



District of Columbia Sentencing & Criminal Code Revision Commission

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Hon. Frederick H. Weisberg
Chairman

Barbara Tombs-Souvey
Executive Director

July 16, 2013

****SENTENCING GUIDELINES ALERT****

This Sentencing Guidelines Alert concerns the ranking of Second Degree Sex Abuse While Armed and Third Degree Sex Abuse While Armed. For pleas or verdicts entered after August 1, 2013, the Sentencing Guidelines rank Second Degree Sex Abuse While Armed, D.C. Code §§ 22-3003, 22-4502, in Master Group 4 and Third Degree Sex Abuse While Armed, D.C. Code §§ 22-3004, 22-4502, in Master Group 5. These changes were unanimously approved by the Commission on June 18, 2013.

As with any modification to the Guidelines, practitioner feedback is always welcome. Feel free to forward any questions or comments to the Commission at sccrc@dc.gov or (202) 727-8822.

Sincerely,

Barbara Tombs-Souvey, Executive Director

Offense Rankings Prior to August 1, 2013

Prior to August 1, 2013, the Sentencing Guidelines ranked Second Degree Sex Abuse While Armed, D.C. Code §§ 22-3003, 22-4502, in Master Group 5.

The Sentencing Guidelines have never ranked Third Degree Sex Abuse While Armed, D.C. Code §§ 22-3004, 22-4502. Prior to August 1, 2013, under the default rules for unranked offenses in Section 2.2.8(b), the offense was ranked in Master Group 4.

New Offense Rankings on August 1, 2013

Second Degree Sex Abuse While Armed, D.C. Code §§ 22-3003, 22-4502, is ranked in Master Group 4.

Third Degree Sex Abuse While Armed, D.C. Code §§ 22-3004, 22-4502, is ranked in Master Group 5.

Appendices C and C-I are amended as follows:

Offense	D.C. Official Code	Offense Severity Group	Maximum Statutory Penalty (Years)	Backup Time (Years)	Maximum prison term that can be imposed (years)	Supervised Release (years)	Minimum (Years)	Violent/Dangerous	Fine (Dollars)
Sex Abuse -- 2° w/a*	22-3003 22-4502	M4	30	5	30	5 or SOR	M5 1st firearm M10 2nd firearm M5 2nd other	V	\$200k
Sex Abuse -- 3° w/a*	22-3004 22-4502	M5	30	5	30	5 or SOR	M5 1st firearm M10 2nd firearm M5 2nd other	V	\$200k