

Staff Issue Paper

Criminal History Scenarios – Possible Modifications

Custody Status Point and Decay Periods

May 10, 2018

Background

From March through October of 2017, the Commission conducted an eight-part review of criminal history scores. The Commission discussed the role of criminal history in punishment; reviewed the four components of Minnesota’s criminal history score (custody status, juvenile history, misdemeanor/gross misdemeanor history, and felony history); and compared criminal history score computations from other sentencing guidelines jurisdictions.

In December of 2017, Dr. Julia Laskorunsky, Research Fellow, Robina Institute of Criminal Law and Criminal Justice, presented Phase 1 findings of the Robina Institute’s Recidivism Study on Minnesota’s Criminal History Score (CHS), which concluded that Minnesota’s CHS predicted recidivism “moderately well” but it had components that did not add to its predictive value.¹

From January through April of 2018, the Commission discussed possible modifications to criminal history focusing on two areas that may be in need of modification if the Commission finds consensus: 1) the Custody Status Point; and 2) the period in which prior convictions decay.

The Commission discussed pros and cons to different scenarios including public safety, recidivism and the forthcoming completion of the Robina Institute’s project. The Commission asked staff to report back on the following proposals.

¹ Laskorunsky, Julia. *The Predictive Validity of the Minnesota Sentencing Guideline’s Criminal History Score*. Robina Institute of Criminal Law and Criminal Justice University of Minnesota. Presentation to Minn. Sentencing Guidelines Comm’n, Dec. 14, 2017.

Custody Status Point

Current Policy: Table 1 displays the number of offenders with a custody status point (CSP) as part of their criminal history score (CHS) under existing policy. Also shown is the 2016 imprisonment rate and the resulting number of estimated prison beds needed (not equivalent to the Department of Corrections prison population)² per 100,000 population³ for the existing CHS policy.

Table 1. Felony Sentences in 2016, With Current CSP Policy

		Number of Offenders	With CSP	Presumptive Commit	Prison		Est. Prison Beds		Est. Prison Beds per 100,000
					Number	Percent	Number	Percent	
	Male	13,702	46%	37%	3,894	28%	10,355	93%	471
	Female	3,225	38.5%	18%	414	13%	804	7%	36
Race & Ethnicity	White	9,813	43%	29%	2,193	22%	5,241	47%	139
	Black	4,209	47%	44%	1,315	31%	3,839	34%	1,456
	American Indian	1,472	52%	29%	394	27%	877	8%	1,267
	Hispanic	903	41%	39%	285	32%	928	8%	480
	Asian	525	39%	28%	121	23%	274	3%	123
	Other/unknown	5	20%	20%	0	0%	0	0%	---
Judicial District	First	2,192	43.5%	27%	442	20%	1,045	9%	168
	Second	1,784	50%	39%	512	29%	1,279	12%	295
	Third	1,344	46%	31.5%	331	25%	890	8%	232
	Fourth	3,341	42%	41%	970	29%	2,740	25%	273
	Fifth	1,075	39%	30%	234	22%	563	5%	241
	Sixth	862	39%	31%	187	22%	549	5%	260
	Seventh	1,689	48.5%	33%	494	29%	1,170	11%	299
	Eighth	432	37%	28%	129	30%	360	3%	278
	Ninth	1,688	49%	29%	434	26%	1,101	10%	401
	Tenth	2,520	45%	30%	575	23%	1,462	13%	191
	Total	16,927	44.5%	33%	4,308	25.5%	11,159	100%	251

Possible Modification Proposals: Below, for the Commission’s consideration, are possible proposals that were discussed at the April 2018 meeting with revisions to the data, examples, and demographic impact related to CSP.

- **Proposal 1:** Abolish CSP.

Table 2. Proposal 1, Abolish CSP

		Shift to Presumptive Stay	New Prison	Prison Bed Impact									Percent Change	Est. Prison Beds per 100,000
				Shift from Prison to Probation			Serve Less Time in Prison			Total Beds (-)	Estimated Resulting Prison Beds			
				Number	Percent	Beds (-)	Number	Percent	Beds (-)					
	Male	4.0%	26%	334	2.4%	395	1,068	7.8%	327	722	9,633	-7.0%	438	
	Female	2.0%	12%	29	0.9%	33	125	3.9%	31	64	740	-8.0%	33	
Race & Ethnicity	White	3.1%	20.5%	183	1.9%	219	602	6.1%	170	389	4,852	-7.4%	129	
	Black	4.6%	29%	112	2.7%	123	358	8.5%	122	245	3,594	-6.4%	1,363	
	American Indian	4.0%	24%	35	2.4%	41	121	8.2%	32	73	804	-8.3%	1,161	
	Hispanic	3.4%	29%	22	2.4%	33	78	8.6%	26	59	869	-6.4%	449	
	Asian	3.0%	21%	11	2.1%	12	34	6.5%	9	20	254	-7.3%	114	
	Other/unknown	0.0%	0%	0	0.0%	0	0	0.0%	0	0	0	---	---	
Judicial District	First	3.7%	18%	42	1.9%	51	114	5.2%	27	78	967	-7.5%	156	
	Second	5.2%	25%	64	3.6%	73	136	7.6%	38	111	1,168	-8.7%	269	
	Third	3.0%	23%	24	1.8%	28	107	8.0%	32	59	831	-6.6%	216	
	Fourth	3.0%	27%	59	1.8%	60	224	6.7%	80	141	2,599	-5.1%	259	
	Fifth	2.5%	21%	13	1.2%	17	70	6.5%	20	37	526	-6.6%	226	
	Sixth	4.1%	20.5%	10	1.2%	11	50	5.8%	20	31	518	-5.6%	246	
	Seventh	4.0%	26%	52	3.1%	72	159	9.4%	44	116	1,054	-9.9%	270	
	Eighth	3.2%	28%	9	2.1%	11	33	7.6%	12	23	337	-6.4%	260	
	Ninth	3.3%	24%	35	2.1%	43	130	7.7%	39	83	1,018	-7.5%	371	
	Tenth	3.9%	21%	55	2.2%	62	170	6.7%	45	108	1,354	-7.4%	177	
	Total	3.6%	23%	363	2.1%	428	1,193	7.0%	358	786	10,373	-7.0%	233	

- **Proposal 2:** End eligibility for CSP for offenders on probation at the time of discharge from probation rather than at the end of the original probation term. In 2016, 222 offenders had CSP based on original probation term indicated on worksheet.

Table 3. Proposal 2 (previously proposal 3), End CSP at Discharge from Probation

		Shift to Presumptive Stay	New Prison	Prison Bed Impact									
				Shift from Prison to Probation			Serve Less Time in Prison			Total Beds (-)	Estimated Resulting Prison Beds	Percent Change	Est. Prison Beds per 100,000
				Number	Percent	Beds (-)	Number	Percent	Beds (-)				
	Male	0.1%	28%	10	0.1%	12	26	0.2%	10	21	10,334	-0.2%	470
	Female	0.0%	13%	0	0.0%	0	4	0.1%	1	1	803	-0.1%	36
Race & Ethnicity	White	0.1%	22%	5	0.1%	5	21	0.2%	9	14	5,227	-0.3%	139
	Black	0.1%	31%	1	0.0%	1	5	0.1%	1	2	3,837	-0.1%	1,455
	American Indian	0.2%	27%	3	0.2%	4	2	0.1%	0.5	4.5	873	-0.5%	1,261
	Hispanic	0.2%	32%	1	0.1%	1.3	1	0.1%	0.2	1.5	927	-0.2%	479
	Asian	0.0%	23%	0	0.0%	0	1	0.2%	0.5	0.5	274	-0.2%	123
	Other/unknown	0.0%	0%	0	0.0%	0	0	0.0%	0	0	0	---	---
Judicial District	First	0.2%	20%	3	0.1%	3.4	1	0.0%	0.2	3.6	1,041	-0.3%	168
	Second	0.2%	29%	2	0.1%	3	4	0.2%	1	4	1,275	-0.3%	294
	Third	0.1%	25%	0	0.0%	0	1	0.1%	0.3	0.3	890	0.0%	232
	Fourth	0.1%	29%	1	0.0%	0.8	4	0.1%	1.2	2	2,738	-0.1%	273
	Fifth	0.0%	22%	0	0.0%	0	2	0.2%	0.5	0.5	563	-0.1%	241
	Sixth	0.1%	22%	0	0.0%	0	1	0.1%	0.1	0.1	549	0.0%	260
	Seventh	0.1%	29%	1	0.1%	1	4	0.2%	1	2	1,168	-0.2%	299
	Eighth	0.0%	30%	0	0.0%	0	1	0.2%	0.1	0.1	360	0.0%	278
	Ninth	0.1%	26%	1	0.1%	1	3	0.2%	3	4	1,097	-0.4%	400
	Tenth	0.1%	23%	2	0.1%	2.4	9	0.4%	2.3	4.6	1,457	-0.3%	190
	Total	0.1%	25.5%	10	0.1%	12	30	0.2%	10	22	11,137	-0.2%	250

- **Proposal 3:** Limit CSP to current offenses ranked at severity levels 8-11 on the Standard Grid, A-C, & H on the Sex Offender Grid, D8 & D9 on the Drug Offender Grid, and attempted murder in the first degree.

Table 4. Proposal 3 (previously proposal 4), Abolish CSP Except for Severity Levels with Presumptive Commits at CHS 0

		Shift to Presumptive Stay	New Prison	Prison Bed Impact									
				Shift from Prison to Probation			Serve Less Time in Prison			Total Beds (-)	Estimated Resulting Prison Beds	Percent Change	Est. Prison Beds per 100,000
				Number	Percent	Beds (-)	Number	Percent	Beds (-)				
	Male	4.0%	26%	334	2.4%	395	758	5.5%	152	547	9,808	-5.3%	446
	Female	2.0%	12%	29	0.9%	33	98	3.0%	17	50	754	-6.2%	34
Race & Ethnicity	White	3.1%	20.5%	183	1.9%	219	455	4.6%	92	312	4,929	-6.0%	131
	Black	4.6%	29%	112	2.7%	123	237	5.6%	47	170	3,669	-4.4%	1,392
	American Indian	4.0%	24%	35	2.4%	41	95	6.5%	17	58	819	-6.6%	1,183
	Hispanic	3.4%	29%	22	2.4%	33	48	5.3%	10	43	885	-4.6%	458
	Asian	3.0%	21%	11	2.1%	12	21	4.0%	3	14	260	-5.1%	117
	Other/unknown	0.0%	0%	0	0.0%	0	0	0.0%	0	0	0	---	---
Judicial District	First	3.7%	18%	42	1.9%	51	89	4.1%	17	67	978	-6.4%	157
	Second	5.2%	25%	64	3.6%	73	97	5.4%	18	90	1,189	-7.0%	274
	Third	3.0%	23%	24	1.8%	28	78	5.8%	17	45	845	-5.1%	220
	Fourth	3.0%	27%	59	1.8%	60	136	4.1%	27	87	2,653	-3.2%	265
	Fifth	2.5%	21%	13	1.2%	17	52	4.8%	11	28	535	-5.0%	229
	Sixth	4.1%	20.5%	10	1.2%	11	32	3.7%	6	16	533	-2.9%	253
	Seventh	4.0%	26%	52	3.1%	72	116	6.9%	22	95	1,075	-8.1%	275
	Eighth	3.2%	28%	9	2.1%	11	22	5.1%	6	17	343	-4.7%	265
	Ninth	3.3%	24%	35	2.1%	43	96	5.7%	18	62	1,039	-5.6%	379
	Tenth	3.9%	21%	55	2.2%	62	138	5.5%	27	89	1,373	-6.1%	179
	Total	3.6%	23%	363	2.1%	428	856	5.1%	169	597	10,562	-5.3%	238

² “Estimated prison beds” means two-thirds of the sum of the durations, in years, of executed prison sentences imposed annually. This estimate does not account post-sentencing events that may cause an offender to serve more or less time than two-thirds of the pronounced, executed prison sentence, such as participation in an early-release program, jail credit, probation violation, or supervised release violation.

³ Minnesota population age 15 and older as of July 1, 2016, as estimated by the U.S. Census Bureau.

- **Proposal 4:** Limit weight of a CSP to 0.5 point for offenders whose custody status derives from a prior offense that has a weight of less than 1.0 point, is a misdemeanor or gross misdemeanor, or is a statutory stay of adjudication for a drug offense under Minn. Stat. § 152.18.⁴

Notes on Estimating Impact: Measuring the impact of this possible proposal required the determination of which prior conviction the CSP was based upon. For a limited attempt to measure this impact, MSGC attempted to determine what offense offenders the custody status was related to for offenders who received a prison sentence in 2016. Of the 12,619 offenders who received probation in 2016, 5,014 (40%) had a CSP.

Of the 4,308 offenders who received a prison sentence in 2016, 2,526 (59%) had a CSP in their criminal history. It was determined that thirty percent of those with a CSP (752) were on custody for an offense that would result in a CSP weight of (0.5). Staff found that, of those 752 offenders, 432 were on probation for a prior Severity Level 1 or 2 conviction, 312 were on probation for a prior misdemeanor or gross misdemeanor, and 8 were on probation for a statutory stay of adjudication for a drug offense under Minn. Stat. § 152.18. Staff could determine that the custody point was for a stay of adjudication only if that was noted on the worksheet. There were 111 cases where the source of the custody point was not determined, thus it is possible that custody points for stay of adjudications were undercounted.

Reducing the CSP to 0.5 for the 752 offenders identified would have the following results: 107 offenders would shift from a prison sentence to a probation sentence and 256 offenders would serve less time in prison. The total bed reduction is estimated to be 207.

⁴ This last category was not addressed at the meeting but is an open question for the Commission to consider. See Minn. Sentencing Guidelines 2.B.2.a(2) & Comment 2.B.203.

Table 5. Proposal 4 (previously proposal 6), Limit Weight of CSP if Prior Weighted at Less than 1 Point

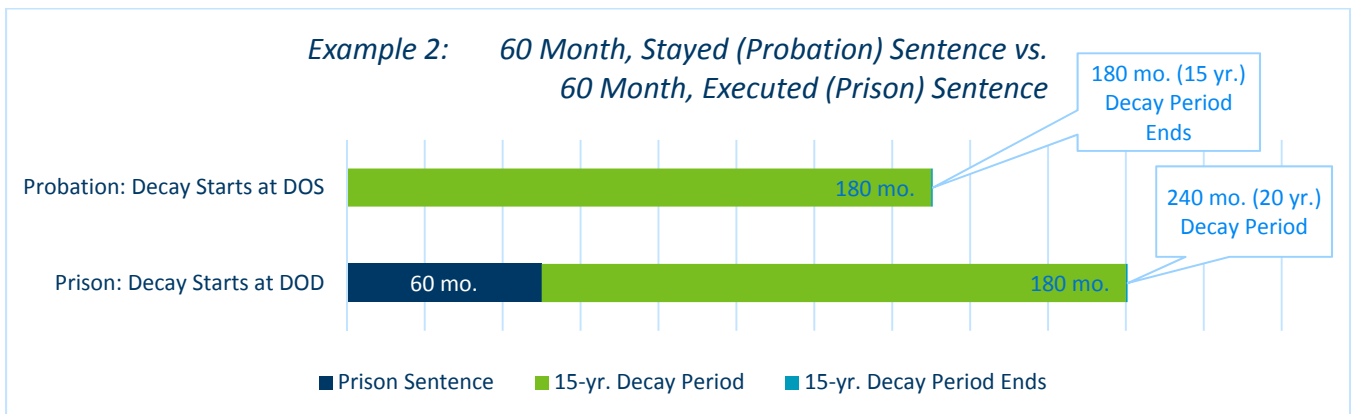
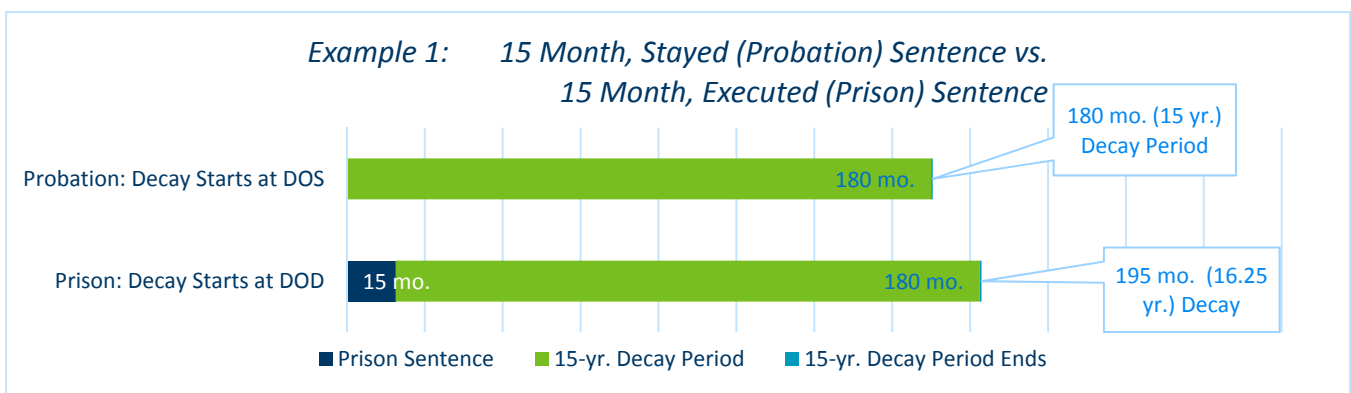
		Shift to Presumptive Stay	New Prison	Prison Bed Impact									
				Shift from Prison to Probation			Serve Less Time in Prison			Total Beds (-)	Estimated Resulting Prison Beds	Percent Change	Est. Prison Beds per 100,000
				Number	Percent	Beds (-)	Number	Percent	Beds (-)				
	Male	0.5%	28%	95	0.7%	107	215	1.6%	75	182	10,173	-1.8%	463
	Female	0.3%	12.5%	12	0.4%	15	41	1.3%	9	24	780	-3.0%	35
Race & Ethnicity	White	0.5%	22%	66	0.7%	77	142	1.4%	41	118	5,123	-2.3%	136
	Black	0.5%	31%	28	0.7%	31	68	1.6%	30	61	3,778	-1.6%	1,433
	American Indian	0.4%	26%	8	0.5%	9	26	1.8%	7	16	861	-1.8%	1,244
	Hispanic	0.2%	31%	3	0.3%	3	12	1.3%	4	7	921	-0.8%	476
	Asian	0.4%	23%	2	0.4%	2	8	1.5%	2	4	270	-1.5%	122
	Other/unknown	0.0%	0%	0	0.0%	0	0	0.0%	0	0	0	---	---
Judicial District	First	0.5%	19%	18	0.8%	20	30	1.4%	6	26	1,019	-2.5%	164
	Second	0.5%	28%	12	0.7%	14	28	1.6%	8	22	1,257	-1.7%	290
	Third	0.6%	24%	8	0.6%	8	19	1.4%	7	15	875	-1.7%	228
	Fourth	0.6%	28%	21	0.6%	19	38	1.1%	14	33	2,707	-1.2%	270
	Fifth	0.3%	21.5%	3	0.3%	5	5	0.5%	1	6	557	-1.1%	239
	Sixth	0.3%	21%	4	0.5%	4	6	0.7%	3	7	542	-1.3%	257
	Seventh	0.5%	28%	15	0.9%	23	38	2.2%	11	34	1,136	-2.9%	291
	Eighth	0.5%	29%	2	0.5%	3	2	0.5%	1	4	356	-1.1%	275
	Ninth	0.5%	25%	13	0.8%	16	37	2.2%	9	25	1,076	-2.3%	392
	Tenth	0.4%	22%	11	0.4%	12	53	2.1%	25	37	1,425	-2.5%	186
	Total	0.5%	25%	107	0.6%	123	256	1.5%	84	207	10,952	-1.9%	246

Decay of Priors

Current Policy: A prior felony sentence or stay of imposition following a felony conviction must not be used in computing the criminal history score if 15 years has elapsed since the date of discharge from or expiration of the sentence to the date of the current offense.

Possible Modification Proposals: Below, for the Commission’s consideration, are possible proposals discussed at the April 2018 meeting related to the decay of priors, with examples. A discussion on impact follows the examples.

- **Proposal 5:** (previously proposal 8). Start decay period at date of sentence (DOS) for probationers and date of discharge (DOD) for prisoners. (See examples 1-2.)



Notes on Estimating Impact: Estimating the impact of this proposal requires determining the type of sentence (prison or probation) that the offender received for each of their prior offenses. In order to do this, staff selected a random sample of 15 percent of offenders who were sentenced to prison in 2016 who had prior felony offenses on his or her worksheet.¹

¹ 558 offenders in the sample with 2,583 prior felony offenses in their CHS. Of those priors, 45% received prison sentences; 43% received probation; and 12% had an “unknown” disposition (primarily because it was from a jurisdiction other than Minnesota).

Under this proposal, decay would start at date of sentence (DOS) rather than date of discharge (DOD) if the person received probation. Of the 1,163 prior offenses that received a probation sentence, it was determined that 80 (7%) would have decayed before sentencing under this proposal.

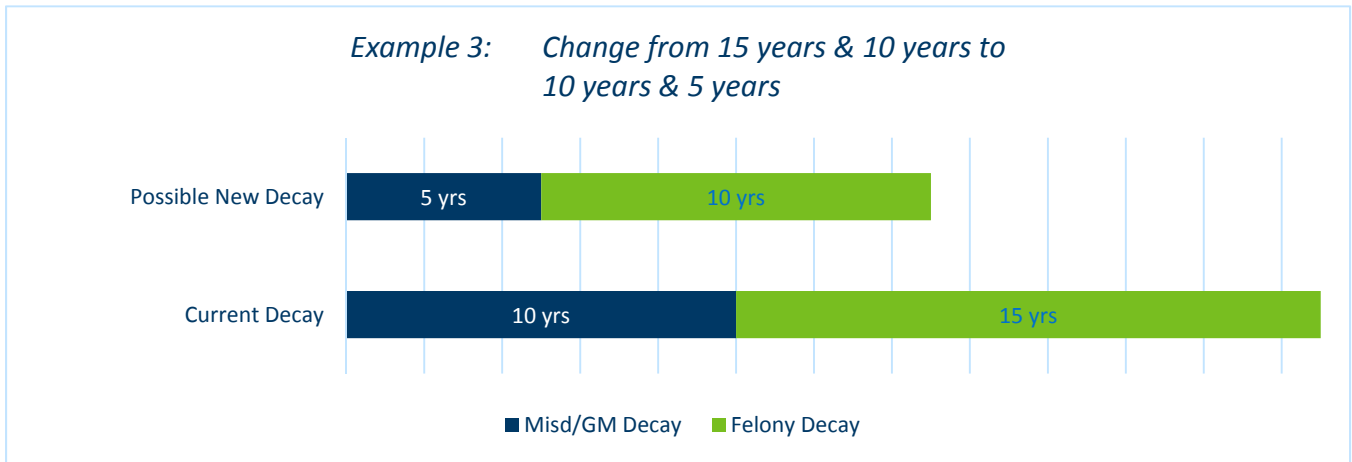
Out of the 558 offenders in the sample, 39 (7%) would have a lower criminal history score under the proposal. However, the lower scores would result in a lower presumptive sentence for only 26 people because the loss of 0.5 points did not always result in the loss of a criminal history point, and for offenders with scores greater than 6.0 points, the loss of some history point(s) did not always result in a change to the presumptive duration.

Table 6 displays the impact of the proposal for the 558 offenders in the sample. Since the sample is 15 percent of offenders sentenced to prison who had at least one prior felony offense, it is estimated that the 18 prison bed reduction would translate into a reduction of 99 prison beds for the population of offenders sentenced to prison in 2016. If the Commission wishes to move forward with this proposal, staff may expand the data collection effort to include a 30-percent sample.

Table 6. Proposal 5 (previously proposal 8), Start Decay at DOS for Probationers and DOD for Prisoners – Impact for a sample of cases

		Number in Sample	Prison Beds in Sample, Under Current Policy	Prison Bed Impact within Sample								
				Shift from Prison to Probation			Serve Less Time in Prison			Total Beds (-)	Estimated Resulting Prison Beds	Percent Change
				No.	Percent	Beds (-)	Number	Percent	Beds (-)			
	Male	514	1,219	4	0.8%	8	21	4.1%	9	17	1,202	-1.4%
	Female	44	77	0	0.0%	0	1	2.3%	0.5	0.5	76.5	-0.6%
Race & Ethnicity	White	270	593	2	0.7%	5.5	10	3.7%	3	8.5	584.5	-1.4%
	Black	187	475	1	0.5%	1.5	4	2.1%	4.4	5.8	469.2	-1.2%
	American Indian	57	116	0	0.0%	0	6	10.5%	1	1	115	-0.9%
	Hispanic	30	78	1	3.3%	1	0	0.0%	0	1	77	-1.3%
	Asian	14	33	0	0%	0	2	14.3%	1	1	32	-3.0%
	Other/unknown	0	0	0	0.0%	0	0	0.0%	0	0	0	---
Judicial District	First	60	116	1	1.7%	4.4	0	0.0%	0	4.4	111.6	-3.8%
	Second	53	123	0	0.0%	0	0	0.0%	0	0	123	0.0%
	Third	38	88	0	0.0%	0	2	5.3%	.5	.5	87.5	-0.6%
	Fourth	126	306	1	0.8%	1.5	6	4.8%	2	3.5	302.5	-1.1%
	Fifth	26	47	0	0.0%	0	0	0.0%	0	0	47	0.0%
	Sixth	23	64	0	0.0%	0	1	4.3%	.3	.3	63.7	-0.5%
	Seventh	69	150	0	0.0%	0	5	7.2%	.75	.75	149.3	-0.5%
	Eighth	22	58	1	4.5%	1	0	0.0%	0	1	57	-1.7%
	Ninth	55	167	0	0.0%	0	3	5.5%	1	1	166	-0.6%
	Tenth	86	178	1	1.2%	1	5	5.8%	5	6	172	-3.4%
	Total	558	1,296	4	0.7%	8	22	3.9%	9.5	18	1,278	-1.4%

- **Proposal 6:** (previously proposal 9). Change decay period for prior felonies to 10 years, and 5 years for misdemeanors & gross misdemeanors. (See Example 3.)



Notes on Estimating Impact: Staff were able to calculate which prior felonies would decay if the decay period for felonies was changed from 15 years to 10 years. In total, 12 percent of the prior felony convictions from offenders sentenced in 2016 would have decayed if the decay period was changed. The impact of changing the GM/M decay period from 10 years to five years was not estimated. A new criminal history score was calculated for offenders sentenced in 2016.

Table 7 displays the number of offenders who shift from prison sentences to probation sentences, the number of prison cases for which a lower CHS would result in lower prison durations, and the prison bed impact if this change were applied to cases sentenced in 2016. (The policy was not applied to presumptive stayed cases that received a prison sentence i.e., aggravated dispositional departures because many of those cases are requests for prison.) Of the estimated impact of 391 beds, 266 beds are due to persons shifting from prison to probation and 125 are due to persons with prison sentences serving a shorter duration.

Table 7. Proposal 6 (previously proposal 9), 2016 Presumptive Commits who received Prison Sentences, Demographic Impact

		Shift to Presumptive Stay	New Prison	Prison Bed Impact									
				Shift from Prison to Probation			Serve Less Time in Prison			Total Beds (-)	Estimated Resulting Prison Beds	Percent Change	Est. Prison Beds per 100,000
				Number	Percent	Beds (-)	Number	Percent	Beds (-)				
	Male	2.4%	27%	190	1.4%	255	241	1.8%	122	377	9,978	-3.6%	454
	Female	0.6%	12.5%	10	0.3%	11	12	0.4%	4	15	789	-1.9%	35
Race & Ethnicity	White	1.6%	21%	94	1.0%	128	108	1.1%	49	177	5,064	-3.4%	135
	Black	3.2%	29.5%	74	1.8%	95	89	2.1%	50	145	3,694	-3.8%	1,401
	American Indian	2.4%	25%	22	1.5%	30	36	2.4%	16	46	831	-5.2%	1,200
	Hispanic	1.3%	31%	9	1.0%	12	12	1.3%	6	18	910	-1.9%	470
	Asian	0.8%	23%	1	0.2%	1	8	1.5%	3	4	270	-1.5%	122
	Other/unknown	0%	0%	0	0.0%	0	0	0.0%	0	0	0	---	---
Judicial District	First	1.6%	19%	19	0.9%	26	23	1.0%	9	35	1,010	-3.3%	163
	Second	2.5%	27%	24	1.3%	31	35	2.0%	15	46	1,233	-3.6%	284
	Third	1.4%	24%	13	1.0%	19	16	1.2%	7	26	864	-2.9%	225
	Fourth	2.6%	27.5%	51	1.5%	64	46	1.4%	30	94	2,646	-3.4%	264
	Fifth	0.8%	21%	5	0.5%	7	23	2.1%	10	17	546	-3.0%	234
	Sixth	2.1%	21%	9	1.0%	15	9	1.0%	6	21	528	-3.8%	250
	Seventh	2.2%	28%	28	1.7%	35	29	1.7%	11	46	1,124	-3.9%	288
	Eighth	2.1%	28.5%	6	1.4%	8	9	2.1%	6	14	346	-3.9%	267
	Ninth	2.3%	24.5%	21	1.2%	32	26	1.5%	14	46	1,055	-4.2%	385
	Tenth	1.7%	22%	24	1.0%	29	37	1.5%	17	46	1,416	-3.1%	185
	Total	2.0%	24%	200	1.2%	266	253	1.5%	125	391	10,768	-3.5%	242

• **Standard Sentencing Guidelines Grid (Illustrated)**

(Example of Standard Grid with shading to illustrate impact of possible modifications)

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Murder, 2nd Degree (intentional murder; drive-by-shootings)</i>	11	306 <i>261-367</i>	326 <i>278-391</i>	346 <i>295-415</i>	366 <i>312-439</i>	386 <i>329-463</i>	406 <i>346-480²</i>	426 <i>363-480²</i>
<i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree (unintentional murder)</i>	10	150 <i>128-180</i>	165 <i>141-198</i>	180 <i>153-216</i>	195 <i>166-234</i>	210 <i>179-252</i>	225 <i>192-270</i>	240 <i>204-288</i>
<i>Assault, 1st Degree</i>	9	86 <i>74-103</i>	98 <i>84-117</i>	110 <i>94-132</i>	122 <i>104-146</i>	134 <i>114-160</i>	146 <i>125-175</i>	158 <i>135-189</i>
<i>Agg. Robbery, 1st Degree;</i> <i>Burglary, 1st Degree (w/</i> <i>Weapon or Assault)</i>	8	48 <i>41-57</i>	58 <i>50-69</i>	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Felony DWI;</i> <i>Financial Exploitation of a</i> <i>Vulnerable Adult</i>	7	36	42	48	54 <i>46-64</i>	60 <i>51-72</i>	66 <i>57-79</i>	72 <i>62-84^{2,3}</i>
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied</i> <i>Dwelling)</i>	6	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Residential Burglary;</i> <i>Simple Robbery</i>	5	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Nonresidential Burglary</i>	4	12 ¹	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Theft Crimes (Over \$5,000)</i>	3	12 ¹	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	2	12 ¹	12 ¹	13	15	17	19	21 <i>18-25</i>
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	1	12 ¹	12 ¹	12 ¹	13	15	17	19 <i>17-22</i>

¹ 12¹=One year and one day



One cell to the right of the Disposition Line; presumptive commitment to state imprisonment.



One cell to the left of the Disposition Line; presumptive stayed sentence.