

D.C. Voluntary Sentencing Guidelines – Quick Reference¹

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1. Mandatory Minimums

Crime	Man. Min. Sentence	Crime	Man. Min. Sentence
<i>Crimes of Violence and Dangerous Crimes w/a (firearm) – 1st Offense</i>	5 Years	Felon in possession of firearm (prior COV)	3 Years
Crimes of Violence and Dangerous Crimes w/a (firearm) – 2 nd Offense	10 Years	Murder 1 ^o	30 Years
Crimes of Violence and Dangerous Crimes w/a – 2 nd Offense	5 Years	Murder of Law Enforcement Officer 1 ^o	LWOR
Carjacking	7 Years	<i>Possession of Firearm During Crime of Violence (PFCOV)</i>	5 Years
Carjacking w/a	15 Years	Theft 1 ^o , if two or more theft convictions	1 Year
Felon in possession of firearm (UPF)	1 Year	Theft 2 ^o , if two or more theft convictions	1 Year

Italics = Offenders sentenced under the YRA are exempt from the mandatory minimum sentence

Note: Sentence cannot be lower than the mandatory minimum regardless of the Guidelines range. See § 3.6.

2. Probation:

A term of probation under D.C. Code § 16-710, along with any extension thereof, may not exceed 5 years. The term of probation imposed is not covered by the Guidelines.

3. Term of Supervised Release:

Under D.C. Code § 24-403.01(b), the following terms of supervised release must be given. (Note, however, that supervised release can be suspended if any portion of the sentence is suspended).

Term of Incarceration Imposed by Court	Statutory Maximum	Supervised Release Term
More Than 1 Year	25 Years or More	5 Years
More Than 1 Year	More Than 1 Year, But Less Than 25 Years	3 Years
1 Year or Less	25 Years or More	1 Day to 5 Years
1 Year or Less	More Than 1 Year, But Less Than 25 Years	1 Day to 3 Years
1 Year or Less	1 Year or Less	No Supervised Release

Note: If the defendant is sentenced for an offense for which sex registration is required, the court may impose a longer term of supervised release that is not more than 10 years unless the defendant is required to register for life, in which case the supervised release may not exceed a term of life.

4. Back-up Time:

Under D.C. Code §§ 24-403.01(b)(7) and (b-1) the following periods of “back up time” apply if a defendant’s Supervised Release is revoked. Except for Class A and life term felonies, the “back up time” must be subtracted from the statutory maximum sentence that can be imposed.

Statutory Maximum	Max Penalty That Can be Imposed at Sentencing	Max Additional Penalty Following Revocation of Supervised Release
Life	Life	Not More Than 5 Years
Class A Felony	Statutory Maximum	Not More Than 5 Years
25 Years or More	Statutory Maximum Minus 3 Years	Not More Than 3 Years
5 Years or More, Less Than 25 Years	Statutory Maximum Minus 2 Years	Not More Than 2 Years
Less Than 5 Years	Statutory Maximum Minus 1 Year	Not More Than 1 Year
1 Year or Less	Statutory Maximum	No Supervised Release

¹ Created by the D.C. Sentencing and Criminal Code Revision Commission - January 2015

5. Fines

Unless otherwise noted, a judge may impose the following fines under D.C. Code § 22-3571.01:

Max Incarceration Term	Max Fine
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10 days or less;	\$100
10-30 days;	\$250
31-90 days;	\$500
91-180 days;	\$1,000
181 days - 1 year;	\$2,500
>1 year - 5 years;	\$12,500

Max Incarceration Term	Max Fine
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> 5 years - 10 years;	\$25,000
>10 years - 15 years;	\$37,500
> 15 years - 20 years;	\$50,000
> 20 years - 30 years;	\$75,000
> 30 years; or	\$125,000
Death	\$250,000

6. Important Sentencing Guidelines Notes:

- a. The Guidelines are voluntary. A judge may always elect not to follow the Guidelines. If you choose not to follow the Guidelines please state your reasons on the record and note them in CourtView so that the information can be maintained by the Sentencing Commission.
- b. Please record departures from the Guidelines, changes to a defendant's criminal history score, and changes to an in-the-box range on the CourtView sentencing screen and/or in a docket entry.
- c. All Rule 11(e)(1)(C) pleas are compliant with the Guidelines regardless of the otherwise applicable Guidelines range. *See* § 5.1.
- d. The Guidelines apply to revocation sentences (use the defendant's original criminal history score).
- e. Prior out-of-District convictions are initially scored like the closest comparable D.C. Code offenses.
- f. For initial scoring purposes, CSOSA compares the name and statutory elements of a prior out-of-District offense, not the underlying conduct, with the current D.C. offense that most closely matches the out-of-District offense.
- g. Offenses are part of a single event if they were committed at the same time and place or have the same nucleus of facts. *See* § 7.10. This is a factual determination made by the court.

7. Departure Factors²

***Aggravating Factors* (§ 5.2.2)**

(1) Deliberate cruelty or gratuitous violence inflicted upon a victim
(2) Particularly vulnerable victim due to age or reduced physical or mental capacity
(3) Victim sustained a "devastating injury"
(4) Crime or attempt was substantially premeditated
(5) Crime for hire, i.e., defendant was hired or hired another (<i>see</i> § 5.2.2(5) for list of applicable offenses)
(6) Offense part of an enterprise significantly related to organized crime/high-level trafficking
(7) Obstructed or attempted to obstruct justice, unless separate conviction for same conduct
(8) Intended/actual monetary loss substantially greater than normally expected or: <ol style="list-style-type: none"> (a) Offense(s) involved multiple victims or multiple incidents per victim; (b) Defendant was involved in other conduct similar to the current offense(s); and/or (c) Defendant used position of confidence or fiduciary responsibility to facilitate offense
(9) Defendant, in attempting to gain or while in public office, betrayed the public trust
(10) The consecutive/concurrent sentencing policy results in manifest injustice
(11) Substantial and compelling basis comparable in gravity to those listed in 1 to 10 which aggravates substantially the seriousness of the offense or the defendant's culpability

² This is an abbreviated list. Judges should review the explanations and/or restrictions contained in Chapter 5 before utilizing an aggravating or mitigating factor.

Mitigating Factors (§ 5.2.3)

(1) Victim was an aggressor, initiator, willing participant in, or provoker to such a degree that the defendant’s culpability is substantially less than that typically associated with the offense
(2) Before detection the defendant compensated/tried to compensate the victim (N/A to COVs)
(3) Defendant participated under duress, coercion, threat or compulsion
(4) Offense principally accomplished by another and defendant manifested extreme caution/concern for victim
(5) Defendant, with no apparent predisposition to do so, was induced by others to participate in the crime
(6) Capacity to appreciate the wrongfulness of conduct was impaired significantly (not voluntary intoxication.)
(7) Defendant provided substantial assistance to law enforcement
(8) Defendant cannot be adequately protected or treated in any available prison facility
(9) The consecutive/concurrent sentencing policy results in manifest injustice
(10) Substantial and compelling basis comparable in gravity to those listed in 1 to 9 which substantially mitigates the seriousness of the offense or the defendant’s culpability

8. Types of Guidelines Sentences:

Sentence Type	Available In	How to Impose
Prison Only Sentence	All Boxes	Incarceration: Impose a term within the applicable Guidelines sentencing range <i>Time Suspended: None</i> Supervised Release: Impose a period of supervised release <i>Probation: None</i>
Long Split Sentence	All Boxes	Incarceration: Impose a term within the applicable Guidelines sentencing range <i>Time Suspended: Suspend part of the sentence – the defendant must be incarcerated (term not suspended) for no less than the bottom of the applicable sentencing range</i> Supervised Release: Impose and suspend all <i>Probation: Impose a term of probation</i>
Short Split Sentence	Green and Yellow Boxes	Incarceration: Impose a term within the applicable Guidelines sentencing range <i>Time Suspended: Suspend all but six months or less of the prison term, but not all of it</i> Supervised Release: Impose and suspend all <i>Probation: Impose a term of probation</i>
Probation Sentence	Yellow Boxes	Incarceration: Impose a term within the applicable sentencing range set forth in the box <i>Time Suspended: Suspend execution of the entire sentence</i> Supervised Release: Impose and suspend all <i>Probation: Impose a term of probation</i> Imposition of Sentence Suspended (ISS) is compliant in probation eligible boxes

9. Guidelines Drug Grid

		Criminal History Score				
Ranking Group Most common offenses		0 to ½ A	¾ to 1¾ B	2 to 3¾ C	4 to 5¾ D	6 + E
2 Points*	Group 1 Distribution w/a (any drug) PWID w/a (any drug)	30-72	36-78	42-84	48-90	54+
1 Point*	Group 2 Distribution or PWID (Schedule I or II narcotic or abusive drugs)	12-30	16-36	20-42	24-48	28+
	Group 3 Distribution or PWID (except Schedule I or II narcotic or abusive drugs) Attempt Distribution or Attempt PWID (Schedule I or II narcotic or abusive drugs) Possession of Liquid PCP	6-18	10-24	14-30	18-36	22+
¾ Point*	Group 4 Attempt Distribution or Attempt PWID (except Schedule I or II narcotic or abusive drugs) Attempt Possession of Liquid PCP	3-12	5-16	7-20	9-24	11+
*Criminal History Points for prior convictions in these groups.						
White/unshaded boxes – prison only or long split.						
Dark shaded/green boxes – prison, long split or short split permissible.						
Light shaded/yellow boxes – prison, any split sentence, or probation permissible.						

10. Guidelines Master Grid

		Criminal History Score				
Ranking Group Most Common Offenses		0 to ½ A	¾ to 1¼ B	2 to 3¾ C	4 to 5¾ D	6 + E
3 Points*	Group 1 1st degree murder w/armed 1st degree murder	360 - 720	360 - 720	360 - 720	360 - 720	360 +
	Group 2 2nd degree murder w/armed 2nd degree murder 1st degree sex abuse 1st degree sex abuse w/armed	144 - 288	156 - 300	168 - 312	180 - 324	192 +
	Group 3 Voluntary manslaughter w/armed 1st degree child sex abuse Carjacking while armed Assault with intent to kill w/armed Armed burglary I	90 - 180	102 - 192	114 - 204	126 - 216	138 +
	Group 4 Aggravated assault w/armed Voluntary manslaughter	48 - 120	60 - 132	72 - 144	84 - 156	96 +
	Group 5 Possession of firearm /CV Armed robbery Burglary I Obstruction of justice Assault with intent to kill	36 - 84	48 - 96	60 - 108	72 - 120	84 +
	2 Points*	Group 6 ADW Robbery Aggravated assault 2nd degree child sex abuse Assault with intent to rob	18 - 60	24 - 66	30 - 72	36 - 78
Group 7 Burglary II 3rd degree sex abuse Negligent homicide Assault w/l to commit mayhem Unlawful Poss. of a Firearm (prior fel.)		12 - 36	18 - 42	24 - 48	30 - 54	36 +
1 Point*	Group 8 Carrying a Pistol (formerly CPWL) UUU Attempt robbery Attempt burglary 1st degree theft Assault w/Significant Bodily Injury	6 - 24	10 - 28	14 - 32	18 - 36	22 +
	Group 9 Escape/prison breach BRA Receiving stolen property Forgery/Uttering Fraud	1 - 12	3 - 16	5 - 20	7 - 24	9 +
*Criminal History Points for prior convictions in these groups.						
White/unshaded boxes – prison or long split only.						
Dark shaded/green boxes – prison, long split or short split permissible.						
Light shaded/yellow boxes – prison, any split sentence, or probation permissible.						