: court's discretion
FORGERY, LARCENY, EMBEZZLEMENT, FALSE PRETENSES AND CHEATS (inclusive)		16-13-300 Fraudulent removal or secreting of personal property attached or levied on	M: 60 days - 1 yr.
16-13-10 Forgery	?: 1-7 yrs.	16-13-310 Taking official records without authority	M: fine
16-13-15 Falsifying or altering transcripts or diploma; fraudulent use of falsified or altered transcript or diploma; penalty	M: 1 yr.	16-13-320 Swindling	M: 6 mos./ court's discretion
16-13-30 Petit larceny	M	16-13-330 Stealing or damaging works of literature or objects of art	M: 30 days
16-13-40 *Stealing of bonds and the like ● value < \$20 ● value ≥ \$20	M F: as if he had stolen other goods of like value	16-13-331 Unauthorized removal or concealment of library property prohibited; penalty	M: 6 mos./?: 3 days
16-13-50 Stealing livestock; confiscation of motor vehicle or other chattel ● first offense ● second offense ● subsequent offense	?: 3 mos.- 10 yrs. ?: 1-15 yrs. ?: 5-25 yrs.	16-13-340 Failure to return books, newspapers, magazine and the like from library and other institutions	M: 30 days
16-13-60 Stealing dogs	M: 6 mos.	16-13-380 Theft of electric current	M: 30 days
16-13-80 Larceny of bicycles ● value < \$100	Court's discretion M	16-13-385 Altering, tampering with or bypassing electric, gas or water meters	M: 30 days/M: 10 yrs.
16-13-100 Stealing crude turpentine	M: 30 days	16-13-390 Cheating producers of electricity	M: 30 days
16-13-110 Shoplifting	M: 6 mos./30 days/1 yr./ 1-5 yrs.	16-13-400 Avoiding or attempting to avoid payment of telecommunications services	M: 1 year
16-13-150 Purse snatching	M: 2 yrs.	16-13-410 Making or possessing device, plans or instructions which can be used to violate 16-13-400	M: 1 year
16-13-160* Breaking into motor vehicles or tanks, pumps and other containers wherein fuel or lubricants are stored	M/SP: 5 yrs. HL	16-13-430* Fraudulent acquisition or use of food stamps ● value < \$1,000 ● value > \$1,000	M: 1 yr. F: 5 yrs.
16-13-170 Entering house or vessel without breaking with intent to steal; attempt to enter	M: court's discretion	16-13-440 Use of false or fictitious name or address to obtain refund from business establishment for merchandise	M: 30 days
16-13-180 Receiving stolen goods	M	16-13-450 Unlawful issuance, sale, or offer to sell identification card or document purporting to contain age or date of birth	M: 6 mos.
16-13-190 Stealing tires or tubes	M: 3 mos.- 10 yrs.	16-13-451 Unlawful submission of documentation required under section 16-13-450	M: 30 days
16-13-200 Knowingly receiving any of articles described in 16-13-190	M: 3 mos.- 5 of yrs.		
16-13-210 Embezzlement of public funds	F: court's discretion		
16-13-230 Breach of trust with fraudulent intent	F		
16-13-240 Obtaining signature or property by false pretenses ● value < \$200	M: 3 yrs.		

Financial Transaction Card Crime Act

FINANCIAL TRANSACTION CARD CRIME ACT

16-14-20 Financial transaction and theft F: 3 yrs.

16-14-40 Financial transaction and forgery F: 3 yrs.

16-14-60* Financial transaction and fraud
● value of goods < \$500 M: 1 yr.
● value of goods > \$500 F: 3 yrs.
● willfully exceeding balance or credit line M: 1 yr.
● false reporting of financial status M: 1 yr.
● false reporting of theft or non-receipt of card M: 1 yr.

16-14-70 Criminal possession of financial transaction card forgery devices F: 3 yrs.

16-14-80* Criminally receiving goods and services fraudulently obtained
● value of goods < \$500 M: 1 yr.
● value of goods > \$500 F: 3 yrs.

16-14-100 Penalties See above

Offenses Against Morality and Decency (inclusive)

OFFENSES AGAINST MORALITY AND DECENCY

16-15-10 Bigamy SP: 6 mos. - 5 yrs./ J: 6 mos.

16-15-120 Buggery F: 5 yrs.

16-15-360 Employment of minors F: 1-5 yrs./2-7 yrs./ 3-10 yrs.

16-15-380 Photographing of minor for obscene film or photograph; allowing minor to assist in preparation of obscene material F: 1-5 yrs./2-7 yrs./ 3-10 yrs.

Computer Crime Act

COMPUTER CRIME ACT

16-16-20* Computer crime offenses; penalties
● first degree F: 10 yrs.
● second degree F: 3 yrs./ 7 yrs.
● third degree M: 30 days/ 2 yrs.

Offenses Against Public Policy

BARRATRY

DESECRATION AND MUTILATION OF FLAGS

IMPROPER USE OF NAMES

MISCELLANEOUS OFFENSES

16-17-470 Eavesdropping or peeping F: 3 yrs.

16-17-495* Transporting a child under 16 years of age outside state with intent to violate a custody order
● returns child within seven days M: 3 yrs.
● does not return child within seven days F: 3 yrs.

16-17-550 Bribery of athletes and athletic officials F: 10 yrs.

16-17-640 Blackmail ? : 10 yrs.

Gambling and Lotteries

GAMBLING AND LOTTERIES

Offenses Involving Motor Vehicles

Offenses Involving Weapons

PISTOLS

16-23-50* Penalties; disposition of fines; forfeiture and disposition of pistols
● unlawful carrying of pistols M: 1 yr.
● sale or delivery of pistol and possession by certain persons F: 2 yrs.

MACHINE GUNS, SAWED-OFF SHOTGUNS AND RIFLES

MISCELLANEOUS OFFENSES

Criminal Domestic Violence

GENERAL PROVISIONS

Animal Fighting and Baiting Act

ANIMAL FIGHTING AND BAITING ACT

16-27-30 Acts or omissions constituting felonies; penalties F: 5 yrs.

16-27-40* Acts constituting misdemeanors upon conviction of first or second offense and constituting felonies upon conviction of third or subsequent offense; penalties
● third offense F: 5 yrs.

Poisons, Drugs and Other Controlled Substances

GENERAL PROVISIONS

NARCOTICS AND CONTROLLED SUBSTANCES (inclusive)

44-53-370* Prohibited acts A - penalties; specified offenses
● manufacture, dispense or possess with intention
(b)(1) Controlled substance schedule I(b) and (c) and schedule II narcotic

See below
M: 5 yrs.
F: 10 yrs.
F: 5-20 yrs.
M: 3 yrs.
2 x penalty
M: 1 yr.
2 x penalty

(2) Any other controlled substance in Schedule I, II, or III

- first offense
- second offense
- third or subsequent offense

(3) Substance classified in Schedule IV

- first offense
- second or subsequent offenses

(4) Substance classified in Schedule V

- first offense
- second or subsequent offenses

(d)(1) Controlled substance classified in schedule I (b) and (c) and schedule II narcotic

- first offense
- second offense
- third or subsequent offense

(2) Any other controlled substance classified in Schedule I though V

(3) Possession offense; marijuana < 28 grams or hashish < 10 grams

(e) Sells, manufactures, delivers or brings into state, aids or abets or conspires or is possession of

M: 2 yrs.
F: 3 yrs.
F: 4 yrs.
M: 6 mos./
1 yr.
M: 30 days/
1 yr.
F: 1-10 yrs./
25 yrs./
25-30 yrs./
3-10 yrs./
1-10 yrs./
7-25 yrs./
25-40 yrs.

44-53-380 Prohibited acts B; penalties; prescription offenses

F: 5 yrs.

44-53-390 Prohibited acts C; penalties; prescription; acquisition and counterfeit substance offenses

M: 5 yrs.

44-53-391 Unlawful to advertise for sale, manufacture, sell or deliver or to possess with intent to sell or deliver, paraphernalia

Civil fine

44-53-395* Prohibited acts; penalties; --prescription offenses
● second or subsequent offenses

M: 2 yrs.
F: 5 yrs.

44-53-420 Attempt and conspiracy

Same as for offense planned or attempted

44-53-440* Distribution to persons under eighteen

- controlled substance in schedule I(b) and (c) schedule II narcotic
- any other controlled substance in schedules I through V

F: 20 yrs.
M: 10 yrs.

44-53-445 Distribution of controlled substances within proximity of school

?: 10 yrs.

44-53-590 Penalty for use of property in manner which makes it subject to forfeiture

M: 30 days -
1 yr.

S.D. CODIFIED LAWS ANN. Sx (1979 & Supp. 1986).

Criminal Classification Information**22-1-3. Acts constituting crime - Punishments.**

A crime is an act or omission, other than a petty offense, which is forbidden by law, and to which is annexed, upon conviction, one or more of the following punishments:

- (1) Imprisonment;
- (2) Fine;
- (3) Removal from office;
- (4) Removal of a candidate's name from a ballot; or
- (5) Disqualification to hold and enjoy any public office of honor, trust or profit in this state.

22-1-4. Felony and misdemeanor distinguished.

Crimes are either felonies or misdemeanors. A felony is a crime which is or may be punishable by imprisonment in the state penitentiary. Every other crime is a misdemeanor.

22-6-1. Felony classes and penalties—Restitution—Habitual criminal sentences—Unclassified felonies.

Except as otherwise provided by law, felonies are divided into the following eight classes which are distinguished from each other by the respective maximum penalties hereinafter set forth which are authorized upon conviction;

- (1) Class A felony: death or life imprisonment in the state penitentiary. A lesser sentence than death or life imprisonment may not be given for a Class A felony;
- (2) Class B felony: life imprisonment in the state penitentiary. A lesser sentence may not be given for a Class B felony;
- (3) Class 1 felony: life imprisonment in the state penitentiary. In addition, a fine of twenty-five thousand dollars may be imposed;
- (4) Class 2 felony: twenty-five years imprisonment in the state penitentiary. In addition, a fine of twenty-five thousand dollars may be imposed;
- (5) Class 3 felony: fifteen years imprisonment in the state penitentiary. In addition, a fine of fifteen thousand dollars may be imposed;
- (6) Class 4 felony: ten years imprisonment in the state penitentiary. In addition, a fine of ten thousand dollars may be imposed;
- (7) Class 5 felony: five years imprisonment in the state penitentiary. In addition, a fine of five thousand dollars may be imposed; and
- (8) Class 6 felony: two years imprisonment in the state penitentiary or a fine of two thousand dollars, or both.

The court, in imposing sentence on a defendant who has been found guilty of a felony, may order in addition to the sentence that is imposed pursuant to the provisions of this section, that the defendant make restitution to any victim in accordance with the provisions of chapter 23A-28.

Nothing in this section shall limit increased sentences for habitual criminals under §§22-7-7 and 22-7-8.

Except in cases where punishment is prescribed by law, every offense declared to be a felony and not otherwise classified is a Class 6 felony.

22-6-2. Misdemeanor classes and penalties—Restitution—Unclassified misdemeanors—Act prohibited without penalty.

Except as otherwise provided by law, misdemeanors are divided into two classes which are distinguished from each other by the following maximum penalties which are authorized upon conviction:

- (1) Class 1 misdemeanor: one year imprisonment in a county jail or one thousand dollars fine, or both;
- (2) Class 2 misdemeanor: thirty days imprisonment in a county jail or one hundred dollars fine, or both.

The court in imposing sentence on a defendant who has been found guilty of a misdemeanor, may order in addition to the sentence that is imposed pursuant to the provisions of this section, that the defendant make restitution to any victim in accordance with the provision of chapter 23A-28.

Except in cases where punishment is prescribed by law, every offense declared to be a misdemeanor and not otherwise classified, is a Class 1 misdemeanor.

Where the performance of an act is prohibited by a statute, and no penalty for the violation of such statute is imposed by a statute, the doing of such act is a Class 2 misdemeanor.

22-6-5.1. Double sentence for crime by prisoner.

A court may sentence any person convicted of a crime committed while he was a prisoner as defined by §22-11A-1, to a term of not more than twice the maximum term allowed by the statute for the commission of the same crime by a person not so confined.

22-6-6. Life imprisonment where minimum but no maximum imprisonment is prescribed.

Whenever any person is declared punishable for a crime by imprisonment in the state penitentiary for a term not less than any specified number of years, and no limit to the duration of such imprisonment is declared, the court authorized to pronounce judgment upon such conviction may, in its discretion, sentence such offender to imprisonment during his natural life or for any number of years not less than such as are prescribed.

INCHOATE OFFENSES**22-3-8. Conspiracy to commit offense—Punishment.**

If two or more persons conspire, either to commit any offense against the state of South Dakota, or to defraud the state of South Dakota, or any county, township, school district or municipal corporation in any manner or for any purpose, and one or more of the parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be guilty as follows:

- (1) If the conspiracy was to commit a felony, each party is guilty of a classified felony which is one classification less severe than the felony to be committed, but in no case shall the punishment for conspiracy to commit a felony be less than a Class 6 felony. If the conspiracy was to commit a felony which has not been classified, the principal felony shall be presumed to be classified in the class set forth in § 22-6-1 which matches the maximum imprisonment authorized for that felony; provided, that when the maximum imprisonment authorized for an unclassified felony falls between two classifications, the principal felony shall be presumed to be classified in the less severe class;
- (2) If the conspiracy was to commit a Class 1 misdemeanor, each person is guilty of a Class 1 misdemeanor.

It is not a crime to conspire to commit a Class 2 misdemeanor or a petty offense.

22-4-1. Attempt defined—Punishment.

Any person who attempts to commit a crime and in the attempt does any act toward the commission of the crime, but fails or is prevented or intercepted in the perpetration thereof, is punishable where no provision is made by law for the punishment of such attempt, as follows:

- (1) If the attempted crime is punishable by imprisonment in the state penitentiary for five years or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the state penitentiary or in a county jail, as the case may be, for a term not exceeding one-half the longest term of imprisonment prescribed upon a conviction for the attempted crime;
- (2) If the attempted crime is punishable by imprisonment in the state penitentiary for any time less than five years, the person guilty of such attempt is punishable by imprisonment in a county jail for not more than one year;
- (3) If the attempted crime is punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half the largest fine which may be imposed upon a conviction of the attempted crime;
- (4) If the attempted crime is punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half of the longest term of imprisonment and one-half of the largest fine which may be imposed upon a conviction for the attempted crime; or
- (5) If the attempted crime is punishable by a sentence of life imprisonment or if the attempted crime is punishable by imprisonment in the state penitentiary for a minimum number of years and no maximum punishment is provided, the offender convicted of any such attempt may be punished as if he were guilty of a Class 2 felony.

SOUTH DAKOTA CRIMINAL STATUTES

S.D. CODIFIED LAWS ANN. §x (1979 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- A,B = Crime subclass
- 1,2,3,4,5,6 = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

Statute No. and Title	Class
TREASON, INSURRECTION AND DISLOYAL ACTS	
22-8-1 Treason defined	F1
MISUSE OF FLAGS	
RIOT AND UNLAWFUL ASSEMBLY	
22-10-1 Riot as felony	F4
22-10-5 Aggravated riot as felony	F3
22-10-6 Encouraging or soliciting violence in riot as felony	F2
OBSTRUCTION OF THE ADMINISTRATION OF GOVERNMENT	
22-11-9.1 False fire alarm causing injury or death as felony	F5
22-11-10 *Compounding a felony or misdemeanor	F6
● compounding misdemeanor	M1
22-11-15 Threatening or intimidating judicial or ministerial officers or others	F5
22-11-15.1 Threatening law enforcement officer or family	F5
22-11-15.2 Threatening constitutional officers	F5
22-11-16 Attempt to influence jurors, arbitrators or referees	F6
22-11-19 Tampering with a witness	F4
22-11-20 Solicitations and agreements by witnesses	F6
22-11-21 Offer of forged or fraudulent evidence	F5
22-11-22 Falsification of evidence	F6
22-11-23.1 Offering false instrument for recording as felony	F6
22-11-24 Destruction or impairment of public record	F6/F5
22-11-27 Alteration or removal of serial number --possession of property with altered serial number	F6

ESCAPES AND RESCUES		22-14A-11 Intentional use of device or explosive to cause bodily harm as felony	F2
22-11A-2	Escape as felony--sentence consecutive with other terms	F4	
22-11A-5	Concealment of escaped prisoner as felony	F5	
ABUSE OF JUDICIAL PROCESS		22-14A-13 Unauthorized possession of substances with intent to make destructive device as felony	F5
IMPROPRIETIES AND BRIBERY IN PUBLIC OFFICE		22-14A-18 Use of explosive or device to destroy another's property as felony--exception	F4
22-12A-4	Bribery or unlawful influence of legislators	F4	
22-12A-5	Solicitation of bribes by legislators	F4	
22-12A-6	Bribery of public officer	F4	
22-12A-7	Solicitation of bribe by public officer	F4	
22-12A-11	Bribery of judicial officer or juror	F4	
BREACH OF THE PEACE AND DISORDERLY CONDUCT		22-14A-19 Use of explosive or device to endanger human life or safety as felony	F3
UNLAWFUL USE OF WEAPONS		22-14A-20 Placement of explosive or device as to endanger human life or safety	F4
22-14-5	Possession of firearm with altered serial number as felony--exception	F6	
22-14-6	Possession of controlled weapon--exceptions	F6	
22-14-8	Concealment of weapon with intent to commit felony	F5	
22-14-12	Commission of felony while armed with firearms--minimum sentences--consecutive sentencing--execution of sentence	F2/F1	
22-14-13.1	Commission of felony while armed with stun gun--consecutive sentencing	F5/F3	
22-14-15	Possession of firearm by one with prior violent crime conviction as felony--fifteen-year period	F6	
22-14-16	Providing firearm to person with known prior violent crime conviction as felony	F6	
EXPLOSIVES AND DESTRUCTIVE DEVICES		22-14A-22* Falsely reporting a bomb as misdemeanor--subsequent convictions as felonies ● 1st offense ● subsequent offense	M1 F6
22-14A-4	Sale, transportation, or possession of destructive device as felony--increased penalty for prior violent crime conviction	F3/F4	
22-14A-5	Carrying or placing explosive or device on vehicle or in baggage--felony	F2	
22-14A-6	Possession of explosive or device with intent to injure, intimidate or destroy property as felony	F3	
HOMICIDE AND SUICIDE (inclusive)		22-16-1 Homicide defined	
22-16-4	Murder in the first degree--premeditated design--felony	FA	
22-16-7	Murder in the 2nd degree--act imminently dangerous to others--depraved mind	FB	
22-16-9	Murder in the 2nd degree--felony murder	FB	
22-16-12	Classification of murder	See above	
22-16-15	Manslaughter in the first degree	F1	
22-16-20	Manslaughter in the 2nd degree	F4	
22-16-37	Aiding and abetting suicide as felony	F6	
22-16-41	Vehicular homicide	F4	
UNAUTHORIZED ABORTION			
ASSAULTS AND PERSONAL INJURIES (inclusive)			
22-18-1	Simple assault	M1	
22-18-1.1	Aggravated assault	F3	
KIDNAPPING			
22-19-1	Kidnapping defined--class of felony	F1/FA	
22-19-6	Possession of ransom or reward	F3	
22-19-7	Taking, or enticing away child with intent to conceal	F4	
22-19-8	Substitution of infant with intent to deceive	F5	

22-19-9* Taking, enticing away or keeping of unmarried minor child by parent		THEFT (inclusive)	
● first violation	M1	22-30A-1* Theft defined	F4
● subsequent violation	F6	● grand theft	M1/M2
		● petty theft	
22-19-10 Removal of child from state	F5	22-30A-2* Transfer of another's property as theft	
		● grand theft	F4
		● petty theft	M1/M2
SEX OFFENSES (inclusive)			
22-22-1 Rape defined--degrees--felony	F2/F3/F4	22-30A-3* Theft by deception defined	
		● grand theft	F4
22-22-1.1 Spousal rape--time for complaint--felony	F2	● petty theft	M1/M2
22-22-7* Sexual contact with child under 16--felony or misdemeanor		22-30A-4 *Theft by threat	
● under 16 (child)	F4	● grand theft	F4
● actor less than 3 yrs. older than other person	M1	● petty theft	M1/M2
22-22-7.2 Sexual contact with person incapable of consenting--felony	F4	22-30A-6* Theft of lost or mislaid property	
		● grand theft	F4
		● petty theft	M1/M2
22-22-15 Bigamy defined--exceptions--felony	F6	22-30A-7* Receiving stolen property	
		● grand theft	F4
		● petty theft	M1/M2
22-22-19.1 Incest-prohibited sexual contact--felony	F5	22-30A-8* Obtaining services without paying	
		● grand theft	F4
		● petty theft	M1/M2
22-22-23 Photographing child in obscene act as felony	F4	22-30A-8.1 *Obtaining property or services with false credit card	
		● grand theft	F4
22-22-24 Sale of obscene pictures of child as felony	F6	● petty theft	M1/M2
OBSCENITY AND PUBLIC INDECENCY			
GAMBLING AND LOTTERIES			
INTERFERENCE WITH RELIGIOUS PRACTICES			
PROSTITUTION			
22-23-2 Procuring or promoting prostitution as felony	F5	22-30A-9* Diverting services of another	
		● grand theft	F4
		● petty theft	M1/M2
22-23-8 Pimping as felony--renting for prostitution	F6	22-30A-10* Embezzlement of property received in trust	
		● grand theft	F4
		● petty theft	M1/M2
PERJURY AND FALSE OFFICIAL STATEMENTS			
22-29-1 Perjury defined		22-30A-12 Unauthorized operation of vehicle, etc.	M1
22-29-5 Felony classes of perjury	F3/F4/F5	22-30A-13* Theft by conversion of rented personalty after notice of termination	
22-29-7 Punishment for subordination of perjury	F3/F4/F5	● grand theft	F4
		● petty theft	M1/M2
22-29-16 Obtaining more than two hundred dollars as felony	F6	22-30A-17* Grand theft and petty theft distinguished--degrees of petty theft	
		● grand theft	F4
		● petty theft	M1/M2
ROBBERY (inclusive)			
22-30-1 Robbery defined		22-30A-20* Unauthorized possession of federal department of agriculture commodities transferred to state	
22-30-6 Degrees of robbery		● grand theft	F4
		● petty theft	M1/M2
22-30-7 Felony classes of robbery	F2/F4	22-30A-21 Law enforcement officer retaining seized property as theft	
		● grand theft	F4
		● petty theft	M1/M2

BURGLARY AND UNLAWFUL ENTRY (inclusive)

- 22-32-1 First degree burglary defined--felony F2
- 22-32-3 Second degree burglary defined--felony F3
- 22-32-8 Third degree burglary defined--felony F4
- 22-32-16 Entry of structure to commit any crime as misdemeanor M1
- 22-32-17 Possession of weapon or tools with intent to commit burglary as felony F5

ARSON (inclusive)

- 22-33-1 Burning of structure known to be occupied as first degree arson--felony F1
- 22-33-2 Burning of occupied structure as second degree arson--felony F2
- 22-33-3 Burning of unoccupied property without owner's consent as third degree arson--felony F4
- 22-33-4 Burning to defraud insurer as felony F4

VANDALISM AND INJURIES TO PROPERTY

- 22-34-1* Intentional damage to property--degree of offense according to value
 - < \$20 damage M2
 - < \$200 > \$20 M1
 - > \$200 F4
- 22-34-28 Intentional interruption of communications, transportation, or utility service as felony F6

UNLAWFUL OCCUPANCY OF PREMISES

PUBLIC NUISANCES

FORGERY AND COUNTERFEITING

- 22-39-36 Forgery defined--felony F5
- 22-39-37 Making or possessing forgery or counterfeiting devices as felony F6
- 22-39-38 Possession of known forged instrument with intent to defraud as felony F6

FALSE PERSONATION

FRAUD AND MISREPRESENTATION

- 22-44-1.2* Passing check against insufficient funds, etc.
 - 3rd degree M2
 - 2nd degree M1
 - 1st degree F6

CONTROLLED SUBSTANCES AND MARIJUANA (inclusive)

- 22-42-2 Unauthorized manufacture, distribution, counterfeiting or possession of substances with high potential for abuse as felony--mandatory sentences F4/F2
- 22-42-3 Unauthorized manufacture, distribution, counterfeiting or possession of substances with moderate potential for abuse as felony--mandatory sentences F5/F3
- 22-42-4 Unauthorized manufacture, distribution, counterfeiting or possession of substances with moderate potential for abuse as felony--mandatory sentences F6/F4
- 22-42-5 Unauthorized possession of controlled substance as felony F5
- 22-42-6* Possession of marijuana prohibited--degrees according to amount
 - if < 1 oz. M2
 - if > 1 oz. and < 1/2 lb. M1
- 22-42-7* Distribution of specified amounts of marijuana with and without consideration
 - < 1 oz. M2/M1

- 22-42-8 Obtaining possession of controlled substance by misrepresentation, forgery or fraud F5

- 22-42-9 Manufacture, distribution or possession of equipment for making counterfeit controlled substance as felony F5

- 22-42-10 Keeping place for use or sale of controlled substances as felony F5

- 22-42-11 Inhabiting room where controlled substances illegally stored or used as misdemeanor M1

- 22-42-15 Ingesting substance except alcoholic beverages for the purpose of becoming intoxicated M1

- 22-42-16 Delivery or manufacture of noncontrolled substance represented to be controlled M1

DRUG PARAPHERNALIA

- 22-42A-3 Use or possession of drug paraphernalia as misdemeanor M2

- 22-42A-4 Delivery of drug paraphernalia as misdemeanor M1

COMMERCIAL BRIBERY

CABLE TELEVISION AND MULTIPOINT
DISTRIBUTION OF SYSTEMS

UNLAWFULLY OBTAINING BENEFITS OR
PAYMENTS FROM MEDICAL ASSISTANCE
PROGRAM

22-45-2 Action by which claimant F5
commits an offense

22-45-3 Application to participate F5
as provider--Perjury for submitting
false statements

22-45-4 Action of person aiding F5
provider with goods or services or
referring individuals to provider
for which additional value received
an offense

22-45-5 Offense of acceptance of F5
amount in addition to amount
legally payable under program

ABUSE OR EXPLOITATION OF DISABLED ADULTS

22-46-2 Abuse of disabled adult as F6
felony

FIREARMS CONTROL

23-7-12 False information or false F6
evidence of identity to secure
pistol or permit as felony

CORONOR'S INQUESTS

TENN. CODE ANN. Sx (1982 & Supp. 1986).

Criminal Classification Information

39-1-103. Felonies and misdemeanors distinguished.

All violations of law punished by imprisonment in the penitentiary or by the infliction of the death penalty are, and shall be denominated, felonies, and all violations of law punished by fine or imprisonment in the county jail or workhouse or both, shall be denominated misdemeanors.

39-1-104. Prohibited act when no penalty prescribed is misdemeanor.

When the performance of any act is prohibited by statute, and no penalty, punishment or forfeiture for the violation of such statute is imposed, the doing of such act is a misdemeanor.

39-1-201. Penalty for felony.

Whenever a person is convicted, either as principal or accessory, of a felony the punishment for which is not otherwise provided in this Code, he shall be sentenced to imprisonment in the penitentiary not less than one nor more than ten (10) years.

39-1-202. Penalty for misdemeanor.

Every person who is convicted of a misdemeanor, the punishment for which is not otherwise prescribed by a statute of this state, shall be punished by imprisonment in the county jail or workhouse not more than one year, or by fine not exceeding one thousand dollars (\$1,000), or by both, in the discretion of the court.

39-1-702. Certain offenses as Class X felonies.

The following offenses shall be Class X felonies:

- (1) Murder in the first degree;
- (2) Murder in the second degree, but excluding vehicular homicide in violation of the Tennessee Code Annotated;
- (3) Aggravated rape and aggravated sexual battery;
- (4) Aggravated kidnapping;
- (5) Robbery accomplished by use of a deadly weapon;
- (6) Aggravated arson;
- (7) Conspiracy to take human life or to commit a felony on the person of another;
- (8) Assault with intent to commit murder, with bodily injury to the victim;
- (9) The manufacture, delivery or sale or possession with intent to manufacture, deliver or sell or conspiracy to manufacture, deliver or sell certain quantities of a controlled substance as prohibited by S 39-6-417(c), (d);
- (10) Assault from ambush with a deadly weapon; and
- (11) Willful injury by explosives.

39-1-703. Nature of Class X felonies.

All Class X felonies shall:

- (1) Be determinate in nature;
- (2) Not be subject to reduction for good, honor or incentive or other sentence credit of any sort;
- (3) Terminate or expire only after service of the entire sentence, day for day, under the control and supervision of the state of Tennessee; and
- (4) Not be included in any pre-trial diversion program either before or after any court hearing.

39-1-404. Penalties.

(a) A person committing the offense of solicitation of a misdemeanor shall be guilty of a misdemeanor, and shall be punished as if he had committed the most serious misdemeanor which was solicited.

(b) A person committing the offense of solicitation of a felony shall be guilty of a felony, and shall be punished as if he had committed an attempt or an assault with intent to commit the most serious felony which was solicited, or any lesser included felony in the discretion of the jury.

39-1-501. Attempting to commit felony.

If any person attempts to commit any felony or crime punishable by imprisonment in the penitentiary, where the punishment is not otherwise prescribed, he shall, on conviction, be punished by imprisonment in the penitentiary not exceeding five (5) years, or, in the discretion of the jury, by imprisonment in the county workhouse or jail not more than one year, and by fine not exceeding five thousand dollars (\$5,000).

39-1-502. Attempt to suborn perjury...(misdemeanor).

39-1-503. Attempt to commit sabotage...liable to one half (1/2) the punishment prescribed for the completed crime...

39-1-504. Attempt to destroy property or injure person by use of fire bomb...felony, and upon conviction shall be punished by confinement in the state penitentiary for a period of time not less than two (2) years, nor more than five (5) years.

39-1-505. Attempt to burn property...shall be guilty of arson, and upon conviction thereof shall be sentenced to the county jail or workhouse for a period not to exceed eleven (11) months and twenty-nine (29) days.

39-1-506. Attempt to destroy property with explosives...felony, and upon conviction shall be punished by confinement in the state penitentiary for a period of time not less than five (5) years nor more than ten (10) years.

39-1-507. Attempt to manufacture intoxicating liquor. The offenses described in §§39-6-616, 39-6-617 shall be deemed to have been committed by any person who shall attempt to manufacture intoxicating liquor...and any such attempt shall be punished as described in 39-6-917.

39-1-603. Conspiracy as misdemeanor.

Persons guilty of any conspiracy described in §§ 39-1-601, 39-1-602 or of any conspiracy at common law, are guilty of a misdemeanor.

39-1-604. Conspiracy to take life or commit felony on a person—Conspiracy to prosecute innocent person.

- (a) If the conspiracy be:
- (1) To take a human life; or
 - (2) To commit a felony on the person of another, the persons so conspiring shall be guilty of a Class X felony, and upon conviction shall be imprisoned in the state penitentiary for not less than five (5) nor more than fifteen (15) years.
- (b) If the conspiracy be to indict or prosecute an innocent person for a felony, knowing such a person to be innocent, and the person shall be falsely and maliciously indicted in pursuance of such a conspiracy, the persons so conspiring shall be guilty of a felony and upon conviction shall be imprisoned in the state penitentiary for not less than two (2) nor more than ten (10) years.

39-1-605. Conspiracy to commit offense against state or violate election laws...penalty of not more than ten thousand dollars (\$10,000) and imprisonment in the penitentiary for not more than five (5) years, or to both fine and imprisonment in the discretion of the jury.

39-1-606. Conspiracy to take human life, inflict punishment, or burn or destroy property. It shall be a felony punishable by from three (3) years to twenty-one (21) years' imprisonment in the penitentiary and by full judgment of infamy and disqualification...

39-1-607. Conspiracy to sabotage a nuclear production facility....felony and shall be punished by imprisonment in the penitentiary for a term of not less than three (3) years nor more than twenty-one (21) years...

39-1-608. Conspiracy to commit arson. It shall be a felony punishable by imprisonment in the penitentiary for not less than three (3) years nor more than twenty-one (21) years...

39-1-609. Conspiracy to commit illegal act with explosives...felony and upon conviction thereof shall be punished by confinement in the state penitentiary for not less than two (2) or more than ten (10) years.

39-1-610. Conspiracy by inmates to kill or escape...imprisoned in the penitentiary not less than four (4) years nor more than ten (10) years, to commence at the expiration of the term of the previous sentence, if not then expired.

39-1-611. Conspiracy by juvenile confined in institutions. (felony)...when a juvenile is tried and convicted as an adult for the commission of this offense, he shall be punished by imprisonment for not less than one (1) year nor more than five (5) years.

39-1-612. Encouraging or aiding in conspiracy of § 39-1-606. It shall be a felony, punished in like manner as the offense described in § 39-1-606...

39-1-613. Conspiracy to use fire bomb.... felony and upon conviction shall be punished by confinement in the state penitentiary for a period of not less than two (2) years, nor more than five (5) years.

39-1-614. Conspiracy to commit sabotage. If two (2) or more persons conspire to commit any crime defined in §§39-5-811-39-5-821, each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit,

39-1-615. Conspiracy to riot....a felony and, upon conviction, such persons shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or confined in the penitentiary for not less than one (1) year nor more than five (5) years or both.

40-35-211. Court to impose determinate sentences Felon sentenced as misdemeanor.
---In fixing a sentence for a felony or misdemeanor, the court shall impose a specific sentence length for each offense.
(1) Specific sentences for a felony shall be for a term of years or months or life, if the defendant is sentenced to the department of corrections, or a specific term of years, months or days if the defendant is sentenced for a felony to any jail or workhouse. Specific sentences for a misdemeanor shall be for a

specific number of months or days or hours or any combination thereof. There shall be no indeterminate sentences. Sentences for all felonies and misdemeanors shall be determinate in nature, and the defendant shall be responsible for the entire sentence undiminished by sentence credits of any sort except for credits authorized by §40-23-101 relative to pretrial/jail credits or §§33-5-306 and 33-7-102 relative to mental examinations and treatment, and prisoner sentence reduction credits authorized by §41-21-236.
(2) Where the minimum punishment for any offense is imprisonment in the penitentiary for one (1) year, but in the opinion of the court the offense merits a lesser punishment, the defendant may be sentenced to the county jail or workhouse for any period less than one (1) year except as otherwise provided. If a defendant is convicted of an offense designated as a felony but the court imposes a sentence of less than one (1) year in the local jail or workhouse, or in a regional workhouse, such defendant shall be considered a felon but shall be sentenced as in the case of a misdemeanor, and therefore shall be entitled to sentence credits under §41-2-111. Upon such defendant becoming eligible for work release, furlough, trusty status or related rehabilitative programs as specified in §40-35-302(d), he may be placed in such programs by the sheriff or administrative authority having jurisdiction over the jail or workhouse.

TENNESSEE CRIMINAL STATUTES
TENN. CODE ANN. Sx (1982 & Supp. 1986).

KEY

- F = Felony
- FX = Class X felony
- M = Misdemeanor
- SP = State penitentiary
- J = Jail
- ? = Unspecified place of imprisonment
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

NOTE: For classifications that are NOT inclusive, crimes with penalties of less than 1 year in jail are NOT recorded. Maximums are recorded unless a range or minimum (MIN.) is specified. As noted in the appended classification information (see §40-35-211(2)), a number of felony violations may receive alternate jail sentences. As they remain felonies, this distinction notwithstanding, the violations do not receive an asterisk.

Statute No. and Title	Class/Time	Statute No. and Title	Class/Time
Offenses Against the Person			
ASSAULTS AND INJURIES (inclusive)			
39-2-101 Aggravated assault	?; 2-10 yrs.	39-2-116 Throwing object at common carrier	F; SP: 1-15 yrs.
39-2-102 Assault with intent to commit felony	SP: 5 yrs. or J: 1 yr.	39-2-117 Destruction of property or injury to person during state of emergency	F; SP: 3-21 yrs.
39-2-103 Assault with intent to murder	SP: 5-25 yrs./5 yrs./FX	39-2-118 Negligence of steamboat personnel resulting in death or injury	SP: 5 yrs.
39-2-104 Assault with intent to rob	SP: 3-15 yrs./SP: 5-21 yrs.	39-2-119 Negligence by train operator resulting in wounding or crippling	J: 11 mos., 29 days
39-2-105 Assault upon spouse	M	HOMICIDE (inclusive)	
39-2-106 Included offense under assault with intent to kill or commit felony	Punish as assault or aggravated assault	39-2-201 Murder Generally	
39-2-107 Assault from ambush	F; SP: 10 yrs.-life/FX	39-2-202 First-degree Murder	FX: death or SP: life
39-2-108 Assault upon protective services worker or human services investigator	M	39-2-206 Punishment of accessory before the fact of first-degree murder	SP: life or death
39-2-109 Assault with deadly weapon while in disguise	SP: 10-21 yrs.	39-2-211 Second-degree murder	FX
39-2-110 Assault by juvenile confined in institution	SP: 3-21 yrs.	39-2-212 Punishment for second-degree murder	SP: life-10 yrs.
39-2-111 Mayhem	SP: 2-10 yrs.	39-2-221 Manslaughter	
39-2-112 Malicious shooting or stabbing	SP: 2-10 yrs.	39-2-222 Punishment for voluntary manslaughter	SP: 2-10 yrs.
39-2-114 Shooting or stabbing without malice	Punish as assault & battery	39-2-223 Punishment for involuntary manslaughter	SP: 1-5 yrs.
39-2-115 Shooting or throwing missile calculated to produce death or bodily harm	F; SP: 1-5 yrs.	39-2-231 Vehicular manslaughter	
		39-2-232 Punishment for vehicular homicide	SP: 5 yrs./1-21 yrs.
		39-2-234 Negligence by train operator resulting in death	F; SP: 1-3 yrs.
		KIDNAPPING AND HOSTAGES	
		39-2-301 Aggravated kidnapping-- assault with intent to kidnap	FX/SP: 5-15 yrs.
		39-2-302 Definition - Penalty	SP: 2-10 yrs.
		39-2-303 Kidnapping children under eighteen	SP: 1-5 yrs.
		39-2-304 Unlawful representation to obtain ransom	SP: life-5 yrs.
		39-2-305 Hostages held by inmate	F; SP: 5-15 yrs.
		LIBEL	
		ROBBERY (inclusive)	
		39-2-501 General Provisions	SP: 5-15 yrs./death/ SP: 10 yrs./ life- 10 yrs./ FX
		39-2-502 Bank Robbery	SP: 20-40 yrs.

39-3-226 Setting fires at certain times without permit	M	39-3-508 Receipt of items obtained in violation of credit card law	SP: 1-5 yrs.
BAD CHECKS		39-3-510 Penalties	See above
39-3-301* Drawing check or order without sufficient funds		39-3-512 Obtaining goods, property or service by use of credit card known to be stolen, forged, expired or revoked	F
• when amount < \$100	M; J: 11 mos., 29 days	• if grand larceny	SP: 3-10 yrs.
• when amount is > \$100	SP: 3-10 yrs.	• if petit larceny	SP: 1-5 yrs.
39-3-302* Refusal of payment by drawee as evidence of fraudulent intent		DEBIT CARD CRIMES	
• when amount < \$100	M; J: 11 mos., 29 days	39-3-604 Debit card theft and forgery--receiving, selling or buying debit cards--illegal deposits	SP: 3-10 yrs. SP: 1-5 yrs.
• when amount is > \$100	SP: 3-10 yrs.	39-3-605 Use of forged, expired or revoked debit card with intent to defraud	SP: 1-5 yrs.
39-3-303* Checks given by employer to employee	M; J: 11 mos., 29 days	39-3-606 Possession of incomplete debit cards or machines for duplicating debit cards	SP: 3-10 yrs.
• when amount < \$100	SP: 3-10 yrs.	39-3-607 Interference with electronic funds transfer system	SP: 3-10 yrs.
• when amount is > \$100	See above	39-3-608 Obtaining goods, property or services by use of debit cards known to be stolen or forged	SP: 1-5 yrs.
39-3-308* Penalties for violation of §§ 39-3-301--34-3-307		39-3-609 Misrepresentation of amount of money, goods or services furnished on debit card	SP: 1-5 yrs.
BURGLARY (inclusive)		39-3-610 Using debit card after reporting it stolen or lost--fraudulently denying usage of card	SP: 1-5 yrs.
39-3-401 Burglary generally	SP: 5-15 yrs./ SP: 10-15 yrs.	39-3-612 Penalties	See above
39-3-402 Breaking after entry	SP: 5-15 yrs./ SP: 10-15 yrs.	EXPLOSIVES	
39-3-403 Second-degree burglary	SP: 3-15 yrs./ SP: 5-15 yrs./ SP: 10-15 yrs.	39-3-701 Willful Injury by Explosives	F; SP: 10-21 yrs./FX
39-3-404 Third-degree burglary--safecracking	SP: 3-10 yrs./ SP: 5-10 yrs./ SP: 10-15 yrs./SP: 3-21 yrs./SP: 5-21 yrs./SP: 10-21 yrs.	39-3-702 Burglary with Explosives	SP: 25-40 yrs./F; SP: 2-10 yrs.
39-3-406 Breaking into vehicles	SP: 3-10 yrs.	39-3-703 Malicious Injury to structures or personal property with explosives	F; SP: 10-21 yrs.
39-3-407 Conviction for burglary under other sections--Included offenses	F	39-3-706 Unauthorized possession or transportation of explosives	F
39-3-408 Carrying burglar's tools	SP: 1-10 yrs.	39-3-707 Penalty for unauthorized possession, transportation or use of explosives or conspiracy to commit illegal acts	SP: 2-10 yrs.
CREDIT CARD CRIMES		39-3-710 Bomb threats	F; SP: 1-5 yrs.
39-3-503 Making of false statements to procure issuance of a credit card	SP: 1-5 yrs.	39-3-711 Unlawful for convicted felon to carry explosives	F; SP: 1-5 yrs.
39-3-504 Credit card theft and forgery-receiving, selling or buying credit cards or information	FP: 1-5 yrs./ SP: 3-10 yrs.	FORGERY AND COUNTERFEITING	
39-3-505 Use of stolen, forged, expired or revoked credit card with intent to defraud issuer	SP: 1-5 yrs./ SP: 3-10 yrs.	39-3-802 Forgery generally	See 39-3-820
39-3-506 Misrepresentation of amount of money, goods, or services furnished on credit card	SP: 1-5 yrs./ SP: 3-10 yrs.		
39-3-507 Possession of incomplete credit cards or machines for duplication of credit cards	SP: 3-10 yrs.		

39-3-803 Forgery or counterfeiting instrument	See 39-3-820	39-3-907 Punishment for fraudulent breach of trust ● if grand larceny ● if petit larceny	SP: 3-10 yrs. SP: 1-5 yrs.
39-3-804 Transfer of forged paper	F		
39-3-805 Making counterfeit instrument or fictitious corporation or person	See 39-3-820	39-3-913 Obtaining or giving false pedigree-selling animal under false representation of pedigree	SP: 1-3 yrs./ J: 1 yr.
39-3-806 Fictitious signature affixed to instrument of fictitious corporation or company	F	39-3-914 Creating false impression of death	F; SP: 1-5 yrs.
39-3-807 Passing counterfeit bank bill, note, check, or instrument circulating as money	See 39-3-820	39-3-919 Packing foreign objects in cotton or tobacco	F; SP: 2-5 yrs.
39-3-808 Possession of counterfeit bank bill, note, check or other instrument	See 39-3-820	39-3-926* Removal from state of personal property subject to security interest ● amount > \$50 ● amount is ≤ \$50	SP: 1-5 yrs. F; SP: 5 yrs. M
39-3-809 Filling in counterfeit bank bill, note, check, or other instrument	See 39-3-820	39-3-927* Dispositions by debtor of personal property subject to security interest ● commercial code secured transactions: disposal conceal collateral value < or > \$100 --when < \$100--possibility to commute ● mortgages or trust deeds: value < or > \$60 when < \$60 - possibility to commute ● conditional sale contracts: purchaser sells without consent	SP: 1-5 yrs. J: < 1 yr. F; SP: 3-10 yrs./ SP: 1-5 yrs. J: 1 yr. M; J: 6 mos.
39-3-810 Altering counterfeit bank bill, note, check, or other instrument	See 39-3-820	39-3-930 Granting a security interest in personal property without title to property	F; SP: 3-10 yrs./ SP: 1-5 yrs.
39-3-811 Preparation of counterfeit stamp or plate	See 39-3-820	39-3-932 Destruction of public records or valuable papers with intent to defraud ● if grand larceny ● if petit larceny	J: < 1 yr. F; SP: 3-10 yrs./ SP: 1-5 yrs. J: 1 yr.
39-3-812 Possession of counterfeit stamp or plate	See 39-3-820	39-3-933 Destruction of concealment of will	M; J: 6 mos.
39-3-813 Making bank paper prohibited	See 39-3-820	39-3-936* Possession, use or transfer for use of devices for theft or tele-communication service ● no prior conviction ● prior conviction	F; SP: 1-5 yrs.
39-3-814 Possession or use of paper, molds or machines used to make bank paper	See 39-3-820	39-3-948 Fraudulent or false insurance claims	F; SP: 5 yrs.
39-3-815 Counterfeiting coins	See 39-3-820	39-3-949 False bookkeeping entries	F; SP: 3-10 yrs.
39-3-816 Adulterated coins	See 39-3-820	39-3-951 Fraudulent or false stock certificates	F; SP: 1-10 yrs.
39-3-817 Possession or passing of counterfeit coin	See 39-3-820		
39-3-818 Making, mending, or concealing machine for counterfeit coin	See 39-3-820		
39-3-819 Making or possession base or adulterated metal for conversion into counterfeit coin	See 39-3-820		
39-3-820 Penalties --if involves financial instrument: ● amounting to grand larceny ● amounting to petit larceny	SP: 2-15 yrs. SP: 3-10 yrs. SP: 1-5 yrs.		
FRAUD AND FALSE DEALING			
39-3-901 False Pretense ● if grand larceny ● if petit larceny	SP: 3-10 yrs. SP: 1-5 yrs.		
39-3-902 Receiving property obtained under false pretense ● if grand larceny ● if petit larceny	SP: 3-10 yrs. SP: 1-5 yrs.		
		LITTER CONTROL	
		THEFT, LARCENY, AND EMBEZZLEMENT (inclusive)	
		39-3-1101 Larceny generally	
		39-3-1104 Punishment for grand and petit larceny ● if grand larceny ● if petit larceny	SP: 3-10 yrs. SP: 1-5 yrs.

39-3-1105 Lighter penalty permitted for petit larceny or receiving stolen goods	SP: 1-5 yrs./ J: < 1 yr.	39-3-1126 Theft of trade secrets	F; SP: 1-7 yrs.
39-3-1106 Larceny from the person	SP: 3-10 yrs.	39-3-1128 Recorded devices--Recording, manufacture, or distribution without consent of owner	F
39-3-1107 Stealing valuable papers	SP: 3-15 yrs.	39-3-1132 Recorded devices--Penalty for improper sale or manufacture	SP: 1-3 yrs./ SP: 3-10 yrs.
39-3-1109 Stealing public papers	SP: 3-15 yrs.	39-3-1134 Parking meters, telephones and vending machines	SP: 1-2 yrs.
39-3-1110 Tapping water main	J: 6 mos.	39-3-1135* Unauthorized taking, concealing or possession of library material--searches and detentions	
39-3-1111 Servering and carrying away fixtures, produce, or minerals from land	SP: 3-10 yrs.	● if value > \$200	M; SP: 90 days
● if grand larceny	SP: 1-5 yrs.	● 1st conviction	M; SP: 1 yr.
● if petit larceny		● 2nd conviction	F; SP: 1-5 yrs.
39-3-1112 Receiving stolen goods over two hundred dollars in value	SP: 3-10 yrs.	● 3rd conviction	F; SP: 3-10 yrs.
39-3-1113 Receiving stolen goods under two hundred dollars in value	SP: 1-5 yrs.	39-3-1136 Unauthorized access to cable T.V. series	J: 6 mos.
39-3-1114 Receiving personal property stolen out-of-state	F	TRESPASS AND LOITERING	
● if grand larceny	SP: 3-10 yrs.	39-3-206 Malicious trespass on farmland	F; SP: 1-3 yrs.
● if petit larceny	SP: 1-5 yrs.	VANDALISM AND INJURIES TO PROPERTY	
39-3-1115 Bringing stolen property into the state	F	39-3-1311 Destruction of land or line marks	SP: 2-5 yrs.
● if grand larceny	SP: 3-10 yrs.	39-3-1313 Destruction of plant	F; SP: 1-10 yrs.
● if petit larceny	SP: 1-5 yrs.	39-3-1318 Cutting or removing timber from land of another for purpose of marketing	F; SP: 1-3 yrs.
39-3-1116 Receiving stolen valuable papers	SP: 3-10 yrs.	39-3-1320 Cutting, destroying, or removing timber on public lands--Injuring buildings or fences on public lands	F; SP: 1-5 yrs.
39-3-1117 Wrongful appropriation of found property	SP: 3-10 yrs.	39-3-1324 Tapping or injuring utility lines and appliances	F
● if grand larceny	SP: 1-5 yrs.	COMPUTER CRIMES	
● if petit larceny		39-3-1404 Violations--Penalties	SP: 3-10 yrs.
39-3-1118 Appropriation of property by person having custody	F	Offenses Against the Family	
● if grand larceny	SP: 3-10 yrs.	ABANDONMENT OF SPOUSE OR CHILD	
● if petit larceny	SP: 1-5 yrs.	39-4-111 Leaving state after abandonment of wife--Penalty	F; SP: 1-3 yrs.
39-3-1119 Contract of bailment or agency made for wrongful appropriation	SP: 3-10 yrs.	39-4-112 Leaving state after abandonment of child--Penalty	F; SP: 1-3 yrs.
● if grand larceny	SP: 1-5 yrs.	39-4-113 Leaving state and failing to comply with child support order--Penalty--Extradition	F; SP: 1-3 yrs.
● if petit larceny			
39-3-1120 Conversion of trust fund	F		
● if grand larceny	SP: 3-10 yrs.		
● if petit larceny	SP: 1-5 yrs.		
39-3-1121 Embezzlement			
● if grand larceny	M; SP: 90 days		
● if petit larceny	M; SP: 1 yr.		
39-3-1123 Receiving embezzled property	SP: 3-10 yrs.		
● if grand larceny	SP: 1-5 yrs.		
● if petit larceny			
39-3-1124* Shoplifting			
● 1st conviction			
● 2nd conviction			
● 3rd conviction			
● if value > \$200			

ABORTION		39-5-109 Officer accepting bribe to corruptly appoint jurors or permitting deputy to violate law--Penalty	SP: 2-5 yrs.
39-4-201* Criminal abortion and attempt to procure criminal miscarriage--Penalties--lawful abortions and attempts to procure miscarriage		39-5-112 Buying and selling in regard to offices--Penalty	F; SP: 10-20 yrs.
Requirements		39-5-114 Bribery or acceptance of bribe in connection with athletic or sporting event--Penalty	F; SP: 1-5 yrs.
● perform abortion	SP: 5-10 yrs.	39-5-115* Bribery of witness--Penalties--contempt power preserved	
● attempts	SP: 1-3 yrs.	● civil proceeding	M
● compels, coerces	M; SP: 11 mos., 29 days	● offense punishable as misdemeanor	M
		● involved felony	F; SP: 5 yrs.
39-4-206 Rights to medical treatment of infant prematurely born alive during abortion--violation of section a felony--limitation on wrongful death action	F	CONTRABAND IN PRISONS	
39-4-208 Research, photography, sale, and experimentation upon aborted fetuses--violation of section a felony	F	39-5-201 Introduction or possession of prohibited items upon grounds of state prisons without consent of warden--Penalty	F; SP: 1-10 yrs.
BIGAMY AND INCEST		39-5-202 Weapons, explosives, intoxicants and drugs on grounds of county jail or workhouse prohibited--List of authorized personnel and items--Penalty	F; SP: 1-10 yrs.
39-4-301 Bigamy--Penalty	SP: 2-21 yrs.	FALSE PERSONATION	
39-4-304 Knowingly marrying husband or wife of another--Penalty	SP: 5 yrs.	39-5-301 Personating another in judicial proceedings--Penalty	SP: 2-5 yrs.
39-4-305 Teaching Polygamy or causing other to embrace it--Penalty	SP: 2 yrs.	MISCONDUCT INVOLVING PUBLIC OFFICIALS AND EMPLOYEES	
39-4-306 Incest--Penalty	SP: 5-21 yrs.	39-5-407 Receiving interest or reward for deposit of public funds--Penalty	F; SP: 3-20 yrs.
39-4-307 Begetting child on wife's sister--Penalty	F; SP: 2-10 yrs.	39-5-408 Use of Public Money--Penalty	F; SP: 3-20 yrs.
CHILDREN		39-5-409 Embezzlement of public money or property--Penalty	SP: 3-10 yrs.
39-4-402 Exposing children or other persons under control to inclemency of weather--Penalty	SP: 5 yrs./ J: 6 mos.	● if grand larceny	SP: 1-5 yrs.
39-4-422 Aggravated child abuse	F; SP: 1-5 yrs.	● if petit larceny	
Offenses Against the Administration of Government		39-5-415* Permitting Escape--Penalty	SP: 2-10 yrs.
BRIBERY		● if misdemeanor	M
39-5-101 Bribing or offering to bribe officer--Penalty	SP: 2-10 yrs.	39-5-416 Penitentiary official or employee permitting escape--Penalty	SP: 2 yrs. (MIN.)
39-5-102 Officer accepting bribe--Penalty	SP: 3-21 yrs.	39-5-420 Corruptly appointing jurors--Penalty	SP: 2-5 yrs.
39-5-103 Bribing or offering to bribe peace officer or state, county, or municipal employee--Penalty	SP: 2-10 yrs.	39-5-421 False Certificate of proof or acknowledgment of instrument--Penalty	See 39-3-820
39-4-104 Peace officer or state, county or municipal employee accepting bribe--Briber and recipient not accomplices	SP: 2-10 yrs.	39-5-422 False recording or registration of instrument--Penalty	See 39-3-820
39-5-105 Bribery of court officials or jurors--Influencing jurors--Penalties	SP: 2-5 yrs.	39-5-433 Lobbying with members of legislature--Penalty	F; SP: 2-5 yrs.
39-5-106 Court officials or jurors accepting bribe--Penalty	SP: 2-5 yrs.	39-5-434 Legislator absenting self for purpose of obstructing business of general assembly--Penalty	F; S: 1-5 yrs.
39-5-108 Offering bribe to officer appointing or summoning jury	SP: 2-5 yrs.		

39-5-435 Refusal to deliver books or documents to the general assembly--Penalty	SP: 5-10 yrs.	39-5-804 Misprison of treason	SP: 5 yrs.
		39-5-805 Sedition	SP: 10 yrs.
OBSTRUCTING OF JUSTICE AND LAW ENFORCEMENT		39-5-833 Operation of Communist party or membership unlawful	See below
39-5-507 Encouraging disruption of communications to police and firemen--Penalty	F; SP: 1-5 yrs.	39-5-834 Penalty	SP: 1-21 yrs.
39-5-508 Corruptly stealing, withdrawing, or avoiding records in judicial proceedings--Penalty	SP: 3-15 yrs.	39-5-843 Defilement prohibited • flag	
39-5-509 Inteference with working of prisoners--leading mob to so interfere--Penalties	F; SP: 1-5 yrs.	39-5-845 Penalty for violations of §§ 39-5-842 and 39-5-843 (only 39-5-843 a felony)	SP: 3 yrs.
39-5-521 Intimidation of family or others in residence or office of juror--Penalty	F; SP: 1-3 yrs.	39-5-847 Wilful destruction or desecration of United States flag	F; SP: 1-3 yrs.
39-5-522 Juror agreeing to give verdict or receiving improper evidence--Penalty--Contempt power preserved	F; SP: 2-5 yrs.	39-5-848 Destruction of selective serivce registration card	F; SP: 1-3 yrs.
PERJURY		Offenses Against Public Health, Safety or Welfare	
39-5-601 Perjury--Application where penalty not otherwise provided	SP: 1-5 yrs.	MISCELLANEOUS	
39-5-604 Subornation of perjury	SP: 1-5 yrs.	39-6-108 Gifts of adulterated candy or food	F; SP: 1-5 yrs.
39-5-605 Penalty for perjury and subornation of perjury on trial for felony	SP: 3-20 yrs.	39-6-109 Adulteration of food, liquids, or pharmaceuticals	F; SP: life-10 yrs.
RESCUES AND ESCAPES		COMMON CARRIERS	
39-5-702 Escape or attempt to escape from penitentiary	SP: 1-5 yrs.	39-6-202 Obstruction of or injury to railroad tracks or equipment	F; SP: 2-15 yrs.
39-5-703 Aiding and abetting escape from penitentiary	SP: 2-10 yrs.	39-6-203 Penalty when obstruction or damage results in personal injury	F; SP: 3-15 yrs.
39-5-706* Escape or attempt to escape from workhouse or jail • on charge/conviction of felony • on charge/conviction other than felony	F; SP: 1-5 yrs. M	39-6-204 Penalty when obstruction or damage results in death	F; SP: life
39-5-708 Aiding or assisting escape of other detainees	SP: 10 yrs.	39-6-208 Cutting or taking property of electric railway	F; S: 1-5 yrs.
39-5-711 Aiding inmates of state institutions to escape	F; SP: 1-5 yrs.	39-6-210 Racing steamboat resulting in accident	SP: 2 yrs.
39-5-712 Rebellion with intent to kill or escape	SP: life	39-6-211 Destruction of steamboat of value of \geq \$500	SP: 5-15 yrs.
39-5-713 Punishment of life prisoner	SP: 2 yrs. solitary confinement	39-6-212 Destruction of steamboat of value of < \$500	SP: 1-3 yrs.
39-5-720* Bail Jumping • if misdemeanor	SP: 1-5 yrs. J: 1 yr.	DISORDERLY CONDUCT AND RIOTS	
TREASON, DISLOYAL CONDUCT, AND SABATOGE		39-6-310 Entering campuses, buildings or facilities to incite public distrubance or violence	F; SP: 1-10 yrs.
39-5-802 Treason against the state	See below	39-6-322 Participating in, inciting, or inciting organizing riot	SP: 1-5 yrs.
39-5-803 Punishment for treason	SP: 10-20 yrs.	39-6-323 Interference with officers during riot	F; SP: 1-5 yrs.
		39-6-324 Looting--Enforcement during emergencies	SP: 1-15 yrs.
		39-6-341 Entry on school property to participate in a riot	F; SP: 2-5 yrs.
		39-6-344 Participation in riot by juvenile confined in institution	F; SP: 2-5 yrs.

39-6-345 Rioting or participating in riot by prisoner	SP: 1-3 yrs.	GRAVES AND DEAD BODIES	
DRUGS: CONTROLLED SUBSTANCES (inclusive)		39-6-701 Destruction or injury of monument, marker, structure or plants in cemetery--Felony--Civil liability	F
39-6-417* Criminal offenses and penalties	See below		
(a) deliver, mfg., etc.	F; 5-15 yrs./4-10 yrs./3-8 yrs./2-5 yrs./1-5 yrs.	39-6-702 Improper exposition or disposition of dead human body	F; SP: 1-5 yrs.
(b)(1) possession	M; 11 mos., 29 days in jail	39-6-705 Removal or disinterment of dead body for purpose of sale--Mutilation of Body	F; SP: 2-5 yrs.
(b)(2) 2nd offense	M; 2 yrs. jail		
● if third offense	F; 2-3 yrs.	HIGHWAYS	
(c) delivery, mfg., certain quantities	FX: 10 yrs.-life/10-20 yrs.	INTOXICATING LIQUORS	
(d) habitual drug offender	FX: 10 yrs.-life	39-6-904 Unlawful sales-persistent violators	F; SP: 1-2 yrs.
39-6-418 Enhanced penalty for distribution to minor	2 x penalty	39-6-908 Transportation of intoxicating liquors by common carriers	F; SP: 1-5 yrs.
39-6-419 Penalty for second and subsequent offenses	2 x penalty	39-6-909 Personal transportation unlawful--Exception	F; SP: 1-5 yrs.
39-6-451 Substitution of drugs in filling prescriptions prohibited	M; fine	39-6-915 Intoxicating liquors causing death, paralysis or blindness	FX: death or SP: life/ FX/F; SP: 2-10 yrs.
39-6-452* Inhaling, selling or possession of glue for unlawful purpose	M		
● if sale	F; 1-5 yrs.	39-6-921* Storage of liquor for sale--Penalty for subsequent violations	
39-6-453 Manufacture, sale or distribution of products containing butyl nitrate	M	● 1st conviction	M; J: 6 mos.
39-6-454 Counterfeit controlled substances	F; exactly 1 yr.	● subsequent convictions	F; SP: 1-5 yrs.
39-6-456* Unlawful drug paraphernalia uses and activities	See below	NUISANCES	
(a) use, possess	M	OBSCENITY	
(b) sale, etc.	F; 1-5 yrs./3-10 yrs.	39-6-1104* Importing, preparing, distributing, possessing or appearing in obscene material or exhibition--Distribution to or employment of minors	
39-6-457 Delivery, sale or possession of jimson weed	M	● 1st, 2nd offense	M; J: 6 mos./M; J: 11 mos., 29 days
FRATERNAL ORGANIZATIONS AND SECRET SOCIETIES		● 2 prior convictions	F; SP: 2-5 yrs.
GAMBLING			
39-6-608 Penalties for Professional Gambling	F; SP: 1-5 yrs.	39-6-1137 Use of minors for obscene purposes	F; SP: 3-21 yrs.
39-6-613 Keeping room or table for certain gaming a felony	F; SP: 1-3 yrs.	39-6-1138 Promotion of performances including sexual conduct by children	F; SP: 3-21 yrs.
39-6-619 Killing or wounding arresting officer a felony	Punish as murder/F; malicious-stabbing	PROFESSIONAL AND PROFESSIONAL MISCONDUCT PUBLIC EVENTS	
39-6-622 Keeping place for betting on horse race a felony	F; SP: 1-3 yrs.	SOLICITATION OF FUNDS	
39-6-635 Transportation of pinball machines into state and production in state illegal--Exportation excepted	F; SP: 1-5 yrs.	39-6-1522* Unauthorized solicitation for police, judicial or safety associations	
		● solicit, accept fee	M; J: 30 days
		● by mail, electronic device, other means	F; SP: 1-3 yrs.

WATER AND WATER COURSES

WEAPONS

39-6-1710 Use or possession of firearms or explosives in committing or escaping from a felony	F; SP: 5-10 yrs./ SP: 2-5 yrs.
39-6-1713 Manufacture, possession or sale of sawed-off shotgun or rifle or machine gun	SP: 5 yrs./ J: 1 yr.
39-6-1716 Convicted felon carrying firearm	F; SP: 5 yrs.
39-6-1718 Carrying weapons on school property	F; SP: 1-5 yrs.
39-6-1719 Manufacture, sale, or use of explosive bullets	F; SP: 1-5 yrs.
39-6-1722 Restricted firearm ammunition	F; 5 yrs./ 10 yrs.

TEXAS

TEX. PENAL CODE ANN. §x (Vernon 1974 & Supp. 1986).

For drugs: TEX. REV. CIV. STAT. ANN. art. x (Vernon 1976 & Supp. 1986).

Criminal Classification Information

§1.07 Definitions

(a) In this code:

* * *

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

* * *

(21) "Misdemeanor" means an offense so designated by law or punishable by fine, by confinement in jail, or by both fine and confinement in jail.

* * *

§12.02 Classification of Offenses

Offenses are designated as felonies or misdemeanors.

§12.03 Classification of Misdemeanors

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

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

(b) An offense designated a misdemeanor in this code without specification as to punishment or category is a Class C misdemeanor.

(c) Conviction of a Class C misdemeanor does not impose any legal disability or disadvantage.

§12.04 Classification of Felonies

(a) Felonies are classified according to the relative seriousness of the offense into four categories:

- (1) Capital felonies;
- (2) Felonies of the first degree;
- (3) Felonies of the second degree;
- (4) Felonies of the third degree.

(b) An offense designated a felony in this code without specification as to category is a felony of the third degree.

§12.21 Class A Misdemeanor

An individual adjudged guilty of a Class A misdemeanor shall be punished by:

- (1) A fine not to exceed \$2,000;
- (2) Confinement in jail for a term not to exceed one year; or
- (3) Both such fine and imprisonment.

§12.22 Class B Misdemeanor

An individual adjudged guilty of a Class B misdemeanor shall be punished by:

- (1) A fine not to exceed \$1,000;
- (2) Confinement in jail for a term not to exceed 180 days; or
- (3) Both such fine and imprisonment.

§12.23 Class C Misdemeanor

An individual adjudged guilty of a Class C misdemeanor shall be punished by a fine not to exceed \$200.

§12.31 Capital Felony

(a) An individual adjudged guilty of a capital felony shall be punished by confinement in the Texas Department of Corrections for life or by death.

(b) Prospective jurors shall be informed that a sentence of life imprisonment or death is mandatory on conviction of a capital felony. A prospective juror shall be disqualified from serving as a juror unless he states under oath that the mandatory penalty of death or imprisonment for life will not affect his deliberations on any issue of fact.

§12.32 First-Degree Felony Punishment

(a) An individual adjudged guilty of a felony of the first degree shall be punished by confinement in the Texas Department of Corrections for life or for any term of not more than 99 years or less than 5 years.

(b) In addition to imprisonment, an individual adjudged guilty of a felony of the first degree may be punished by a fine not to exceed \$10,000.

§12.33 Second-Degree Felony Punishment

(a) An individual adjudged guilty of a felony of the second degree shall be punished by confinement in the Texas Department of Corrections for any term of not more than 20 years or less than 2 years.

(b) In addition to imprisonment, an individual adjudged guilty of a felony of the second degree may be punished by a fine not to exceed \$10,000.

§12.34 Third-Degree Felony Punishment

(a) An individual adjudged guilty of a felony of the third degree shall be punished by confinement in the Texas Department of Corrections for any term of not more than 10 years or less than 2 years.

(b) In addition to imprisonment, an individual adjudged guilty of a felony of the third degree may be punished by a fine not to exceed \$5,000.

§12.41 Classification of Offenses Outside this Code

For purposes of this subchapter, any conviction not obtained from a prosecution under this code shall be classified as follows:

(1) "Felony of the third degree" if confinement in a penitentiary is affixed to the offense as a possible punishment;

(2) "Class B misdemeanor" if the offense is not a felony and confinement in a jail is affixed to the offense as a possible punishment;

(3) "Class C misdemeanor" if the offense is punishable by fine only.

§12.42 Penalties for Repeat and Habitual Felony Offenders

(a) If it be shown on the trial of a third-degree felony that the defendant has been once before convicted of any felony, on conviction he shall be punished for a second-degree felony.

(b) If it be shown on the trial of a second-degree felony that the defendant has been once before convicted of any felony, on conviction he shall be punished for a first-degree felony.

(c) If it be shown on the trial of a first-degree felony that the defendant has been once before convicted of any felony, on conviction he shall be punished by confinement in the Texas Department of Corrections for life, or for any term of not more than 99 years or less than 15 years. In addition to imprisonment, an individual may be punished by a fine not to exceed \$10,000.

(d) If it be shown on the trial of any felony offense that the defendant has previously been finally convicted of two felony offenses, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction he shall be punished by confinement in the Texas Department of Corrections for life, or for any term of not more than 99 years or less than 25 years.

§15.03 Criminal Solicitation

* * *

(d) An offense under this section is:

- (1) A felony of the first degree if the offense solicited is a capital offense; or
- (2) A felony of the second degree if the offense solicited is a felony of the first degree.

§12.44 Reduction of Third-Degree Felony to Misdemeanor

(a) A court may set aside a judgment or verdict of guilty of a felony of the third degree and enter a judgment of guilt and punish for a Class A misdemeanor if, after considering the gravity and circumstances of the felony committed and the history, character, and rehabilitative needs of the defendant, the court finds that such sentence would best serve the ends of justice.

(b) When a court is authorized to enter judgment of guilt and sentence for a lesser category of offense as provided in Subsection (a) of this section, the court may authorize the prosecuting attorney to prosecute initially for the lesser category of offense.

§12.51 Authorized Punishments for Corporations and Associations

(a) If a corporation or association is adjudged guilty of an offense that provides a penalty consisting of a fine only, a court may sentence the corporation or association to pay a fine in an amount fixed by the court, not to exceed the fine provided by the offense.

(b) If a corporation or association is adjudged guilty of an offense that provides a penalty including imprisonment, or that provides no specific penalty, a court may sentence the corporation or association to pay a fine in an amount fixed by the court, not to exceed:

- (1) \$20,000 if the offense is a felony of any category;
- (2) \$10,000 if the offense is a Class A or Class B misdemeanor, or
- (3) \$2,000 if the offense is a Class C misdemeanor.

(c) In lieu of the fines authorized by Subsections (a) and (b)(1) and (b)(2) of this section, if a court finds that the corporation or association gained money or property or caused personal injury, property damage, or other loss through the commission of a felony or Class A or Class B misdemeanor, the court may sentence the corporation or association to pay a fine in an amount fixed by the court, not to exceed double the amount gained or caused by the corporation to be lost, whichever is greater.

* * *

INCHOATE OFFENSES

§15.01 Criminal Attempt

* * *

(d) An offense under this section is one category lower than the offense attempted, and if the offense attempted is a felony of the third degree, the offense is a Class A misdemeanor.

§15.02 Criminal Conspiracy

* * *

(d) An offense under this section is one category lower than the most serious felony that is the object of the conspiracy, and if the most serious felony that is the object of the conspiracy is a felony of the third degree, the offense is a Class A misdemeanor.

ROBBERY (inclusive)		● If proceeds from sale ≥ \$10,000	F3
29.02 Robbery	F2		
29.03 Aggravated robbery	F1		
BURGLARY AND CRIMINAL TRESPASS (inclusive)			
30.02 Burglary	F1/F2		
30.03 Burglary of coin-operated machines	MA		
30.04 Burglary of vehicles	F3		
30.05 Criminal trespass	MA/MB		
THEFT (inclusive)			
31.03* Theft			
● Property < \$20	MC		
● Property ≥ \$20 < \$200	MB		
● Property ≥ \$200 < \$750	MA		
● > \$750 < \$20,000	F3		
● Property combustible, property > 20K	F2		
● Actor is public servant	F1 (next highest offense)		
31.04* Theft of service			
● Service stolen < \$20	MC		
● Service stolen ≥ \$20 < \$200	MB		
● Service stolen ≥ \$200 < \$750	MA		
● Service stolen ≥ \$750 < \$20,000	F3		
● Service stolen ≥ \$20,000	F2		
31.05 Theft of trade secrets	F3		
31.07 Unauthorized use of a vehicle	F3		
31.11* Tampering with identification numbers			
● Commit offense without consent of owner	MA		
● Tampering with natural gas/petroleum	F3		
31.12 Unauthorized use of television decoding and interception device or cable descrambling, decoding, or interception device	MA/MB		
FRAUD			
FORGERY			
32.21* Forgery			
● Except under (d) or (e)	MA		
● Writing is or purports to be will, deed of trust . . .	F3		
● Writing is or purports to be part of an issue of money, securities, etc.	F2		
CREDIT			
32.31 Credit card abuse	F3		
32.33* Hindering secured creditors			
● Except (e) and (f) of section	MA		
● Actor removes property	F3		
● If proceeds from sale < \$10,000	MA		
		32.43 Commercial bribery	F3
		32.44* Rigging publicly exhibited contest	
		● Except Section (d)	MA
		● Actor's conduct is in connection with wagering on contest	F3
		32.45* Misapplication of fiduciary property or property of financial institution	
		● Property < \$200	MA
		● Property ≥ \$200 < \$10,000	F3
		● Property ≥ \$10,000	F2
		32.46 Securing execution of a document by deception	F3
		32.47* Fraudulent destruction, removal, or concealment of writing	
		● Except Section (d)	MA
		● Writing is will, deed, mortgage, etc.	F3
		32.50 Debit card use	F3
		COMPUTER CRIMES	
		33.03* Harmful access	
		● Value of damage < \$200	MB
		● Value of damage ≥ \$200 < \$2,500	MA
		● Value of damage ≥ \$2,500	F3
		Offenses Against Public Administration	
		BRIBERY AND CORRUPT INFLUENCE	
		36.02 Bribery	F2
		36.03* Coercion of public servant or voter	
		● Coercion	MA
		● Coercion and threat to commit felony	F3
		36.05 Tampering with witness	F3
		36.06 Retaliation	F3
		PERJURY AND OTHER FALSIFICATION	
		37.03 Aggravated perjury	F3
		37.10* Tampering with governmental record	
		● Make false entry . . .	MA
		● Intent is to defraud or harm	F3
		37.11* Impersonating public servant	
		● Impersonating	MA
		● Impersonating a peace officer	F3
		OBSTRUCTING GOVERNMENTAL OPERATION	
		38.03* Resisting arrest or search	
		● Except (d)	MA
		● Using deadly weapon	F3

38.07* Escape		46.04 Places weapons prohibited	F3
● Except (c) and (d)	MA		
● Use deadly weapon	F2	46.05 Unlawful possession of firearm by felon	F3
● Felon/contained in penal institution	F3		
38.08* Permitting or facilitating escape		46.06* Prohibited weapons	
● Except (d) section	MA	● Switchblade, knuckles	MA
● Person charged with or convicted of felony or use deadly weapon	F3	● All others	F2
38.10 Implements for escape	F3/F2	46.10 Components of explosives	F3
38.11* Bail jumping and failure to appear		46.11 Deadly weapon in penal institution	F3
● Except (e) and (f)	MA		
● Offense punishable by fine only	MC	GAMBLING	
● Actor's offense is felony	F3	47.03 Gambling promotion	F3
ABUSE OF OFFICE		47.04 Keep a gambling place	F3
39.01* Official misconduct		47.05 Communicating gambling information	F3
● Under (a)1	MA	47.06 Possession of gambling device or equipment	F3
● Value < \$20	MC	CONDUCT AFFECTING PUBLIC HEALTH	
● Value ≥ \$20 < \$200	MB	48.02 Prohibition of the purchase and sale of human organs	F3
● Value ≥ \$200 < \$750	MA		
● Value ≥ \$750 < \$20,000	F3	ORGANIZED CRIME	
● Value ≥ \$20,000	F2	71.02 Engaging in organized criminal activity	
39.03 Misuse of official information	F3	-Except in (c), the offense is one category higher than the most serious offense listed in (1-7) that was committed	
Public Order and Decency		● If most serious offense is MA	F3
DISORDERLY CONDUCT		● If most serious offense is F1	F1
42.13* Interference with emergency communication		CONTROLLED SUBSTANCES ACT (inclusive)	
● Any offense	MB	4476-15:4.01* Classification of offenses and punishment	See below
● Any offense with serious bodily injury or property loss in excess of \$1,000	F3	(a)(1) Misdemeanor	1 year jail
Public Indecency		A punishment	
PROSTITUTIONAL		(a)(2) Misdemeanor	180 days jail
43.04 Aggravated promotion of prostitution	F3	B punishment	
43.05 Compelling prostitution	F2	(a)(3) Misdemeanor	Fine
OBSCENITY		C punishment	
43.24* Sale, distribution, or display of harmful material to minor		(b)(1) Felony	5-99 yrs. or life
● Any section except (b3)	MA	(b)(2) Felony	2-20 years
● Hire minor	F3	second degree	
43.25 Sexual performance by a child	F2/F3	(b)(3) Felony	2-10 years
Offenses Against Public Health, Safety, and Morals		third degree	
WEAPONS		4476-15:4.011 Preparatory offenses	Same penalty
46.02* Unlawful carrying weapons		4476-15:4.012 Repeat offenders	10-99 yrs. or life/15-99 yrs. or life/20-99 yrs. or life
● Except Section (C)	MA	4476-15:4.03 Unlawful manufacture delivery of controlled substance in Penalty Group 1	F1/5-99 or yrs. or life/10-99 yrs. or life/15-99 yrs. or life
● If occurs on any premises licensed or issued permit to sell alcohol	F3		

4476-15:4.031 Unlawful manufacture or delivery of controlled substance Penalty Group 2	F2/5-99 yrs. or life/ 10-99 yrs. or life	4476-15:4.081 Unauthorized disclosure of information	F3
4476-15:4.032 Unlawful manufacture or delivery of controlled substance Penalty Groups 3 or 4	F3/5-99 yrs. or life/ 10-99 yrs. or life	4476-15:4.09* Fraud offenses (b)(1) Schedule I, II (b)(2) Schedule III (b)(3) Schedule IV or V (b)(4) Counterfeit drug (b)(5) Prescription Schedule	See below F2 F3 MB MA F2
4476-15:4.04 Unlawful possession of controlled substance in Penalty Group 1	F2/5-99 yrs. or life/ 10-99 yrs. or life	II (b)(6) Prescription Schedule III, IV, V (b)(7) Prescription Schedule	F3 F3
4476-15:4.041 Unlawful possession of controlled substance in Penalty Group 2	F3/5-99 yrs. or life/ 10-99 yrs. or life	II, III (b)(8) Prescription Schedule IV, V (b)(9) Delivery prescription form (b)(10) Possession prescription form	MB F2 F3
4476-15:4.042 Unlawful possession of controlled substance in Penalty Group 3	MA/5-99 yrs. or life/ 10-99 yrs. or life	4476-15:4.13 Additives required for abusable glue and aerosol paint	MA/MB
4476-15:4.043 Unlawful possession of controlled substance in Penalty Group 4	MB/5-99 yrs. or life/ 10-99 yrs. or life	4476-15b:2 Delivery simulated controlled substances	F3
4476-15:4.044 Manufacture, delivery and possession of substance not in penalty group	MA/MB		
4476-15:4.05* Unlawful delivery of marijuana	See below		
(b)(1) < 1/4 oz. and a gift	MB		
(b)(2) < 1/4 oz. and paid	MA		
(b)(3) 1/4-4 oz.	F3		
(b)(4) 4 oz.-5 lbs.	F2		
(b)(5) 5-50 lbs.	F1		
(d) > 50 lbs.	5-99 yrs. or life/ 10-99 yrs. or life/ 15-99 yrs. or life		
4476-15:4.051* Unlawful possession of marijuana	See below		
(b)(1) < 2 oz.	MB		
(b)(2) 2-4 oz.	MA		
(b)(3) 4 oz.-5 lbs.	F3		
(b)(4) 5-50 lbs.	F2		
(d) > 50 lbs.	5-99 yrs. or life/ 10-99 yrs. or life/ 15-99 yrs. or life		
4476-15:4.052 Illegal investment	5-99 yrs. or life		
4476-15:4.053 Delivery of controlled substance to minor	F1		
4476-15:4.07* Possession or delivery of drug paraphernalia	See below		
(d) Uses/possess	MC/MB		
(e) Delivers	MA		
• With certain prior offenses	F3		
(f) Deliver to minor	F3		
4476-15:4.08 Commercial offenses	F2/F1		

UT. CODE ANN. § X (1953 & Supp. 1986)
For Drugs: UTAH CODE ANN § X (1986)

Criminal Classification Information

76-3-102. Designation of offenses.

Offenses are designated as felonies, misdemeanors, or infractions.

76-3-103. Felonies classified.

(1) Felonies are classified into four categories:

- (a) Capital felonies;
- (b) Felonies of the first degree;
- (c) Felonies of the second degree;
- (d) Felonies of the third degree.

(2) An offense designated as a felony either in this code or in another law, without specification as to punishment or category, is a felony of the third degree.

76-3-104. Misdemeanors classified.

(1) Misdemeanors are classified into three categories:

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

(2) An offense designated a misdemeanor, either in this code or in another law, without specification as to punishment or category, is a class B misdemeanor.

76-3-105. Infractions.

(1) Infractions are not classified. (2) Any offense which is an infraction within this code is expressly designated and any offense defined outside this code which is not designated as a felony or misdemeanor and for which no penalty is specified is an infraction.

76-3-201. Sentences or combination of sentences allowed—Civil penalties—Restitution—Definitions—Resentencing—Aggravation or mitigation of crimes with mandatory sentences.

(1) Within the limits prescribed by this chapter, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or combination of sentences:

- (a) to pay a fine;
- (b) to removal from or disqualification of public or private office;
- (c) to probation unless otherwise specifically provided by law;
- (d) to imprisonment; or
- (e) to death.

(2) This chapter does not deprive a court of authority conferred by law to forfeit property, dissolve a corporation, suspend, or cancel a license or permit removal of a person from office, cite for contempt, or impose any other civil penalty. A civil penalty may be included in a sentence.

(3)(a) When a person is adjudged guilty of criminal activity which has resulted in pecuniary damages, in addition to any other sentence it may impose, the court shall order that the defendant make restitution up to double the amount of pecuniary damages to the victim or victims of the offense of which the defendant has pleaded guilty, is convicted, or to the victim of any other criminal conduct admitted by the defendant to the sentencing court unless the court in applying the criteria in Subsection (3) (b) finds that restitution is inappropriate. Whether the court determines that restitution is appropriate or inappropriate, the court shall make the reasons for the decision a part of its written order.

(b) In determining whether or not to order restitution, or restitution which is complete, partial, or nominal, the court shall take into account:

(i) the financial resources of the defendant and the burden that payment of restitution will impose, with due regard to the other obligations of the defendant;

(ii) the ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court;

(iii) the rehabilitative effect on the defendant of the payment of restitution and the method of payment; and

(iv) other circumstances which in the opinion of the court shall make restitution inappropriate.

(c) If the defendant objects to the imposition, amount, or distribution of the restitution, the court shall at the time of sentencing allow him a full hearing on the issue.

(4) As used in Subsection (3) above:

(a) "Criminal activities" means any offense with respect to which the defendant is convicted or any other criminal conduct for which the defendant admits responsibility to the sentencing court with or without an admission of committing the criminal conduct.

(b) "Pecuniary damages" means all special damages, but not general damages, which a person could recover against the defendant in a civil action arising out of the facts or events constituting the defendant's criminal activities and shall include, but not be limited to, the money equivalent of property taken, destroyed, broken, or otherwise harmed, and losses such as earnings and medical expenses.

(c) "Restitution" means full, partial, or nominal payment for pecuniary damages to a victim, including insured damages.

(d) "Victim" means any person whom the court determines has suffered pecuniary damages as a result of the defendant's criminal activities; "victim" does not include any coparticipant in the defendant's criminal activities.

(5) If a statute under which the defendant was convicted mandates that one of three stated minimum terms must be imposed, the court shall order imposition of the term of middle severity unless there are circumstances in aggravation or mitigation of the crime. Prior to or at the time of sentencing, either party may submit a statement identifying circumstances in aggravation or mitigation, or to present additional facts. If the statement is in writing, it shall be filed with the court and served on the opposing party at least four days prior to the time set for sentencing. In determining whether there are circumstances that justify imposition of the highest or lowest term, the court may consider the record in the case, the probation officer's report, or other reports, including reports received under § 76-3-404, and statements in aggravation or mitigation submitted by the prosecution or the defendant, and any further evidence introduced at the sentencing hearing.

(a) The court shall set forth on the record the facts supporting and reasons for imposing the upper or lower term.

(b) The court in determining a just sentence shall be guided by sentencing rules regarding aggravation and mitigation promulgated by the Utah Judicial Council.

(c) If a defendant subject to Subsection (5) has been sentenced and committed to the Utah State Prison, the court may, within 120 days of the date of commitment on its own motion, or at any time upon the recommendation of the Board of Pardons, recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if he had not previously been sentenced, so long as the new sentence is no greater than the initial sentence nor no less than the mandatory time prescribed by the statute. The resentencing provided for in this section shall comply with sentencing rules of the Utah Judicial Council to eliminate disparity of sentences and to promote uniformity of sentencing. Credit shall be given for time served.

(d) The court shall state the reasons for its sentence choice on the record at the time of sentencing. The court shall also inform the defendant as part of the sentence that if the defendant is released from prison, he may be on parole for a period of ten years.

(e) If during the commission of a crime described as child kidnapping, rape of a child, object rape of a child, sodomy upon a child, or sexual abuse of a child, the actor causes substantial bodily injury to the child, and if the charge is set forth in the information or indictment and admitted by the actor, or found true by a judge or jury at trial, the actor shall, notwithstanding any other provision of law, be sentenced to the aggravated mandatory term in state prison.

76-3-203. Felony conviction—Indeterminate term of Imprisonment—Increase of sentence if firearm used. A person who has been convicted of a felony may be sentenced to imprisonment for an indeterminate term as follows:

(1) In the case of a felony of the first degree, for a term at not less than five years, unless otherwise specifically provided by law, and which may be for life but if the trier of fact finds a firearm or a facsimile or the representation of a firearm was used in the commission or furtherance of the felony, the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently;

(2) In the case of a felony of the second degree, for a term at not less than one year nor more than 15 years but if the trier of fact finds a firearm or a facsimile or the representation of a firearm was used in the commission or furtherance of the felony, the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently;

(3) In the case of a felony of the third degree, for a term not to exceed five years but if the trier of fact finds a firearm or a facsimile or the representation of a firearm was used in the commission or furtherance of the felony, the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently.

(4) Any person who has been sentenced to a term of imprisonment for a felony in which a firearm was used or involved in the accomplishment of the felony and is convicted of another felony when a firearm was used or involved in the accomplishment of the felony shall, in addition to any other sentence imposed, be sentenced for an indeterminate term to be not less than five nor more than ten years to run consecutively and not concurrently.

76-3-204. Misdemeanor conviction—Term of imprisonment.

A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- (1) In the case of a class A misdemeanor, for a term not exceeding one year;
- (2) In the case of a class B misdemeanor, for a term not exceeding six months;
- (3) In the case of a class C misdemeanor, for a term not exceeding ninety days.

76-3-205. Infraction conviction—Fine, forfeiture, and disqualification.

- (1) A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture, and disqualification, or any combination.
- (2) Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

76-3-206. Capital felony—Death or life imprisonment.

- (1) A person who has been convicted of a capital felony shall be sentenced in accordance with section 76-3-207, and sentence shall be death or life imprisonment as the court or jury, in accordance with this section, shall determine.
- (2) The judgment of conviction and sentence of death shall be subject to automatic review by the Utah State Supreme Court within 60 days after certification by the sentencing court of the entire record unless time is extended an additional period not to exceed 30 days by the Utah State Supreme Court for good cause shown. Such review by the Utah State Supreme Court shall have priority over all other cases and shall be heard in accordance with rules promulgated by the Utah State Supreme Court.

76-4-102. Attempt—Classification of offenses.

Criminal attempt to commit:

- (1) A capital felony is a felony of the first degree;
- (2) A felony of the first degree is a felony of the second degree; except that an attempt to commit child kidnapping, or to commit a violation of section 76-5-301.1 or to commit any of those felonies described in part 4 of Chapter 5 of this title which are felonies of the first degree, is a felony of the first degree;
- (3) A felony of the second degree is a felony of the third degree;
- (4) A felony of the third degree is a class A misdemeanor;
- (5) A class A misdemeanor is a class B misdemeanor;
- (6) A class B misdemeanor is a class C misdemeanor;
- (7) A class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.

76-4-202. Conspiracy—Classification of offenses.**Conspiracy to commit:**

- (1) A capital felony is a felony of the first degree;
 (2) A felony of the first degree is a felony of the second degree; except that conspiracy to commit child kidnapping, or to commit a violation of section 76-5-301.1 or to commit any of those felonies described in part 4 of Chapter 5 of this title which are felonies of the first degree, is a felony of the first degree;
 (3) A felony of the second degree is a felony of the third degree;
 (4) A felony of the third degree is a class A misdemeanor;
 (5) A class A misdemeanor is a class B misdemeanor;
 (6) A class B misdemeanor is a class C misdemeanor;
 (7) A class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.

UTAH CRIMINAL STATUTES

UTAH CODE ANN. § X (1953 & Supp. 1986)

For Drugs: UTAH CODE ANN. § X (1986)

KEY

- F = Felony
 M = Misdemeanor
 A, B, C = Crime subclasses
 1, 2, 3 = Crime subclasses
 * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
 > , < = more than, less than
 ≥ , ≤ = more than or equal, less than or equal

Statute No. and Title Class/Time**CHAPTER 5. OFFENSES AGAINST THE PERSON****Part 1. Assault and Related Offenses (inclusive)**

76-5-102 Assault	MB
76-5-102.4 Assault against peace officer on duty	MA
76-5-102.5 Assault by prisoner	F3
76-5-103 Aggravated Assault	F3
76-5-103.5 Aggravated assault by prisoner	
● Not serving time for F1	F2
● Serving time for F1 and serious bodily injury involved	F1
● Serving time for F1 and serious bodily injury intentionally caused	Capital
76-5-105 Mayhem	F2
76-5-106 Harassment	MC
76-5-107* Terroristic threat	MB
● If intent is to affect occupants of building, public place of assembly, or facility of public transportation	F3
76-5-108 Protective orders restraining abuse of another--Violation	MB
76-5-109* Child abuse	
● Intentionally inflict/allow to inflict serious physical injury	F2
● Recklessly inflict/allow to inflict serious physical injury	F3
● With criminal negligence inflict/allow to inflict serious physical injury	MA
● Intentionally inflict/allow to inflict physical injury	MA
● Recklessly inflict/allow to inflict physical injury	MB
● With criminal negligence inflict/allow to inflict physical injury	MC
Part 2. Criminal Homicide (inclusive)	
76-5-202 Murder in the first degree	Capital degree

76-5-203	Murder in the second degree	F1	CHAPTER 6. OFFENSES AGAINST PROPERTY	
			Part 1. Property Destruction	
76-5-205	Manslaughter	F2	76-6-102* Arson	
76-5-206	Negligent homicide	MA	● If intent to defraud insurer	F2
76-5-207	Automobile homicide	F3/F2	● Intentionally damages property of another; value > \$5,000	F2
	Part 3. Kidnapping		● Intentionally damages property of another; value > \$1,000, but < \$5,000	MA
76-5-301	Kidnapping	F2	● Intentionally damages property of another; value > \$250, but < \$1,000	MB
76-5-301.1	Child kidnapping	F1: MIN. of 5, 10, or 15 yrs. or life	● Any other violation	MC
			76-6-103 Aggravated arson	F1
76-5-302	Aggravated kidnapping	F1: MIN. of 5, 10, or 15 yrs. or life	76-6-105* Causing a catastrophe	
			● Knowingly cause	F2
			● Recklessly cause	MA
			76-6-106* Criminal mischief	
76-5-303*	Custodial interference	MA	● Defraud insurer	F3
● If child removed from state		F3	● Tamper with property of another and thereby endanger life, destroy property, etc.	MA
	Part 4. Sexual Offenses (inclusive)		● Value > \$1,000	F3
76-5-401*	Unlawful sexual intercourse	F3	● Value > \$500	MA
● If actor no more than 3 years older than victim		MB	● Value > \$250	MB
			● Value < \$250	MC
			Part 2. Burglary and Criminal Trespass (inclusive)	
76-5-402	Rape	F1	76-6-202 Burglary	F3/F2
76-5-402.1	Rape of a child	F1: MIN. of 5, 10, or 15 yrs. or life	76-6-203 Aggravated burglary	F1
76-5-402.2	Object rape	F1	76-6-204 Burglary of a vehicle-- Charge of other offense	MA
76-5-402.3	Object rape of a child	F1: MIN. of 5, 10, or 15 yrs. or life	76-6-205 Manufacture or possession of instrument for burglary or theft	MB
			76-6-206 Criminal trespass	MC/MB
76-5-403*	Sodomy--Forcible sodomy	MB	Part 3. Robbery (inclusive)	
● Forcible sodomy		F1	76-6-301 Robbery	F2
76-5-403.1	Sodomy on a child	F1: MIN. of 5, 10, or 15 yrs. or life	76-6-302 Aggravated robbery	F1
			Part 4. Theft (inclusive)	
76-5-404	Forcible sexual abuse	F2	76-6-405* Theft by deception	F2
76-5-404.1	Sexual abuse of child--Aggravated sexual abuse child of	F1/F2: MIN. of 3, 6, or 9 yrs. or life	● F2 if:	
			- value of property or services is > \$1,000	
			- property stolen is firearm or operable motor vehicle	
			- actor is armed with deadly weapon at time of theft	
			- property stolen is from the person of another	
76-5-405	Aggravated sexual assault	F1: MIN. of 5, 10, or 15 yrs. or life	● F3 if:	F3
			- value of property or services is > \$250 but not > \$1,000	
			- actor has been twice before theft of property or services valued is ≤ \$250	
			- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry	
	CHAPTER 5a. SEXUAL EXPLOITATION OF CHILDREN (inclusive)			
76-5a-3	Sexual exploitation of a minor	F2		

● If value of property stolen is \$100 but not > \$250	MA	- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry	
● If value of property stolen is < \$100	MB		
76-6-406* Theft by extortion			
● F2 if:	F2	● If value of property stolen is \$100 but not > \$250	MA
- value of property services is > \$1,000		● If value of property stolen is < \$100	MB
- property stolen is firearm or operable motor vehicle			
- actor is armed with deadly weapon at time of theft		76-6-409* Theft of services	
- property stolen is from the person of another		● F2 if:	F2
● F3 if:	F3	- value of property or services is > \$1,000	
- value of property or services is > \$250 but not > \$1,000		- property stolen is firearm or operable motor vehicle	
- actor has been twice before convicted of theft of property or services valued is < \$250		- actor is armed with deadly weapon at time of theft	
- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry		- property stolen is from the person of another	
● If value of property stolen is > \$100 but not > \$250	MA	● F3 if:	F3
● If value of property stolen is < \$100	MB	- value of property or services is > \$250 but not > \$1,000	
		- actor has been twice before convicted of theft of property or services valued is < \$250	
		- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry	
76-6-407* Theft of lost, mislaid, or mistakenly delivered property		● If value of property stolen is \$100 but not > \$250	MA
● F2 if:	F2	● If value of property stolen is < \$100	MB
- value of property or services is > \$1,000			
- property stolen is firearm or operable motor vehicle		76-6-409.1 Devices for theft of services--Seizure and destruction--Civil actions for damages	MA
- actor is armed with deadly weapon at time of theft			
- property stolen is from the person of another		76-6-410* Theft by person having custody of property pursuant to repair or rental agreement	
● F3 if:	F3	● F2 if:	F2
- value of property or services is > \$250 but not > \$1,000		- value of property or services is > \$1,000	
- actor has been twice before convicted of theft of property or services valued is < \$250		- property stolen is firearm or operable motor vehicle	
- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry		- actor is armed with deadly weapon at time of theft	
● If value of property stolen is \$100 but not > \$250	MA	- property stolen is from the person of another	
● If value of property stolen is < \$100	MB	● F3 if:	F3
		- value of property or services is > \$250 but not > \$1,000	
		- actor has been twice before convicted of theft of property or services valued is < \$250	
		- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry	
76-6-408* Receiving stolen property--Duties of pawnbrokers		● If value of property stolen is > \$100 but not > \$250	MA
● F2 if:	F2	● If value of property stolen is < \$100	MB
- value of property or services is > \$1,000			
- property stolen is firearm or operable motor vehicle		76-6-412* Theft--Classification of offenses--Action for treble damages against receiver of stolen property	
- actor is armed with deadly weapon at time of theft		● F2 if:	F2
- property stolen is from the person of another		- value of property or services is > \$1,000	
● F3 if:	F3		
- value of property or services is > \$250 but not > \$1,000			
- actor has been twice before convicted of theft of property or services valued is < \$250			

- property stolen is firearm or operable motor vehicle		76-6-510 Bribe receiving by a labor official	F3
- actor is armed with deadly weapon at time of theft		76-6-512 Acceptance of deposit by insolvent financial institution	F3
- property stolen is from the person of another		76-6-513* Unlawful dealing with property by fiduciary	
● F3 if:	F3	● F2 if:	F2
- value of property or services is > \$250 but not > \$1,000		- value of property or services is > \$1,000	
- actor has been twice before convicted of theft of property or services valued is < \$250		- property stolen is firearm or operable motor vehicle	
- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry		- actor is armed with deadly weapon at time of theft	
● If value of property stolen is > \$100 but not > \$250	MA	- property stolen is from the person of another	
● If value of property stolen is < \$100	MB	● F3 if:	F3
		- value of property or services is > \$250 but not > \$1,000	
		- actor has been twice before convicted of theft of property or services valued is < \$250	
		- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry	
		● If value of property stolen is \$100 but not > \$250	MA
		● If value of property stolen is < \$100	MB
Part 5. Fraud			
76-6-501* Forgery--"Writing" defined			
● If security, revenue stamp, or any other instrument issued by a government; check ≥ \$100; an issue of stocks, bonds, etc.	F2		
● Check amount < \$100	F3		
● All others	MA		
76-6-502* Possession of forged writing or device for writing	F3		
● When object of forgery constitutes MA	MA		
76-6-503 Fraudulent handling of recordable writings	F3		
76-6-505* Issuing a bad check or draft--Presumption			
● Sum < \$200	MB	76-6-514 Bribery or threat to influence contest	F3
● Sum > \$200, but < \$300	MA		
● Sum > \$300, but < \$1000	F3		
● Sum > \$1,000	F2		
76-6-506.1 Financial transaction card offenses--Falsely making, coding, or signing card--Falsely signing evidence of card transaction	F2		
76-6-506.2* Financial transaction card offenses--Unlawful use of card or automated banking device--False application for card	MA		
● If value ≥ \$250	F3		
76-6-506.3 Financial transaction card offenses--Unlawful acquisition, possession, or transfer of card	MA		
76-6-506.4* Financial transaction card offenses--Property obtained by unlawful conduct	MA		
● If value ≥ \$250	F3		
76-6-506.5* Financial transaction card offenses--Classification			
● 76-6-506.2, 76-6-506.3, 76-6-506.4			
● If value ≥ \$250 in 76-6-506.2 or 76-6-506.4	F3		
76-6-509 Bribery of a labor official	F3		
		76-6-516 Conveyance of real estate by married man without wife's consent	F3
		76-6-518* Criminal simulation	
		● Value < \$100	MB
		● Value > \$100, but < \$1,000	MA
		● Value > \$1,000, but < \$2,500	F3
		● Value > \$2,500	F2
		76-6-520 Criminal usury	F3
		76-6-521* False or fraudulent insurance claim--Punishment as for theft	
		● F2 if:	F2
		- value of property or services exceeds \$1,000	
		- property stolen is firearm or operable motor vehicle	
		- actor is armed with deadly weapon at time of theft	
		- property stolen is from the person of another	
		● F3 if:	F3
		- value of property or services more than \$250 but not more than \$1,000	
		- actor has been twice before convicted of theft of property or services valued at \$250 or less	
		- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry	
		● If value of property stolen is more than \$100 but not more than \$250	MA
		● If value of property stolen is \$100 or less.	MB

Part 6. Retail Theft (inclusive)

76-6-602* Retail theft, acts constituting
 ● F2 if:
 - value of property or services exceeds \$1,000
 - property stolen is firearm or operable motor vehicle
 - actor is armed with deadly weapon at time of theft
 - property stolen is from the person of another
 ● F3 if:
 - value of property or services more than \$250 but not more than \$1,000
 - actor has been twice before convicted of theft of property or services valued at \$250 or less
 - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry
 ● If value of property stolen is more than \$100 but not more than \$250
 ● If value of property stolen is \$100 or less.

F2

F3

MA

MB

See above

● If value of property stolen is \$100 or less. MB

76-6-803* Mutilation of library material as library theft

● F2 if:
 - value of property or services exceeds \$1,000
 - property stolen is firearm or operable motor vehicle
 - actor is armed with deadly weapon at time of theft
 - property stolen is from the person of another
 ● F3 if:
 - value of property or services more than \$250 but not more than \$1,000
 - actor has been twice before convicted of theft of property or services valued at \$250 or less
 - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry
 ● If value of property stolen is more than \$100 but not more than \$250
 ● If value of property stolen is \$100 or less.

F2

F3

MA

MB

See above

76-6-606 Penalty

Part 7. Computer Crimes

76-6-703* Computer crimes and penalties
 ● Access/attempt to access without authorization computer, computer system, software, etc., and alters, damages, or modifies
 ● Without authorization use a computer etc., and alters, damages, or modifies
 ● Use/allow another to use computer to defraud
 ● Without authorization interfere or attempt to interrupt computer services to another
 ● Damage/destroy all or part of any computer, computer network, etc.
 - if damage more than \$3,000

F3

F3

F2

MA

MA

F3

Part 8. Library Theft (inclusive)

76-6-801* Acts constituting library theft
 ● F2 if:
 - value of property or services exceeds \$1,000
 - property stolen is firearm or operable motor vehicle
 - actor is armed with deadly weapon at time of theft
 - property stolen is from the person of another
 ● F3 if:
 - value of property or services more than \$250 but not more than \$1,000
 - actor has been twice before convicted of theft of property or services valued at \$250 or less
 - property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry
 ● If value of property stolen is more than \$100 but not more than \$250

F2

F3

MA

76-6-805 Penalty

CHAPTER 6a. PYRAMID SCHEMES

76-6a-4 Operation as felony-- Investigation--Prosecution

F3

CHAPTER 7. OFFENSES AGAINST THE FAMILY

Part 1. Marital Violations

76-7-101 Bigamy

F3

76-7-102 Incest

F3

Part 2. Nonsupport and Sale of Children

76-7-201* Criminal nonsupport
 ● If actor previously convicted of same or if actor committed offense while in another state

MA

F3

76-7-203 Sale of child

F3

Part 3. Abortion

76-7-307 Medical procedure required to save life of unborn child

F3

76-7-308 Medical skills required to preserve life of unborn child

F3

76-7-310 Experimentation with unborn children prohibited--Testing for genetic defects

F3

76-7-311 Selling and buying unborn children prohibited

F3

76-7-312 Intimidation or coercion of person to obtain abortion prohibited

F3

76-7-314* Violations of abortion laws-- Classifications		76-8-412 Stealing, destroying, or mutilating public records by custodian	F3
● Perform unlawful abortion	F2		
● Violate 76-6-307, 76-7-308, 76-7-310, 76-7-311, or 76-7-312	F3	76-8-414 Recording false or forged instruments	F3
● Violate any other provision of act	MA	76-8-418 Injuring jails	F3
CHAPTER 8. OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT			
Part 1. Corrupt Practices			
76-8-103 Bribery to influence official or political actions	F3	76-8-502 False or inconsistent material statements	F2
76-8-107 Alteration of proposed legislative bill or resolution	F3	76-8-508 Tampering with witness--Retaliation against witness or informant--Bribery	F3
76-8-108 Alteration of engrossed copy of legislative bill or resolution	F3	76-8-509 Extortion or bribery to dismiss criminal proceeding	F2
Part 2. Abuse of Office			
Part 3. Obstructing Governmental Operations			
76-8-303 Prevention of legislature or public servants from meeting or organizing	F3	76-8-510 Tampering with evidence	F2
76-8-306* Obstructing justice	MB	Part 6. Abuse of Process	
● If actor knows offense committed Capital/F1 offense	F2	Part 7. Colleges and Universities	
76-8-309* Escape--Term for escape from state prison	MB	76-8-715 Damage or destruction of property by explosives or flammable materials	F2
● Actor employs force, threat, or a deadly weapon to affect escape or escapes from state prison	F2	Part 8. Sabotage Prevention	
76-8-310* Aiding escape	MA	76-8-802 Destruction of property to interfere with preparation for defense or war	F2
● If corrections personnel involved F2 in escape, state prisoner involved, or item given to aid in escape is a deadly weapon		76-8-803 Causing or omitting to note defects in articles used in preparation for defense or war	F3
76-8-311 Providing contraband to person in custody	F3	76-8-804 Attempts to commit crimes of sabotage	See 76-4-102
76-8-312* Bail-jumping		76-8-805 Conspiracy to commit crimes of sabotage (Punish as if sabotage were committed)	F?
● If offense charged is felony	F3	Part 9. Syndicalism and Sabotage	
● If offense charged is misdemeanor	MB	76-8-902 Advocating criminal syndicalism and sabotage	F3
76-8-313* Threatening elected officials--Commission of assault	MB	76-8-903 Assembly for advocating criminal syndicalism or sabotage	F3
● If bodily injury attempted or occurs	F3	Part 10. Habitual Criminals	
76-8-315* Threatening elected officials--Penalties for assault	See above	76-8-1001 Habitual criminal--Determination	Prison: 5 yrs. to life
Part 4. Offenses Against Public Property			
76-8-402 Misusing public moneys	F3	CHAPTER 9. OFFENSES AGAINST PUBLIC ORDER AND DECENCY	
76-8-403 Failure to keep and pay over public moneys	F3	Part 1. Breaches of the Peace and Related Offenses	
76-8-404 Making profit out of, or misusing public moneys--Disqualification from office	F3	76-9-101* Riot	MB
		● If bodily injury, substantial property damage, arson occurs, or defendant armed with a deadly weapon	F3
		Part 2. Telephone abuse	
		Part 3. Cruelty to Animals	

76-9-304* Allowing vicious animals to go at large	MB	Part 11. Gambling	
● If death of human results	F3	76-10-1103* Gambling fraud	F2
Part 4. Offenses Against Privacy		● F2 if:	
Part 5. Libel and Slander		- value of property or services exceeds \$1,000	
Part 6. Miscellaneous Provisions		- property stolen is firearm or operable motor vehicle	
CHAPTER 10. OFFENSES AGAINST PUBLIC HEALTH, SAFETY, WELFARE, AND MORALS		- actor is armed with deadly weapon at time of theft	
Part 1. Cigarettes and Tobacco and Psychotic Chemical Solvents		- property stolen is from the person of another	F3
Part 2. Waters		● F3 if:	
76-10-204 Injuring bridge, dam, canal, or other water-related structure	F3	- value of property or services more than \$250 but not more than \$1,000	
Part 3. Explosives		- actor has been twice before convicted of theft of property or services valued at \$250 or less	
76-10-307 Infernal machine--Delivery to common carrier, mailing, or placement on premises	F2	- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry	MA
76-10-308 Infernal machine--Construction or possession	F3	● If value of property stolen is more than \$100 but not more than \$250	MB
Part 4. Fences		● If value of property stolen is \$100 or less.	
Part 5. Weapons		76-10-1104* Gambling promotion	MA
76-10-503* Possession of dangerous weapon--Persons not permitted to have	MA	● If twice convicted	F3
● Possession proscribed for specified persons	F3	76-10-1105* Possessing a gambling device or record	MB
● If dangerous weapon is a firearm or sawed-off shotgun	F3	● If twice convicted	MA
● Persons on parole for felony or state prison	F2	● If convicted three or more times	F3
● If same possesses explosive or infernal machine		76-10-1109* Confidence game--Punishment as for theft--Description in charge	
76-10-504* Carrying concealed dangerous weapon	MB	● F2 if:	F2
● If contains no ammunition	MA	- value of property or services exceeds \$1,000	
● If contains ammunition	F3	- property stolen is firearm or operable motor vehicle	
● If sawed-off shotgun or firearm used to commit crime of violence	F2	- actor is armed with deadly weapon at time of theft	
● Carrying loaded firearm in vehicle	MB	- property stolen is from the person of another	F3
Part 6. Charity Drives		● F3 if:	
Part 7. Corporator Frauds		- value of property or services more than \$250 but not more than \$1,000	
76-10-703 Fraudulent documents relating to organization or increase of capital stock	F3	- actor has been twice before convicted of theft of property or services valued at \$250 or less	
76-10-706 Unlawful acts by director, officer, or agent	F3	- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry	MA
Part 8. Nuisances		● If value of property stolen is not more than \$250	MB
Part 9. Trade and Commerce		● If value of property stolen is \$100 or less.	
Part 10. Trademarks, Trade Names, and Devices		Part 12. Pornographic and Harmful Materials and Performances	
		76-10-1204* Distributing pornographic material	MA: 7 days MIN.
		● If previous conviction	F3: 30 days MIN.
		76-10-1206 Dealing in harmful material to a minor	F3
		● If previous conviction	F2

76-10-1214 Conspiracy an offense--Punishment--Any act in Part 12	F3	● If value of property stolen is more than \$100 but not more than \$250	MA
● If previous conviction	F2	● If value of property stolen is \$100 or less.	MB
76-10-1222* Distribution of pornographic film--Penalties for violations	MA	Part 16. Racketeering Enterprises	
● If previous conviction	F3	76-10-1603 Unlawful Acts--Felony--Forfeitures	F2
Part 13. Prostitution		Part 17. Cable Television Programming Decency Act	
76-10-1305 Exploiting prostitution	F3	Part 18. Communications Fraud	
76-10-1306 Aggravated exploitation of prostitution	F2	76-10-1801* Communications fraud	
Part 14. Repealer		● If value < \$100	MB
Part 15. Bus Passenger Safety Act		● If value > \$100, but < \$1,000	MA
76-10-1504 Bus hijacking--Assault with intent to commit hijacking--Dangerous weapon or firearm		● If value > \$1,000, but < \$10,000	F3
● Bus hijacking	F1	● If value > \$10,000, but < \$100,000	F2
● Assault with intent to commit hijacking	F2	● If something other than of monetary value	F2
● Assault with intent to commit hijacking when dangerous weapon or firearm involved	F1	● If value ≥ \$100,000	F1
● Boarding bus with concealed, dangerous weapon or firearm	F2	CHAPTER 37. CONTROLLED SUBSTANCES (inclusive)	
37-10-1505 Bombing or placing bomb or explosive in, upon, or near terminal or bus--Threats--Firearms and missiles		57-37-8* Prohibited acts--Penalties	
● Place bomb in inhabited terminal	F1	(1)(a) No manufacture, selling, or possession with intent to manufacture controlled/counterfeit drug	
● Place bomb in terminal where goods are stored	F2	(1)(b) If violation:	
● Threaten either of above	F3	- first offense Schedule I or II	F2
● Discharge firearm or missile	F3	- second offense Schedule I or II	F1
76-10-1507* Exclusion of persons without bona fide business from terminal--Firearms and dangerous materials--Surveillance devices and seizure of offending materials--Detention of violators. Private security personnel		- first offense Schedule III, IV, or marijuana	F3
● Person refuses to comply with departure order	MC	- second offense of Schedule III, IV, or marijuana	F2
● Carrying concealed dangerous weapons, firearm, or any explosive material, etc. into a terminal or aboard a bus	F3	- first offense Schedule V	MA
76-10-1508* Theft of baggage or cargo		- second offense Schedule V	F3
● F2 if:	F2	(1)(c) If gift:	
- value of property or services exceeds \$1,000		- first offense Schedule I or II	F3
- property stolen is firearm or operable motor vehicle		- second offense Schedule I or II	F2
- actor is armed with deadly weapon at time of theft		- first offense Schedule III, IV, or marijuana	MA
- property stolen is from the person of another		- second offense of Schedule III, IV, or marijuana	F3
● F3 if:	F3	- first offense Schedule V	MB
- value of property or services more not more than \$1,000		- second offense Schedule V	MA
- actor has been twice before convicted of theft of property or services valued at \$250 or less		(2)(a)(i) Possession or use without prescription	
- property taken is stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, or poultry		- first offense Schedule I, II, or marijuana	F3
		- first offense marijuana > 1 ounce, but < 16 ounces	MA
		- second offense Schedule I, II, or marijuana	F2
		- first offense Schedule III-V, < 1 ounce marijuana	MB
		- second offense Schedule III-V, < 1 ounce marijuana	MA
		- third offense Schedule III-V, < 1 ounce marijuana	F3
		(ii) Have place and allow use/distribution of drugs	
		- first offense	MB
		- second offense	MA
		- third offense	F3
		(iii) Knowingly in presence of drugs used	
		- first offense	MB
		- second offense	MA
		- third offense	F3

(iv) Possession of forged prescription	
- first offense	MB
- second offense	MA
- third offense	F3
(v) Doctor gives minor drugs without parental consent	
- first offense	MB
- second offense	MA
- third offense	F3
(vi) Doctor prescribes excessive dosage	
- first offense	MB
- second offense	MA
- third offense	F3
(vii) Prescribing drugs knowingly using false name	
- first offense	MB
- second offense	MA
- third offense	F3
(3)(a) Unlawful to violate this law, exceed scope of manufacturing license, false labeling, fail to submit records, refuse inspection	F3
(4)(a) Falsely represent self as a doctor, manufacturer, etc., forge prescription, falsify required records, counterfeit equipment	F3
(5) Enhanced penalties for drugs at school and sales to minors	Additional yrs.
(6) If no penalty specified	M
(7) Conspiracy, use	One degree less than maximum
58-37-14 Resort for illegal use or possession of controlled substances deemed common nuisance. District court to suppress and enjoin	Nuisance

CHAPTER 37a. DRUG PARAPHERNALIA (inclusive)

58-37a-5* Unlawful acts	
(1) Use, possess with intent to use paraphernalia to plant, convert, introduce to body, etc., a controlled substance	MB
(2) Deliver, possess with intent to deliver, or manufacture with intent to deliver, paraphernalia	MA
(3) Person more than 18 years old delivers paraphernalia to person less than 18 years old and 3 or more years younger	F3
(4) Advertise paraphernalia sale	MB

CHAPTER 37b. IMITATION CONTROLLED SUBSTANCES (inclusive)

38-37b-4 Manufacture, distribution, or possession of substance unlawful--Penalty	MB
58-37b-5 Distribution of substance to minor--Penalty	MC
58-37b-6 Use of substance unlawful--Penalty	MC
58-37b-7 Advertisement of substance unlawful--Penalty	MB

VERMONT

VT. STAT. ANN. Tit. 13, §x (1974 & Supp. 1985).
For drugs: VT. STAT. ANN. Tit. 18, §x (1982 & Supp. 1985).

Criminal Classification Information

§1 Felonies and misdemeanors defined.

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

§11 Habitual criminals.

A person who, after having been three time convicted within this state of felonies or attempts to commit felonies, or under the law of any other state, government or country, of crimes which, if committed within this state, would be felonious, commits a felony other than murder within this state, may be sentenced upon conviction of such fourth or subsequent offense to imprisonment for the term of his natural life.

INCHOATE CRIMES

§7 Inciting to felony.

A person who endeavors to incite, procure or hire another person to commit a felony, though a felony is not actually committed as a result of such inciting, hiring or procuring, shall be imprisoned not more than five years or fined not more than \$500.00, or both.

§8 Compounding felony.

A person having knowledge of the commission of a felony who takes money, or a gratuity or reward, or an engagement therefor, upon an agreement or understanding, expressed or implied, to compound or conceal such felony or not to prosecute therefor, or not to give evidence thereof, shall be imprisoned not more than ten years or fined not more than \$1,000.00, or both.

§9 Attempts.

A person who attempts to commit an offense and does an act toward the commission thereof, but by reason of being interrupted or prevented fails in the execution of the same, shall be punished as herein provided unless other express provision is made by law for the punishment of such attempt. If the offense attempted to be committed is a felony, a person shall be punished by the least severe of the two following punishments:
(1) imprisonment for not more than ten years and fined not more than \$10,000.00, or both; or
(2) as the offense attempted to be committed is by law punishable.

If the offense attempted to be committed is a misdemeanor, a person shall be imprisoned or fined, or both, in an amount not to exceed one-half the maximum penalty for which the offense so attempted to be committed is by law punishable.

29:1409 (Conspiracy) Penalties.

The penalty for conspiracy is the same as that authorized for the crime which is the object of the conspiracy, except that no term of imprisonment shall exceed five years, and no fine shall exceed \$10,000.00. A sentence imposed under this section shall be concurrent with any sentence imposed for an offense which was an object of the conspiracy.

VERMONT CRIMINAL STATUTES

VT. STAT. ANN. Tit. 13, §x (1974 & Supp. 1985).

For drugs: VT. STAT. ANN. Tit. 18, §x (1982 & Supp. 1985).

KEY

* = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

>, < = More than, less than

≥, ≤ = More than or equal, less than or equal

NOTE: Maximum term is recorded, unless sentence range is specified. For classifications that are NOT inclusive, crimes with penalties of 2 years or less are NOT recorded.

Statute No. and Title	Class/Time
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ABORTION

13:101 Definition and punishment	5-20 yrs./ 3-10 yrs.
13:104 Advertising or dealing in anything cause miscarriage	3-10 yrs./ 1-3 yrs.

ADULTERY AND BIGAMY

13:205 Intermarriage of or fornication by persons prohibited to marry	5 yrs.
13:206 Bigamy	5 yrs.

ANIMALS

13:405 Wilful and malicious injury of animals; poisoning	5 yrs.
13:454 Power of arrest; penalty for impeding	Punished as provided in section 3001

ARSON AND BURNING (inclusive)

13:501 Arson causing death	Prison for life
13:502 First degree arson	2-10 yrs.
13:503 Second degree arson	1-5 yrs.
13:504 Third degree arson	1-3 yrs.
13:505 Fourth degree arson	1-2 yrs.
13:506 Burning to defraud insurer	1-5 yrs.
13:507 Burning forests	5 yrs.
13:508 Setting fires	30-60 days

ASSAULTS (inclusive)

13:608 Assault and robbery	10 yrs./1-15 yrs./ 1-20 yrs.
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BARRATRY		13:1506 Officer aiding or voluntarily allowing escape	5 yrs.
BREACH OF THE PEACE; DISTURBANCES (inclusive)		EXPLOSIVES	
13:902 Rioters refusing to disperse	6 mos.	13:1601 Willful and malicious injuries caused by explosives	20 yrs.
13:903 Hindering officer	6 mos.	13:1602 Attempts	10 yrs.
13:905 Rioters injuring building or vessel	5 yrs.	13:1604 Possession of destructive devices	10 yrs.
13:1022 Noise in the nighttime	Fine	13:1605 Injuries caused by destructive devices	20 yrs.
13:1023 Simple assault	1 yr./60 days	13:1606 Possession and use of explosives	5 yrs.
13:1024 Aggravated assault	15 yrs./5 yrs.	13:1607 Sale of explosives	5 yrs.
13:1025 Recklessly endangering another person	1 year	13:1608 Injuries caused by explosives	20 yrs.
13:1026 Disorderly conduct	60 days	13:1612 Placing a hoax device	10 yrs.
13:1027 Disturbing peace by use of telephone	3 mos./6 mos.	EXTORTION AND THREATS	
13:1028* Assault of law enforcement officer	30 days-1 yr.	13:1701 Definition and penalty	3 yrs.
● second and subsequent offenses	2-10 yrs.	FALSE ALARMS AND REPORTS	
BRIBERY		13:1751* False alarms to agencies of public safety	1 yr.
13:1101 Bribing public officers	5 yrs.	● bodily injury or death is sustained by any person as a result of a violation of this section	5 yrs.
13:1102 Public officers accepting bribes	10 yrs.	FORGERY AND COUNTERFEITING	
13:1103 Bribing triers of causes	5 yrs.	13:1801 Forgery and counterfeiting of papers, documents, etc.	10 yrs.
13:1104 Triers of causes accepting bribes	5 yrs.	13:1802 Uttering forged or counterfeited instruments	10 yrs.
BURGLARY (inclusive)		13:1803 Counterfeiting or altering peddler's license	10 yrs.
13:1201 Burglary	25 yrs./15 yrs.	13:1804 Counterfeiting paper money	14 yrs.
13:1204 Making or having burglar's tools	20 yrs.	13:1805 Counterfeiting scrip	10 yrs.
CHILDREN AND INCOMPETENT PERSONS		13:1806 Affixing false signature to obligation of corporation	14 yrs.
13:1303 Abandonment or exposure of baby	10 yrs.	13:1807 Making or repairing tools for counterfeit money	14 yrs.
CONSPIRACY		13:1808 Joining parts of several bills or instruments	14 yrs.
DISCRIMINATION		13:1809 Counterfeiting coin	15 yrs.
ESCAPE		13:1810 Making or repairing tools for counterfeiting coin	15 yrs.
13:1501* Escapes and attempts to escape	10 yrs/5 yrs.	13:1811 Making imitation of gold or silver	10 yrs.
● escapes or attempts to escape from an officer while in custody as a result of a misdemeanor	2 yrs.		
13:1502 Unlawfully aiding prisoners	5 yrs.		
13:1503 Giving prisoner tools for escape; aiding escaped prisoner	5 yrs.		
13:1505 Aiding in escape from Weeks School	5 yrs.		

FLAGS AND ENSIGNS		13:2403 With intent to extort money	Prison for life/death
FRAUDS		CUSTODIAL INTERFERENCE	
13:2001 False personation	10 yrs.	13:2451 Custodial interference	5 yrs.
13:2002 False pretenses or tokens	10 yrs.	LARCENY AND EMBEZZLEMENT (inclusive)	
13:2015 Transferring realty without notice of encumbrance	3 yrs.	13:2501 Grand larceny	10 yrs.
13:2016 Signing or issuing false certificates of stock	1-10 yrs.	13:2502 Petit larceny	1 yr.
FRAUD IN COMMERCIAL TRANSACTIONS		13:2503 Larceny from the person	10 yrs.
13:2051 Issue of bill of lading for goods not received	5 yrs.	13:2504 Taking parcel of realty	10 yrs.
13:2053 Issue of duplicate bills of lading not so marked	5 yrs.	13:2505 Unauthorized use of boats or aircraft	1 yr.
13:2055 Negotiation of bill of lading when goods are not in carrier's possession	5 yrs.	13:2531 Embezzlement generally	10 yrs.
13:2056 Inducing carrier to issue bill of lading when goods have not been received	5 yrs.	13:2532 Officer or servant of incorporated bank	10 yrs.
13:2057 Issue of nonnegotiable bill of lading not so marked	5 yrs.	13:2533 Receiver or trustee	10 yrs.
13:2061 Issue of warehouse receipt for goods not received	5 yrs.	13:2534 Executor or administrator	10 yrs.
13:2063 Issue of duplicate warehouse receipts not so marked	5 yrs.	13:2535 Guardian	10 yrs.
GAMBLING AND LOTTERIES		13:2536 Carrier	10 yrs.
13:2151* Bookmaking; pool selling; off-track wagers	See below	13:2537 Person holding property in official capacity or belonging to state or municipality	10 yrs.
13:2152* Penalty ● subsequent offense	6 mos. 5 yrs.	13:2561* Penalty for receiving stolen property; venue ● Grand larceny ● Petit larceny	10 yrs. 1 yr.
HOMICIDE (inclusive)		13:2575* Offense of retail theft	See below
13:2301 Murder - degrees defined		13:2577* Penalty ● retail theft of merchandise having a retail value > \$100	6 mos./2 yrs. 10 yrs.
13:2302 Determination of degree		13:2582* Theft of services ● services ≤ \$500	10 yrs. 1 yr.
13:2303 Penalties ● If corrections/police officer ● Murder I ● Murder II	Death Prison for life Prison for life	13:2591* Theft of rented property ● value of property ≤ \$100	10 yrs. 6 mos.
13:2304 Manslaughter - penalties	1-15 yrs.	LEWDNESS AND PROSTITUTION	
13:2306 Poisoning food, drink, medicine or water	20 yrs.	13:2601 Lewd and lascivious conduct	5 yrs.
13:2307 Attempted murder	20 yrs.	13:2602 Lewd and lascivious conduct with child	1-5 yrs.
13:2308 False testimony with intent to cause death	Prison for life	13:2632* Prohibited acts (prostitution) ● second offense	1 yr. 3 yrs.
KIDNAPPING		13:2635 White slave traffic	1-10 yrs.
13:2401 Definition and punishment	25 yrs.	13:2636 Unlawful procurement	1-10 yrs.
13:2402 Child under sixteen	30 yrs.	13:2637 Appropriating or levying upon earnings of prostitute	1-10 yrs.

MAIMING		13:3434 Attempts	1/2 punishment
13:2701 Definition of and penalty for maiming	7 yrs.-life	13:3435 Conspiracy	Same punishment
OBSCENITY		13:3481 Obtaining maps and plans	10 yrs.
SEXUAL EXPLOITATION OF CHILDREN		13:3482 Furnishing information to enemy	10 yrs.
13:2822 Use of a child in a sexual performance	See below	13:3483 Injuries to certain property; penalty	20 yrs.
13:2823 Consenting to a sexual performance	See below	13:3484 Concerted action by three or more	Death
13:2824 Promoting a recording of a sexual act	See below	TREES AND PLANTS	
13:2825 Penalties	10 yrs./1-15 yrs.	TRESPASSES AND MALICIOUS INJURIES TO PROPERTY	
PERJURY		13:3701* Unlawful mischief	5 yrs.
13:2901 Punishment for perjury	15 yrs.	● damage to property > \$250	1 yr.
13:2902 Subornation of perjury	15 yrs.	● damage to property < \$250	6 mos.
13:2903 Attempt to suborn	5 yrs.	13:3705* Unlawful trespass	3 mos./1 yr.
13:2904 False swearing	15 yrs.	● trespasses in a dwelling house	3 yrs.
13:2905 In proof of loss to fire insurance company	15 yrs.	13:3729 Fire protection apparatus	10 yrs.
PUBLIC JUSTICE AND PUBLIC OFFICERS		13:3733 Mills, dams or bridges	5 yrs.
13:3001 Impeding public officers	3 yrs.	13:3761 Unauthorized removal of dead bodies	1-15 yrs.
13:3015 Obstruction of justice	5 yrs.	13:3764 Cemeteries and monuments - grave markers and historical tablets	See below
RAILROADS		13:3765 Burial grounds	See below
13:3101 Tampering with equipment resulting in death	1-15 yrs.	13:3766 Grave markers and ornaments	See below
13:3102* Injuring or endangering traveler's person or property	2 yrs.	13:3767 Penalties	5 yrs.
● serious bodily injury as consequence	10 yrs.	VAGRANTS	
13:3103* Discharging firearms or throwing missiles at train	2 yrs.	13:3906 Injury to person or property; procuring food by threat or force	1-5 yrs.
● serious bodily injury as consequence	10 yrs.	WEAPONS	
SEXUAL ASSAULT (inclusive)		13:4001 Sling shot, blackjack, brass knuckles - use or possession	5 yrs.
13:3252 Sexual assault	20 yrs.	13:4005 While committing a crime	5 yrs.
13:3253 Aggravated sexual assault	25 yrs.	13:4009 Negligent use of gun	5 yrs.
TREASON AND OTHER OFFENSES AGAINST THE GOVERNMENT		POSSESSION AND CONTROL OF REGULATED DRUGS (inclusive)	
13:3401 Definition and punishment of treason	Death	18:4224* Violations; penalties	See below
13:3403 Misprision of treason	5-10 yrs.	(a) Possessing marijuana	6 mos./2 yrs.
13:3405 Promotion of anarchy	3 yrs.	- second or subsequent violation of the provisions of section 4223 relative to any possession of marijuana	
13:3432 Interference with defense or war effort	1-10 yrs.		
13:3433 Defective materials	1-10 yrs.		

(b) Possessing a depressant or stimulant drug, narcotic drug or hallucinogenic drug	1 yr.
● second or subsequent violation of the provisions of section 4223 relative to any possession of drugs enumerated in this subsection	2 yrs. + 1 day
(e) Person knowingly and unlawfully possessing a regulated drug with the intent to sell the same or in a specified amount	3 yrs.
(f) Person knowingly and unlawfully possessing a regulated drug with an intent to sell the same or in a specified amount	5 yrs.
(g) Knowingly and unlawfully manufacturing, cultivating, compounding, dispensing, administering, prescribing, or selling for a consideration a regulated drug	5 yrs.
(h) Knowingly and unlawfully dispensing, administering, prescribing or selling to a person under the age of 18 a narcotic, depressant or stimulant drug or hallucinogenic drug	25 yrs.
(i) Second or subsequent offense of subsection (g) or (h)	25 yrs.
18:4228 Unlawful manufacture, distribution, dispensing or sale of a noncontrolled drug or substance	1 yr.
DRUG PARAPHERNALIA (inclusive)	
18:4476 Offenses and penalties	1 yr./2 yrs.

VA. CODE ANN. §x (1982 & Supp. 1986).

Criminal Classification Information

§18.2-8 Felonies, misdemeanors and traffic infractions defined.

Offenses are either felonies or misdemeanors. Such offenses as are punishable with death or confinement in the penitentiary are felonies; all other offenses are misdemeanors. Traffic infractions are violations of public order as defined in §46.1-1(40) and not deemed to be criminal in nature.

§18.2-9 Classification of criminal offenses.

(1) Felonies are classified, for the purposes of punishment and sentencing, into six classes:

- (a) Class 1 felony
- (b) Class 2 felony
- (c) Class 3 felony
- (d) Class 4 felony
- (e) Class 5 felony
- (f) Class 6 felony.

(2) Misdemeanors are classified, for the purposes of punishment and sentencing, into four classes:

- (a) Class 1 misdemeanor
- (b) Class 2 misdemeanor
- (c) Class 3 misdemeanor
- (d) Class 4 misdemeanor.

§18.2-10 Punishment for conviction of felony.

The authorized punishments for conviction of a felony are:

- (a) For Class 1 felonies, death, or imprisonment for life.
- (b) For Class 2 felonies, imprisonment for life or for any term not less than twenty years.
- (c) For Class 3 felonies, a term of imprisonment of not less than five years nor more than twenty years.
- (d) For Class 4 felonies, a term of imprisonment of not less than two years nor more than ten years.
- (e) For Class 5 felonies, a term of imprisonment of not less than one year nor more than ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$1,000, either or both.
- (f) For Class 6 felonies, a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$1,000, either or both.

§18.2-11 Punishment for conviction of misdemeanor.

The authorized punishments for conviction of a misdemeanor are:

- (a) For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than \$1,000, either or both.
- (b) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$500, either or both.
- (c) For Class 3 misdemeanors, a fine of not more than \$500.
- (d) For Class 4 misdemeanors, a fine of not more than \$100.

§18.2-12 Same; where no punishment or maximum punishment prescribed.

A misdemeanor for which no punishment or no maximum punishment is prescribed by statute shall be punishable as a Class 1 misdemeanor.

§18.2-13 Same; by reference.

Where a statute in this Code prescribes punishment by stating that the offense is a misdemeanor, or that it is punishable as provided for in §18.1-9, the offense shall be deemed to be a Class 1 misdemeanor.

§18.2-14 How unclassified offenses punished.

Offenses defined in Title 18.2 and in other titles in the Code, for which punishment is prescribed without specification as to the class of the offense, shall be punished according to the punishment prescribed in the section or sections thus defining the offense.

§18.2-15 Place of punishment.

Imprisonment for conviction of a felony shall be by confinement in the penitentiary, unless in Class 5 and Class 6 felonies the jury or court trying the case without a jury fixes the punishment at confinement in jail. Imprisonment for conviction of a misdemeanor shall be by confinement in jail.

§18.2-16 How common-law offenses punished.

A common-law offense, for which punishment is prescribed by statute, shall be punished only in the mode so prescribed.

INCHOATE OFFENSES

§18.2-22 Conspiracy to commit felony.

(a) If any person shall conspire, confederate or combine with another, either within or without this Commonwealth, to commit a felony within this Commonwealth, or if he shall so conspire, confederate or combine with another within this Commonwealth to commit a felony either within or without this Commonwealth, he shall be guilty of a felony which shall be punishable as follows:

- (1) Every person who so conspires to commit an offense which is punishable by death shall be guilty of a Class 3 felony;
- (2) Every person who so conspires to commit an offense which is a noncapital felony shall be guilty of a Class 5 felony; and
- (3) Every person who so conspires to commit an offense the maximum punishment for which is confinement in the penitentiary for a period of less than five years shall be confined in the penitentiary for a period of one year, or, in the discretion of the jury or the court trying the case without a jury, may be confined in jail not exceeding twelve months and fined not exceeding \$500, either or both.

(b) However, in no event shall the punishment for a conspiracy to commit an offense exceed the maximum punishment for the commission of the offense itself.

* * *

§18.2-23 Conspiring to trespass after having been forbidden to do so.

If any person shall conspire, confederate or combine with another or others in this State to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a Class 3 misdemeanor.

* * *

§18.2-25 Attempts to commit capital offenses; how punished.

If any person attempts to commit an offense which is punishable with death, he shall be guilty of a Class 2 felony.

§18.2-26 Attempts to commit noncapital felonies; how punished.

Every person who attempts to commit an offense which is a noncapital felony shall be punished as follows:

- (1) If the felony attempted is punishable by a maximum punishment of life imprisonment; an attempt threat shall be punishable as a Class 4 felony.
- (2) If the felony attempted is punishable by a maximum punishment of twenty years' imprisonment, an attempt threat shall be punishable as a Class 5 felony.
- (3) If the felony attempted is punishable by a maximum punishment of less than twenty years' imprisonment, an attempt thereat shall be punishable as a Class 6 felony.

§18.2-27 Attempts to commit misdemeanors; how punished.

Every person who attempts to commit an offense which is a misdemeanor shall be punishable by the same punishment prescribed for the offense the commission of which was the object of the attempt.

§18.2-28 Maximum punishment for attempts.

Any provision in this article notwithstanding, in no event shall the punishment for an attempt to commit an offense exceed the maximum punishment had the offense been committed.

§18.2-29 Criminal solicitation; penalty.

Any person who commands, entreats, or otherwise attempts to persuade another person to commit a felony, shall be guilty of a Class 6 felony.

VIRGINIA CRIMINAL STATUTES

VA. CODE ANN. §x (1982 & Supp. 1986)

KEY

- F = Felony
- M = Misdemeanor
- SP = State Prison
- J = Jail
- ? = Unspecified classification
- 1,2,3,4,5,6 = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

Statute No. and Title	Class/Time
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Crimes Against the Person

HOMICIDE (inclusive)

18.2-31 Capital murder defined; punishment	F1
18.2-32 First and second degree murder defined; punishment	F2/F3
18.2-33 Felony homicide defined; punishment	F3
18.2-35 How voluntary manslaughter punished	F5
18.2-36 How involuntary manslaughter punished	F5

CRIMES BY MOBS

18.2-40 Lynching deemed murder	Punish as murder
18.2-41 Shooting, stabbing, etc., with intent to maim, kill, etc., by mob	F3

KIDNAPPING AND RELATED OFFENSES

18.2-47* Abduction and kidnapping defined punishment	F5/F6
• offense committed by parent of person and punishable as contempt of court	M1
18.2-48 Abduction with intent to extort money or for immoral purpose	F2
18.2-48.1 Abduction by prisoners; penalty	F3
18.2-49 Threatening, attempting or assisting in such abduction	F5

ASSAULTS AND BODILY WOUNDINGS (inclusive)

18.2-51 Shooting, stabbing, etc., with intent to maim, kill, etc.	F3/F6
18.2-51.1 Malicious bodily injury to law enforcement officers; penalty; lesser included offense	F3/F6
18.2-51.2 Aggravated malicious wounding; penalty	F2

18.2-52 Malicious bodily injury by means of any caustic substance or agent or use of any explosive	F: 5-30 yrs./F6	18.2-67.3 Aggravated sexual battery	F: 1-20 yrs.
18.2-53 Shooting, etc., in committing or attempting a felony	F6	18.2-67.4 Sexual battery	M1
18.2-53.1 Use or display of firearm in committing felony	F: 2 yrs./4 yrs.	18.2-67.5* Attempted rape, forcible sodomy, inanimate object sexual penetration, aggravated sexual battery, and sexual battery	F4/F6
18.2-54.1 Attempts to poison	F3	● attempt to commit sexual battery	M1
18.2-54.2 Adulteration of food, drink, drugs, cosmetics, etc.; penalty	F3	SEDUCTION	
18.2-55 Bodily injuries caused by prisoners, probationers or parolees	F5	18.2-68 Seduction of female of previous chaste character; reputation for chastity	F4
18.2-56* Hazing unlawful; civil and criminal liability; duty of school, etc., officials	M1	ABORTION	
● injury would be such as to constitute a felony	Felony	18.2-71 Producing abortion or miscarriage, etc.; penalty	F4
18.2-56.1 Reckless handling of firearms; reckless handling while hunting	M2	18.2-76.1 Encouraging or promoting abortion	M3
18.2-57 Assault and battery	M1	Crimes Against Property	
18.2-57.1 Assault and battery against law enforcement officers; penalty; lesser included offenses	M1	ARSON AND RELATED CRIMES (inclusive)	
ROBBERY (inclusive)		18.2-77 Burning or destroying dwelling house, etc.	F2/F3
18.2-58 How punished	SP: 5 yrs.-life	18.2-79 Burning or destroying meeting house, etc.	F4/F3
EXTORTION AND OTHER THREATS		18.2-80* Burning or destroying any other building or structure	F3/F4
18.2-59 Extorting money, etc., by threats	F5	● no person is in building or structure and the value of the property is less than \$200	M1
18.2-60 Threats of death or bodily injury to a person or member of his family	F6	18.2-81* Burning or destroying personal property, standing grain, etc.	F4
18.2-60.1 Threatening the Governor or his immediate family	F6	● value of the property is less than \$200	M1
CRIMINAL SEXUAL ASSAULT (inclusive)		18.2-82 Burning building or structure while in such building or structure with intent to commit felony	F4
18.2-61 Rape	SP: 5 yrs.-life	18.2-83* Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue	F5
18.2-63* Carnal knowledge of child between thirteen and fifteen years of age	F4/F6	● accused is under 15 years of age	M1
● consenting child is less than three years the accused's junior	Punish as fornication	18.2-84 Causing, inciting, etc., commission of act proscribed by §18.2-83	F5
18.2-64.1* Carnal knowledge of certain minors	F6	18.2-85 Manufacture, possession; use, etc., of fire bombs or explosive materials or devices	F5
● minor is less than three years the junior of the accused	Punish as fornication	18.2-86 Setting fire to woods, fences, grass, etc.	F6
18.2-67.1 Forcible sodomy	F: 5 yrs.-life	18.2-87 Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized	M2
18.2-67.2 Inanimate object sexual penetration; penalty	F: 5 yrs.-life		
18.2-67.2:1 Marital sexual assault	SP: 1-20 yrs. or J: 12 mos.		

18.2-87.1 Setting off chemical bombs capable of producing smoke in certain public buildings	M2	18.2-103* Concealing or taking possession of merchandise; altering price tags; transferring goods from one container to another in performance of such acts	
18.2-88 Carelessly damaging property by fire	M4		
BURGLARY AND RELATED OFFENSES (inclusive)		18.2-104* Punishment for conviction under §18.2-103	M1/J: 30 days-12 mos.
18.2-89 Burglary; how punished	F3/F2	● third or subsequent offense	F6
		● value of goods and merchandise is F5 \$200 or more	
18.2-90 Entering dwelling house, etc., with intent to commit murder, rape or robbery	F3/F2	18.2-105.2 Manufacture, sale, etc., of devices to shield against electronic detection of shoplifting prohibited; penalty	M3
18.2-91 Entering dwelling house, etc., with intent to commit larceny or other felony	F: 1-20 yrs. or J: 12 mos./F2	18.2-107 Theft or destruction of public records by others than officers	F6
18.2-92 Breaking and entering dwelling house with intent to commit assault or other misdemeanor	F6/F2	18.2-108* Receiving, etc., stolen goods	
18.2-93 Entering bank, armed, with intent to commit larceny	F2	● if grand larceny	SP: 1-20 yrs. or J:12 mos.
18.2-94 Possession of burglarious tools, etc.	F5	● if petit larceny	M1
LARCENY AND RECEIVING STOLEN GOODS (inclusive)		18.2-109 Receipt or transfer of possession of stolen vehicle, aircraft or boat	F6
EMBEZZLEMENT AND FRAUDULENT CONVERSIONS			
18.2-95 Grand larceny defined; how punished	SP: 1-20 yrs. or J: 12 mos.	18.2-111* Embezzlement deemed larceny; indictment; statement from attorney for the Commonwealth	
18.2-96 Petit larceny defined; how punished	M1	● if grand larceny	SP: 1-20 yrs. or J: 12 mos.
18.2-96.1* Identification of certain personalty	M1	● if petit larceny	M1
● value of personalty is \$200 or more	F5	18.2-111.1* Conversion of military property by person discharged from national guard or naval militia	
18.2-97 Larceny of certain animals and poultry	F5/F6	● if grand larceny	SP: 1-20 yrs. or J: 12 mos.
18.2-98* Larceny of banknotes, checks, etc., or any book of accounts		● if petit larceny	M1
● if grand larceny	SP: 1-20 yrs. or J:12 mos.	18.2-112 Embezzlement by officers, etc., of public or other funds; default in paying over funds evidence of guilt	F4
● if petit larceny	M1		
18.2-100 Removal of crop by tenants before rents and advances are satisfied	M3	18.2-113 Fraudulent entries, etc., in accounts by officers or clerks of banks or joint stock companies	F4
18.2-101* Selling, etc., of goods distrained or levied on		18.2-114* Sale, etc., of goods, etc. of another and failure to pay over proceeds	
● if grand larceny	SP: 1-20 yrs. or J: 12 mos.	● if grand larceny	SP: 1-20 yrs. or J: 12 mos.
● if petit larceny	M1	● if petit larceny	M1
18.2-102* Unauthorized use of animal, aircraft, vehicle or boat; consent; accessories or accomplices	F6	18.2-114.1* When collection of money by commissioner, etc., larceny	
● value of vehicle is less than \$200	M1	● if grand larceny	SP: 1-20 yrs. or J: 12 mos.
18.2-102.1 Removal of shopping cart from store premises	M3	● if petit larceny	M1

18.2-115* Fraudulent conversion or removal of property subject to lien or title to which is in another		18.2-154 Shooting at or throwing missiles, etc., at train, car, vessel, etc.	F4/F6/punish as murder/punish as involuntary manslaughter
● if grand larceny	SP: 1-20 yrs. or J: 12 mos.		
● if petit larceny	M1	18.2-155* Injuring etc., signal used by railroad	F4/punish as murder/punish as involuntary manslaughter
18.2-116* Failure to pay for or return goods delivered for selection on approval			M1
● if grand larceny	SP: 1-20 yrs. or J: 12 mos.	● act done unlawfully but not maliciously	
● if petit larceny	M1	18.2-156 Taking or removing waste or packing from journal boxes	F6
18.2-117* Failure of bailee to return animal, aircraft, vehicle or boat			
● if grand larceny	SP: 1-20 yrs. or J: 12 mos.	18.2-162* Injury to oil, telegraph, telephone, electric, gas or water facility	F4/F2/F3
● if petit larceny	M1	● damage may be remedied for \$200 or less (non-radioactive)	M3
18.2-118* Fraudulent conversion or removal of leased personal property		18.2-165.1* Tampering with or unlawful use of cable television service	F6
● if grand larceny	SP: 1-20 yrs. or J: 12 mos.	● value of the service is less than \$200	M1
● if petit larceny	M1		
TRESPASS TO REALTY			
18.2-126 Violation of sepulcher	F4	Crimes Involving Fraud	
DAMAGE TO REALTY AND PERSONALTY THEREON			
DAMAGE TO AND TAMPERING WITH PROPERTY			
18.2-144* Maiming, killing or poisoning animals, fowl, etc.	F5	18.2-168 Forging public records, etc.	F4
● commit offense upon any fowl or any companion animal	M1	18.2-169 Forging, or keeping an instrument for forging, a seal	F4
18.2-147.1 Breaking and entering into railroad cars, motortrucks, aircraft, etc., or pipeline systems	F4/F3	18.2-170 Forging coin or bank notes	F4
18.2-151 Opening or carrying away pumps, etc., used for dispensing gasoline, etc.	F6	18.2-171 Making or having anything designed for forging any writing, etc.	F4
18.2-152* Stealing from or tampering with parking meter, vending machine, pay telephone, etc.	M1	18.2-172 Forging, uttering, etc., other writings	F5
● any subsequent conviction	F6	18.2-173* Having in possession forged coin or bank notes	F6
COMPUTER CRIMES			
18.2-152.3* Computer fraud	F5	● number of coins or notes is less than ten	M3
● value of property or services obtained is less than \$200	M1	IMPERSONATION, FALSE PRETENSES	
OFFENSES RELATING TO RAILROADS AND OTHER UTILITIES			
18.2-153 Obstructing or injuring canal, railroad, power line, etc.,	F4/F6/punish as murder/punish as involuntary manslaughter	18.2-178 Obtaining money for signature, etc., by false pretense	F4
		BAD CHECK LAW	
		18.2-181* Issuing bad checks, etc., larceny	F6
		● value is less than \$200	M1
		FALSE REPRESENTATIONS TO OBTAIN PROPERTY	
		18.2-186* False statement to obtain property or credit	F6
		● value is less than \$200	M4

18.2-187.1* Obtaining or attempting to obtain oil, electric, gas, water, telephone, telegraph or cable television service without payment; penalty ● value less than \$200	F6 M1	MISREPRESENTATION AND OTHER OFFENSES CONNECTED WITH SALES 18.2-238 Buying, etc., pig iron, etc. with intent to defraud; possession; evidence of intent	F6
18.2-188* Defrauding hotels, motels, campgrounds, boarding houses, etc. ● value less than \$200	F5 M1	Crimes Involving Health and Safety DRUGS (inclusive)	
OFFENSES RELATING TO CREDIT CARDS			
18.2-192 Credit card theft	SP: 1-20 yrs. or J: 12 mos.	18.2-248* Manufacturing, selling, giving, distributing or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties	
18.2-193 Credit card forgery	F5	(a) violation of this section with respect to a controlled substance classified in Schedules I, II	?: 5-40 yrs./ 5 yrs.-life/ F5
18.2-195* Credit card fraud ● value exceeds \$200 in any 6-month period	M1 F6	(a)(1) prescription violation	M4
18.2-196 Criminal possession of credit card forgery devices	F6	(b) violation of this section with respect to a controlled substance classified in Schedules III, IV or V	M1
18.2-197* Criminally receiving goods and services fraudulently obtained ● value exceeds \$200 in any six-month period	M1 F6	(d) violation of this section with respect to an imitation controlled substance	M1
18.2-198 Obtaining airline, railroad, steamship, etc., ticket at discount price	See below	(.1)* Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana	F5/F: 5-30 yrs.
18.2-199 Penalties for violation of article	F6	(a)(1) violation of section with not more than 1/2 ounce of marijuana	M1
MISCELLANEOUS FALSE AND FRAUDULENT ACTS			
18.2-200* Failure to perform promise to deliver crop, etc. in return for advances ● if grand larceny ● if petit larceny	SP: 1-20 yrs. or J: 12 mos. M1	(a)(3) gave, possessed, etc. marijuana only as an accommodation to another individual	M1
18.2-200.1* Failure to perform promise for construction, etc., in return for advances ● if grand larceny ● if petit larceny	SP: 1-20 yrs. or J: 12 mos. M1	18.2-248.4 Advertisement of imitation controlled substances prohibited; penalty	M1
18.2-204* False statement for the purpose of defrauding industrial sick benefit company ● willfully makes a false statement of any material in a sworn statement	M3 F5	18.2-248.5 Illegal stimulants; penalty	M1
18.2-204.1* Fraudulent use of birth certificates, drivers' licenses, etc. ● intent to use certificate or document to purchase a firearm	M1 F6	18.2-250* Possession of controlled substances unlawful ● violation of this section with respect to any controlled substance classified in Schedules I or II	M1/M2/ M3/M4 F5
		.1 Possession of marijuana unlawful	M: 30 days/M1
		18.2-255 Distribution of certain drugs to persons under eighteen prohibited; penalty	SP: 10-50 yrs./F6
		.1 Distribution, sale or display of printed material advertising instruments for use in administering marijuana or controlled substances to minors; penalty	M1
		.2* Prohibiting the sale of certain controlled substances or marijuana on school property; penalty provided	F6

(b) violation only as an accommodation to another individual with no intent to profit	M1	18.2-309 Furnishing certain weapons to minors	F4
MISCELLANEOUS DANGEROUS CONDUCT			
18.2-256 Conspiracy	Same as offense	18.2-312 Illegal use of teargas, phosgene and other gases	F3/F6
18.2-257* Attempts ● attempts to commit any offense defined in this article or in the Drug Control Act which is a misdemeanor	?: 1-10 yrs. M2/same as offense if lesser penalty	Crimes Involving Morals and Decency GAMBLING	
18.2-258.1 Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit or forgery	F6	18.2-328 Conducting illegal gambling operation; penalties BINGO AND RAFFLES	F6/?: 1-10 yrs.
18.2-260 Prescribing dispensing, etc., drug except as authorized in article and Drug Control Act; violations for which no penalty provided	M1	18.2-340.9 Prohibited practices 18.2-340.10* Denial suspension or revocation of permit; penalties ● violation of the provisions of §18.2-340.9	See below M1 F6
18.2-264 Inhaling drugs or other noxious chemical substances or causing, etc., others to do so	M1/M2	SUNDAY OFFENSES SEXUAL OFFENSES, PROSTITUTION, ETC.	
DRUG PARAPHERNALIA (inclusive)			
18.2-265.3* Penalties for sale, etc., of drug paraphernalia ● person eighteen years of age or older who sells drug paraphernalia to a minor who is at least 3 years his junior	M1 F6	18.2-355 Taking, detaining, etc., person for prostitution, etc., or consenting thereto 18.2-356 Receiving money for procuring person 18.2-357 Receiving money from earnings of male or female prostitute	F4 F4 F4
DRIVING MOTOR VEHICLE, ETC. WHILE INTOXICATED			
TRANSPORTATION OF HAZARDOUS MATERIALS			
18.2-279 Discharging firearms or missiles within or at occupied buildings	F4/punish as murder/F6/ punish as involuntary manslaughter	18.2-358 Detaining male or female in bawdy place against his or her will 18.2-361 Crimes against nature	F4 F6/F3
DANGEROUS USE OF FIREARMS OR OTHER WEAPONS			
18.2-281 Setting spring gun or other deadly weapon	F6	18.2-362 Person marrying when husband or wife is living 18.2-366* Adultery and fornication by persons forbidden to marry; incest ● incest with grandson, granddaughter, son or daughter, father or more ● parental incest with child at least 13 but under 15	F4 M1 F5 F3
UNIFORM MACHINE GUN ACT			
18.2-289 Use of machine gun for crime of violence	F2	18.2-367 Conspiring to cause spouse to commit adultery	F5/F6
18.2-290 Use of machine gun for aggressive purpose	F4	18.2-368 Placing or leaving wife for prostitution 18.2-370 Taking indecent liberties with children	F5 F6
"SAWED-OFF" SHOTGUN ACT			
18.2-300 Possession or use of "sawed-off" shotgun	F2/F4	18.2-370.1 Taking indecent liberties with child by person in custodial or supervisory relationship	F6 F6
OTHER ILLEGAL WEAPONS			
18.2-308.2 Possession or transportation of handguns or concealed weapons by convicted felons; penalties	F6		

OBSCENITY AND RELATED OFFENSES

18.2-374* Production, publication, sale, possession, etc., of obscene items

- first offense M1
- subsequent offense F6

18.2-374.1 Production, publication, sale, possession with intent to distribute, financing, etc., of sexually explicit items involving children; presumptions as to age; severability F5/F4

18.2-375* Obscene exhibitions and performances

- first offense M1
- subsequent offense F6

18.2-376* Advertising, etc., obscene items, exhibitions or performances

- first offense M1
- subsequent offense F6

18.2-377* Placards, bills, etc.

- first offense M1
- subsequent offense F6

18.2-378* Coercing acceptance of obscene articles or publications

- first offense M1
- subsequent offense F6

18.2-379* Employing or permitting minor to assist in offense under article

- first offense M1
- subsequent offense F6

18.2-380 Punishment for first offense M1

- 18.2-374 to 18.2-379

18.2-381 Punishment for subsequent offenses; additional penalty for owner F6

- 18.2-374 to 18.2-379

PROHIBITED SALES AND LOANS TO JUVENILES

CRUELTY TO ANIMALS

Crimes Against Peace and Order

RIOTS AND UNLAWFUL ASSEMBLY

18.2-405* What constitutes a riot; punishment M1

- carrying firearm at time of riot F5

18.2-406* What constitutes an unlawful assembly; punishment M1

- carrying firearm at time of unlawful assembly F5

18.2-408 Conspiracy; incitement, etc., to riot F5

18.2-413 Commission of certain offenses in county, city or town declared by Governor to be in state of riot or insurrection F5

18.2-414 Injury to property or persons by persons unlawfully or riotously assembled F6

DISORDERLY CONDUCT

ABUSIVE AND INSULTING LANGUAGE

PICKETING OF DWELLING PLACES

ACTIVITIES TENDING TO CAUSE VIOLENCE

18.2-422 Prohibition of wearing of masks in certain places; exceptions F6

18.2-423 Burning cross on property of another or public place with intent to intimidate; penalty; prima facie evidence of intent F6

18.2-423.1 Placing swastika on certain property with intent to intimidate; penalty; prima facie evidence of intent F6

UNLAWFUL USE OF TELEPHONES

PLACES OF AMUSEMENT AND DANCE HALLS

Crimes Against the Administration of Justice

PERJURY

18.2-434 What deemed perjury; punishment and penalty F5

18.2-435 Giving conflicting testimony on separate occasions as to same matter; indictment; sufficiency of evidence F5

18.2-436 Inducing another to give false testimony; sufficiency of evidence F5

BRIBERY AND RELATED OFFENSES

18.2-438 Bribes to officers or candidates for office F4

18.2-439 Acceptance of bribe by officer or candidate F4

18.2-441 Giving bribes to, or receiving bribes by, commissioners, jurors, etc. F4

18.2-441.1 Bribery of witnesses F6

18.2-442 Bribery of participants in games, contests or sports F5

18.2-443 Solicitation or acceptance of bribes by participants or by managers, coaches or trainers F5

18.2-444.2 Giving or accepting a fee or gift for procuring a loan F6

BRIBERY OF PUBLIC SERVANTS AND PARTY OFFICIALS		18.2-485 Conspiring to incite one race to insurrection against another race	F4
18.2-447 When person guilty of bribery	See below	UNIFORM FLAG ACT	
18.2-449 Punishment	F4	Miscellaneous	
BARRATRY		LIQUIFIED PETROLEUM GAS CONTAINERS	
CONTEMPT OF COURT		VIRGINIA GOVERNMENTAL FRAUDS ACT	
INTERFERENCE WITH ADMINISTRATION OF JUSTICE		18.2-498.3 Misrepresentations prohibited	F6
18.2-460* Obstructing justice by threats or force	M1	CONSPIRACY TO INJURE ANOTHER IN TRADE, BUSINESS OR PROFESSION	
• threats of bodily harm	F5	MISCELLANEOUS OFFENSES IN GENERAL	
18.2-468 Making sound recordings of jury deliberations	F6	18.2-504 Destroying or concealing wills	F6
ESCAPE OF, COMMUNICATIONS WITH AND DELIVERIES TO PRISONERS			
18.2-473* Persons aiding escape of prisoner or child detained on conviction, commitment or charge of felony	SP: 1-5 yrs.		
• escape not effected or prisoner or child was not detained on conviction, commitment or charge of felony	M1		
18.2-474.1 Delivery of drugs, firearms, explosives, etc., to prisoners	F5/F3		
18.2-475 Officers, etc., voluntarily allowing prisoner convicted of or charged with felony to escape; penalty	F4		
18.2-477 Prisoner escaping from jail; how punished	F6		
18.2-477.1 Escapes from residential care facility	Unlawful		
18.2-478 Escape from jail or custody by force or violence without setting fire to jail	F6		
18.2-479* Escape without force or violence or setting fire to jail	M1		
• person in custody for felony escape	F6		
18.2-480 Escape, etc., by setting fire to jail	F4		
TREASON AND RELATED OFFENSES			
18.2-481 Treason defined; how proved and punished	F2		
18.2-482 Misprison of treason	F6		
18.2-484 Advocacy of change in government by force, violence or other unlawful means	F6		

WASHINGTON

WASH. REV. CODE ANN. § (1977, 1985 & Supp. 1987).

Criminal Classification Information

9A.04.040 Classes of crimes.

- (1) An offense defined by this title or by any other statute of this state, for which for a sentence of imprisonment is authorized, constitutes a crime. Crimes are classified as felonies, gross misdemeanors, or misdemeanors.
- (2) A crime is a felony if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for a term in excess of one year. A crime is a misdemeanor if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for no more than ninety days. Every other crime is a gross misdemeanor.

9A.20.010 Classification and designation of crimes

- (1) Classified Felonies.
 - (a) The particular classification of each felony defined in Title 9A RCW is expressly designated in the section defining it.
 - (b) For purposes of sentencing, classified felonies are designated as one of three classes, as follows:
 - (i) Class A felony; or
 - (ii) Class B felony; or
 - (iii) Class C felony.
- (2) Misdemeanors and Gross Misdemeanors.
 - (a) Any crime punishable by a fine of not more than one thousand dollars, or by imprisonment in a county jail for not more than ninety days, or by both such fine and imprisonment is a misdemeanor. Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.
 - (b) All crimes other than felonies and misdemeanors are gross misdemeanors.

9A.20.021 Maximum sentences for crimes committed July 1, 1984, and after

- (1) Felony. No person convicted of a classified felony shall be punished by confinement or fine exceeding the following:
 - (a) For a class A felony, by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both such confinement and fine;
 - (b) For a class B felony, by confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of twenty-thousand dollars; or by both confinement and fine;
 - (c) For a class C felony, by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine.
- (2) Gross Misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

- (3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.
- (4) This section applies to only those crimes committed on or after July 1, 1984.

9.92.010 Punishment of felony when not fixed by statute

Every person convicted of a felony for which no punishment is specially prescribed by any statutory provision in force at the time of conviction and sentence, shall be punished by confinement or fine which shall not exceed confinement in a state correctional or institution for a term of ten years, or by a fine in an amount fixed by the court of not more than twenty thousand dollars, or by both such confinement and fine.

9.92.020 Punishment of gross misdemeanor when not fixed by statute

Every person convicted of a gross misdemeanor for which no punishment is prescribed in any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars or by both such imprisonment and fine.

9.92.030 Punishment of misdemeanor when not fixed by statute

Every person convicted of a misdemeanor for which no punishment is prescribed by any statute in force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars or both such imprisonment and fine.

9.92.050 Commitment to state reformatory.

Whenever any male person, between the ages of sixteen and thirty years, is convicted of any felony the court may, in its discretion, order such person to be committed to and confined in the Washington state reformatory.

INCHOATE OFFENSES

9A.28.020 Criminal attempt

* * *

- (3) An attempt to commit a crime is a:
 - (a) Class A felony when the crime attempted is murder in the first degree or arson in the first degree;
 - (b) Class B felony when the crime attempted is a class A felony other than murder in the first degree or arson in the first degree;
 - (c) Class C felony when the crime attempted is a class B felony;
 - (d) Gross misdemeanor when the crime attempted is a class C felony;
 - (e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

9A.28.030 Criminal solicitation.

* * *

- (2) Criminal solicitation shall be punished in the same manner as criminal attempt under RCW 9A.28.020

9A.28.040 Criminal conspiracy.

(3) Criminal conspiracy is a:

- (a) Class A felony when an object of the conspiratorial agreement is murder in the first degree;
- (b) Class B felony when an object of the conspiratorial agreement is a class A felony other than murder in the first degree;
- (c) Class C felony when an object of the conspiratorial agreement is a class B felony;
- (d) Gross misdemeanor when an object of the conspiratorial agreement is a class C felony;
- (e) Misdemeanor when an object of the conspiratorial agreement is a gross misdemeanor or misdemeanor.

10.95.030 Sentences for aggravated first degree murder

- (1) Except as provided in subsection (2) of this section, any person convicted of the crime of aggravated first degree murder shall be sentenced to life imprisonment without possibility of release or parole. A person sentenced to life imprisonment under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer and the board of prison terms and paroles or its successor may not parole such prisoner nor reduce the period of confinement in any manner whatsoever including but not limited to any sort of good-time calculation. The department of social and health services or its successor or any executive official may not permit such prisoner to participate in any sort of release or furlough program.
- (2) If, pursuant to a special sentencing proceeding held under RCW 10.95.050, the trier of fact finds that there are not sufficient mitigating circumstances to merit leniency, the sentence shall be death.

WASHINGTON CRIMINAL STATUTES

WASH. REV. CODE ANN. Sx (1977, 1985 & Supp. 1987).

KEY

- F = Felony
- M = Misdemeanor
- GM = Gross misdemeanor
- A,B,C,D = Crime subclass
- J = Jail
- SP = State penitentiary
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = More than, less than
- ≥ , ≤ = More than or equal, less than or equal

NOTE: Maximum sentence is given, unless range or minimum (MIN.) is specified.

Statute No. and Title	Class/Time
ABORTION	
9.02.010* Defined	SP: 5 yrs. or J: 1 yr.
9.02.020 Pregnant women attempting abortion	SP: 5 yrs.
ANARCHY AND SABOTAGE	
9.05.010 Criminal anarchy defined	F
9.05.020 Advocating criminal anarchy--Penalty	SP: 10 yrs.
9.05.030 Assemblages of anarchists	SP: 10 yrs.
9.05.060 Sabotage defined--Penalty	F
9.05.070 Interference with owner's control	F
9.05.080 Penalty for advocating sabotage	F
9.05.100 Displaying emblems seditious and anarchistic groups	See below
9.05.120 Penalty	F
BRANDS AND MARKS, CRIMES RELATING TO	
9.16.010* Removing lawful brands	SP: 5 yrs. or J: 1 yr.
9.16.020* Imitating lawful brand	
• If done with intent to confuse	F; SP: 5 yrs.
• If done without intent to confuse	M
CORPORATIONS, CRIMES RELATING TO	
9.24.020 Fraudulent issue of stock, scrip, etc.	SP: 10 yrs.
9.24.030 Insolvent bank receiving deposit	SP: 10 yrs.
9.24.050 False report of corporation	SP: 10 yrs.

9.24.125 Filing false statements - penalty	See RCW 43.07.210	GAMBLING - 1973 ACT	
FIRES, CRIMES RELATING TO		9.46.155 Applicants and licensees-Bribes by to public officials and employees or agents thereof--Penalty	F; SP: 5 yrs.
9.40.110 "Incendiary devices" - Definitions		9.46.160 Conducting gambling activity without license as violation--Penalties	F; SP: 5 yrs.
9.40.120 "Incendiary defices" - Penalty	F; SP: 25 yrs.	9.46.180 Causing person to violate chapter as violation--Penalty	F; SP: 5 yrs.
FIREARMS - DANGEROUS WEAPONS		9.46.220 Professional gambling as violation--Penalty	F; SP: 5 yrs.
9.41.040 Unlawful possession of a short firearm or pistol - certain persons not precluded from ownership of firearms	FC	9.46.230 Seizure and disposition of gambling devices owning, buying, selling, etc., gambling devices or records--Penalties	F; SP: 5 yrs.
9.41.180* Setting spring gun ● no injury ● non-fatal injuries ● death results	J: 1 yr. SP: 20 yrs. SP: 20 yrs.	9.47.090 Maintaining bucket shop-Penalty	F; SP: 5 yrs.
9.41.190 Machine guns prohibited - Exception	See below	9.47.120 Bunco steering	F; SP: 10 yrs.
9.41.210 Penalty	F	MALICIOUS MISCHIEF--INJURY TO PROPERTY	
9.41.220 Machine guns and parts contraband	F	9.61.180 Threats to bomb or injure property	F
FRAUDS AND SWINDLES		9.61.230* Telephone calls to harass, intimidate, torment or embarrass ● no prior conviction ● previous conviction	GM FC
9.45.020 Substitution of child	SP: 10 yrs.	MALICIOUS PROSECUTION--ABUSE OF PROCESS	
9.45.070* Mock auctions ● Obtain money or property ● Buy, sell, pretend to buy, sell property	SP: 10 yrs. or J: 1 yr. M	9.62.010* Malicious prosecution ● when crime felony ● when crime gross misdemeanor or misdemeanor	SP: 5 yrs. M
9.45.124 Measurement of goods, raw materials and agricultural products--measuring inaccurately--altering measuring devices--penalty	F; SP: 10 yrs.	OBSCENITY AND PORNOGRAPHY	
9.45.126 Measurement of goods, raw materials and agricultural violations-products--inducing penalty	F; SP: 10 yrs.	9.68.140 Promoting pornography--class C felony--Penalties	FC
9.45.160 Fraud in liquor warehouse receipts		SEXUAL EXPLOITATION OF CHILDREN	
9.45.170 Penalty	SP: 5 yrs.	9.68A.040 Sexual exploitation of a minor--elements of crime--Penalties	FB/FC
9.45.210 Altering sample or certificate of assay	F; SP: 5 yrs.	9.68A.050 Dealing in depictions of minor engaged in sexually explicit conduct	FC
9.45.220 Making false sample or assay of ore	F; SP: 5 yrs.	9.68A.060 Sending, bringing into state depictions of minor engaged in sexually explicit conduct	FC
9.45.230 Penalty	See above	9.68A.090* Communication with minor for immoral purposes ● no previous conviction ● previous conviction/felony conviction	GM FC FC
9.45.240* Fraud in obtaining telephone or telegraph service - penalty ● value > \$50 ● value > \$250 ● possession or sale of devices to fraudulently obtain telephone or television services	GM FC FC	9.68A.100 Patronizing juvenile prostitute	FC

TREASON		46.61.520 Vehicular homicide	FB
9.82.030* Misprision of treason	SP: 5 yrs. or J: 1 yr.	46.61.522 Vehicular assault	FC
MISCELLANEOUS CRIMES		KIDNAPPING, UNLAWFUL IMPRISONMENT, AND CUSTODIAL INTERFERENCE	
9.91.090* Fraudulent destruction of insured property	SP: 10 yrs. or J: 1 yr.	9A.40.020 Kidnapping in the first degree	FA
PRISONERS--STATE PENAL INSTITUTIONS		9A.40.030 Kidnapping in the second degree	FB
9.94.020 Prison riot--Penalty	SP: 10 yrs.	9A.40.060 Custodial interference in the first degree	FC
9.94.030 Holding person hostage-- interference with officer's duties	F; SP: 10 yrs.	9A.40.070* Custodial interference in the second degree	GM
9.94.040 Weapons--possession, etc. by prisoner prohibited--Penalty	FB	● prior conviction	FC
9.94.041 Narcotic drugs, controlled substances--possession, etc., by prisoners--Penalty	FC	CRIMINAL MISTREATMENT	
9.94.043 Deadly weapons-- possession on premises by person not a prisoner--Penalty	FB	9A.42.020 Criminal mistreatment in the first degree	FB
9.94.045 Narcotic drugs or controlled substances--possession by person not a prisoner--Penalty	FC	9A.42.030 Criminal mistreatment in the second degree	FC
HOMICIDE (inclusive)		SEXUAL OFFENSES (inclusive)	
9A.32.030 Murder in the first degree	FA	9A.44.040 Rape in the first degree	FA
9A.32.040 Murder in the first degree--sentence	Death/SP: Life	9A.44.050 Rape in the second degree	FB
9A.32.050 Murder in the second degree	FA	9A.44.060 Rape in the third degree	FC
9A.32.060 Manslaughter in the first degree	FB	9A.44.070 Statutory rape in the first degree	FA
9A.32.070 Manslaughter in the second degree	FC	9A.44.080 Statutory rape in the second degree	FB
ASSAULT AND OTHER CRIMES INVOLVING PHYSICAL HARM (inclusive)		9A.44.090 Statutory rape in the third degree	FC
9A.36.011 Assault in the first degree	FA	9A.44.100 Indecent liberties	FB
9A.36.021 Assault in the second degree	FB	HARASSMENT	
9A.36.031 Assault in the third degree	FC	9A.46.020* Definition--Penalties ● previous conviction	GM FC
9A.36.041 Assault in the fourth degree	GM	ARSON, RECKLESS BURNING AND MALICIOUS MISCHIEF (inclusive)	
9A.36.050 Reckless endangerment	GM	9A.48.020 Arson in the first degree	FA
9A.36.060 Promoting a suicide attempt	FC	9A.48.030 Arson in the second degree	FB
9A.36.070 Coercion	GM	9A.48.040 Reckless burning in the first degree	FC
9A.36.080 Malicious harassment	FC	9A.48.050 Reckless burning in the second degree	GM
9A.36.090 Threats against governor or family	FC	9A.48.070 Malicious mischief in the first degree	FB
		9A.48.080 Malicious mischief in the second degree	FC

9A.48.090 Malicious mischief in the third degree	M/GM	9A.56.200 Robbery in the first degree	FA
BURGLARY AND TRESPASS (inclusive)		9A.56.210 Robbery in the second degree	FB
9A.52.020 Burglary in the first degree	FA	9A.56.220 Theft of cable television services	GM
9A.52.030 Burglary in the second degree	FB	9A.56.230 Unlawful sale of cable television services	GM
9A.52.060 Making or having burglar tools	GM	9A.56.270 Shopping cart theft	M
9A.52.070 Criminal trespass in the first degree	GM	FRAUD	
9A.52.080 Criminal trespass in the second degree	M	9A.60.020 Forgery	FC
9A.52.095 Vehicle prowling in the first degree	FC	9A.60.030 Obtaining a signature by deception or duress	FC
9A.52.100 Vehicle prowling in the second degree	GM	FAMILY OFFENSES	
9A.52.110 Computer trespass in the first degree	FC	9A.64.010 Bigamy	FC
9A.52.120 Computer trespass in the second degree	GM	9A.64.020 Incest	
THEFT AND ROBBERY (inclusive)		• I	FB
9A.56.030 Theft in the first degree	FB	• II	FC
9A.56.040 Theft in the second degree	FC	9A.64.030 Child selling-- child buying	FC
9A.56.050 Theft in the third degree	GM	BRIBERY AND CORRUPT INFLUENCE	
9A.56.060* Unlawful issuance of checks or drafts		9A.68.010 Bribery	FB
• value ≤ \$250	GM	9A.68.020 Requesting unlawful compensation	FC
• value > \$250	FC	9A.68.030 Receiving or granting unlawful compensation	FC
9A.56.070 Taking motor vehicle without permission	FC	9A.68.040 Trading in public office	FC
9A.56.080 Theft of livestock		9A.68.050 Trading in special influence	FC
• I	FB	PERJURY AND INTERFERENCE WITH OFFICIAL PROCEEDINGS	
• II	FC	9A.72.020 Perjury in the first degree	FB
9A.56.095 Criminal possession of leased or rented machinery, equipment, or motor vehicle	FC	9A.72.030 Perjury in the second degree	FC
9A.56.120 Extortion in the first degree	FB	9A.72.090 Bribing a witness	FB
9A.56.130 Extortion in the second degree	FC	9A.72.100 Bribe receiving by a witness	FB
9A.56.150 Possessing stolen property in the first degree	FB	9A.72.110 Intimidating a witness	FB
9A.56.160 Possessing stolen property in the second degree	FC	9A.72.120 Tampering with a witness	FC
9A.56.170 Possessing stolen property in the third degree	GM	9A.72.130 Intimidating a juror	FB
9A.56.180 Obscuring identity of a machine	GM	9A.72.160 Intimidating a judge	FB

OBSTRUCTING GOVERNMENTAL OPERATION		9A.88.080 Promoting prostitution in the second degree	FC
9A.76.070* Rendering criminal assistance in the first degree	GM		
● if established by preponderance of evidence that actor is a relative			
● all other cases	FC		
9A.76.110 Escape in the first degree	FB		
9A.76.120 Escape in the second degree	FC		
9A.76.140 Introducing contraband in the first degree	FB		
9A.76.150 Introducing contraband in the second degree	FC		
9A.76.170* Bail jumping			
● charged with murder or convicted of murder or felony	FA/FB/FC		
● convicted of GM or M	M		
9A.76.180 Intimidating a public servant	FB		
9A.76.200 Harming a police dog	FC		
CRIMINAL PROFITEERING ACT			
9A.82.020 Extortionate extension of credit	FB		
9A.82.030 Advancing money or property to be used for extortionate credit	FB		
9A.82.040 Use of extortionate means to collect extensions of credit	FB		
9A.82.045 Collection of unlawful debt	FC		
9A.82.050 Trafficking in stolen property			
● I	FB		
● II	FC		
9A.82.060 Leading organized crime	FA/FB		
9A.82.070 Influencing outcome of a sporting event	FC		
9A.82.080 Use of proceeds of criminal profiteering	FB/FC		
PUBLIC DISTURBANCE			
9A.84.010* Riot			
● armed with deadly weapon	FC		
● all other tries	GM		
PUBLIC INDECENCY--PROSTITUTION			
9A.88.020 Communication with a minor for immoral purposes	FC		
9A.88.070 Promoting prostitution in the first degree	FB		
		9A.88.080 Promoting prostitution in the second degree	FC
		CONTROLLED SUBSTANCES ACT (inclusive)	
		69.50.401* Prohibited acts:	See below
		A--Penalties	
		(b) Manufacture or deliver	Crime: 5 yrs./10 yrs. Crime: 5 yrs.
		(c) Arrange, negotiate a sale of counterfeit controlled substance	
		(d) Posses controlled substance without prescription	Crime: 5 yrs.
		(e) Possess \leq 40 gms. marijuana	M
		69.50.402 Prohibited acts:	Crime: 2 yrs.
		B--Penalties	
		(a)(1-4) Prescription violations	See above
		(a)(6) Refuse entry, maintain drug haven	See above
		69.50.403 Prohibited acts:	Crime: 2 yrs.
		C--Penalties	
		● prescription violations	
		69.50.406 Distribution to persons under age eighteen	2 x penalty
		69.50.407 Conspiracy for offense	Max. penalty
		69.50.408 Second or subsequent offense	2 x penalty
		69.50.410 Prohibited acts: D--Penalties	Unlawful: 5 yrs. 5 yrs.
		● Sell Schedule I controlled or counterfeit substance	MIN./2 yrs./10 yrs. MIN.
		69.50.412 Prohibited acts:	M/GM
		E--Penalties	
		● Paraphernalia violations	
		69.52.030 Violations--Exceptions	FC/FB
		● Imitation substances	

W. VA. CODE §x (1984 & Supp. 1986)

Criminal Classification Information

§61-11-1 Classification of offenses.

Offenses are either felonies or misdemeanors. Such offenses as are punishable by confinement in the penitentiary are felonies; all other offenses are misdemeanors.

The word "penitentiary" as used in this section shall mean and include any and all institutions provided by the State for the confinement of persons sentenced to confinement in the penitentiary, notwithstanding that transfers of such persons from any one of such institutions to another may be authorized.

§61-11-2 Capital punishment abolished.

Capital punishment is hereby abolished for all offenses against the laws of the State of West Virginia, and no person heretofore or hereafter convicted of any offense in violation of said laws shall be executed, irrespective of whether the crime was committed, the conviction had, or the sentence imposed, before or after the enactment of this section.

§61-11-3 Punishment for common-law offenses.

A common-law offense for which punishment is prescribed by statute shall be punished only in the mode so prescribed.

§61-11-16 Term of imprisonment for felony; indeterminate sentence.

Every sentence to the penitentiary of a person convicted of a felony for which the maximum penalty prescribed by law is less than life imprisonment, except offenses committed by convicts in the penitentiary punishable under chapter sixty-two, article eight, section one [§62-8-1] of the Code, shall be a general sentence of imprisonment in the penitentiary. In imposing this sentence, the judge may, however, designate a definite term, which designation may be considered by the board of probation and parole as the opinion of the judge under the facts and circumstances then appearing of the appropriate term recommended by him to be served by the person sentenced. Imprisonment under a general sentence shall not exceed the maximum term prescribed by law for the crime for which the prisoner was convicted, less such good time allowance as is provided by sections twenty-seven and twenty-seven-a [§§28-5-27, 28-5-27a], article five, chapter twenty-eight of this Code, in the case of persons sentenced for a definite term. Every other sentence of imprisonment in the penitentiary shall be for a definite term or for life, as the court may determine. The term of imprisonment in jail, where that punishment is prescribed in the case of conviction for felony, shall be fixed by the court.

§61-11-17 Court to fix imprisonment and fine for misdemeanor.

The term of confinement in jail of a person found guilty of a misdemeanor, where that punishment is prescribed, shall, unless otherwise provided, be ascertained by the court, and the amount of the fine, where the punishment is by fine, shall, except where it is otherwise provided, be assessed by the court, so far as the term of confinement and the amount of the fine are not fixed by law.

§61-11-20 Second conviction for petit larceny a felony; penalty.

When a person is convicted of petit larceny, and it is alleged in the indictment on which he is convicted, and admitted, or by the jury found, that he has been before sentenced in the United States for the like offense, he shall be sentenced to be confined in the penitentiary for the term of one year.

INCHOATE OFFENSES

§61-11-8 Attempts; classification and penalties therefore.

Every person who attempts to commit an offense, but fails to commit or is prevented from committing it, shall, where it is not otherwise provided, be punished as follows: If the offense attempted be punishable with life imprisonment, the person making such attempt shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than one nor more than five years. If it be punishable by confinement in the penitentiary for a term less than life, he shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not less than six nor more than twelve months, and fined not exceeding five hundred dollars. If it be punishable by confinement in jail, he shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not more than six months, or fined not exceeding one hundred dollars.

WEST VIRGINIA CRIMINAL STATUTES

W. VA. CODE §x (1984 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- SP = State penitentiary
- J = Jail
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- >, < = More than, less than
- ≥, ≤ = More than or equal, less than or equal

NOTE: All terms are maximum unless range or minimum (MIN.) is specified.

Statute No. and Title Class/Time

CRIMES AGAINST THE GOVERNMENT

61-1-1	Treason defined, degree of proof	
61-1-2	Punishment	SP: life/3-10 yrs.
61-1-3	Failure to give information of treason; penalty	F: 1-5 yrs.
61-1-5*	Unlawful speeches, publications and communications	See below
61-1-6*	Display of red or black flag unlawful	See below
61-1-7*	Penalty for violations of 61-1-5 and 61-1-6	M: 12 mos.
●	second offense	F: 1-5 yrs.

CRIMES AGAINST THE PERSON (inclusive)

61-2-1	First and second degree murder defined; allegations in indictment for homicide	
61-2-2	Penalty for murder of first degree	SP: Life
61-2-3	Penalty for murder of second degree	SP: 5-18 yrs.
61-2-4	Voluntary manslaughter; penalty	SP: 1-5 yrs.
61-2-5	Involuntary manslaughter; penalty	J: 1 yr.
61-2-7	Attempt to kill or injure by poison; penalty	F: 3-18 yrs.
61-2-8	Abortion; penalty	F: 3-10 yrs.
●	if mother dies	Murder
61-2-9*	Malicious or unlawful assault; battery; penalties	F: 2-10 yrs./1-5 yrs./12 mos.
●	Assault	M: 6 mos.
●	Battery	M: 12 mos.
61-2-10	Assault during commission of or attempt to commit a felony; penalty	F: 2-10 yrs./1 yr.

61-2-11	Unlawful shooting at another in street, alley or public resort; penalty	M: 6 mos.-3 yrs.
61-2-12	Robbery or attempted robbery; bank robbery and assaults in committing or attempting; penalties	F: 10 yrs./5-18 yrs./10-20 yrs./10-25 yrs.
61-2-13*	Extortion or attempted extortion by threats; penalties	F: 1-5 yrs.
●	fails to extort money, but attempts to extort	M: 2 mos.-12 mos.
61-2-14	Abduction of person; kidnapping or concealing child; penalties	F: 3-10 yrs./1-10 yrs.
a	Penalty for enticing away or otherwise kidnapping any person; when kidnapped person returned alive and uninjured after ransom paid and without ransom paid; discretion of jury or court as to parole when life imprisonment imposed	F: life/20 yrs.-life/10 yrs.-life
c	Penalty for threats to kidnap or demand ransom	F: 5 yrs.-life
d	Concealment or removal of minor child from custodian or from person entitled to visitation; penalties; defenses	F: 1-5 yrs./1 yr.
e	One aiding or abetting in offense under and to §61-2-14, §61-2-14a, §61-2-14c or same extent as is §61-2-14d guilty as principal; venue provided in said sections	Same manner
61-2-15	Assault, battery on school employees; penalties	M: 5-6 mos./10 days-12 mos.
61-2-16	Injury to passenger by person in charge of public conveyance or boat; penalty	M: 2-6 mos.
61-2-17	Keeping doors of vehicles for hire locked while in motion; penalty	M: 1 yr.
61-2-18	Murder in dueling; death without State	Punish as murder
61-2-19	Second in dueling accessory before the fact	Accessory before fact to murder
61-2-21	Dueling without ensuring death; challenge; aiding, advising or promoting duel; penalty	M: 1 yr.
61-2-22	Dueling out of State by a resident; penalty	Subject to like punishment as if offense had been committed in State
61-2-24	Taunting for non-participation in duel; penalty	M: 6 mos.

-2-26 Doors to be removed in abandoned refrigerators, freezers, and other appliances; penalties	M: 6 mos.	61-3-19* Bringing into this State, receiving or disposing of property stolen in another state; penalty ● simple larceny of goods or chattels of less than \$200 value	F: 1-10 yrs./ 1 yr. M: 1 yr.
RIMES AGAINST PROPERTY (inclusive)			
-3-1 Burning, etc., of dwelling house, outhouse, etc.; first degree arson	SP: 2-20 yrs.	61-3-20* Embezzlement ● simple larceny of goods or chattels of less than \$200 value	F: 10 yrs. MIN./F: 1-10 yrs./1 yr. M: 1 yr.
1-3-2 Burning, etc., of other building or structure; second degree arson	SP: 1-10 yrs.	61-3-21* Embezzlement by carrier or other person ● simple larceny of goods or chattels of less than \$200 value	F: 1-10 yrs./1 yr. M: 1 yr.
1-3-3 Burning personal property of another of value of fifty dollars; third degree arson	SP: 1-3 yrs.	61-3-22 Falsifying accounts; penalty	F: 1-10 yrs.
1-3-4 Attempts to commit arson above degrees are fourth degree arson	SP: 1-2 yrs.	61-3-23* Destroying or concealing will; embezzlement by fiduciary; penalty ● simple larceny of goods or chattels of less than \$200 value	F: 1-5 yrs./ M: 1 yr.
1-3-5 Burning, or attempting to burn insured property	F: 1-5 yrs.	61-3-24* Obtaining money, property and services by false pretenses; disposing of property to defraud creditors; penalties ● value of money, goods, or property days is less than \$200 or remove property worth < \$50 to prevent levy of execution a* Obtaining or attempting to obtain goods, property or service by false or fraudulent use of credit cards or other false or fraudulent means; penalties ● less than \$100 of value ● attempt to commit an offense under the provisions of this section b Making, selling, possessing, transferring or advertising for sale a device or plans for a device designed to obtain or use telephone or telegraph service or facilities by false or fraudulent means; penalty c Intercepting or monitoring customer telephone calls; penalty	F: 1-10 yrs./1 yr./1-5 yrs. M: 1 yr./30 days F: 1-10 yrs. M: 1 yr. M: 6 mos. M: 12 mos.
61-3-7 Placing or possessing explosives with criminal intent	F: 1-5 yrs./ 5 yrs.		
61-3-8 Prohibitions as to molotov cocktails; penalty	F: 1-5 yrs.		
61-3-11 Burglary; entry of dwelling or outhouse; penalties	F: 1-15 yrs./1-10 yrs.		
61-3-12* Entry of building other than dwelling; entry of railroad, traction or motorcar, steamboat or other vessel; penalties; counts in indictment ● break and enter, or enter without breaking any automobile, motorcar or bus with intent to commit a felony or any larceny	F: 1-10 yrs. M: 2-12 mos.		
61-3-13* Grand and petit larceny distinguished; penalties ● simple larceny of goods or chattels of less than \$200 value	F: 1-10 yrs./1 yr. M: 1 yr.		M: 1 yr.
61-3-14* Larceny of bank notes, checks, writings of value and book accounts; penalty ● simple larceny of goods or chattels of less than \$200 value	F: 1-10 yrs./1 yr. M: 1 yr.	61-25 Casting away, destroying or interfering with floating craft or material; penalty	F: 1-5 yrs.
61-3-16* Larceny of things savoring realty ● simple larceny of goods or chattels of less than \$200 value	F: 1-10 yrs./1 yr. M: 1 yr.	61-26 Interference with or destruction of buoys, signal lights or other aids to navigation; penalty	M: 6 mos.
61-3-17* Larceny of skiff, boat, timber and appliances; penalty ● value less than \$50	F: 1-5 yrs. M: petit larceny	61-3-27* Malicious killing of animals by poison or otherwise; penalty ● animal of less than \$50 value (except dogs)	F: 1- 5 yrs. M: 3 mos.
61-3-18* Receiving or transferring stolen goods ● simple larceny of goods or chattels of less than \$200 value	F: 1-10 yrs./1 yr. M: 1 yr.	61-3-28 Obstruction or removal of, or injury to, any part of railroad or canal; penalty	F: 1 yr. MIN.

61-3-29 Injuries to public utility property; penalty; damages in civil actions	M: 12 mos.	61-3-42* Intoxication of person in charge of locomotive engine or car; penalties ● second offense	M: 2-12 mos. F: 1-3 yrs.
61-3-30 Removal, injury to or destruction of property, monuments designating land boundaries and of certain no trespassing signs; penalties	M: 1 yr./1-6 mos.	61-3-43 Jumping on or off car or train in motion; driving vehicle upon track or bridge except at crossings; penalty	M: 30 days
61-3-31 Damage to or destruction of property by bailee for hire or loan; penalty; damages recoverable in civil action	M: 30 days	61-3-44 Procuring gas, water or electricity, by device, with intent to defraud; penalty	M: 12 mos.
61-3-32* Removal out of county of property securing claim; penalties; fraudulent disposition of personal property in possession by virtue of lease; notice to return; failure to return; penalty; right to immediate possession ● sell/dispose with intent to defraud	M: 6 mos./1 yr. Punish as larceny	61-3-45 Tampering with pipes, tubes, wires or electrical conductors; penalty a* Unlawful opening of pipes, pipelines, tanks, etc.; penalties ● second or subsequent offense	M: 12 mos. M: 2-12 mos. F: 1-3 yrs.
61-3-33 Entry upon enclosed lands; penalty; liability for damages	M: 5 days MIN.	61-3-46 Use of slugs, false coins, etc., in coin-box telephone; penalty	M: 12 mos.
61-3-34* Taking or injuring garden or field crops; penalties ● property injured, destroyed, taken away etc. is of value of more than \$50	M: 6 mos. F: 1-2 yrs.	61-3-47 Dams or obstructions in watercourses; penalty	M: 1 yr.
61-3-35 Digging ginseng or other medical roots; penalty	M: 2 mos.	61-3-48 Damaging or carrying away, without written permission, shrubbery, flowers, etc., growing within one hundred yards of public road or trees growing on lands of another; limitation of section; penalty	M: 3 mos./3 mos. MIN.
61-3-36 Anchoring or beaching shanty boats on lands of another; penalty	M: 30 days	61-3-49 Purchase of copper wire, etc., by junk dealers; penalty a Unlawful sale of used, secondhand, rebuilt, repossessed, etc., watches and clocks; penalty; revocation of license to sell	M: fine M: 10-60 days/30 days-6 mos.
61-3-37 False statement as to financial condition of person, firm or corporation; penalty	M: 1 yr.	61-3-50 Unauthorized transferral of recorded sounds; sale and possession; penalties; civil action; definition	M: fine
61-3-38 Publication of false advertisements; penalty	M: fine	61-3-51 Precious metal and gem dealers; records; prohibited acts	F: 1-2 yrs./1 yr.
61-3-39* Obtaining property in return for worthless check; penalty ● amount of check, etc., is \$200 or more a Making, issuing, etc., worthless checks; penalty d Prima facie evidence of knowledge; identity; penalty for providing false information	M: 6 mos. F: 1-5 yrs. M: 10 days M: 30 days	SHOPLIFTING	
61-3-40 Fraudulently obtaining food or lodging; penalty	M: 10-30 days	61-3A-1 Shoplifting defined	See below
61-3-41* Wilful injury to railroad property; shooting or throwing missiles into passenger car; misconduct of passenger employees conservators of the peace; special railroad policeman; penalties ● death of any person occur in consequence of any sch unlawful act ● person maimed or disfigured by reason of any such unlawful act ● shoot or throw dangerous missile at or into any passenger car	M: 6 mos./1-6 mos. Punish as murder F: 1-20 yrs. F: 1-10 yrs.	61-3A-3* Penalties ● third conviction	M: 60 days/6 mos./6 mos.-1 yr. F: 1-10 yrs.
		TRESPASS	
		FORGERY AND CRIMES AGAINST THE CURRENCY	
		61-4-1 Forgery of public record, certificate, return or attestation of court or officer; penalty	F: 2-10 yrs.
		61-4-2 Forgery of official seals; keeping or concealing instrument for forging same; penalty	F: 2-10 yrs.
		61-4-3 Counterfeiting; penalty	F: 2-10 yrs.

61-4-4 Making plates, etc., for forgery; possession of same; penalty

F: 2-10 yrs.

BRIBERY AND CORRUPT PRACTICES

61-4-5 Forging or uttering other writing;

F: 1-10 yrs./ 1 yr. penalty

61-5A-3 Bribery in official and political matters

F: 1-10 yrs.

61-4-6* Possession of counterfeit with intent to utter; penalty
• less than 10 notes or coins

F: 1-5 yrs.

61-5A-5* Threats in official and political matters
• if threaten crime or try to influence legislature or judicial proceeding

M: 3 mos.-1 yr.
F: 1-10 yrs.

M: 6 mos.-1 yr.

61-5A-9* Penalties; disqualification to hold office; statute of limitations for misdemeanor offenses

See above

CRIMES AGAINST PUBLIC JUSTICE

61-5-3* Penalties for perjury, subornation of perjury
• false swearing

F: 1-10 yrs.

CRIMES AGAINST THE PEACE

M: 1 yr.

61-6-6* Destruction of building by rioters; penalty therefor and for rioting without such injury
• rioter with no such building injured

F: 1-10 yrs.

61-5-4 Bribery or attempted bribery; penalty

F: 1-10 yrs.

M: 1 yr.

61-5-5 Demanding or receiving bribes; penalty

F: 1-10 yrs.

61-6-7* Conspiracy to inflict injury to persons or property; infliction of injury or death in pursuance thereof; penalties
• bodily injury or destruction or theft of property results from offense
• death of person results from offense

M: 1-12 mos.

61-5-7 Bribery of commissioner of court, auditor, justice of the peace, arbitrator, umpire, juror, or other county official, either elected or appointed; penalty

F: 1-10 yrs.

F: 1- 10 yrs.

61-5-8* Aiding escape and other offenses relating to adults and juveniles in custody, imprisoned or in detention, penalties
• conveying alcohol, drug, poison, explosive, etc., into jail or prison without authority; or obtaining prison property from any inmate; or persuade, entice, etc. inmate or prisoner to escape

F: 1-5 yrs.

SP: life

61-5-9* Permitting escape; refusal to custody of prisoner; penalties
• jailer of other officer aids or voluntarily suffers a prisoner convicted or charged with felony to escape from his custody

M: 6 mos.
MIN.
F: 1-5 yrs.

61-6-8 Release or rescue of person in custody charged or convicted under §61-6-7; penalty

F: 1-10 yrs.

61-6-9 Intimidation of witness for State in conspiracy prosecutions; penalties

F: 1-10 yrs./ 3-12 mos.

61-6-11* Employment of nonresidents as police; penalties
• violation of any provision of the third paragraph of this section
• person killed

M: 12 mos.

M

Punish as murder

61-5-10* Jail breaking by convicted or unconvicted prisoner; penalties
• previously sentenced to confinement in jail or confined upon a charge of misdemeanor

F: 1-5 yrs.

61-6-12* Mobs and lynchings; penalties liability of county or city

M: 30 days-12 mos.

M: 1 yr.

• damage or injury to person or property charged with crime
• serious injury to property or to person of any other person or persons

F: 1-10 yrs.

F: 5 yrs.

61-5-12* Escapes from, and other offenses relating to, state benevolent and correctional institutions or mental health facilities; penalties

F: 1-5 yrs.

• putting to death by a mob or riotous assemblage

Punish as murder

• induces inmate or patient to escape from institution
• unlawful trespass or loiter on grounds of institution or facility or unlawful communication with patient or inmate
• with intent to defraud, accepts as gift or trades for any article of clothing given to inmate or patient by facility or institution

M: 1-6 mos.

DANGEROUS WEAPONS

M: 10-30 days

M: fine

61-7-1* Carrying dangerous or deadly weapon without license or other authorization; penalties; second offense a felony
• second conviction

M: 6 mos.-12 mos.

F: 1-5 yrs.

**CRIMES AGAINST CHASTITY, MORALITY,
AND DECENCY**

61-8-1 Bigamy-penalty F: 1-5 yrs.

61-8-5* Houses of ill fame and assignment; penalties; jurisdiction of courts
 ● conviction of subsequent offenses
 ● engaging in prostitution

● third or subsequent convictions

61-8-6* Detention of person in place of prostitution; penalty
 ● subsequent convictions
 ● person detained is minor

J: 6 mos.-1 yr.
 SP: 1-3 yrs.
 SP: 2-5 yrs.

61-8-7* Procuring for house prostitution; penalty; venue; competency as witness; marriage no defense
 ● subsequent convictions
 ● where inmate is minor

J: 6 mos.-1 of yr.
 SP: 1-5 yrs.
 SP: 2-5 yrs.

61-8-8* Receiving support from prostitution; pimping; penalty; prostitute may testify
 ● subsequent convictions
 ● prostitute is minor

J: 6 mos.-1 yr.
 SP: 1-3 yrs.
 SP: 1 yrs.
 MIN.

61-8-12 Incest; penalty F: 5-10 yrs.

61-8-14 Disinterment or displacement of dead body or part thereof; penalty F: 2-5 yrs.

PREPARATION, DISTRIBUTION OR EXHIBITION OF OBSCENE MATTER TO MINORS

SEXUAL OFFENSES (inclusive)

61-8B-3 Sexual assault in the first degree F: 15-25 yrs.

4 Sexual assault in the second degree F: 10-20 yrs.

5 Sexual assault in the third degree F: 1-5 yrs.

6 Sexual assault of a spouse F: 2-10 yrs.

7 Sexual abuse in the first degree F: 1-5 yrs.

8 Sexual abuse in the second degree M: 12 mos.

9 Sexual abuse in the third degree M: 90 days

10 Indecent exposure M: 90 days

FILMING OF SEXUALLY EXPLICIT CONDUCT OF MINORS

61-8C-2 Use of minors in filming sexually explicit conduct prohibited; penalty F: 10 yrs.

61-8C-3* Distribution and exhibiting of material depicting minors engaged in sexually explicit conduct prohibited; penalty
 ● subsequent convictions M: 12 mos.
 F: 2 yrs.

EQUITABLE REMEDIES IN AID OF CHASTITY, MORALITY AND DECENCY

CRIMES AGAINST PUBLIC POLICY

61-10-11a "Policy" or "numbers"; penalty F: 1-5 yrs. or 6-12 mos./2-10 yrs.

b Possession of "policy" or "numbers" slips unlawful F: 1-5 yrs. or 6-12 mos./2-10 yrs.

61-10-18 Conducting bucket shop; penalty F: 2-5 yrs.

61-10-22 Bribery of participants in professional or amateur games and horse racing; penalty F: 1-3 yrs.

61-10-31* Conspiracy; construction of section; penalties F: 1-5 yrs.
 ● conspire to commit misdemeanor M: 1 yr.

UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)

60A-4-401* Prohibited acts A; penalties See below

(a) Unlawful to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance See below

(a)(i) Controlled substance classified in Schedule I or II which is a narcotic drug F: 1-15 yrs.

(a)(ii) Any other controlled substance classified in Schedule I or II or III F: 1-5 yrs.

(a)(iii) A substance classified in Schedule IV F: 1-3 yrs.

(a)(iv) A substance classified in Schedule V M: 6 mos.-1 yr.

(b) Unlawful to create, deliver, or possess with intent to deliver a counterfeit substance See below

(b)(i) Counterfeit substance classified in Schedule I or II which is a narcotic drug F: 1-15 yrs.

(b)(ii) Any other counterfeit substance classified in Schedule I, II, or III F: 1-5 yrs.

(b)(iii) Counterfeit substance classified in Schedule IV F: 1-3 yrs.

(b)(iv) Counterfeit substance classified in Schedule V M: 6 mos.-1 yr.

(c) Unlawful of knowingly or intentionally possess a controlled substance unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner M: 90 days-6 mos. or disposition made under §60A-4-407

(d) Unlawful to create, distribute or deliver or possess with intent to distribute or deliver an imitation controlled substance or to create, possess or sell or otherwise transfer any equipment with the intent that such equipment shall be used to feign, or imitation substance, or their container or label

M: 6 mos.-1 yr.

● person 18 years of age or older distributes or delivers an imitation controlled substance to a minor child who is at least three years younger than such person

F: 1-3 yrs.

60A-4-402 Prohibited acts B; penalties (distribution, refuse entry, run drug haven)

M: 6 mos.-1 yr.

60A-4-403 Prohibited acts C; penalties (registrant/prescription violation)

F: 1-4 yrs.

a Prohibition of illegal drug paraphernalia businesses; definitions; places deemed common and public nuisances; abatement; suite to abate nuisances; injunction; search warrants; forfeiture of property; penalties

M: 6 mos-1 yr./6 mos.

60A-4-406 Distribution to persons under age eighteen

2 x penalty

60A-4-408 Second or subsequent offenses

2 x penalty

WIS. STAT. ANN. §x (West 1982 & Supp. 1986).

Criminal Classification Information

939.12 Crime defined

A crime is conduct which is prohibited by State law and punishable by fine or imprisonment or both. Conduct punished only by forfeiture is not a crime.

939.50 Classification of felonies

(1) Except as provided in §§946.83 and 946.85, felonies in chs. 939 to 948 are classified as follows:

- (a) Class A felony.
- (b) Class B felony.
- (c) Class C felony.
- (d) Class D felony.
- (e) Class E felony.

(2) A felony is a Class A, B, C, D or E felony when it is so specified in chs. 939 to 948.

(3) Penalties for felonies are as follows:

- (a) For a Class A felony, life imprisonment.
- (b) For a Class B felony, imprisonment not to exceed 20 years.
- (c) For a Class C felony, a fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both.
- (d) For a Class D felony, a fine not to exceed \$10,000 or imprisonment not to exceed 5 years, or both.
- (e) For a Class E felony, a fine not to exceed \$10,000 or imprisonment not to exceed 2 years, or both.

939.51 Classification of misdemeanors

(1) Misdemeanors in chs. 939 to 948 are classified as follows:

- (a) Class A misdemeanor.
- (b) Class B misdemeanor.
- (c) Class C misdemeanor.

(2) A misdemeanor is a Class A, B, or C misdemeanor when it is so specified in chs. 939 to 948.

(3) Penalties for misdemeanors are as follows:

- (a) For a Class A misdemeanor, a fine of not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.
- (b) For a Class B misdemeanor, a fine not to exceed \$1,000 or imprisonment not to exceed 90 days, or both.
- (c) For a Class C misdemeanor, a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

939.60 Felony and misdemeanor defined

A crime punishable by imprisonment in the Wisconsin state prisons is a felony. Every other crime is a misdemeanor.

939.61 Penalty when none expressed

- (1) If a person is convicted of an act or omission prohibited by statute and for which no penalty is expressed, the person shall be subject to a forfeiture not to exceed \$200.
- (2) If a person is convicted of a misdemeanor under state law for which no penalty is expressed, the person may be fined not more than \$500 or imprisoned not more than 30 days or both.
- (3) Common law penalties are abolished.

939.30 Solicitation

Whoever, with intent that a felony be committed, advises another to commit that crime under circumstances which indicate unequivocally that he or she has such intent is guilty of a Class D felony; except that for a solicitation to commit a crime for which the penalty is life imprisonment the actor is guilty of a Class C felony and for a solicitation to commit a Class E felony the actor is guilty of a Class E felony.

939.31 Conspiracy

Except as provided in §§161.41(1x), 940.43(4) and 940.45(4), whoever, with intent that a crime be committed, agrees or combines with another for the purpose of committing that crime may, if one or more of the parties to the conspiracy does an act to effect its object, be fined or imprisoned or both not to exceed the maximum provided for the completed crime; except that for a conspiracy to commit a crime for which the penalty is life imprisonment, the actor is guilty of a Class B felony.

939.32 Attempt

(1) Whoever attempts to commit a felony or a battery as defined by §940.19 or theft as defined by §943.20 may be fined or imprisoned or both not to exceed one-half the maximum penalty for the completed crime; except

(a) Whoever attempts to commit a crime for which the penalty is life imprisonment is guilty of a Class B felony.

(b) Whoever attempts to commit a battery as defined in §940.20(2) is guilty of a Class A misdemeanor.

(c) Whoever attempts to commit a crime under §§940.42 to 940.45 is subject to the penalty for the completed act, as provided in §940.46.

(2) Whoever attempts to commit a misdemeanor under §943.70 is subject to:

- (a) A Class D forfeiture if it is the person's first violation under §943.70.
- (b) A Class C forfeiture if it is the person's second violation under §943.70.
- (c) A Class B forfeiture if it is the person's third violation under §943.70.
- (d) A Class A forfeiture if it is the person's fourth or subsequent violation under §943.70.

(3) An attempt to commit a crime requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such crime and that he does acts toward the commission of the crime which demonstrate unequivocally, under all the circumstances, that he formed that intent and would commit the crime except for the intervention of another person or some other extraneous factor.

WISCONSIN CRIMINAL STATUTES

WIS. STAT. ANN. Sx (West 1982 & Supp. 1986).

KEY

- F = Felony
- M = Misdemeanor
- A,B,C, D,E = Crime subclass
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.

NOTE: Periods of confinement are maximums, unless a sentence range is specified.

Statute No. and Title	Class/Time	Statute No. and Title	Class
CRIMES AGAINST LIFE AND BODILY SECURITY (inclusive)			
940.01 First-degree murder	FA	940.24 Injury by negligent use of weapon	FE
940.02 Second-degree murder	FB	940.245 Injury by negligent use of a vehicle	FE
940.04* Abortion ● Any pregnant woman who intentionally destroys the life of her unborn child or consents to such destruction by another	15 yrs./3 yrs. 2 yrs./6 mos.	940.25 Injury by intoxicated use of a vehicle	FE
940.05 Manslaughter	FC	940.26* Hazing ● If the act results in great bodily harm or death to another	MA FE
940.06 Homicide by reckless conduct	FC	940.27* Failure to support ● Person fails to provide support for less than 120 consecutive days	FE MA
940.07 Homicide resulting from negligent control of vicious animal	FC	940.28 Abandonment of young child	FD
940.08 Homicide by negligent use of vehicle or weapon	FD	940.285 Abuse of vulnerable adults	MA
940.09 Homicide by intoxicated user of vehicle or firearm	FD	940.29 Abuse of residents of facilities	FE
940.12 Assisting suicide	FD	940.30 False imprisonment	FE
940.15 Abortion	FE	940.305 Taking hostages	FB/FA
940.19 Battery; aggravated battery	FA/FE/FC	940.31 Kidnapping	FB/FA
940.20 Battery; special circumstances	FD/FE	940.32 Abduction	FC
940.201 Abuse of children	FE	940.34 Duty to aid victim or report crime	MC
940.203 Sexual exploitation of children	FC	940.42 Intimidation of witnesses; misdemeanor	MA
940.205 Battery or threat to Department of Revenue Employee	FD	940.43 Intimidation of witnesses; felony	FD
940.21 Mayhem	FB	940.44 Intimidation of victims; misdemeanor	MA
940.22 Sexual exploitation by therapist	FD	940.45 Intimidation of victims; felony	FD
940.225* Sexual assault ● Fourth degree sexual assault	FB/FC/FD MA	940.46* Attempt prosecuted as completed act ● Whoever attempts any act prohibited under sections 940.42-940.45 is guilty of the offense attempted	FD/MA
940.23 Injury by conduct regardless of life	FC	940.48 Violation of court orders	Contempt of court
		CRIMES AGAINST PUBLIC HEALTH AND SAFETY	
		941.03 Highway obstruction	FC
		941.04 Mooring watercraft to railroad tracks or fixtures	FD
		941.11 Unsafe burning of buildings	FD
		941.12* Interfering with fire fighting ● Removes, tampers, or interferes with firefighting equipment ● Interferes with accessibility to a fire hydrant by piling or dumping material near it	FE MA MC

941.20* Reckless use of weapons ● Intentionally discharges firearm into vehicle or building in which he should realize there might be a human being present; sets a spring gun; creates a situation of unreasonable risk and high probability of death or great bodily harm to another	MA FE	943.05 Placing of combustible materials an attempt	Guilty of 943.01, .02, .03, or .04, depending on case
941.21 Disarming a peace officer	FE	943.06 Molotov cocktails	FE
941.26 Machine guns and other weapons; use in certain cases; penalty	FE	943.07 Criminal damage to railroads	MA/MB
941.28 Possession of short-barreled shotgun or short-barreled rifle	FE	943.10 Burglary	FC
941.29 Possession of a firearm	FE	943.11 Entry into locked vehicle	MA
941.295 Possession of electric weapon	FE	943.12 Possession of burglarious tools	FE
941.30 Endangering safety by conduct regardless of life	FD	943.125 Entry into locked coin box	MA
941.31 Possession of explosives for unlawful purpose	FC	943.13 Criminal trespass to land	"Class B forfeiture"
941.32 Administering dangerous or stupefying drug	FC	943.14 Criminal trespass to dwellings	MA
941.35 Placing foreign objects in edibles	FE	943.145 Criminal trespass to a medical facility	MB
941.37* Obstructing emergency or rescue personnel ● Reasonable grounds to believe that the interference may endanger another's safety ● Contributes to death of another	MA FE FC	943.15 Entry onto a construction site or into a locked building, dwelling or room	MA
CRIMES AGAINST REPUTATION AND CIVIL LIBERTIES		943.20* Theft ● Value of property does not exceed \$500	FE/FC/FD MA
CRIMES AGAINST PROPERTY (inclusive)		943.205 Theft of trade secrets	FE
943.01* Criminal damage to property ● Property damaged is a vehicle or highway and is likely to cause injury or further property damage; property damaged belongs to a public utility to a common carrier, or belongs to a person who is or was a witness, or total property damage is more than \$1,000	MA FD	943.206 Battery witness or jurors	F
943.015 Criminal damage; threat; property of Department of Revenue employee	FD	943.207 Transfer of recorded sounds for unlawful use; sale	MB/MA
943.02 Arson of buildings; damage of property by explosives	FB	943.21* Fraud on hotel or restaurant keeper ● Value of any food, lodging, accommodation or any other service exceeds \$500	MA FE
943.03 Arson of property other than building	FE	943.22 Use of cheating tokens	"Class C forfeiture"
943.04 Arson with intent to defraud	FD	943.23* Operating vehicle without owner's consent ● Abandons vehicle without damage within 24 hours	FE MA
		943.24* Issue of worthless check ● Total value of \$500 or more in single check or more than one check within 15 day period adding up to \$500 or more	MA FE
		943.25 Transfer of encumbered property	FE
		943.26* Removing or damaging encumbered real property ● If the security is impaired by more than \$1,000	MA FE
		943.27 Possession of records of certain usurious loans	FE

943.28 Loan sharking prohibited	FC	943.62* Unlawful receipt of payments to obtain loan for another	FE/FC
943.30 Threats to injure or accuse of crime	FD	● Value of advance payment or required refund, as applicable, does not exceed \$500	MA
943.31 Threats to communicate derogatory information	FE		
943.32 Robbery	FC/FB	943.70* Computer crimes	MA
943.34* Receiving stolen property	MA	● Offense is committed to defraud or obtain property	FE
● Value of property exceeds \$500, but not more than \$2,500, or if property is received from a person under the age of 18 years	FE	● Damage to the computer, computer system, computer network, equipment or supplies is greater than \$2,500	FD
● Value of property exceeds \$2,500	FC	● Offense creates a situation of unreasonable risk and high probability of death or great bodily harm to another	FC
943.35 Receiving property from children	MA		
943.37 Alteration of property identification marks	MA	CRIMES AGAINST SEXUAL MORALITY (inclusive)	
943.38* Forgery	FC	944.05 Bigamy	FE
● Falsely makes or alters object so that it appears to have value because of antiquity, rarity, etc.; false common writing of identification; false merchandise identifying label or stamp; false membership card; false abstract of title to real estate; false transportation rights	MA	944.06 Incest	FC
		944.12 Enticing a child for immoral purposes	FC
943.39 Fraudulent writings	FD	944.15 Fornication	MA
943.395 Fraudulent insurance and employee benefit program claims	MA	944.16 Adultery	FE
943.40 Fraudulent destruction of certain writings	FD	944.17 Sexual gratification	MA
943.41* Financial transaction card crimes	MA	944.20 Lewd and lascivious behavior	MA
● Violation of any provision of sub. (3)(e), (4)(a), or (6)(c) or violation of any provision of sub. (5) or (6)(a) and value of money, goods, services or property exceeds \$500 but not \$2,500 in a single transaction or in separate transactions within a 6-month period	FE	944.21 Lewd, obscene or indecent matter, pictures and performances	FD
● Violation of any provision of sub. (5) or (6)(a) and value of money, goods, services or property exceeds \$2,500	FC	944.23 Making lewd, obscene or indecent drawings	MC
943.45* Obtaining telecommunications service by fraud	MA	944.25 Exposing minors to harmful materials	MA
● Charges for the service obtained, or attempted to be obtained exceed \$500	FE	944.30 Prostitution	MA
943.50* Retail theft	FE/FC	944.31 Patronizing prostitutes	MA
● If value of merchandise does not exceed \$500	MA	944.32 Soliciting prostitutes	FD/FC
943.55 Removal of shopping cart	Forfeit amount not to exceed \$50	944.33 Pandering	MA
943.60 Criminal slander of title	FE	944.34 Keeping place of prostitution	FD
943.61* Theft of library material	FE/FC	944.36 Solicitation of drinks prohibited	MB
● Value of library materials does not exceed \$500	MA	GAMBLING	
		945.03 Commercial gambling	FE
		945.05 Dealing in gambling devices	FE
		945.08* Bribery of participant in contest	FD
		● Participant who agrees to bribe	MA

CRIMES AGAINST GOVERNMENT AND ITS ADMINISTRATION

946.01	Treason	FA
946.02	Sabotage	FC
946.03	Sedition	FC
946.05	Flag desecration	FE
946.10	Bribery of public officers and employees	FD
946.11	Special privileges from public utilities	FE
946.12	Misconduct in public office	FE
946.13	Private interest in public contract prohibited	FE
946.14	Purchasing claims at less than full value	FE
946.15*	Public construction contracts at less than full rate	FE
	● Person employed pursuant to a public contract who gives up, waives, or returns to the employer or any agent thereof any compensation he is entitled to under contract	MC
946.31	Perjury	FD
946.32	False swearing	FD
946.42*	Escape	FE
	● In custody for a lesser crime	MA
946.43	Assaults by prisoners	FC
946.44	Assisting or permitting escape	FD
946.47	Harboring or aiding felons	FE
946.48	Kidnapped or missing persons; false information	FD
946.49*	Bail jumping	FE/FD
	● Offense with which person is charged is a misdemeanor	MA
946.60	Destruction of documents subject to subpoena	FE
946.61	Bribery of witnesses	FD
946.62	Concealing Identity	FD
946.63	Concealing death of child	FE
946.64	Communicating with jurors	FE
946.65	Obstructing justice	FE
946.71	Interference with custody of child	FE
946.715	Interference by parent with parental rights of other parent	FE
946.716	Unauthorized placement for adoption	FE

946.72	Tampering with public records and notices	FD
946.74*	Aiding escape from mental institution	MA
	● Violation with intent to commit a crime against sexual morality with or upon the inmate of the institution	FD
946.76	Search warrant; premature disclosure	FE
946.80	Wisconsin Organized Crime Control Act	See below
946.84	Penalties	FC
946.85	Continuing criminal enterprise	10-20 yrs.

CRIMES AGAINST PUBLIC PEACE, ORDER AND OTHER INTERESTS

947.015	Bomb scares	FE
947.15*	Contributing to the delinquency of children; neglect; neglect contributing to death	MA
	● Death is a consequence	FD

CRIMES AGAINST ANIMALS

UNIFORM CONTROLLED SUBSTANCES ACT (inclusive)

161.41*	Prohibited acts A - Penalties	See below
	(1) Manufacture or deliver	
	(1)(a) Classified in Schedule I or II which is a narcotic drug	15 yrs.
	(1)(b) Except as provided in par. (c) any other controlled substance classified in Schedule I, II, or III	5 yrs.
	(1)(c) Controlled substance included under §161.16(2)(b)	See below
	(1)(c)(1) ≤ 10 grams	5 yrs.
	(1)(c)(2) > 10 grams	6 mos.-5 yrs.
	≤ 30 grams	
	(1)(c)(3) > 30 grams	1 yr.-15 yrs.
	(1)(d) Substance classified in Schedule IV	3 yrs.
	(1)(e) Substance classified in Schedule V	1 yr.
	(1m) Possession violations	See below
	(1m)(a) Schedule I, II narcotic	15 yrs.
	(1m)(b) Schedule I, II, III substance	5 yrs.
	(1m)(c) Schedule II substance	See below
	(1m)(c)(1) Possess ≤ 10 grams	5 yrs.
	(1m)(c)(2) Possess with intent to deliver > 10 grams	6 mos.-5 yrs. < 30 grams
	(1m)(c)(3) Possess with intent to deliver > 30 grams	1-15 yrs.
	(1m)(d) Schedule IV	3 yrs.
	(1m)(e) Schedule V	1 yr.
	(1x) Conspiracy	5 yrs./6 mos.-5 yrs./1-15 yrs.

(2) Counterfeit	15 yrs./5 yrs./3 yrs. 1 yr.
(2m) Arrange sale	6 mos.
(2r)(a) Possession	1 yr./2 yrs.
(3) Possession	M
(3m) Prescription offense	1 yr. jail
(4)(c) Deliver, etc.	1 yr.
161.42 Prohibited acts B-penalties (Maintain drug haven)	1 yr.
161.43 Prohibited acts C-penalties (Forgery, fraud violations)	4 yrs.
161.46 Distribution to persons under age 18	2 x penalty
161.48 Second or subsequent offenses	2 x penalty

WYOMING

WYO. STAT. §x (1983).

Criminal Classification Information

§6-10-101. "Felony" and "misdemeanor" defined.
Crimes which may be punished by death or by imprisonment for more than one (1) year are felonies. All other crimes are misdemeanors.

§6-10-102. Imposition of fine for any felony; maximum fine where not established by statute.
The court may impose a fine as part of the punishment for any felony. If the statute does not establish a maximum fine, the fine shall be not more than ten thousand dollars (\$10,000.00)

§6-10-103. Penalties for misdemeanors where not prescribed by statute.
Unless a different penalty is prescribed by law, every crime declared to be a misdemeanor is punishable by imprisonment in the county jail for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

§6-10-107. Minimum term of imprisonment in penitentiary.
The minimum term of imprisonment in the penitentiary is not less than one (1) year.

§6-10-109. Sentences for felonies to be to the Wyoming state penitentiary or Wyoming women's center.
Wherever in this title a statute makes reference to a term of imprisonment or a sentence to the penitentiary or other references to incarceration in a state penal institution, such references shall include both the Wyoming state penitentiary and the Wyoming women's center.

§6-10-201. "Habitual criminal" defined; penalties
* * *
(b) An habitual criminal shall be punished by imprisonment for:
(i) Not less than ten (10) years nor more than fifty (50) years; if he has two (2) previous convictions;
(ii) Life, if he has three (3) or more previous convictions.

INCHOATE OFFENSES

1-304. Grading.
The penalty for attempt, solicitation and [or] conspiracy is the same as the penalty for the most serious crime which is attempted, solicited or is an object of the conspiracy except that an attempt, solicitation or conspiracy to commit a capital crime is not punishable by the death penalty if the capital crime is not committed.

WYOMING CRIMINAL STATUTES

WYO. STAT. §X (1983).

KEY

- F = Felony
- M = Misdemeanor
- SP = State penitentiary
- J = County jail
- ? = Classification/place of confinement not specified
- * = Violation may be either misdemeanor or felony, depending on circumstances, amount involved, etc.
- > , < = Greater than, less than
- ≥ , ≤ = Greater than or equal, less than or equal

NOTE: Maximum sentence given, unless sentence range or minimum (MIN.) is specified. For classifications that are NOT inclusive, offenses with penalties of less than one year are NOT recorded.

Statute No. and Title	Class/Time
Offenses Against the Person	
HOMICIDE (inclusive)	
6-2-101 Murder in the first degree; penalty	Death/life
6-2-104 Murder in the second degree; penalty	SP: 20 yrs.-life
6-2-105 Manslaughter; penalty	F: SP 20 yrs.
6-2-106* Homicide by vehicle; aggravated homicide by vehicle; penalties ● if aggravated	J: 1 yr. SP: 20 yrs.
6-2-107 Criminally negligent homicide	M: 1 yr.
KIDNAPPING AND RELATED OFFENSES	
6-2-201 Kidnapping; penalties; effect of release of victim	F: 20 yrs./20 yrs. MIN./life
6-2-202 Felonious restraint; penalty	F: 5 yrs.
6-2-204 Interference with custody; presumption of knowledge of child's age; affirmative defenses; penalties	F: 5 yrs./1 yr. 1 day
SEXUAL ASSAULT (inclusive)	
6-2-306(a)* Penalties for sexual assault ● first degree ● second degree ● third degree ● fourth degree (b) Penalties for sexual assault; extended terms and punishment	F: 5-50 yrs. F: 20 yrs. F: 5 yrs. M: 1 yr. F: 5 yrs./life/ 10 yrs./5 yrs.
6-2-310 Names not to be released; restrictions on disclosure or publication of information; violations; penalties; effect of disclosure; "minor victim"	J: 90 days

ROBBERY AND BLACKMAIL (inclusive)		6-3-304 Possession of burglar's tools; penalties	F: 3 yrs.
6-2-401* Robbery; aggravated robbery; penalties	25 yrs.	6-3-305 Breaking, opening or entering of coin machine with intent to commit larceny; penalties	M: 1 yr.
• any property; value < \$200	M: 6 mos.		
• any property; value ≥ \$200 but < \$2,000	M: 1 yr.		
• any property; value ≥ \$2,000	F: 10 yrs.	6-3-306 Forcible entry or detainer; penalty	M: fine
6-2-402 Blackmail; aggravated blackmail; penalties	F: 10 yrs./5-25 yrs.		
ASSAULT AND BATTERY (inclusive)		LARCENY AND RELATED OFFENSES (inclusive)	
6-2-501 Simple assault; battery; penalties	M: 6 mos.	6-3-402* Larceny; penalties; former offenses consolidated	
6-2-502 Aggravated assault and battery; penalties	F: 10 yrs.	• any property; value < \$200	M: 6 mos.
6-2-503 Child abuse; penalty	F: 5 yrs.	• any property; value ≥ \$200 but < \$2,000	M: 1 yr.
6-2-504 Reckless endangering; penalty	M: 1 yr.	• any property; value ≥ \$2,000	F: 10 yrs.
6-2-505 Terroristic threats; penalty	F: 3 yrs.	6-3-403* Buying, receiving, etc. stolen property; venue of indictment	
Offenses Against Property		• any property value ≥ \$500	F: 10 yrs.
ARSON AND RELATED OFFENSES (inclusive)		• any property value < \$500	M: 6 mos.
6-3-101 Arson; first degree; penalties	F: 20 yrs.	6-3-404* Shoplifting; altering, defacing, etc. price tags and markers; penalties	
6-3-102 Same; second degree; penalties	F: 10 yrs.	• shoplifting; value ≥ \$2,000	F: 10 yrs.
6-3-103 Arson; third degree; penalties	F: 5 yrs.	• shoplifting; value ≥ \$200 but < \$2,000	M: 1 yr.
6-3-104 Arson; fourth degree; penalties	M: 1 yr.	• shoplifting; value < \$200	M: 6 mos.
6-3-105 Negligently burning woods, prairie or grounds; penalties	M: 6 mos.	• alter/deface; value < \$200	M: 6 mos.
6-3-106 Failure to extinguish or contain fire in woods or prairie; penalty	M: fine	• alter/deface; value ≥ \$2,000	F: 10 yrs.
6-3-107 Throwing burning substance from vehicle; penalties	M: 6 mos.	• alter/deface; value ≥ \$200 but < \$2,000	M: 1 yr.
PROPERTY DESTRUCTION AND DEFACEMENT		6-3-406* Defrauding an inkeeper; penalties; definitions	
6-3-201* Property destruction and defacement; grading; penalties; aggregated costs or values		• value > \$2,000	F: 10 yrs.
• cost or value < \$500	M: 6 mos.	• value ≥ \$200 but < \$2,000	M: 1 yr.
• cost or value ≥ \$500 but < \$1,000	M: 1 yr.	• value < \$200	M: 6 mos.
• cost or value ≥ \$1,000	F: 5 yrs.	6-3-407* Obtaining property by false pretenses; penalties	
BURGLARY AND CRIMINAL INTRUSION (inclusive)		• value ≥ \$2,000	F: 10 yrs.
6-3-301 Burglary; aggravated burglary; penalties	F: 10 yrs./5-25 yrs.	• value ≥ \$200 but < \$2,000	M: 1 yr.
6-3-302 Criminal entry; penalties; affirmative defenses	M: 6 mos.	• value < \$200	M: 6 mos.
6-3-303 Criminal trespass; penalties	M: 6 mos.	6-3-408* Theft of services; penalties	
		• value ≥ \$2,000	F: 10 yrs.
		• value ≥ \$200 but < \$2,000	M: 1 yr.
		• value < \$200	M: 6 mos.
		6-3-409 Fraudulently obtaining tele-communication services deemed misdemeanor	M: 6 mos.
		COMPUTER CRIMES	
		6-3-502 Crimes against intellectual property; penalties	F: 3 yrs./10 yrs.
		6-3-503* Crimes against computer equipment or supplies; interruption or impairment of governmental operations or public service; penalties	
		• with intent to defraud	F: 10 yrs.
		• without intent to defraud	M: 6 mos.
		• interruption of governmental or public services	F: 3 yrs.

6-3-504 Crimes against computer users; penalties	F: 3 yrs./ 10 yrs.	PUBLIC INDECENCY	
FRAUD		OBSCENITY	
6-3-602* Forgery; penalties • writing is permit under WS 11-21-101 through 11-21-104 or a check number on a pitcar	F: 10 yrs. M: 6 mos.	OFFENSES AGAINST THE FAMILY	
6-3-603 Possession of forged writings and forgery devices; penalties	F: 5 yrs.	6-4-401 Bigamy	F: 5 yrs.
6-3-604 Fraud against testamentary instruments and government records; penalties; "government record" defined	F: 10 yrs.	6-4-402* Incest; penalties; restrictions on disclosure or publication of identifying information; violations; penalties; effect of disclosure; "minor victim" • incest • disclosure of identity; penalties	F: 5 yrs. J: 90 days
6-3-607* Defrauding creditors; penalties • value \geq \$2,000 • value \geq \$200 but $<$ \$2,000 • value $<$ \$200	F: 10 yrs. M: 1 yr. M: 6 mos.	6-4-403* Abandoning or endangering children; penalties; "child"; restrictions on disclosure or publication of identifying information; violations; penalties; effect of disclosure; "minor victim" • first offense • second offense • disclosure of identity; penalties	M: 1 yr. F: 5 yrs. J: 90 days
6-3-608* Fraudulent use of materials; fraudulent obtaining of money by contractor; penalties • fraudulent use of materials • fraudulent obtaining of money by contractors	M: 6 mos. F: 5 yrs.	DESECRATING GRAVES AND BODIES	
6-3-609 Sports bribery; definitions; penalties; venue; bonuses not prohibited	F: 5 yrs.	6-4-502 Mutilation of dead human bodies; penalties; exceptions	F: 3 yrs.
6-3-612 False written statements to obtain property or credit; penalties	F: 5 yrs.	Offenses Against Public Administration	
6-3-613 False representations of value of shares; bonds or property; penalties	F: 5 yrs.	OFFENSES BY PUBLIC OFFICIALS	
CHECK FRAUD		6-5-102 Bribery; penalties	F: 10 yrs.
6-3-702* Fraud by check; penalties; restitution • value $<$ \$200 • value \geq \$200 but $<$ \$2,000 • value \geq \$2,000 or \geq 2 check fraud convictions within 60 days with total sum \geq \$500	M: 6 mos. M: 1 yr. F: 10 yrs.	6-5-103 Compensation for past official behavior; penalties	F: 10 yrs.
CREDIT CARD FRAUD		6-5-104 Soliciting unlawful compensation penalties	F: 10 yrs.
6-3-802* Unlawful use of credit card; penalties • value $>$ \$2,000 • value $>$ \$200 but $<$ \$2,000 • value $<$ \$200	F: 10 yrs. M: 1 yr. M: 6 mos.	6-5-108 Issuing false certificate; penalties	F: 10 yrs.
Offenses Against Morals, Decency and Family		6-5-109* Embezzlement of public property; penalties • value \geq \$2,000 • value \geq \$200 $<$ \$2,000 • value $<$ \$200	F: 10 yrs. M: 1 yr. M: 6 mos.
PROSTITUTION		6-5-111 Failure or refusal to account for, deliver or pay over property; penalties	F: 5 yrs.
6-4-103 Promoting prostitution; penalties	F: 3 yrs./ 5 yrs.	6-5-112 Mistreating persons in institutions or mental hospitals; penalties; no bar to other criminal action	F: 3 yrs.
		6-5-117 Public officer demanding kickback from deputy; penalties	F: 3 yrs.

HINDERING GOVERNMENT OPERATIONS

6-5-202* Accessory after the fact; penalties ● crime of felony; accessory not relative ● crime of felony; accessory is relative ● crime of misdemeanor, accessory not relative ● principal is a minor	F: 3 yrs. M: 6 mos. M: 6 mos. M: 6 mos.
6-5-203* Compounding; penalties ● compound prosecuting without evidence, encourage absence of witness, if misdemeanor is compounded or violation for which a penalty or forfeiture is prescribed is compounded ● felony punishable by imprisonment ● felony punishable by death	M: 1 yr. F: 3 yrs. F: 5 yrs.
6-5-204* Interference with peace officer ● if attempts bodily injury	M: 1 yr. F: 10 yrs.
6-5-206 Escape from official detention penalties	F: 10 yrs./ 3 yrs.
6-5-207 Escape by violence or assault while armed; penalty	F: 10 yrs.
6-5-208 Taking controlled substances or liquor into jails, penal institutions or mental hospitals; penalties	F: 3 yrs.
6-5-209 Taking deadly weapons into jails, penal institution or mental hospitals; penalties	F: 10 yrs.
6-5-210* False reporting to authorities; penalties ● that a crime has been committed ● an emergency exists ● an emergency exists and person suffers serious bodily harm as a result ● an emergency exists and person years suffers death	M: 6 mos. M: 1 yr. F: 5 yrs. F: SP 20

PERJURY AND CRIMINAL FALSIFICATION

6-5-301 Perjury in judicial, legislative or administrative proceedings; penalties	F: 5 yrs.
6-5-303 False swearing in nonjudicial or nonadministrative proceeding; false claims or vouchers; penalties	F: 2 yrs./ 2 yrs.
6-5-304 Offering mining claims for filing without meeting legal prerequisites; penalties	F: 2 yrs.
6-5-305* Influencing, intimidating or impeding jurors, witnesses and officers; obstructing or impeding justice; penalties ● juror, witness or officer ● impeding administration of justice	F: 10 yrs. M: 1 yr.

Offenses Against Public Peace

DISTURBANCE OF PUBLIC ORDER

NUISANCES

UNLAWFUL CONDUCT WITHIN GOVERNMENTAL FACILITIES

Offenses Against Public Policy

GAMBLING

6-7-102* Gambling; professional gambling; penalties ● if professional gambling	M: 6 mos. F: 3 yrs.
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Weapons

WEAPONS OFFENSES

6-8-101 Use of firearm while committing felony; subsequent convictions; penalties; applicability of provisions	?: 10 yrs./ 20 yrs.
6-8-102 Use or possession of firearm by person convicted of violent felony; penalties	F: 3 yrs.
6-8-103 Possession, manufacture, etc. of deadly weapon with unlawful intent; penalties	F: 5 yrs.

FIREARMS REGULATION

RIFLES AND SHOTGUNS

Miscellaneous Offenses

DISCRIMINATION

OTHER

Sentencing

GENERALLY HABITUAL CRIMINALS

6-10-201 "Habitual criminal" defined; penalties	?: 10-15 yrs./life
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Food and Drugs

CONTROLLED SUBSTANCES ACT (inclusive)

35-7-1031* Unlawful manufacture or delivery; counterfeit substance; unlawful possession (a)(i) controlled substance in Schedule I or II - narcotic drug (a)(ii) any other controlled substance in Schedule I, II or III (a)(iii) substance in Schedule IV (a)(iv) substance in Schedule V (b) create, deliver or possess with intent to deliver a counterfeit substance (b)(i) counterfeit substance in Schedule I or II - narcotic drug	See below ?: 20 yrs. ?: 10 yrs. ?: 2 yrs. ?: 1 yr. See below ?: 20 yrs.
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(b)(ii) any other counterfeit substance in Schedule I, II or III	?: 10 yrs.
(b)(ii) counterfeit substance in Schedule IV	?: 2 yrs.
(b)(iii) counterfeit substance in Schedule V	?: 1 yr.
(c) possession offense; controlled substance	M: 6 mos.
• third or subsequent offense	SP: 5 yrs.
35-7-1032 Certain unlawful acts particularly applicable to registrants	?: 1 yr.
35-7-1033 Distribution by registrants of certain substances without required order form; use of fictitious, revoked, etc. registration number; acquiring substance by misrepresentation, etc., furnishing false or fraudulent information or omitting information; punch, die, plate, etc. designed for counterfeiting	?: 5 yrs.
35-7-1036 Sale, etc. to person under 18	?: 40 yrs./ 20 yrs./4 yrs./2 yrs.
35-7-1038 Second or subsequent offenses (35-7-1038 does not apply to 31(c){35-7-1031(c)})	Up to twice term otherwise authorized
35-7-1039 Person using or under influence of controlled substance in Schedule I, II or III	M: 90 days
35-7-1040 Planting, cultivating, etc. marijuana, peyote or opium poppy	M: 6 mos.
35-7-1041 Sale, etc. of liquid, substance or material in lieu of controlled substance	?: 1 yr.
35-7-1042 Attempts and conspiracies	Not to exceed maximum prescribed for the attempted offense
35-7-1056 Delivery of, or possession with intent to deliver, drug paraphernalia	?: 6 mos.
35-7-1057 Delivery of drug paraphernalia to a minor	?: 5 yrs.

Justice Statistics

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e tapes of BJS data sets
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Crime Survey

timization in the U.S.:
l report), NCJ-104273, 5/87
l report), NCJ-100435, 5/86
l report), NCJ-96459, 10/85

ports:
tims, NCJ-107676, 11/87
ime trends, NCJ-107217.
ictims, NCJ-104638, 4/87
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omic cost of crime to victims,
450, 4/84
olence, NCJ-93449, 4/84

s:
victimization 1986, NCJ-
9, 10/87
lds touched by crime, 1986,
05289, 6/87
e of rape, NCJ-96777, 3/85
ld burglary, NCJ-96021, 1/85
rime by strangers, NCJ-80829,

d the elderly, NCJ-79614, 1/82
g crime, NCJ-75710, 2/81
es: Report of a field test (BJS
report), NCJ-104615, 4/87
older Americans Information
, NCJ-104569, \$10, 5/87
elihood of victimization, (BJS
report), NCJ-104274, 3/87
ictims, NCJ-103138, 12/86
to screening questions in the
l Crime Survey (BJS technical
report), NCJ-97624, 7/85

ion and fear of crime: World
tives, NCJ-93872, 1/85
nal Crime Survey: Working
vol. I: Current and historical
tives, NCJ-75374, 8/82
ethological studies,
307, 12/84
he measurement of vic-
on, NCJ-74682, 10/81
f negligence: Losses from
able household burglaries,
327, 12/79
mization in 26 American cities,
378, 8/79
ictimization in urban schools,
396, 8/79
ction to the National Crime
NCJ-43732, 4/78
im surveys: A review of the
NCJ-39973, 8/77

Corrections

BJS bulletins and special reports:
Capital punishment 1986, NCJ-106483,
9/87
Prisoners in 1986, NCJ-104864, 5/87
Imprisonment in four countries, NCJ-
103967, 2/87
Population density in State prisons,
NCJ-103204, 12/86
State and Federal prisoners, 1925-85,
102494, 11/86
Prison admission and releases, 1983,
NCJ-100582, 3/86
Examining recidivism, NCJ-96501, 2/85
Returning to prison, NCJ-95700, 11/84
Time served in prison, NCJ-93924, 6/84

Correctional populations in the U.S.
1985, NCJ-103957, 1/88
1984 census of State adult correctional
facilities, NCJ-105585, 7/87
Historical corrections statistics in the
U.S., 1850-1984, NCJ-102529, 4/87
Prisoners in State and Federal institu-
tions on Dec. 31, 1984, NCJ-103768,
3/87
Capital punishment 1984 (final), NCJ-
99562, 5/86

1979 survey of inmates of State correctional
facilities and 1979 census of State
correctional facilities:

BJS special reports:
The prevalence of imprisonment,
NCJ-93657, 7/85
Career patterns in crime, NCJ-88672,
6/83

BJS bulletins:
Prisoners and drugs, NCJ-87575,
3/83
Prisoners and alcohol, NCJ-86223,
1/83
Prisons and prisoners, NCJ-80697,
2/82
Veterans in prison, NCJ-79232, 11/81

Census of jails and survey of jail inmates:
Jail inmates, 1986, NCJ-107123, 10/87
Jail inmates 1985, NCJ-105586, 7/87
The 1983 jail census (BJS bulletin),
NCJ-95536, 11/84
Census of jails, 1978: Data for
individual jails, vols. I-IV, Northeast,
North Central, South, West. NCJ-
72279-72282, 12/81
Profile of jail inmates, 1978,
NCJ-65412, 2/81

Parole and probation

BJS bulletins:
Probation and parole 1986, NCJ-
108012, 12/87
Probation and parole 1985, NCJ-
103683, 1/87
Setting prison terms, NCJ-76218, 8/83

BJS special reports:
Time served in prison and on parole,
NCJ-108544, 1/88
Recidivism of young parolees, NCJ-
104916, 5/87
Parole in the U.S., 1980 and 1981,
NCJ-87387, 3/86
Characteristics of persons entering
parole during 1978 and 1979, NCJ-
87243, 5/83
Characteristics of the parole population,
1978, NCJ-66479, 4/81

Children in custody:

Public juvenile facilities, 1985
(bulletin), NCJ-102457, 10/86
1982-83 census of juvenile detention
and correctional facilities, NCJ-
101686, 9/86

Expenditure and employment

BJS bulletins:
Justice expenditure and employment:
1985, NCJ-104460, 3/87
1983, NCJ-101776, 7/86
1982, NCJ-98327, 8/85
Justice expenditure and employment in
the U.S.:
1980 and 1981 extracts, NCJ-96007,
6/85
1971-79, NCJ-92596, 11/84

Courts

BJS bulletins:
State felony courts and felony laws,
NCJ-106273, 8/87
The growth of appeals: 1973-83 trends,
NCJ-96381, 2/85
Case filings in State courts 1983,
NCJ-95111, 10/84

BJS special reports:
Felony case-processing time, NCJ-
101985, 8/86
Felony sentencing in 18 local jurisdic-
tions, NCJ-97681, 6/85
The prevalence of guilty pleas, NCJ-
96018, 12/84
Sentencing practices in 13 States,
NCJ-95399, 10/84
Criminal defense systems: A national
survey, NCJ-94630, 8/84
Habeas corpus, NCJ-92948, 3/84
State court caseload statistics, 1977
and 1981, NCJ-87587, 2/83

Sentencing outcomes in 28 felony
courts, NCJ-105743, 8/87
National criminal defense systems study,
NCJ-94702, 10/86

The prosecution of felony arrests:
1982, NCJ-106990, 1/88
1981, NCJ-101380, 9/86, \$7.60
1980, NCJ-97684, 10/85
1979, NCJ-86482, 5/84
Felony laws in 50 States and the District
of Columbia, 1986, NCJ-105066,
12/87, \$14.70
State court model statistical dictionary,
Supplement, NCJ-98326, 9/85
1st edition, NCJ-62320, 9/80
State court organization 1980, NCJ-
76711, 7/82

Computer crime:

BJS special reports:
Electronic fund transfer fraud, NCJ-
96666, 3/85
Electronic fund transfer and crime,
NCJ-92650, 2/84
Electronic fund transfer systems fraud,
NCJ-100461, 4/86
Computer security techniques, NCJ-
84049, 9/82
Electronic fund transfer systems and
crime, NCJ-83736, 9/82
Expert witness manual, NCJ-77927, 9/81,
\$11.50
Criminal justice resource manual,
NCJ-61550, 12/79

Privacy and security

Privacy and security of criminal history
information: Compendium of State
legislation: 1984 overview, NCJ-
98077, 9/85

Criminal justice information policy:
Automated fingerprint identification
systems: Technology and policy
issues, NCJ-104342, 4/87
Criminal justice "hot" files,
NCJ-101850, 12/86
Data quality policies and procedures:
Proceedings of a BJS/SEARCH
conference, NCJ-101849, 12/86
Crime control and criminal records
(BJS special report), NCJ-99176,
10/85
State criminal records repositories
(BJS technical report), NCJ-99017,
10/85
Data quality of criminal history records,
NCJ-98079, 10/85
Intelligence and investigative records,
NCJ-95787, 4/85
Victim/witness legislation: An over-
view, NCJ-94365, 12/84
Information policy and crime control
strategies (SEARCH/BJS conference),
NCJ-93926, 10/84
Research access to criminal justice
data, NCJ-84154, 2/83
Privacy and juvenile justice records,
NCJ-84152, 1/83

Federal justice statistics

The Federal civil justice system (BJS
bulletin), NCJ-104769, 7/87
Employer perceptions of workplace
crime, NCJ-101851, 7/87

Federal offenses and offenders

BJS special reports:
White-collar crime, NCJ-106876, 9/87
Pretrial release and misconduct, NCJ-
96132, 1/85
BJS bulletins:
Bank robbery, NCJ-94463, 8/84
Federal drug law violators, NCJ-
92692, 2/84
Federal justice statistics, NCJ-
80814, 3/82

General

BJS bulletins and special reports:
BJS telephone contacts '87, NCJ-
102909, 12/86
Tracking offenders: White-collar crime,
NCJ-102867, 11/86
Police employment and expenditure,
NCJ-100117, 2/86
Tracking offenders: The child victim,
NCJ-95785, 12/84
Tracking offenders, NCJ-91572, 11/83
Victim and witness assistance: New
State laws and the system's
response, NCJ-87934, 5/83

BJS data report, 1986, NCJ-106679,
10/87
Sourcebook of criminal justice statistics,
1986, NCJ-105287, 9/87
BJS annual report, fiscal 1986, NCJ-
103985, 4/87
1986 directory of automated criminal
justice information systems, NCJ-
102260, 1/87, \$20
Publications of BJS, 1971-84: A topical
bibliography, TB030012, 10/86, \$17.50
BJS publications: Selected library in
microfiche, 1971-84, PR030012,
10/86, \$203 domestic
National survey of crime severity, NCJ-
96017, 10/85
Criminal victimization of District of
Columbia residents and Capitol Hill
employees, 1982-83, NCJ-97982;
Summary, NCJ-98567, 9/85
DC household victimization survey data
base:
Study implementation,
NCJ-98595, \$7.60
Documentation, NCJ-98596, \$6.40
User manual, NCJ-98597, \$8.20
How to gain access to BJS data
(brochure), BC-000022, 9/84
Report to the nation on crime and justice:
The data, NCJ-87068, 10/83

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