

Alabama

§ 13A-5-9

Habitual felony offenders -- Additional penalties.

Felonies	Sentence Range	Parole	Notes
<u>If One Prior Felony Conviction</u>			
On Conviction for Class C Felony	Punished for Class B Felony:		
On Conviction for Class B Felony	Punished for Class A Felony:		
On Conviction for Class A Felony	LIFE, or 15 - 99 yrs.		
<u>If Two Prior Felony Convictions</u>			
On Conviction for Class C Felony	Punished for Class A Felony:		
On Conviction for Class B Felony	LIFE, or 15 - 99 yrs.		
On Conviction for Class A Felony	99 yrs. - LIFE		
<u>If Three Prior Felony Convictions</u>			
On Conviction for Class C Felony	LIFE, or 15 - 99 yrs.		
On Conviction for Class B Felony	20 yrs. - LIFE		
On Conviction for Class A Felony where Def has no prior Class A Felony Convictions	LIFE or LIFE without possibility of Parole		
On Conviction for Class A Felony where Def has one or more prior Class A Felony Convictions	LIFE	Without possibility of parole	

*Class A = 10 - 99 yrs.

Class A with deadly weapon (or attempt) or Class A criminal sex offense w/ child = 20 years or more

*Class B = 2 to 20 yrs.

*Class C = 1 yr. 1 day to 10 yrs.

Class B or C with deadly weapon (or attempt) or Class B criminal sex offense = 10 years or more

ARKANSAS

Eff: July 27, 2011

§ 5-4-501

Habitual offenders -- Sentencing for felony

Felonies	Sentence Range	Parole	Notes
<p>(a)(1): If convicted of a felony other than those in (c) and (d) of this section after June 30, 1993, and, previously convicted of more than 1 but fewer than 4 felonies. OR (2) if convicted of felony in (c) of this section, committed after August 31, 1997 and has previously been convicted, or found guilty, of more than 1 but fewer than 4 felonies not in (c) of this section. OR (3) if convicted of felony in (d) of this section committed after Aug. 31, 1997 and has previously been convicted, or found guilty, of more than 1 but fewer than 4 felonies not in (d) of this section, the defendant may be sentenced to pay any fine authorized by law and shall be sentenced to an extended term of imprisonment as follows:</p>			
On Conviction for Class Y Felony	10 - 60 Years, or LIFE		May be sentenced to pay ar
On Conviction for Class A Felony	6 - 50 Years		
On Conviction for Class B Felony	5 - 30 Years		
On Conviction for Class C Felony	3 - 20 Years		
On Conviction for Class D Felony	0 - 12 Years		
On Conviction for an Unclassified felony punishable by less than life imprisonment	0 - Maximum +5 Years		
On Conviction for an Unclassified felony punishable by life imprisonment	10 - 50 Years, of LIFE		

b(1): If convicted of a felony in (c) and (d) of this section after June 30, 1993; and previously convicted, or found guilty, of **felonies**. OR if convicted of any felony enumerated in (c) of this section after June 30, 1997; and has previously been convicted, or found guilty, of **4 or more felonies not in (c) of this section**. OR if convicted of any felony enumerated in (D) of this section after June 30, 1997; and has previously been convicted, or found guilty, of **4 or more felonies not enumerated in (d) of this section** may be sentenced to pay any fine authorized by law and shall be sentenced to an extended term of imprisonment

On Conviction for Class Y Felony	10 - LIFE		
On Conviction for Class A Felony	6 - 60 Years		
On Conviction for Class B Felony	5 - 40 Years		
On Conviction for Class C Felony	3 - 30 Years		
On Conviction for Class D Felony	0 -15 Years		
On Conviction for an Unclassified felony punishable by less than life imprisonment	0 - Two Times Max(x2)		
On Conviction for an Unclassified felony punishable by life imprisonment	10 - 50, or Life		

c(1): If convicted of a " serious felony involving violence " and who previously has been convicted of 1 or more of the "serious felonies involving violence" the defendant may be sentenced to pay any fine authorized by law and shall be sentenced to ->	LIFE, or 40 - 80 years	Without eligibility	
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*Section (c) = **Serious Felony Involving Violence** : Murder (1d), Murder (2d), Kidnapping, Aggr Robbery, Terrorist (1d), Causing a catastrophe, Aggr Residential burglary, comparable out of state felony

c(3): If convicted of rape, or sexual assault (1d) involving victim less than 14 , and previously convicted of 1 or more serious felonies involving violence in section (c).	LIFE	Without possibility of Parole	
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d(1): IF convicted of "**felony involving violence**" and who previously has been convicted of **2 or more felonies in (d)** the def may be sentenced to pay a fine and shall be sentenced as follows:

On Conviction for Class Y Felony	Not less than LIFE	Without eligibility of parole or community transfer	
On Conviction for Class A Felony	40 - LIFE		
On Conviction for Class B Felony	30 - 60 yrs.		
On Conviction for Class C Felony	25 - 40 yrs.		
On Conviction for Class D Felony	20 - 40 yrs.		
On Conviction for an Unclassified felony punishable by less than life imprisonment	Not More Than Three Times Max Term		
On Conviction for an Unclassified felony punishable by life imprisonment	30 - 60 yrs.		

*Section (d) = **Felony Involving Violence** : Murder (1d), Murder (2d), Kidnapping, Aggr Robbery, Terroristic Act, R (1d/2d), Battery (1d), Domestic Battering (1d), Aggr Residential burglary, Unlawful discharge of firearm from vehi weapons, or felony

*Conviction or finding guilt of an offense that was a felony under the law in effect prior to Jan 1, 1976 is considere conviction finding guilt

Florida

§775.084

Violent career criminals; habitual felony offenders and habitual

Felonies	Sentence Range	Parole	Notes
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Habitual Felony Offenders - (1) if reviously convicted of **Two or more felonies** in this state or other qualified offe committed (a) while serving a prison or other sentence or (b) **within 5 years of the date of the conviction of the** 5 years from the def's release from prison, probation, parole, etc., whichever is later; (3) the felony for which the sentenced, and one of the two prior felony convictions, is not a violation of s. 893.13 relating to the purchase or t controlled substance; (4) def has not received a pardon; (5) prior felony convictions has not been set aside in any Habitual Violent Felony Offenders **May Be Sentenced** As Follows:

On Conviction for Life felony or First Degree Felony	LIFE		
On Conviction for Second Degree Felony	0 - 30 yrs.		
On Conviction for Third Degree Felony	0 - 10 yrs.		

Habitual Violent Felony Offenders - (1) Previously convicted for violent felony or attempt to commit a felony and **convictions was for (see *below)**; (2) new felony committed (a) while serving a prison or other sentence or (b) w the conviction of the last prior felony, or within 5 years from the def's release from prison, probation, parole, etc has not received a pardon on ground of innocense; (4) prior felony convictions has not been set aside in any post Habitual Violent Felony Offenders **May Be Sentenced** as Follows:

On Conviction for Life felony or First Degree Felony	LIFE and shall not be eligible for release for 15 years	
On Conviction for Second Degree Felony	Term not more than 30 years and shall not be eligible for release for 10 years	
On Conviction for Third Degree Felony	Term not exceeding 10 years and shall not be eligible for release for 5 years	

***Habitual Violent Felony Offenses:** Previous conviction of a felony or an attempt or conspiracy to commit M manslaughter of child, aggr manslaughter of elderly person or disabled adult, aggr assault with deadly weapon, ag person or disabled adult, aggr child abuse, kidnapping, arson, sexual battery, armed burglary, unlawful throwing, destructive device or bomb, aggr stalking, aggr burglary

Three-Time Violent Felony Offender - Court must impose manditory minimum term if (1) previously convicted **as times** of a felony, or an attempt to commit a fleony and two or more of such convictions were for committing or combination thereof **(see *below)**; (2)2. New Felony is one that is listed and was committed while (a) while servin sentence or (b) within 5 years of the date of the conviction of the last prior felony, or within 5 years from the def probation, parole, etc., whichever is later; (3) Def has not received pardon on ground of innocense; (4) Convictior set aside for postconviction proceeding. Three-Time Violent Felony Offenders **Must Be Sentenced** as Follows:

Felony punishable by Life	LIFE		
On Conviction for First Degree Felony	30 YEARS		
On Conviction for Second Degree Felony	15 YEARS		*Nothing in subsection shall imposing a greater sentence
On Conviction for Third Degree Felony	5 YEARS		

***Three Time Violent Felony Offenses:** Murder, Manslaughter, aggr manslaughter of child, aggr manslaughter of adult, aggr assault with deadly weapon, aggr abuse of an elderly person or disabled adult, aggr child abuse, kidnap, battery, armed burglary, unlawful throwing, placing or discharging of a destructive device or bomb, aggr stalking, invasion/robbery, carjacking, an out of state offense with elements substantially similar to felony above.

Violent Career Criminal - (1) the defendant has previously been convicted as an adult **three or more times** for an similar offense that is **(see *below)**; (2) the defendant has been incarcerated in state or fed prison; (3) the primary offense committed on or after October 1, 1995 and (a) while serving a prison or other sentence or (b) within 5 years of the last prior felony, or within 5 years from the def's release from prison, probation, parole, etc., whichever is later; (4) the conviction is on ground of innocence; and (5) the conviction of a felony has not been set aside for postconviction procedure.

Life Felony or First Degree Felony	LIFE		
On Conviction for Second Degree Felony	30 - 40 yrs.		
On Conviction for Third Degree Felony	10 - 15 yrs.		

Violent Career Offenses: any forcible felony, aggr stalking, aggr abuse of an elderly person or disabled adult, aggr lascivious battery molestation conduct, Escape, a felony involving possession of a firearm

*(e) if it is not necessary for the protection of the public to sentence a defendant who meets the criteria for sentence offender, a habitual violent felony offender, or a violent career criminal, with respect to an offense committed or sentence shall be imposed without regard to this section.



Georgia

§17-10-7

Repeat Offenders

Felonies	Sentence Range	Parole	Notes
On Conviction for a Second Felony	Max Term for New Felony	Trial judge may probate or suspend maximum sentence of offense	EXCLUDING:(a) possession of controlled substance; (i) possession of or distribution of marijuana

On Conviction for a Second Felony (that is a "Serious Violent Felony")	LIFE	Without Parole; not eligible	
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Serious Violent Felony = murder or felony murder, armed robbery, aggravated child molestation, kidnapping, ag sexual battery, . . . (e) aggravated sexual battery = split sentence including mandatory term of imprisonment for 2 probation for life. (see § 17-10-6.1).

*No person convicted of a "Serious Violent Felony" shall be punished as a first offender.

*If facing LIFE upon first conviction, Def must serve 30 years before benefit of Parole

On Conviction for Fourth Felony	Max time provided in the sentence of the judge based upon fourth or subsequent conviction	Not eligible for parole until the max sentence served	
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*Conviction of two or more crimes charged on separate counts of one indictment or accusation, or in two or mor

§17-10-6.1 Sentencing of persons convicted of serious violent felonies

Felonies	Sentence Range	Parole	Notes
If convicted of kidnapping victim 14 or older or armed robbery	10 yrs. Minimum	Not eligible	
If convicted of Kidnapping victim under 14, Rape, Aggr child molestation, aggr aodomy, aggr sexual batter, unless sentenced to life	Split sentence w/ mandatory minimum 25 years	Followed by Probabtion for Life	
On First conviction of serious violent felony w/ sentence Life	must serve 30 years before benefit of parole		

On First conviction of serious violent felony w/ sentence to death commuted to Life	must serve 30 years before benefit of parole		
On First Conviction of serious violent felony w/ Life	Not eligible		

*Any sentence for first conviction shall be served in its entirety



Kentucky

§532.080

Persistent felony offender sentencing

Felonies	Sentence Range	Parole	Notes
Persistent Felony Offender in the Second Degree - (1) Def is 21 Years or older; (2) First conviction sentence to 1 y sentence and Def over age of 18 when offense committed; (3) Completed service of sentence imposed on previo the date of commission of the new felony; or was on probation, parole, release etc; or (4) was discharged from p etc. within 5 years prior to date of new felony; or was in custody from prev. felony conviction at time of new felo from custody while serving any previous felony convictions at time of commission of new felony			
On Conviction for Second Felony	Next Highest Degree than offense committed		

Persistent Felony Offender in the First Degree (1) more than 21 years old; (2) two prior felonies convictions, or o agst. Minor and now stand convicted of one (1) or more felonies. A previous felony conviction is a conviction: (a) year or more or death sentence; (b) Def over age of 18 when offense committed; and (c) the offender (1) Comple imposed on previous felony within 5 years to the date of commission of the new felony; or was on probation, pa discharged from parole, probation, release, etc. within 5 years prior to date of new felony; or was in custody fron time of new felony; or (5) had escaped from custody while serving any previous felony convictions at time of corr

On Conviction for Class A Felony	Max Term (not less than 20 years or more than 50), or LIFE	Not be eligible for probation, shock probation, or c unless all offenses for which the person stands con offenses which do not involve a violent act against that term is defined	
On Conviction for Class B Felony	Max Term (not less than 20 years or more than 50), or LIFE	If the offense the person presently stands convicted felony, the person shall not be eligible for parole u minimum term of incarceration of not less than ter sentencing scheme applies.	
Previous and Current Conviction for Sex Crime agst. Minor	LIFE	Without Parole	
On Conviction for Class C Felony	Indeterminate term with Max not less than 10 or more than 20	Not eligible	
On Conviction for Class D Felony	Indeterminate term with Max not less than 10 or more than 20	Probation may be granted	

§ 532.060	Sentence of imprisonment for felony; postincarceration supervision
Class A Felony	20 - 50 yrs., or LIFE
Class B Felony	10 - 20 yrs.
Class C Felony	5 - 10 yrs.
Class D Felony	1 - 5 yrs.



Louisiana

§529.1 Sentences for second and subsequent offenses ...

Felonies	Sentence Range	Parole	Notes
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One Prior Felony and second felony upon a first conviction has penalty of imprisonment for less than Life	1/2 of Max Term - Two Times Max Term (2x)		SOL = If more than 10 YEAR the date of the commission offenses and the expiration
One Prior Sex Offense Felony and second sex offense felony	2/3 Max Term - Three Times Max Term	Without benefit of Parole.	
One Prior "Sex Offense" Felony and second sex offense felony and victims were under 13.	LIFE	Without benefit of Parole.	
Two Prior Felonies and third felony upon first conviction has penalty of imprisonment for less than Life	2/3 Max Term - Two Times Max Term (2x)		
Two Prior Felonies and third felony are Violent Crimes, Sex Offenses when victim under 18, or violate Uniform Controlled Dangerous Substance Law punishable by 10 years or more, or any crime punishable by 12 years, or any combination of such crimes	LIFE	Without benefit of Parole.	
If 4th punishable by term less than life	Max Term of First Conviction, but in no event less than 20 years - LIFE	Without benefit of Parole.	
If 4th, and two prior felonies are violent crimes, sex offense when victim under 18, violation of Uniform Drug Law punishable by 10 years or more, or any other crime punishable by 12 years +	LIFE	Without benefit of Parole.	

*Multiple convictions on the same day prior to Oct. 19, 2004 shall be counted as one conviction.

Mississippi

§ 99-19-81 Habitual Criminals: maximum term

Felonies	Sentence Range	Parole	Notes
If Two Prior Felonies	Shall be sentenced to the Maximum Term	Not Eligible	Must arise out of separate i of state must have been for

§ 99-19-83 Habitual criminals: life imprisonments

Felonies	Sentence Range	Parole	Notes
If Two Prior Felonies and one of such felonies shall have been a crime of violence	LIFE	Not Eligible	Must arise out of separate i of state must have been for defendant must have serve

"Crime of Violence"

NORTH CAROLINA

Eff: Dec. 1, 2009

§ 15A-1340.14 Prior record level for felony sentencing

Felonies	Sentence Range	Parole	Notes
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Calculating the sum of the points assigned to each prior conviction, the jury, finds to have been proved in accord:

Prior Felonies

Class A	10 points
Class B1	9 points
Class B2, C, or D	6 points
Class E, F, or G	4 points
Class H or I	2 points
Prior Misdemeanor	1 point

*Misdemeanor is any Class A1 and Class 1 nontraffic misdemeanor offense, impaired driving, misdemeanor death other traffic offense under Ch.20 of Gen Statutes.

If all elements of the present offense are included in any prior offenses for which the offender was convicted 1 point

If offense committed while on probation, parole, or post release supervision, or on escape or while serving sentence of imprisonment 1 point

Rape (1d) or Sexual Offense (1d) if committed prior to the eff. Date of this subsection 9 points (shall be treated as Class B1 conviction)

If class B committed prior to eff date 6 points (shall be treated as a Class B2 conviction)

Prior Record Levels for Felony Sentencing

Level I	Level II	Level III	Level IV
Not more than 1 point	At least 2, not more than 5	At least 6, not more than 9	At least 10, not more than 13

Calculations

*Multiple prior convictions in one court week - if offender is convicted of more than one offense in a single super conviction with highest point total used

*Other Jurisdictions - Class I if Jx where offense occurred classifies the offense as a felony, or is a Class 3 msdmr. I

*If offender proves by the prep of evid that an off classified as a felony in other Jx is subst similar to a misdmr in I misdmr.

If State proves by prep of evid that an off classified as either mdmr or a felony is subst similar to Class I felony or treated as that class of felony

If State proves by prep of evid that an off classified as mdmr in the other Jx is subst. similar to an off classified as NC, the conviction is treated as a Class A1 or Class 1 mdmr for assigning prior record level points.

Proof of Prior Convictions - State has burden to prove prior convictions by preponderance of evidence

§ 15A-1340.16B Life imprisonment without parole for a second or subsequent			
Felonies	Sentence Range	Parole	Notes
If one or more prior convictions of a Class B1 Felony, and			
If convicted of a Class B1 felony and committed felony agst victim who is 13 years of age or younger at the time of the offense	LIFE	Without Parole	State must prove the issues doubt in the same trial in w felony



OKLAHOMA

Amendment: 2002

21 Okl.St. Ann. § 51.1

Second and subsequent offenses after conviction of offense punishable

Felonies	Sentence Range	Parole	Notes
If Def convicted of any offense punishable by imprisonment in State Penitentiary, and Def commits any felony cri			
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On on Conviction for Felony Offense in § 571 of Title 57 and the offense is punishable in State Pen for term exceeding 5 years,	10 to LIFE		SOL 10 Years (following the completion of the execution of the sentence)
If offense of which convicted is such that upon a first conviction an offender would be punished by imprisonment for any term exceeding 5 years	2x Minimum Term for first offender to LIFE		If offense does not carry a minimum the range is 2 years to LIFE.
If offense of which convicted is such that upon a first conviction an offender would be punished by imprisonment for any term exceeding 5 years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment	Term not more than 10 years.		
If subsequent offense is for petit larceny	Not exceeding 5 years		
If TWICE CONVICTED of felony offenses commits an offense in §571 of Title 57	20 to Life		SOL 10 Years (following the execution of the sentence)
If TWICE CONVICTED of felony offenses, commits subsequent felony offense	3x Minimum Term for first offender to LIFE		SOL 10 Years

*If offense does not carry a minimum the range is 4 years to LIFE.

*Nothing affects punishment by death in all crimes punishable by death

§571 of Title 57 Means any non-violent offenses mean any felony offense except for the following, or any attempt or solicitation to commit the following crimes: assault, battery, assault and battery with a dangerous weapon, aggravated assault on an officer or similar, poisoning with intent to kill (with), shooting with, assault with, assault with intent to commit a felony. Murder (1d), Murder (2d), Manslaughter (1d), Manslaughter (2d), kidnapping, burglary (1d), burglary with explosives, extortion, maiming, robbery, armed robbery, child abuse, wiring any equipment, vehicle, structure with explosives (1d), rape (2d), rape by instrumentation, lewd or indecent proposition, use of a firearm or weapon to commit a felony, rioting, inciting to riot, arson (1d), injuring or burning public buildings, sabotage, criminal syndicalism, extortion, or extortion, seizure of a bus discharging firearm or hurling missile at bus, mistreatment of mental patient, or using discharge of a weapon

South Carolina

§ 17-25-45

LIFE SENTENCE FOR PERSON CONVICTED OF CERTAIN CRIMES

Felonies	Sentence Range	Parole	Notes
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Upon conviction for a "Most Serious Offense"*

One or more prior convictions for a most serious offense; or a fed. out of state conviction similar to a most serious offense.

No possibility

> does not apply to death p

Two or more prior convictions a "Serious Offense"; or a fed out state conviction similar to a serious offense.

Upon conviction for a "Serious Offense"

> eligible for early work release if person is sentenced to life for murder, manslaughter, kidnapping, carjacking, burglary (2d), attempted armed robbery, and the crime did not include an additional violent crime, and the person is within 3 years of release.
> Except for subsection E, no one shall be eligible for discharge, whether parole, work release, or otherwise, unless the person is eligible for work credits, good conduct credits, etc.

Two or more prior convictions for a "serious offense"; a "most serious offense"; or fed out of state offense that would be classified similar to either most serious or serious offense.

(E) A person may be paroled if Dept. of Corrections Parole determines that due to health or age he is not eligible for parole if person has served 30 years or is at least 65 y.o.; or at least 60 y.o.; person inflicted with terminal illness or other special circumstances

***Most Serious Offense** Means: Accessory or Attempt for any of the following, Murder, Voluntary Manslaughter, Aiding and abetting homicide by child abuse, Lynching (first degree), Assault and batt by mob, Assault and batt with a deadly weapon, assault with intent to commit criminal sexual conduct, kidnapping, arson (1d), burglary (1d), armed robbery, carrying a dangerous weapon, hostage of an inmate, giving info respecting national or state defense, gathering info for an enemy, abuse/neglect of a child, damage to damagin airport equipment, interference with traffic signals, obstruction of railroad - death results

****Serious Offense** Means: any offense punishable by a maximum term of imprisonment for (30) thirty years or more as a "most serious offense"; felonies: lynching (2d), assault and batt by mob (2d), assault and batt of high aggravat for sexual performance, acceptance of bribes by officers, accepting bribes for purp of procuring pub office, arson of a person using an ATM, embezzlement, breach of trust with fraudulent intent, obtaining signature or property insurance fraud, **trafficking in controlled substances**, trafficking in ice, crack or crack, distribute, sell, mfr or poss controlled substances w/in proximity of school, causing death by operating vehicle while under influence of drug, accessory before the fact for any of the offenses listed above, attempt to commit any of the offenses listed in sub

Conviction - any conviction, guilty plea, or nolo.

"Prior or Previous Conviction" - the def has been convicted of a most serious or serious offense **on a separate occ adjudication**

Notes: (G) decision to invoke sentencing is in discretion of the solicitor.

TENNESSEE				Eff: July 1, 2010
§ 40-35-106		Multiple Offenders		Amendment: July 1, 2010
Felonies	Sentence Range	Parole	Notes	

A multiple offender - Minimum of 2 but not more than 4 Felonies (within the conviction class, a higher class, or v lower felony classes where applicable, or 1 Class A prior felony conviction if the def's conviction offense is a Class

*Determining "Prior Convictions"

*All prior convictions including those occurring prior to Nov. 1, 1989 included - **NO SOL**

(3)(A) Not prior felony: an act committed as juvenile that would be a felony as an adult and that resulted in trans criminal court, unless the juvenile was convicted of a felony in a criminal court

(3)(B) Prior felony: a finding or adjudication that def committed an act as juvenile that would constitute a Class A committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of wh

(4) Except for convictions where the stat elements include serious bodily injury, bodily injury, threatened serious bodily injury to the victim or victims, or convictions for the offense of aggravated burglary, convictions for multip during the same 24 hour period constitute one (1) conviction for the purpose of determining prior convictions; ar

(5) Prior convictions include convictions under the laws of any other state, government or country that, if commit have constituted an offense cognizable by the laws of this state. In the event that a felony from another Jx is not elements of the offense shall be used by the TN court to determine what classification the offense is given.

(5)(c) A def who is found by the court beyond a reasonable doubt to be a multiple offender shall receive a senten
The finding that a defendant is or is not a multiple offender is appealable by either party.

Tennessee §40-35-112	Sentence ranges		1989 Pub.Acts, c. 591, § 6.
RANGE I		RANGE II	
Class A	15-25 Years	Class A	25 - 40 Years
Class B	8-12 Years	Class B	12 - 20 Years
Class C	3-6 Years	Class C	6 - 10 Years
Class D	2-4 Years	Class D	4 - 8 Years
Class E	1-2 Years	Class E	2 - 4 Years
RANGE III			
Class A	40 - 60 Years		
Class B	20 - 30 Years		
Class C	10 - 15 Years		
Class D	8 - 12 Years		
Class E	4 - 6 Years		

Tennessee Sentencing Reform Act of 1989

SENTENCE RANGES

RELEASE ELIGIBILITY DATES

FELONY CLASS	STANDARD RANGE I	MULTIPLE RANGE II	PERSISTENT RANGE III
CLASS A			
15-60 YRS	<i>(15-25 years)</i>	<i>(25-40 years)</i>	<i>(40-60 years)</i>
RED %	<i>-30%</i>	<i>-35%</i>	<i>-45%</i>
RED YRS	<i>(4.5-7.5 yrs)</i>	<i>(8.8-14 yrs)</i>	<i>(18-27 yrs)</i>
CLASS B			
8-30 YRS	<i>(8-12 years)</i>	<i>(12-20 years)</i>	<i>(20-30 years)</i>
RED %	<i>-30%</i>	<i>-35%</i>	<i>-45%</i>
RED YRS	<i>(2.4-3.6 yrs)</i>	<i>(4.2-7 yrs)</i>	<i>(9-13.5 yrs)</i>

CLASS C			
3-15 YRS	<u>(3-6 years)</u>	(6-10 years)	(10-15 years)
RED %	<u>-30%</u>	-35%	-45%
RED YRS	<u>(.9-1.8 yrs)</u>	(2.1-3.5 yrs)	(4.5-6.8 yrs)
CLASS D			
2-12 YRS	(2-4 years)	<u>(4-8 years)</u>	(8-12 years)
RED %	-30%	<u>-35%</u>	-45%
RED YRS	(.6-1.2 yrs)	<u>(1.4-2.8 yrs)</u>	(3.6-5.4 yrs)
CLASS E			
1-6 yrs	(1-2 years)	(2-4 years)	<u>(4-6 years)</u>
RED %	-30%	-35%	<u>-45%</u>
RED YRS	(.3-.6 yrs)	(.7-1.4 yrs)	<u>(1.8-2.7 yrs)</u>

Key:

CLASS

Absolute Min - Max

RED % = percentage of time that each offender must serve prior to parole eligibility or "release eligibility date"

RED Years = translates percentage into years.

Presumptive Sentence - minimum sentence in range R E D Release Eligibility Date

Bold Italic - Mandatory Continuous Confinement with the Department of Correction

Italic - Confinement with DOC available; alternative sentencing available if sentence 8 years or less

Underscore - Alternative Forms of Punishment Encouraged

Bold - Local Incarceration Required if County Contract

NOTE: First Degree Murder excluded from classification for sentencing purposes and sentenced solely according to statute

§ 40-35-107

Persistent Offenders

Persistent offender is:

- (1) Any combination of **5 or more prior felony convictions** within the class or higher or within the next two (2) to
- (2) At least two (2) Class A or any combination of 3 Class A or Class B felony convictions if the def's conviction offense is a Class A or B felony

Determining the number of prior convictions a def has received:

Prior conviction must be separate from the offense for which being sentenced

(All prior felony convictions, including those before Nov. 1, 1989)

(3)(A) Not prior felony: an act committed as juvenile that would be a felony as an adult and that resulted in transfer to criminal court, unless the juvenile was convicted of a felony in a criminal court

(3)(B) Prior felony: a finding or adjudication that def committed an act as juvenile that would constitute a Class A or B felony committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of whether transferred to criminal court

(4) Except for convictions where the statutory elements include serious bodily injury, bodily injury, threatened serious bodily injury to the victim or victims, or convictions for the offense of aggravated burglary, convictions for multiple offenses during the same 24 hour period constitute one (1) conviction for the purpose of determining prior convictions; and

(5) Prior convictions include convictions under the laws of any other state, government or country that, if committed, have constituted an offense cognizable by the laws of this state. In the event that a felony from another jurisdiction is not a felony under the elements of the offense shall be used by the TN court to determine what classification the offense is given.

(5)(c) A def who is found by the court beyond a reasonable doubt to be a multiple offender shall receive a sentence for each offense.

(5)(d) The finding that a defendant is or is not a **persistent** offender is appealable by either party.

§ 40-35-108

Career Offenders

Career offender is:

- (1) Any combination of 6 or more Class A, B, or C prior felony convictions and the def's conviction offense is a Class A or B felony
- (2) **At least 3 Class A** or any combination of 4 Class A or Class B felony convictions if def's conviction offense is a Class A or B felony
- (3) **At least 6 prior felony convictions** of any classification if the def's conviction offense is Class D or E felony.

Determining the number of prior convictions:
(prior conviction must be separate from the offense for which being sentenced)
(All prior felony convictions, including those before Nov. 1, 1989)
(3)(A) Not prior felony: an act committed as juvenile that would be a felony as an adult and that resulted in trans
(3)(B) Prior felony: a finding or adjudication that def committed an act as juvenile that would constitute a Class A
committed by an adult shall be considered as a prior conviction for the purposes of this section, regardless of wh
transferred to criminal court
(4) Except for convictions where the stat elements include serious bodily injury, bodily injury, threatened serious
(5) Prior convictions include convictions under the laws of any other state, government or country that, if commit
have constituted an offense cognizable by the laws of this state. In the event that a felony from another Jx is not
elements of the offense shall be used by the TN court to determine what classification the offense is given.
(5)(c) A def who is found by the court beyond a reasonable doubt to be a multiple offender shall receive a senten
(5)(d) The finding that a defendant is or is not a **career** offender is appealable by either party.

CLASS A FELONIES

Attempt -- First degree murder, Conspiracy -- First degree murder, Second degree murder, Aggravated vehicular l
aggravated kidnapping, Especially, aggravated robbery, Aggravated rape, Rape of a child, Act of terrorism, Distrib
substance as act of terrorism, Aggravated arson, Computer crimes violation in connection with act of terrorism, A
aggravated child neglect or endangerment where child 8 or less or vulnerable, **Manufacture, delivery, sale, poss**
certain amounts of drugs listed (fine not greater than \$500,000)

CLASS B FELONIES

Solicitation -- First degree murder, 39-12-205 RICO offense, Vehicular homicide involving intoxication, Aggravated robbery, Carjacking, Rape, Aggravated sexual battery, Soliciting minor to engage in Class A sexual offense, Induce activity observed by another, Violations involving weapons of mass destruction, Providing material support to terrorism, Theft (\$60,000 or more), Forgery (\$60,000 or more), Criminal simulation (\$60,000 or more), Illegal pos of credit card or debit card (\$60,000 or more), Worthless checks (\$60,000 or more), Destruction of valuable paper Fraudulent or false insurance claims (\$60,000 or more), Fraudulent qualifying for set aside contracts (\$60,000 or secrets (\$60,000 or more), Sale of recorded live performances without consent (\$60,000 or more), Communicatic Intentional killing of animals (\$60,000 or more), Injuring guide dog (\$60,000 or more), Arson of a place of worship burglary, Vandalism (\$60,000 or more), Alters, damages, or attempts to damage or destroy any computer, comput network or computer program or data (\$60,000 or more), Money laundering offenses, Aggravated child abuse or endangerment or neglect, Adulteration of food, liquids or pharmaceuticals (serious bodily injury or death), Manu possession, or conspiracy Schedule I drug (fine not greater than \$100,000), Manufacture, deliver, sale, possessor cocaine or methamphetamine in amounts of .5 grams or more (fine not greater than \$100,000), Manufacture, de conspiracy of certain amounts of listed drugs (fine not greater than \$200,000, Initiating process to result in manu methamphetamine, Sexual exploitation of a minor more than 100 images, Aggravated sexual exploitation of minor Especially aggravated sexual exploitation of minor, Possession of explosive or explosive weapon

CLASS C FELONIES

Aggravated assault, Criminal exposure of another to HIV, Voluntary manslaughter, Vehicular homicide, Kidnapping, Prostitution, Sexual battery by authority figure, Soliciting minor to engage in Class B sexual offense, Adult engaging in prostitution by minor less than 13, Distribution or delivery of substance as a hoax device, Theft (\$10,000-\$59,999), Forgery, Criminal simulation (\$10,000-\$59,999), Illegal possession or fraudulent use of credit card or debit card (\$10,000-\$59,999), Destruction of valuable papers (\$10,000-\$59,999), Fraudulent or false insurance claims (\$10,000-\$59,999), Theft of trade secrets (\$10,000-\$59,999), Sale of recorded license without consent (\$10,000-\$59,000), Communication theft (\$10,000-\$59,999), Identity theft trafficking, Intentional killing (\$10,000-\$59,999), Injuring guide dog (\$10,000-\$59,999), Arson, Aggravated burglary, Vandalism (\$10,000-\$59,999), Violation of the Computer and Commercial Computer Act (\$10,000-\$59,999), Theft of animal from or damage to an animal facility exceeding \$10,000, Abortion performed on nonresident, Performance of partial birth abortion, Incest, Bribery of public servant, Buying influence of public offices, Bribing a witness, Bribing a juror, Introduction of weapons, explosives, intoxicants or drugs into a penal institution, Initiating or circulating false report of bomb, fire or other emergency, Tampering with or fabricating evidence, Intentionally facilitating or permitting escape from penal institution, Adulteration of food, liquids or pharmaceuticals, Especially Aggravated Stalking, Manufacture, deliver, sale, or possession of Schedule II drug including cocaine less than \$100,000, Manufacture, deliver, sale, or possession of flunitrazepam (fine not greater than \$100,000), Manufacture, sale, or possession of 20-99 marijuana plants (fine not greater than \$100,000), Attempting to influence lottery (fine not greater than \$100,000), Sexual exploitation of a minor more than 50 images, Aggravated sexual exploitation of a minor, Possession of a

CLASS D FELONIES

Reckless aggravated assault, Vehicular assault, Female genital mutilation, Reckless homicide, Assisted suicide, Sol Class C sexual offense, Unlawful wiretapping or electronic surveillance, Theft (\$1,000-\$9,999), Extortion, Forgery simulation (\$1,000-\$9,999), Illegal possession or fraudulent use of credit card or debit card (\$1,000-\$9,999), Work stoppage (\$9,999), Destruction of valuable papers (\$1,000-\$9,999), Fraudulent or false insurance claims (\$1,000-\$9,999), Franchise programs (\$1,000-\$9,999), Theft of trade secrets (\$1,000-\$9,999), Sale of recorded live performances with copyright (\$9,999), Fraudulent transfer of motor vehicle valued at \$20,000 or more, Communication theft (\$1,000-\$9,999), Killing of animals (\$1,000-\$9,999), Injuring guide dog (\$1,000-\$9,999), Burglary -- other than habitation or auto, Violation of Tennessee Personal And Commercial Computer Act (\$1,000-\$9,999), Child abuse where child is 6 or older and enforcement not involving bomb, fire or emergency, Coercion of a witness, Evading arrest in motor vehicle creating danger to bystanders, Introduction of escape implements into penal institutions, Aggravated perjury, Civil rights intimidation, Disorderly conduct, Manufacture, deliver, sale or possession of Schedule III drug (fine not greater than \$50,000), Manufacture, deliver, sale or possession of Schedule IV drug (fine not greater than \$50,000), Manufacture, deliver, sale or possession of 10-70 mg marijuana (fine not greater than \$50,000), Prescribing or selling steroid for unlawful purpose, Promoting manufacture, sale or possession of methamphetamine, Making counterfeit or altering lottery ticket (amounts not greater than \$50,000), Making fraudulent lottery application or record, Unauthorized person conducting charitable gaming event, Sexual exploitation of a minor

CLASS E FELONIES

Reckless endangerment (deadly weapon involved), Intentional escape from HIV quarantine, Criminally negligent interference where person not voluntarily returned by defendant, Sexual battery, Statutory rape, Indecent exposure victim under 13 and defendant is adult, Promoting prostitution, Violation of community supervision of sex offense felony, Soliciting minor to engage in Class D sexual offense, Adult engaging in sexual activity for viewing by minor illegally recorded cellular communication, Dissemination of photographs taken in violation of privacy rights, Theft to \$1,000), Criminal simulation (up to \$1,000), Hindering secured creditors, Fraud in insolvency, Fraudulent use of (\$501-\$999), Worthless checks (\$501-\$999), Destruction of valuable papers (\$501-\$999), Destruction or concealment of false insurance claim (\$501-\$999), Fraudulent qualifying for set aside programs (\$501-\$999), Theft of trade secret recorded live performances without consent (\$501-\$999), Unauthorized solicitation for police, judicial or safety a transfer of motor vehicle with value of less than \$20,000, Communication theft (\$501-\$999 (fine only)), Animal cruelty offense), Animal fighting (other than cock), Intentional killing of animals (\$501-\$999), Injuring guide dog (\$501-\$999), Setting fire to personal property or land, Burglary of an auto, Vandalism (\$501-\$999), Utility service interruption damage, Violation of Tennessee Personal And Commercial Computer Act (\$501-\$999), Flagrant nonsupport, Attempted miscarriage, Failure to observe waiting period before giving consent to abortion, Failure or refusal of physician or life of an infant delivered during an abortion, Unlawful use of aborted fetus, Child neglect or endangerment where servant soliciting unlawful compensation, Impersonation of licensed professional, Official misconduct, Official oppression Retaliation for past action, Compounding a felony, Escape (felony), Correctional employee permitting or facilitating escape (felony), Perjury on handgun permit application, Perjury on sex offender registration form, Subornation of perjury of adulterated candy or food, Violating airport security with intent to commit a felony, Aggravated riot, Harassment of person convicted of crime, Abuse of corpse, Aggravated Stalking, Manufacture, delivery, sale or possession of Schedule I drug (value more than \$5,000), Manufacture, delivery, sale or possession of not less than 1/2 ounce and not more than 10 pounds of marijuana (fine not greater than \$1,000), Manufacture, delivery, sale or possession of Schedule VII drug (fine not greater than \$1,000), Simple possession or casual exchange (3rd offense), Selling glue for unlawful purpose, Counterfeit controlled substance paraphernalia uses and activities, Aggravated gambling promotion, Lotteries, chain letters, and pyramid clubs (\$1,000), Gambling under pretense of charitable gaming event, Attempting to influence the winning of prize in charitable gaming service in connection with charitable gaming event on contingency basis, Employment of minors in distribution of controlled substance (\$10,000-\$100,000), Prohibited weapons, Firearm ammunition violation (hollow point explosive), Carrying weapon in public place, Proceedings, Unlawful possession of a weapon (by convicted felon), Unlawful possession of a weapon (with intent to use in commission of offense), Carrying weapons on school property, Committing violent or drug offense while wearing

Texas

§12.42

Penalties for Repeat and Habitual Felony Offenders . . .

Felonies	Sentence Range	Parole	Notes
<u>On Trial For Third Degree Felony</u>			
If Def has a Prior Felony Conviction	Punished for Second Degree Felony: 5 - 20 yrs.		State jail felonies not included in calculation; Subject to fine of not more than \$10,000
<u>On Trial For Second Degree Felony</u>			
If Def has a Prior Felony Conviction	Punished for First Degree Felony: 5 - 99 yrs.		State jail felonies not included in calculation; Subject to fine of not more than \$10,000
<u>On Trial For First Degree Felony</u>			
And a Prior Felony Conviction	LIFE, or 15 - 99 yrs.		State jail felonies not included in calculation; Subject to fine of not more than \$10,000
<u>If Previously Convicted for a "Sexual Offense"</u>			
And Def Commits: Trafficing of Children/Sexual Abuse or Contact with Child/Child Pornography/Aggravated Sexual Assault/Aggr Kidnapping with intent to inflict bodily harm/Burglary with intent to commit a felony other than theft	LIFE		

If Previously Convicted for an Offense under §22.021 against victim younger than 6; or committed agst. Victim uses weapon, causes bodily injury, uses threats, etc.

And Commits Offense Under § 22.021	Punished for Capitol Felony	Without Parole	
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If Previously Convicted for the Continuous Trafficking of Persons or Aggravated Sexual Assault or Continuous S Child or Children

And Commits an offense under the same section	LIFE	Without Parole	
If convicted of Two prior felony offenses and the second was subsequent to the first conviction having become final	LIFE, or any term 25 - 99 years		

*First Degree = subj to imprisonment for life or for any term between 5 and 99 years; and may be punished by fi

*Second Degree = term of not more than 20 years or less 2; and may be punished by fine of no more than 10K

*Third Degree = not more than 10 years or less than 2; and may be punished by fine of no more than 10K

*"Sexual Offense" = Possession or promotion of child porn, obscenity, traffic of child to engage in sex, continuous indecency with child, Incest, aggravated kidnap w/int to harm, burglary, or under the laws of another state conta

*§22.021 = Aggravated Sexual Assault

Virginia

Amendment: Acts 1996, c.

§ 19.2-297.1

Sentence of person twice previously convicted of certain violent felonies

Felonies	Sentence Range	Parole	Notes
Two or more convictions for "Act of Violence"	LIFE	Not eligible if sentenced under this section; however, if not sentenced for crim. sex acts, and person is 65+ and has served at least 5 years; or is 60+ and served at least ten years, he may petition the Parole Board for conditional release.	Must be separate Acts of violence

Acts of Violence - First and Second degree murder, voluntary manslaughter, mob related felonies, kidnapping, rape or bodily wounding, robbery, carjacking, criminal sexual assault, arson when structure burned was occupied; conduct the above violations, violations as principal in the second degree or accessory before the fact

*Prior Convictions - include convictions under laws of other states or an offense substantially similar to those listed above



onvicted, or found guilty,
g. 31, 1997 and has
OR if convicted of a felony
e than 1 but fewer than 4
e sentenced to an

ny fine authorized by law

guilty, of **four (4) or more**
een convicted, or found
ion committed after June
section, the defendant
it as follows:

--

c Act, Rape, Sexual Assault

--

<u>Involving violence</u> in section
ape, Sexual Assault cle, Crim use of prohibited

ed a previous felony

Eff: October 1, 2012

Amendment: Oct. 1, 2012.

nses.and (2) new felony
last prior felony, or within
defendant is to be
the possession of a
postconviction hearing.

one or more of such
within 5 years of the date of
, whichever is later; (3) def
conviction hearing.

urder, Manslaughter, aggr
gr abuse of an elderly
placing or discharging of a

as an adult two or more
attempting to commit, any
ng a prison or other
's release from prison,
n of a felony has not been

I prevent court from
e of incarceration as

derly person or disabled
pping, arson, sexual
aggr burglary, home

offense in this state or
y new felony was
ie date of the conviction of
er; (4) Def has not received
eeding. Violent Career

r child abuse, lewd or

encing as a habitual felony
r or after October 1, 1995,

Eff: July 1, 2012

Amendment:

of any controlled
counterfeit substance; (j)
ijuana (see section b.1).

aggravated sodomy, aggr 25 years followed by

--

the indictments or

Eff: May 13, 2011



Effective: July 12, 2012

Amendment:

year or more or death us felony within 5 years to arole, probation, release, ny; or (5) had escaped

ne or more sex crimes where sentence was for 1 sted service of sentence role, release etc; or (4) was n prev. felony conviction at mission of new felony

conditional discharge,
victed are Class D felony
a person or a sex crime as

d of is a Class A, B, or C
ntil the person has served a
i (10) years, unless another



Effective: Aug. 15, 2010

--



Incidents; Prior felonies out of one year sentence

Incidents; Prior felonies out of one year sentence and both terms separately



Consistent with this section:

by vehicle but not any

Level V
At least 14, not more than
17

rior court in one week, only

If the Jx where offense occu
NC, conviction treated as a

higher in NC then off

an A1 or Class 1 mdmr in

. beyond a reasonable
hich def is tried for a

Eff: June 5, 2002

by imprisonment . . .

me after such conviction . .

completion of the

ats to commit or conspiracy
sault and batt on police
y, assaults while masked,
es, kidnapping for
; forcible sodomy, rape
elony, pointing firearms,
btaining signature by
a vehicle to facilitate the



Eff: June 11, 2010

Amm: June 11, 2010



enalty cases

ed for voluntary
, armed robbery,
volve crim sex. Conduct or
ears of release.
r early release or
rise nor shall they be

makes request, Dept. of
o longer threat to society,
served 20 years and is at
r extraordinary

Homicide by Child Abuse,
/intent to kill, crim sexual
estroying building, taking
adult leading to death,

ore that is not mentioned
ed nature, engaging child
(2d), burglary (2d), theft
by false pretenses,
ess w/intent to distrib.
s or alcohol; and (c)
items

occasion prior to instant



within the next two (2)
A or Class B felony



fer of the juvenile to

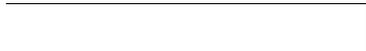
A or Class B felony if
either the juvenile was

bodily injury or threatened
felonies committed
and

committed in this state, would
be a felony named in TN, the



shall be placed within **Range II.**



(15 years)
-60%
(9 years)
(12 years)
-60%
(7.2 yrs)
(6 years)
-60%
(3.6 yrs)

to First Degree Murder

lower felony classes; or
offense is a Class A or Class B

transfer of the juvenile to

Class A or Class B felony if
whether the juvenile was

caused bodily injury or threatened
serious felonies committed
and

committed in this state, would
be a felony named in TN, the

offense within **Range III**.

Class A, B, or C felony:
Class A or B felony; or

fer of the juvenile to
or Class B felony if
either the juvenile was
bodily injury or threatened
tted in this state, would
a felony named in TN, the
ice within **Range III.**

homicide, Especially
ution or delivery of
aggravated child abuse or
ession or conspiracy of

1 kidnapping, Aggravated
minor to engage in sexual
person committing act of
session or fraudulent use
rs (\$60,000 or more),
more), Theft of trade
on theft (\$60,000 or more),
), Especially aggravated
inter system or computer
aggravated child
facture, delivery, sale,
), or conspiracy involving
elivery, sale, possession, or
ufacture of
or more than 25 images,

ig, Robbery, Aggravated
ng in sexual activity for
urgery (\$10,000-\$59,999),
\$59,999), Worthless checks
00-\$59,999), Fraudulent
ve performances without
; of animals (\$10,000-
:ion of Tennessee Personal
g \$500, Criminal abortion,
ng and selling in regard to
tate, county or municipal
ating evidence,
icals causing bodily injury,
s than .5 grams (fine not
00), Manufacture, deliver,
maximum fine of \$100,000),
oax device

iciting minor to engage in
(\$1,000-\$9,999), Criminal
thless checks (\$1,000-
audulent qualifying for set
out consent (\$1,000-
Identity theft, Intentional
andalism (\$1,000-\$9,999),
ess, False report to law
ng risk of injury to
n, Training for civil
re, deliver, sale or
pounds of Schedule VI
anufacture of
terial false statement on
nminor, Restrictions on

homicide, Custodial
violation 3rd offense where
violation where violation also a
, Knowing dissemination of
(\$501-\$999), Forgery (up
of credit card or debit card
ment of will, Fraudulent or
(\$501-\$999), Sale of
associations, Fraudulent
cruelty (2nd or subsequent
999), Aggravated cruelty to
disruption or property
attempt to procure criminal
hospital to preserve the
child 6 or less, Public
intimidation, Coercion of juror,
obstructing justice, Failure to
report aggravated perjury, Gifts
to victim by person
/ drug (fine not greater
of Schedule VI drug
greater than \$1,000),
obstruction, Unlawful drug
possession (fine not greater than
1,000), Engaging in
public gaming event, Selling
of obscene material (fine
not greater than \$1,000),
interference with justice
to use in commission of
offense

younger than 14 and actor

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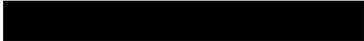
exual Abuse of Young

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ne of no more than 10K

sexual abuse of child,
ining subst. similar



539.

is



olence



malicious felonious assault
conspiracy to commit any of

re