

# GENERAL ASSEMBLY

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING [ 204 PA. CODE CH. 303a ]

#### Proposed 8th Edition Sentencing Guidelines

The Pennsylvania Commission on Sentencing hereby publishes for public comment a proposed 8th Edition Sentencing Guidelines, 204 Pa. Code §§ 303a.1—303a.8, to replace the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 303.1—303.18(c), for offenses committed on or after January 1, 2024, the effective date of the proposed 8th Edition Sentencing Guidelines. The proposed 8th Edition Sentencing Guidelines are set forth in Annex A.

The Commission adopted the 7th Edition Sentencing Guidelines on September 13, 2012, and published the same in the *Pennsylvania Bulletin* on September 29, 2012 (42 Pa.B. 6072). Following numerous amendments, the Commission most recently adopted Amendment 6 of the 7th Edition Sentencing Guidelines on September 10, 2020, and published the same in the *Pennsylvania Bulletin* on September 26, 2020 (50 Pa.B. 5341). All editions and amendments to sentencing guidelines remain in effect for offenses committed on or after the effective date of the edition or amendment, but do not apply to offenses committed on or after the effective date of subsequent editions or amendments to the sentencing guidelines.

On December 8, 2022, the Commission approved for the purpose of public comment proposed 8th Edition Sentencing Guidelines. Due to extensive amendments, the Commission proposes adding a new Chapter 303a, applicable to offenses committed on or after January 1, 2024, to replace the 7th Edition Sentencing Guidelines, Amendment 6. Proposed amendments include substantive changes to the assignment of offense gravity scores, the determination of the prior record score, and the targeting of sentence recommendations. The proposed amendments also address editorial changes, including to provide a summary of general provisions, to improve the clarity of the language, and to change the grouping and sequencing of various provisions.

In accordance with 42 Pa.C.S. § 2155 (relating to publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation), the Commission shall publish in the *Pennsylvania Bulletin* the proposed sentencing guidelines and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

Pennsylvania District Attorneys Association  
Chiefs of Police Associations  
Fraternal Order of Police  
Public Defenders Organization  
Law School faculty members  
Pennsylvania Parole Board  
Pennsylvania Department of Corrections  
Pennsylvania Bar Association  
Pennsylvania Wardens Association  
Pennsylvania Association on Probation, Parole and Corrections

Pennsylvania Conference of State Trial Judges  
Any other interested person or organization

The Commission has scheduled the following hearings to receive public comment on the proposed sentencing guidelines:

Justice Juanita Kidd Stout Center for Criminal Justice  
Courtroom 507

1301 Filbert Street  
Philadelphia, PA

Wednesday, February 8, 2023, at 1:30 p.m.

Northampton County Courthouse  
Courtroom 1

669 Washington Street  
Easton, PA

Friday, February 17, 2023, at 10:00 a.m.

Duquesne University Thomas R. Kline School of Law  
208 Hanley Hall

900 Locust Street

Pittsburgh, PA

Wednesday, February 22, 2023, at 1:30 p.m.

Pennsylvania Department of Corrections (remote hearing)

Registration open to the public; testimony limited to incarcerated individuals

Zoom Webinar (registration for public access):

<https://bit.ly/DOCPubHrng2023Feb27>

Monday, February 27, 2023, at 10:00 a.m.

Erie County Courthouse

Courtroom D-214

140 West 6th Street

Erie, PA

Thursday, March 2, 2023, at 10:00 a.m.

K. Leroy Irvis Office Building (hybrid hearing)  
Room 523

450 Commonwealth Avenue  
Harrisburg, PA

Zoom Webinar (registration for public access):

<https://bit.ly/PCSPubHrng2023March8>

Wednesday, March 8, 2023, at 9:00 a.m.

Those wishing to attend or testify at Zoom Webinar hearings may register at the link provided. Those wishing to testify in person may register by contacting the Commission (Cathy Dittman—814 863-5729, [cwd2@psu.edu](mailto:cwd2@psu.edu)).

Persons or organizations wishing to testify in-person or via Zoom Webinar are asked to register and provide an electronic copy of any testimony at least five business days prior to the hearing. Written comments from persons or organizations not wishing to testify should be received by the Commission at least five business days before the last-scheduled public hearing. Forward all testimony and documents to Cathy Dittman ([cwd2@psu.edu](mailto:cwd2@psu.edu)).

JUDGE TAMARA R. BERNSTEIN,

*Chair*

#### *Commentary on Annex A*

On January 22, 2022, the Commission published a working draft of sentencing guidelines proposals in the *Pennsylvania Bulletin* (52 Pa.B. 583) and held six public hearings. The working draft was developed following a comprehensive review of the sentencing guidelines, which began in 2014, and considered recommendations from the following:

- Strategic Planning Work Group (SPWG, 2014—2016)
- Model Penal Code: Sentencing (MPCS, 2001—2017)
- Justice Reinvestment Initiative (JRI-II, 2016—2019)

- Academic Review Panel (ARP, 2020-2021)

As noted in the publication of the working draft, the comprehensive review provided an opportunity to study current practices and research best practices; to consider approaches to streamline, automate, and update the sentencing guidelines; to promote greater certainty in sentencing and more efficient use of resources and programs; and to harmonize the sentencing guidelines with amended statutes and with other Commission mandates, including the sentence risk assessment instrument, resentencing guidelines, parole guidelines, and recommitment ranges. The working draft proposals suggested restructuring of the sentencing guidelines by providing more targeted sentence recommendations, redirecting the primary focus of the recommendations on factors associated with the conviction offense, and reducing the impact of the prior record.

During the public hearings, the Commission heard from over thirty agencies, associations, and individuals, including incarcerated individuals at four state correctional institutions. Many of those testifying supported the concepts and the approach outlined in the working draft, with most identifying areas of concern or providing suggestions for improvement, and most requesting additional detail.

Following the hearings, Commission staff met with numerous stakeholder groups to further discuss the proposals and review additional recommendations, including the Pennsylvania Conference of State Trial Judges, Pennsylvania District Attorneys Association, Public Defender Association of Pennsylvania, and the Pennsylvania Office of Victim Advocate; presented information during the Pennsylvania Bar Institute Criminal Law Symposium; and held regional meetings in Jefferson, Washington, and Tioga counties. During its quarterly meetings and several special policy meetings, the Commission prepared the proposed 8th Edition Sentencing Guidelines found in Annex A.

The proposed 8th Edition Sentencing Guidelines replace the current sentencing guidelines for offenses committed on or after January 1, 2024. If adopted, the 8th Edition Sentencing Guidelines will be added as a new chapter in the *Pennsylvania Code*, Chapter 303a, with earlier sentencing guidelines reserved in Chapter 303. Consistent with the working draft, the proposed 8th Edition Sentencing Guidelines:

- Recalibrate and expand the number of offense gravity score categories, from 14 general categories to 30 general categories, with an additional eight categories established for the three degrees of murder. The restructured offense gravity score categories are intended to provide more targeted recommendations and more uniform and proportional increases between categories.
- Rebuild the prior record score, reducing the number of categories from eight to five and focusing on the severity of the most serious prior offense and the number of prior offenses of equal seriousness; and reduce the overall impact of the prior record score for less serious offenders, by lowering sentence recommendations linked to criminal history, and by expanding lapsing provisions to include the removal of certain prior convictions.
- Streamline the application of enhancements, by using standardized adjustments to offense gravity score assignments to address the nearly twenty statutes and over 50 sentence factors considered; and restructure the

offense gravity score assignments for DUI and BUI to address both the mandatory minimum sentencing requirements and the grade of the offense.

- Promote greater consideration of the aggregate sentence, whether confinement or probation, the use of clinical assessments and evaluations, and the programs and treatment alternatives available through correctional institutions and in the community.

Provided below is a description of each of the new sections of the proposed sentencing guidelines, with reference to similar sections contained in the current sentencing guidelines:

#### *Section 303a.1. Preliminary provisions.*

This is a new section that includes: the statutory authorization to adopt guidelines for sentencing, probation, restrictive conditions, fines, and community service; a new list of definitions of words and phrases used in the sentencing guidelines; a list of dispositions authorized by statute, also referred to as sentencing alternatives; and a list of sentencing and correctional programs authorized by statute. The authorized dispositions are found in part in § 303.9 of the current sentencing guidelines; the authorized programs are found in § 303.12 of the current sentencing guidelines.

#### *Section 303a.2. Guideline sentencing standards.*

This section addresses general provisions, procedures at sentencing, and the reporting of information to the Commission, and is substantially similar to §§ 303.1 and 303.2 of the current sentencing guidelines. A new table has been created to provide a listing of the editions of and amendments to the sentencing guidelines, and corresponding effective dates (see Table A).

#### *Section 303a.3. Offense gravity score.*

This section addresses policies related to the assignment of offense gravity scores, including assignments for enhancements and for mandatory minimum sentencing provisions. The general provisions are substantially similar to § 303.3 of the current sentencing guidelines, but as noted previously, increases the number of offense gravity score categories. The enhancement provisions are substantially similar to § 303.10 of the current sentencing guidelines, although OGS adjustments replace various other methods to enhance sentences. The mandatory sentencing provisions are substantially similar to § 303.9 of the current sentencing guidelines, although the OGS assignments for BUI and DUI have been updated to reflect recent legislative amendments and greater reliance on the mandatory requirements as the basis for OGS assignments. Three new OGS tables are created: a listing of offenses with OGS assignments, which is a revised version of § 303.15 of the current sentencing guidelines (see Tables B-1, B-2, B-3); a new listing of all enhancements, and the OGS assignment or adjustment (see Table C); and a listing of BUI and DUI offenses with OGS assignments, a revised version of § 303.15 of the current sentencing guidelines (see Tables D-1, D-2).

#### *Section 303a.4. Prior record score.*

This section addresses policies related to the determination of the prior record score, including general provisions, procedures for identifying previous offenses, lapsing provisions, procedures for determining the prior record score category, and miscellaneous provisions. These policies relate to but substantially change §§ 303.4—303.8 of the current sentencing guidelines. Substantive changes include increasing the age at which juvenile adjudications are considered in the prior record score from 14 years of

age to 16 years of age; establishing four prior offense groups (POG) based on the grade and seriousness of any previous offenses, to replace the current point system; expanding the juvenile lapsing provisions and adding adult lapsing provisions; and streamlining the process for determining the prior record score, reducing the number of PRS categories, and limiting the impact of the prior record score for persons with less serious previous offenses.

*Section 303a.5. Guideline sentence recommendation.*

This section addresses general provisions, purposes of sentencing, sentencing levels and standard range recommendations, and is substantially similar to §§ 303.5, 303.9, and 303.11 of the current sentencing guidelines. However, two changes distinguish the proposed guidelines from the current guidelines: the proposed guidelines increase the number of sentencing levels from five to eight, with each of the new levels linked to a specific disposition, and in case of state confinement, further linked to the duration of the recommendation or the degree of murder, with the proposed guidelines adding a specific level to address murder of the third degree. Murder of the third degree was separated out due to the nature of the circumstances leading to a conviction and the wide distribution of sentences. The Commission sought to provide courts with broad discretion while at the same time requiring the reporting of reasons for sentences to provide a better basis for future OGS assignments.

*Section 303a.6. Aggravated and mitigated circumstances.*

This section addresses the consideration of aggravating and mitigating circumstances, the aggravated and mitigated ranges of the sentencing guidelines, sentences that depart from the guidelines, and the reporting of reasons to the Commission. While the section is substantially similar to § 303.13 of the current sentencing guidelines, the Commission has added a list of reasons to be considered by the court and requires the reporting of reasons to the Commission when a sentence imposed is outside the standard range of the guidelines and in every case when a sentence is imposed for murder of the third degree.

*Section 303a.7. Judicial proceeding recommendations.*

This is a new section which addresses the imposition of multiple sentences during a judicial proceeding and brings together provisions scattered throughout the current guidelines regarding concurrent and consecutive sentences, aggregate sentences, the consideration of sentencing programs, and the determination of eligibility and appropriateness for correctional programs. The Commission includes general recommendations, rather than specific guidelines, intended to promote greater consistency in the use of concurrent or consecutive sentences, and to encourage the consideration of evidence-based programs and practices.

*Section 303a.8. Sentencing matrix.*

This section contains the proposed sentencing matrix, which provides more targeted sentence recommendations, and more consistent and uniform increases across OGS and PRS categories, which supports the use of OGS increases for enhancements, thus eliminating multiple matrices. This matrix replaces those found at §§ 303.16(a), 303.16(b), 303.17(a), 303.17(b), 303.18(a), 303.18(b), and 303.18(c) of the current sentencing guidelines.

**Annex A**  
**TITLE 204. JUDICIAL SYSTEM**  
**GENERAL PROVISIONS**  
**PART VIII. CRIMINAL SENTENCING**  
**CHAPTER 303a. SENTENCING GUIDELINES**

Sec.	
303a.1.	Preliminary provisions.
303a.2.	Guideline sentencing standards.
303a.3.	Offense gravity score.
303a.4.	Prior record score.
303a.5.	Guideline sentence recommendation.
303a.6.	Aggravated and mitigated circumstances.
303a.7.	Judicial proceeding recommendations.
303a.8.	Sentencing matrix.

**§ 303a.1. Preliminary provisions.**

(a) *Authorization for adoption of guidelines.*

(1) *Adoption of guidelines for sentencing and probation.* As authorized by 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), the Commission shall adopt guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for persons who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors.

(i) In adopting guidelines, the commission shall recommend confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and the community and the rehabilitative needs of the person.

(ii) The guidelines shall address the following retributive factors:

(A) Seriousness of the offense, by specifying the range of sentences applicable to crimes of a given degree of gravity.

(B) Criminal history, by specifying a range of sentences of increased severity or intensity of intervention for persons previously convicted of or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. The commission may exclude or reduce the valuation of less serious offenses and increase the valuation of offenses committed while under supervision or in a temporal or offense pattern.

(C) Criminal behavior, by specifying a range of sentences of increased severity or intensity of intervention for persons with increased culpability, including those who possessed or used a deadly weapon or inflicted substantial harm during the commission of the current conviction offense.

(D) Aggravated and mitigated ranges, by specifying variations from the range of sentences applicable on account of aggravating or mitigating circumstances.

(E) The impact of any amendments to 42 Pa.C.S. § 9756 (relating to sentence of total confinement).

(iii) The guidelines shall include the following risk-related adjustments:

(A) Incapacitation of serious violent persons.

(B) Modifications to criminal history to reflect risk to reoffend and substantial risk to public safety to adjust the length of total confinement for more serious criminal history.

(iv) The guidelines shall address the use of county intermediate punishment programs as restrictive conditions of probation and the duration of terms of probation.

(v) The guidelines shall include interactive information to support decisions with risk and recidivism information.

(2) *Adoption of guidelines for restrictive conditions and certification of compliance.* As authorized by 42 Pa.C.S. § 2154.1 (relating to adoption of guidelines for restrictive conditions), the Commission shall adopt guidelines to identify persons who would be eligible and appropriate for restrictive conditions of probation. These guidelines shall be considered by the sentencing court in determining whether to impose restrictive conditions pursuant to 42 Pa.C.S. § 9763 (relating to conditions of probation).

(i) The guidelines shall give primary consideration to reducing recidivism for the protection of the public safety.

(ii) The Commission shall certify compliance by each county with guidelines adopted by the commission for county intermediate punishment or for imposing restrictive conditions of probation, and with related statutory requirements and 42 Pa.C.S. § 9728(g.1) (relating to collection of restitution, reparation, fees, costs, fines and penalties), and report the results to the Pennsylvania Commission on Crime and Delinquency.

(3) *Adoption of guidelines for fines, other economic sanctions, and community service.* As authorized by 42 Pa.C.S. § 2154.3 (relating to adoption of guidelines for fines), the Commission shall adopt guidelines for fines or other lawful economic sanctions, within the limits established by law, which shall be considered by the sentencing court in determining the appropriate sentence for persons who plead guilty or nolo contendere to or who are found guilty of felonies and misdemeanors. The guidelines shall do all of the following:

(i) Specify the range of fines or other lawful economic sanctions, applicable to crimes of a given degree of gravity.

(ii) Specify a range of fines or other lawful economic sanctions of increased amount for persons previously convicted or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. For purposes of this paragraph, the term “previously convicted or adjudicated delinquent” shall include any finding of guilt or adjudication of delinquency whether or not sentence has been imposed or disposition ordered prior to the commission of the current offense.

(iii) Prescribe variations from the range of fines applicable on account of aggravating or mitigating circumstances.

(iv) Prescribe community service alternatives which may be imposed in lieu of all or part of the fines where the sentencing court finds the person lacks the ability to pay all or part of the fine.

(b) *Definitions.* For the purposes of these guidelines, as codified in Part VIII of 204 Pa. Code (relating to criminal sentencing), the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

*“Adjudication.”* A finding by a Juvenile Court that a juvenile has committed a delinquent act or that a child has committed an offense excluded from the definition of “delinquent act” and has been transferred from criminal proceedings pursuant to 42 Pa.C.S. § 6322 (relating to transfer from criminal proceedings).

*“Adjudication of delinquency.”* Following an adjudication hearing in which a Juvenile Court finds the juvenile

committed a delinquent act, a determination by a Juvenile Court that the juvenile is in need of treatment, supervision, or rehabilitation.

*“Aggregated sentence.”* As required by 42 Pa.C.S. § 9762(f) (relating to sentencing proceeding; place of confinement), two or more consecutive sentences that have been combined, whereby the aggregate minimum term is the sum of the consecutive minimum terms, and the aggregate maximum term is the sum of the consecutive maximum terms.

*“Aggregate term of probation.”* The sum of all consecutive terms of probation imposed during a judicial proceeding.

*“Autism spectrum disorder.”* Any of the pervasive developmental disorders defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), including autistic disorder, Asperger’s disorder and pervasive developmental disorder not otherwise specified.

*“Board.”* Pennsylvania Parole Board. An independent executive branch agency comprised of nine members appointed by the Governor and confirmed by the Senate for six-year terms. The Board has the responsibility to parole, recommit for violations of parole, and to discharge from parole offenders sentenced to confinement in a state facility.

*“Bodily injury.”* Impairment of physical condition or substantial pain.

*“CPCMS—common pleas case management system.”* A web-based application, operated by the Administrative Office of Pennsylvania Courts, which serves as a source of information from courts of common pleas on current and prior conviction offenses, used to prepare sentencing guidelines and sentence risk assessments.

*“Commission.”* Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt and implement a sentence risk assessment instrument and guidelines for sentencing and resentencing to be considered by the court, and guidelines for parole and recommitment to be considered by the Board.

*“Concurrent sentence.”* Sentences imposed to be served simultaneously or at the same time.

*“Consecutive sentence.”* Sentences imposed to be served one after another. As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses) and 42 Pa.C.S. § 9762(f), consecutive confinement sentences shall be aggregated into a single sentence with one minimum term and one maximum term.

*“Conviction.”* A finding of guilty or the entering of a plea of guilty or nolo contendere for a felony or misdemeanor, whether or not judgement of sentence has been imposed.

*“Course of conduct.”* A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct.

*“Court.”* Unless otherwise provided, a court of common pleas or any judge thereof, the Philadelphia Municipal Court or any judge thereof, the Pittsburgh Magistrates Court or any judge thereof, or any magisterial district judge.

*“Crime-free.”* Following a conviction and sentence and subsequent release to the community, the completion of a prescribed period of time without commission of a new felony or misdemeanor, for which the person pleads guilty

or nolo contendere or is found guilty. For non-confinement sentences, release to the community begins on the date of sentencing; for confinement sentences, release to the community begins on the date of initial release on parole, or release following completion of the confinement sentence, whichever is earlier.

*“Crime of violence.”* An adjudication or conviction for an offense listed under 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses).

*“Criminal gang.”* A formal or informal ongoing organization, association, or group, with or without an established hierarchy, that has as one of its primary activities the commission of criminal or delinquent acts and that consists of three or more persons.

*“Deadly weapon.”* Any firearm, as defined in 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms), whether loaded or unloaded; or any dangerous weapon, as defined in 18 Pa.C.S. § 913 (relating to possession of firearm or other dangerous weapon in court facility); or any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury, including where the court determines that the person intended to use the weapon to threaten or injure another person.

*“Decay.”* A type of lapsing which involves the removal from the determination of the prior record score certain prior adjudication or conviction offenses following a prescribed period of time.

*“Delinquent act.”* An act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law.

*“Department.”* Pennsylvania Department of Corrections (DOC). An executive branch agency responsible for operating the state prison system and providing parole supervision of reentrants.

*“Disposition.”* The final determination made by a Juvenile Court after an adjudication of delinquency.

*“Enhancement.”* An adjustment to the basic sentence recommendations based on a determination by the court that a specified factor is present. Enhancements may be incorporated into the offense gravity score assignments or may require an increase in the assignments.

*“Family or household member.”* Spouses or persons who have been spouses, persons living as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

*“Gap.”* A type of lapsing which involves the removal from the determination of the prior record score certain prior adjudication or conviction offenses following a prescribed period of crime-free behavior.

*“Guideline sentence form.”* A document or a computer generated sentence information report promulgated by the Commission. The form provides the court with a guideline sentence recommendation and other relevant information for each conviction offense for consideration prior to sentencing; following sentencing, the form includes information on the sentence imposed and reasons for the sentence. The form is generated by SGS Web based on information entered or verified by users authorized by the court; following sentencing, SGS Web is used to electronically submit all required information used to generate the form to the Commission.

*“Inchoate offenses.”* The offenses of criminal attempt, criminal solicitation, and criminal conspiracy.

*“Intellectual disability.”* Regardless of the age of the individual, significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communications; self-care; home living; social and interpersonal skills; use of community resources; self-direction; functional academic skills; work; safety.

*“Judicial proceeding.”* A sentencing hearing in which all offenses for which a person is convicted are pending before the court. A judicial proceeding may include multiple dockets and OTNs.

*“Lapsing.”* The removal from the determination of the prior record score certain prior adjudication or conviction offenses. Lapsing includes decay and gap. Decay is the removal of a prior offense following a prescribed period of time. Gap is the removal of a prior offense following a prescribed period of crime-free behavior.

*“MDJS—magisterial district judge system.”* A web-based application, operated by the Administrative Office of Pennsylvania Courts, which serves as a source of information from minor courts on charges filed and the disposition of charges filed, used to prepare sentencing guidelines and sentence risk assessments.

*“Minor.”* A person who is less than 18 years of age.

*“OGS—offense gravity score.”* An assignment in the sentencing guidelines reflecting the seriousness of the conviction offense. There are 30 general OGS categories, OGS 1 through OGS 30, and eight OGS categories limited to assignments for murder.

*“OTN—offense tracking number.”* A unique identifying number assigned to an entire set of related charges. An OTN is generally assigned by the court at the time of arraignment.

*“POG—prior offense group.”* Classification of previous adjudication and conviction offenses based on seriousness used to determine the prior record score. There are four groups, POG1 through POG4, with POG1 being the least serious previous offenses and POG4 being the most serious previous offenses.

*“PRS—prior record score.”* A category in the sentencing guidelines reflecting the seriousness of the criminal history of a person, based on certain previous juvenile adjudications and/or convictions. There are five PRS categories, PRS 0 through PRS 4.

*“Prior adjudication.”* A previous offense for which the commission of the offense and the adjudication of delinquency for the offense occurred prior to the commission of the current conviction offense.

*“Prior conviction.”* A previous offense for which the commission of the offense and the conviction for the offense occurred prior to the commission of the current conviction offense.

*“REVOG—repeat violent offender category.”* A prior record score category based on adjudications and/or convictions of two or more crimes of violence, as provided in 42 Pa.C.S. § 9714(g).

*“RS—restorative sanctions.”* Non-confinement sentencing alternatives and penalties, including determination of guilt without further penalty, fine, community service, and restitution.

*“School zone.”* Within 250 feet of the real property on which is located a public or private elementary or secondary school.

“*Sentencing levels.*” Categories associated with recommended dispositions and durations, based on the combination of the offense gravity score and prior record score. There are eight sentencing levels (Level A—Level H).

“*Serious bodily injury.*” Bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“*Serious crimes.*” Except for crimes of violence, an adjudication or conviction for any felony of the first degree or felony of the second degree, or an adjudication or conviction for a felony of the third degree or misdemeanor of the first degree as provided in the following: 18 Pa.C.S. Part II, Article B (relating to offenses involving danger to the person), 18 Pa.C.S. Chapter 61-A (relating to Uniform Firearms Act), and 42 Pa.C.S. § 9799.14 (relating to sexual offenses and tier system).

“*SGS Web—sentencing guidelines software web application.*” A JNET web-based application developed and operated by the Commission and required to be used for the preparation of sentencing guidelines, sentence risk assessment instruments, and resentencing guidelines, and for the electronic reporting of all required information to the Commission.

“*SID—state identification number.*” A unique number associated with each person based on fingerprints.

“*Statutory limit.*” The longest minimum term of confinement permitted by law, which is one-half the statutory maximum.

“*Statutory maximum.*” The maximum period of confinement or of probation authorized for the disposition of a person, as provided in 18 Pa.C.S. Chapter 11 (relating to authorized disposition of offenders).

(c) *Authorized dispositions.*

(1) The guidelines include recommendations regarding the type of disposition, referred to as sentencing alternatives; the duration of confinement and/or community supervision; the intensity of conditions; and the requirements associated with restitution and other economic sanctions.

(2) *Sentencing alternatives.* As provided in 42 Pa.C.S. Chapter 97 (relating to sentencing), courts are authorized to select one or more of the alternatives listed below when determining the sentence to impose. For purposes of the guidelines, the Commission has grouped these alternatives into four categories based on the increasing severity of the sanction to promote proportionality in sentencing.

(i) *Restorative sanctions*

(A) Determination of guilt without further penalty, pursuant to 42 Pa.C.S. § 9753 (relating to determination of guilt without further penalty).

(B) Fine, as provided in 42 Pa.C.S. § 9758 (relating to fine), including but not limited to:

(I) 18 Pa.C.S. § 1101 (relating to fines)

(II) 35 P.S. § 780-113(b)—(o) (relating to prohibited acts, penalties)

(III) 42 Pa.C.S. § 9726 (relating to fine)

(IV) 75 Pa.C.S. § 3804 (relating to penalties)

(C) Restitution, as provided in 42 Pa.C.S. § 9721(c) (relating to mandatory restitution), including but not limited to:

(I) 18 Pa.C.S. § 1106 (relating to injuries to person or property)

(II) 18 Pa.C.S. § 1107 (relating to theft of timber)

(III) 18 Pa.C.S. § 1107.1 (relating to restitution for identity theft)

(IV) 18 Pa.C.S. § 1110 (relating to restitution for cleanup of clandestine laboratories)

(V) 18 P.S. § 11.1302 (relating to restitution)

(D) Costs, as provided in 42 Pa.C.S. § 9721(c.1) (relating to mandatory payment of costs), including but not limited to:

(I) 18 Pa.C.S. § 1109 (relating to costs)

(II) 18 P.S. § 11.1101 (relating to costs)

(III) 18 P.S. § 11.1102 (relating to costs for offender supervision programs)

(IV) 42 Pa.C.S. § 1725.1 (relating to costs)

(V) 42 Pa.C.S. § 1726.1 (relating to forensic examination costs for sexual offenses)

(VI) 42 Pa.C.S. § 1726.2 (relating to criminal prosecutions involving domestic violence)

(E) Fees, including but not limited to:

(I) 42 Pa.C.S. § 1725 (relating to establishment of fees and charges)

(II) 42 Pa.C.S. § 1725.3 (relating to criminal laboratory user fees)

(III) 42 Pa.C.S. § 1725.4 (relating to fee increases and automation fee)

(IV) 42 Pa.C.S. § 1725.5 (relating to booking center fee)

(V) 42 Pa.C.S. § 1725.7 (relating to petition for expungement or order for limited access fee)

(ii) *Probation.* Order of probation, pursuant to 42 Pa.C.S. § 9754 (relating to order of probation), as provided in 42 Pa.C.S. § 9763(b) (relating to conditions of probation).

(iii) *Probation with restrictive conditions.* Order of probation, pursuant to 42 Pa.C.S. § 9754, as provided in:

(A) 42 Pa.C.S. § 9763(c); and

(B) 42 Pa.C.S. § 9763(d)

(iv) *Confinement*

(A) Partial or total confinement in a county facility, pursuant to 42 Pa.C.S. § 9755 (relating to sentence of partial confinement) and § 9756 (relating to sentence of total confinement), as provided in:

(I) 42 Pa.C.S. § 9762(b)(2) and (3) (relating to sentencing proceeding; place of confinement); and

(II) 75 Pa.C.S. § 3804(d) (relating to extended supervision of court)

(B) Total confinement in a state facility, pursuant to 42 Pa.C.S. § 9756, as provided in 42 Pa.C.S. § 9762(b)(1) and (2).

(d) *Authorized programs.*

(1) The guidelines include recommendations and requirements for sentencing and reentry programs for consideration by the court, as well as correctional programs operated by the Department for which the court determines eligibility and appropriateness.

(2) *Sentencing and reentry programs.* The following sentencing and reentry programs are authorized by statute for consideration by the courts:

(i) County intermediate punishment programs as restrictive conditions of probation, as provided in 42 Pa.C.S. § 9804 (relating to county intermediate punishment programs).

(A) *Purpose.* County intermediate punishment programs are developed, implemented and operated for the following purposes: to protect society and promote efficiency and economy in the delivery of correctional services; to promote accountability of persons to their local community; to fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the court; and to provide opportunities for persons who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.

(B) *Eligibility.* The following regulations and statutes govern operation of and eligibility for county intermediate punishment programs as restrictive conditions of probation:

(I) 37 Pa. Code § 451.111 et seq.

(II) 42 Pa.C.S. §§ 2154, 2154.1, 9754, 9763, 9773 and Chapter 98.

(III) Sentence recommendations which include an option of county intermediate punishment programs as restrictive conditions of probation for certain persons are described in sections 303a.3(c) and 303a.5(c).

(C) *Plan.* The county intermediate punishment plan, as described in 42 Pa.C.S. Chapter 98 (relating to county intermediate punishment), provides a mechanism to advise the court of the extent and availability of services and programs authorized in the county. This plan includes information on the appropriate classification and use of county programs based on program-specific requirements.

(D) *Restrictive conditions of probation.* Restrictive conditions of probation, as provided in 42 Pa.C.S. § 9763(d), are defined as programs that provide for strict supervision of the person. The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of persons. All programs must meet the statutory requirements of 42 Pa.C.S. § 9763, satisfy the minimum standards of the Pennsylvania Commission on Crime and Delinquency regulations found at 37 Pa. Code Chapter 451 (relating to intermediate punishment programs), and comply with the guidelines adopted pursuant to 42 Pa.C.S. § 2151.1 (relating to adoption of guidelines for restrictive conditions).

(I) Restrictive conditions of probation: house the person full time or part time; or significantly restrict the person's movement and monitor the person's compliance with the program, including electronic monitoring or home confinement.

(II) A person under consideration for restrictive conditions of probation at Level C or D shall have a diagnostic assessment of dependency on alcohol or other drugs conducted by one of the following: the Pennsylvania Department of Drug and Alcohol Programs or a designee; the county authority on drugs and alcohol or a designee; or clinical personnel of a facility licensed by the Department of Drug and Alcohol Programs.

(III) A person assessed to be dependent on alcohol or other drugs shall be evaluated for purposes of a treatment

recommendation by one of the above listed assessors. The evaluation shall consider the level of motivation of the person. If sentenced to a restrictive condition of probation, the sentence shall be consistent with the level of care and length of stay prescribed in the treatment recommendation, regardless of the standard range sentencing recommendation.

(IV) A person assessed as not in need of drug or alcohol treatment may be placed in any approved restrictive condition of probation. Each day of participation in a restrictive condition of probation shall be considered the equivalent of one day of confinement for guideline sentencing recommendations.

(E) *Restrictive DUI probation conditions.* Restrictive DUI probation conditions, as provided in 42 Pa.C.S. § 9763(c), are specified programs that may be used to satisfy the mandatory minimum sentencing requirements of certain convictions under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731 or 75 Pa.C.S. § 3804 for a first, second or third offense under 75 Pa.C.S. Chapter 38. The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of persons. All programs must meet the statutory requirements of 42 Pa.C.S. § 9763, satisfy the minimum standards of the Pennsylvania Commission on Crime and Delinquency regulations found at 37 Pa. Code Chapter 451, and comply with the guidelines adopted pursuant to 42 Pa.C.S. § 2151.1. Unless otherwise provided in statute, restrictive DUI probation conditions include:

(I) If the person is determined to be in need of drug and alcohol treatment, and receives a penalty imposed under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804 or a first, second or third offense under 75 Pa.C.S. Chapter 38, a sentence with restrictive DUI probation conditions shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and shall have restrictive DUI probation conditions of: a residential inpatient program or residential rehabilitative center; house arrest with electronic surveillance; a partial confinement program such as work release, a work camp or a halfway facility; or any combination of these programs.

(II) If the person is determined not to be in need of drug and alcohol treatment, the person shall have restrictive DUI probation conditions of: house arrest with electronic surveillance; or partial confinement programs such as work release, a work camp or a halfway facility; or any combination of these programs.

(ii) County reentry plan, as provided in 42 Pa.C.S. § 9756(b)(3).

(A) A release plan that may include drug and alcohol treatment, behavioral health treatment, job training, skills training, education, life skills or any other condition deemed relevant by the court.

(B) A county reentry plan is not authorized where the maximum sentence imposed is two years or more, or where a mandatory minimum sentence of imprisonment or total confinement is required by law.

(C) At the time of sentencing, the court shall state whether or not the person is eligible to participate in a county reentry plan at any time prior to the expiration of the minimum sentence or at the expiration of a specified portion of the minimum sentence.

(D) The county reentry plan eligibility shall be considered a part of the sentence and subject to the requirements related to the entry, recording and reporting of sentences.

(iii) Partial release from a county facility (work release), as provided in 42 Pa.C.S. § 9755(c).

(A) An order, imposed with a partial confinement sentence, granting a person the privilege of leaving the county correctional facility during necessary and reasonable hours, for employment, education, medical treatment, or any other purpose approved by the court.

(B) At the time of sentencing, the court shall state whether partial release is authorized, and any conditions ordered, with a partial confinement sentence.

(C) Correctional authorities shall determine when and under what conditions consistent with the order issued the person shall be permitted to be absent from the correctional institution.

(iv) Mandatory period of probation for certain sexual offenders, as provided in 42 Pa.C.S. § 9718.5 (relating to mandatory period of probation for certain sexual offenders).

(A) Requirement that applies to persons convicted of an offense under 42 Pa.C.S. § 9799.14(d) (relating to sexual offenses and tier system).

(B) At the time of sentencing, a mandatory period of probation of three years shall be imposed consecutive to and in addition to any other lawful sentence issued by the court.

(C) The court may impose the term of probation required in addition to the maximum sentence permitted for the offense for which the person was convicted.

(v) State reentry supervision, as provided in 61 Pa.C.S. § 6137.2 (relating to reentry supervision).

(A) Requirement that applies to persons committed to the Department with an aggregate minimum sentence of total confinement of four years or more.

(B) At the time of sentencing, a period of reentry supervision of 12 months shall be imposed consecutive to and in addition to any other lawful sentence issued by the court.

(C) The Court may impose the period of reentry supervision required in addition to the maximum sentence permitted for the offense for which the person was convicted.

(D) Persons who have been granted any period of parole during the same period of incarceration shall be deemed to have served the reentry supervision requirement.

(3) *Correctional programs.* The following correctional programs are authorized by statute and operated by the Department for which the court determines eligibility and appropriateness:

(i) State motivational boot camp program, as provided in 61 Pa.C.S. Chapter 39 (relating to motivational boot camp).

(A) A program for eligible persons committed to the Department in which the person participates for a period of six months in a humane program which provides rigorous physical activity, intensive regimentation and discipline, work on public projects, substance abuse treatment services licensed by the Department of Health,

continuing education, vocational training, prerelease counseling, and community corrections aftercare.

(B) *Eligibility.* The following statute governs operation of and eligibility for the state motivational boot camp: eligible persons, as provided in 61 Pa.C.S. § 3903 (relating to definitions).

(C) Boot camp is recommended for eligible persons less than 40 years of age committed to the Department with a minimum term not more than two years and a maximum term of five years or less; or a minimum term not more than three years and within two years of completing the minimum term. The court may exercise discretion to exclude the person from eligibility. If eligible, the person must give consent to enter the program.

(D) The court shall indicate on the person's commitment order and the guideline sentence form if the person is excluded from eligibility for the boot camp program. The Department makes the final determination as to whether the person will be accepted into the boot camp program.

(E) Upon successful completion of the program, the person shall be immediately released on parole, subject to intensive supervision. Expulsion from the program results in the person's continued service of the original sentence imposed, with consideration of parole upon completion of the minimum term.

(ii) State drug treatment program, as provided in 61 Pa.C.S. Chapter 41 (relating to state drug treatment program).

(A) A 24-month program for drug-related persons committed to the Department designed to address the individually assessed drug and alcohol abuse and addition needs of a participant and to address other issues essential to the participant's successful reintegration into the community, including, but not limited to, educational and employment issues.

(B) *Eligibility.* The following statute governs operation of and eligibility for the state drug treatment program: eligible person, as provided in 61 Pa.C.S. § 4103 (relating to definitions).

(C) State drug treatment program is recommended for eligible persons convicted of drug-related offenses committed to the Department with a minimum term not more than two years and a maximum term of five years or less; or a minimum term not more than five years and within two years of completing the minimum term. The court and the prosecutor may exercise discretion to exclude the person from eligibility. If eligible, the person must give consent to enter the program, and the DOC assessment must conclude that the person is in need of drug and alcohol addiction treatment.

(D) The court shall indicate on the person's commitment order and the Guideline sentence form if the person is excluded from eligibility for the state drug treatment program. The Department makes the final determination as to whether the person will be accepted into the state drug treatment program.

(E) Upon successful completion of the program, the entire term of confinement that rendered the person eligible to participate in the state drug treatment program shall be deemed to have been served. Expulsion from the program results in the person's continued service of the original sentence imposed, with consideration of parole upon completion of the minimum term.

(F) The court may impose a consecutive period of probation. The total duration of a sentence of state



confinement and consecutive probation may not exceed the maximum term for which the eligible person could otherwise be sentenced.

(iii) Recidivism risk reduction incentive (RRRI) program, as provided in 61 Pa.C.S. Chapter 45 (relating to recidivism risk reduction incentive).

(A) A program to encourage eligible non-violent persons committed to the Department to participate in and successfully complete evidence-based programs that reduce the likelihood of recidivism and improve public safety.

(B) *Eligibility.* The following statute governs operation of and eligibility for the recidivism risk reduction incentive program: eligible person, as provided in 61 Pa.C.S. § 4503 (relating to definitions).

(C) Recidivism risk reduction incentive program is an individualized plan that contains approved treatment and other approved programs designed to reduce recidivism risk of a specific person. If the court determines the person committed to the Department is statutorily eligible, the court shall provide notice of eligibility to the person, and the court shall direct the Department to calculate the RRRI minimum sentence.

(D) The court shall indicate on the person's commitment order and the guideline sentence form if the person is eligible and direct the Department to calculate the RRRI minimum sentence. The RRRI minimum sentence is three-fourths of the minimum sentence when the minimum sentence is three years or less. The RRRI minimum sentence is five-sixths of the minimum sentence when the minimum sentence is greater than three years.

(E) Upon certification by the Department that the person has completed all requirements of the program and remains an eligible person, the Board may grant parole upon the expiration of the RRRI minimum sentence.

(iv) Short sentence parole (SSP) program, as provided in 61 Pa.C.S. § 6137.1 (relating to short sentence parole).

(A) A program for eligible non-violent persons committed to the Department with an aggregate minimum sentence of confinement of two years or less for which parole at minimum without an interview is authorized

(B) *Eligibility.* The following statute governs operation of and eligibility for short sentence parole: 61 Pa.C.S. § 6137.1(a).

(C) Short sentence parole requires the Board to approve for parole an eligible person at the expiration of the minimum date or RRRI minimum date, whichever is shorter, without requiring an interview.

(D) A person shall not be eligible for short sentence parole if found guilty of a major disciplinary infraction while confined in a county or state correctional institution or has pending felony charges.

### § 303a.2. Guideline sentencing standards.

#### (a) *General provisions.*

(1) The court shall consider the sentencing guidelines in determining the appropriate sentence for persons convicted of, or pleading guilty or nolo contendere to, felonies and misdemeanors. Where crimes merge for sentencing purposes, the court shall consider the sentencing guidelines only on the offense assigned the higher offense gravity score.

(2) The sentencing guidelines do not apply to sentences imposed as a result of the following: accelerated rehabili-

tative disposition; disposition in lieu of trial; direct or indirect contempt of court; violations of protection from abuse orders; revocation of probation, except as provided in 204 Pa. Code Chapters 307 and 307a (relating to resentencing guidelines for 7th edition sentencing guidelines; and resentencing guidelines for 8th edition sentencing guidelines); or revocation of parole, except as provided in 204 Pa. Code Chapter 311 (relating to State parole recommitment ranges).

(3) The sentencing guidelines shall apply to all offenses committed on or after the effective date of the guidelines. Editions or amendments to the sentencing guidelines shall apply to all offenses committed on or after the effective date of the edition or amendment to the guidelines.

(i) The effective date of the initial sentencing guidelines and effective dates of editions and amendments to the sentencing guidelines are provided in Table A.

(ii) On October 7, 1987, the Pennsylvania Supreme Court invalidated the sentencing guidelines due to a procedural error that occurred in 1981, when the General Assembly rejected the initial sentencing guidelines adopted by the Commission. As a result, sentencing guidelines adopted prior to April 25, 1988, were declared by the Court to be of no force.

(iii) For offenses committed on multiple dates, the guidelines shall be applied based on the date of each offense and the effective date of the editions or amendments to the guidelines. If the specific dates of the offenses cannot be determined, the later date shall be used to determine the applicable edition or amendment of the sentencing guidelines.

(4) In every case in which a court of record imposes a sentence for a felony or misdemeanor, the court shall make as a part of the record and disclose in open court at the time of the sentencing a statement of the reason or reasons for the sentence imposed. In every case in which a court of record imposes a sentence or resentence outside the guidelines, the court shall report the reason or reasons for the deviation from the guidelines to the Commission.

#### (b) *Procedures at sentencing.*

(1) Determining the guideline sentence recommendations for the judicial proceeding:

(i) Determine the offense gravity score for each conviction offense as described in § 303a.3.

(ii) Determine the corresponding prior record score as described in § 303a.4.

(iii) Determine the guideline sentence recommendation for each conviction offense as described in § 303a.5.

(2) Consideration of recommendations and imposition of sentence:

(i) Consider the standard range recommendation as provided in § 303a.8, and any circumstances that warrant consideration of a sentence in the aggravated or mitigated ranges, or a departure above or below the guidelines, as provided in § 303a.6.

(ii) Consider the judicial proceeding recommendations, as provided in § 303a.7, including the imposition of concurrent or consecutive sentences and the authorization of any sentencing or correctional programs based on the aggregate sentence.

(3) Report the sentence(s) and reasons as required to the Commission via SGS Web.

(c) *Reporting information to the Commission.*

(1) As authorized by 42 Pa.C.S. § 2153(a)(14) (relating to power and duties of commission) and as required by 42 Pa.C.S. § 9721(b) (relating to sentencing generally), the court shall submit required guidelines and sentencing information to the Commission for each conviction offense and for the judicial proceeding.

(2) The full submission of data to the Commission, and certification of compliance with guidelines and with the county's intermediate punishment plan for imposing restrictive conditions, is required by Act 2019-114 and 42 Pa.C.S. § 2151.1(b) regarding adoption of guidelines for restrictive conditions.

(3) Unless otherwise provided by the Commission, the JNET-based SGS Web application shall be used at the court's direction to prepare the guideline sentence form for each conviction offense, and the sentence guideline form for any resentencing for a revocation of probation, as provided in 204 Pa. Code Chapters 307 and 307a.

(4) Following imposition of the sentence, a completed guideline sentence form, including the state identification number (SID), the sentence imposed, reasons for deviation from the sentencing guidelines, and all required guidelines and sentencing information for each conviction offense and for the judicial proceeding, shall be made a part of the record, and the information electronically submitted to the Commission using SGS Web no later than 30 days after the date of sentencing.

(5) Following revocation of probation and resentencing, a completed guideline sentence form, including the state identification number (SID), the resentencing imposed, reasons for deviation from the resentencing guidelines, and all required guidelines and resentencing information, including information from the completed sentence guideline form associated with the initial order of probation, shall be made a part of the record, and the information electronically submitted to the Commission using SGS Web no later than 30 days after the date of resentencing.

### § 303a.3. Offense gravity score.

(a) *General provisions.*

(1) The offense gravity score (OGS) measures the seriousness of the current conviction offense and is the primary determinant of the guideline sentence recommendation. An OGS is assigned to each conviction offense, based on the elements of the offense and the classification of the crime. There are 30 general OGS categories, with another six OGS categories for assignments limited to murder of the first or second degree.

(2) *Subcategorized offenses.* Certain conviction offenses are subcategorized and may be assigned more than one OGS based on the presence of specific sentencing factors determined by the court at sentencing and/or mandatory minimum sentencing provisions. Subcategorized offenses are included in the offense listings in Tables B1—B3 and Tables D1-D2 and designated by an asterisk [\*].

## (3) Assignments for specific offense categories:

(i) *Inchoate offenses.* Inchoate offenses are scored as follows:

(A) Convictions for attempt, solicitation, or conspiracy to commit a Felony 1 offense receive an OGS of one point less than the offense attempted, solicited, or which was the object of the conspiracy.

(B) Convictions for attempt, solicitation, or conspiracy to commit any offense which is not a Felony 1 offense, receive the OGS of the offense attempted, solicited, or which was the object of the conspiracy.

(C) Convictions for attempt, solicitation, or conspiracy to commit any offense under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144) receive the OGS of the offense attempted, solicited, or which was the object of the conspiracy.

(ii) *Offenses with classifications associated with underlying offenses.*

(A) Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710), Terrorism (18 Pa.C.S. § 2717), Ecoterrorism (18 Pa.C.S. § 3311), and other offenses for which the grade is classified one degree higher than the underlying offense are assigned an OGS two points higher than the OGS of the underlying offense but cannot exceed OGS 30.

(B) Convictions for Obstruction of Justice (18 Pa.C.S. § 3016), Unlawful Contact with Minor (18 Pa.C.S. § 6318), and other offenses for which the grade is classified the same as an associated or underlying offense are assigned the same OGS as the associated or underlying offense, unless otherwise provided.

(iii) *Violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).*

(A) If any mixture or compound contains any detectable amount of a controlled substance, the entire amount of the mixture or compound shall be deemed to be composed of the controlled substance. If a mixture or compound contains a detectable amount of more than one controlled substance, the mixture or compound shall be deemed to be composed entirely of the controlled substance with the highest OGS.

(B) Exception for prescription pills. For violations of § 780-113 (a)(12), (a)(14), and (a)(30) involving narcotic prescription pills of Schedule II, when both the weight and the number of pills are known, the higher OGS assignment applies.

(C) Subcategorization. OGS assignments for violations of § 780-113(a)(12), (a)(14), and (a)(30) are subcategorized based on the type and quantity of the controlled substance, and the statutory maximum of the controlled substance, including the applicability of § 780-114 or § 780-115.

(4) *Omnibus offense gravity score.* The omnibus OGS is assigned based on the grade of the conviction offense and applies to any offense not listed in Tables B1—B3 or Tables D1-D2, and as provided below, may apply to new or amended sections of statute enacted by the General Assembly.

(i) The omnibus OGS assignments are as follows:

(A) Felony 1 (statutory maximum greater than 20 years)	OGS 22
(B) Felony 1	OGS 14
(C) Felony 2	OGS 11
(D) Felony 3 and unclassified felonies	OGS 9
(E) Misdemeanor 1	OGS 7
(F) Misdemeanor 2	OGS 4
(G) Misdemeanor 3 and unclassified misdemeanors	OGS 2

(ii) For an addition of a new subsection of statute:

(A) The lowest OGS assigned within the section based on the grade or statutory maximum of the offense shall apply to the new subsection.

(B) When the grade or statutory maximum of the new subsection is higher than the highest grade or statutory maximum in the section, the highest assigned OGS in the section shall apply to the new subsection, unless the omnibus OGS is higher.

(C) When the grade or statutory maximum of the new subsection is lower than the lowest grade or statutory maximum in the section, the lowest assigned OGS in the section shall apply to the new subsection, unless the omnibus OGS is lower.

(iii) For an amendment to an existing section of statute:

(A) When the definition of an offense listed in Tables B1—B3 is changed, the previously assigned OGS shall apply.

(B) When the grade or statutory maximum of a subsection listed in Tables B1—B3 has increased, the omnibus OGS shall apply, unless the previously assigned OGS is higher.

(C) When the grade or statutory maximum of a subsection listed in Tables B1—B3 has decreased, the omnibus OGS shall apply, unless the previously assigned OGS is lower.

(b) *Enhancements.*

(1) Enhancements are increases to the initial OGS assignment that apply when a court determines one or more specified sentencing factors were present during the commission of the crime. The application of an enhancement is determined by the court at sentencing, based on a preponderance of the evidence. Sentence enhancements may be mandated by statute or established by the Commission.

(2) Enhancements are included in guideline sentence recommendations through two approaches:

(i) Subcategorization, in which one or more sentencing factors identified for enhancement are included in the OGS assignment in Tables B1—B3; and/or

(ii) Adjustment, in which the OGS assignment in Tables B1—B3 is increased when it is determined that one or more sentencing factors identified for enhancement were present during the commission of the crime.

(3) An enhancement shall apply to each conviction offense for which the court determines the sentencing factor is present, unless the sentencing factor is an element of the crime or a sentencing factor considered in the OGS assignment, or the sentencing factor has been applied through another enhancement. The OGS may not exceed OGS 30 based on an enhancement adjustment. An enhancement may apply generally to any offense or a category of offenses or may be limited to specified offenses.

(4) *Descriptions of general enhancements.*

(i) *Deadly Weapon Enhancement*, as provided in 42 Pa.C.S. § 2154(b)(3).

(A) *Deadly Weapon Possessed.* When the court determines that the person possessed a deadly weapon during the commission of the current conviction offense, the court shall adjust the OGS as provided in Table C. The person has possessed a deadly weapon if the deadly weapon was on the person's person or within his immediate physical control.

(B) *Deadly Weapon Used.* When the court determines that the person used a deadly weapon during the commission of the current conviction offense, the court shall adjust the OGS as provided in Table C. The person has used a deadly weapon if a deadly weapon was employed by the person in a way that threatened or injured another person.

(C) The deadly weapon enhancements shall not apply to the following offenses: (I) 18 Pa.C.S. § 907 (relating to possessing instruments of crime)

(II) 18 Pa.C.S. § 908 (relating to prohibited offensive weapons)

(III) 18 Pa.C.S. § 912 (relating to possession of weapon on school property)

(IV) 18 Pa.C.S. § 913 (relating to possession of firearm or other dangerous weapon in court facility)

(V) 18 Pa.C.S. § 2701(a)(2) (relating to simple assault with deadly weapon)

(VI) 18 Pa.C.S. § 2702(a)(4) (relating to aggravated assault with deadly weapon)

(VII) Any offense assigned to Level G or Level H in the sentencing guidelines.

(VIII) Any offense for which possession of a deadly weapon is an element of the statutory definition, including theft when property stolen is a firearm and any violation of the Pennsylvania Uniform Firearms Act.

(ii) *School/Youth Enhancement*, as provided in 42 Pa.C.S. § 2154(b)(3).

(A) The school/youth drug enhancement applies when the court determines that the person: distributed a controlled substance to a person or persons under 18 years of age and/or manufactured, delivered, or possessed with intent to deliver a controlled substance within a school zone. When the court determines one or both sentencing factors were present, the court shall adjust the OGS as provided in Table C.

(B) The enhancement only applies to violations of 35 P.S. § 780-113(a)(14) and (a)(30).

(iii) *Criminal Gang Enhancement*, as required by 42 Pa.C.S. § 9720.4.

(A) When the court determines that the person committed a crime of violence in association with a criminal gang, the court shall adjust the OGS as provided in Table C.

(B) When the court determines that the person committed a violation of 35 P.S. § 780-113(a)(30) in association with a criminal gang, the court shall adjust the OGS as provided in Table C.

(C) The Criminal Gang Enhancement shall apply to each violation which meets the criteria above.

(iv) *Domestic Violence Enhancement*, as required by 42 Pa.C.S. § 9720.8.

(A) When the court determines that the person committed an offense under 18 Pa.C.S. Chapters 25, 27, 29, 30, 31, or 49 against a family or household member as defined in 23 Pa.C.S. § 6102, the court shall adjust the OGS as provided in Table C.

(B) When the court further determines that a person knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the person or the victim, the court shall

consider ordering the person to pay the costs or fees associated with the assessment and treatment of the minor for exposure to domestic violence.

(5) *Descriptions of crimes code enhancements.*

(i) Third Degree Murder of a Victim Younger than Age 13 Enhancement, as required by 42 Pa.C.S. § 9711.1. When the court determines the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall consider the enhanced sentence recommendations provided in Tables B1—B3.

(ii) Causing or Aiding Suicide Enhancement, as required by 18 Pa.C.S. § 2505(c). When the court determines the person who died by suicide or was aided or solicited to die by suicide was under 18 years of age and has an intellectual disability or autism spectrum disorder, the court shall consider the enhanced sentence recommendations provided in Tables B1—B3.

(iii) Trafficking in Individuals and Involuntary Servitude Enhancement, as required by 18 Pa.C.S. § 3024. When the court determines that the person violated 18 Pa.C.S. § 3011 (relating to trafficking in individuals) or § 3012 (relating to involuntary servitude) and any of the following factors were present, the court shall adjust the OGS as provided in Table C:

(A) The person committed a violation involving sexual servitude; or

(B) The victim was a minor less than 18 years of age; or

(C) The victim was a minor less than 13 years of age; or

(D) In the course of committing a violation, the person also violated one or more of the following offenses:

(I) 18 Pa.C.S. § 2901 (relating to kidnapping); or

(II) 18 Pa.C.S. § 3121 (relating to rape); or

(III) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(iv) Sexual Extortion, as required by 18 Pa.C.S. § 3133(e).

(A) When the court determines that the person violated 18 Pa.C.S. § 3133 (relating to sexual extortion) and the complainant is under 18 years of age or has an intellectual disability or the actor holds a position of trust or supervisory or disciplinary power over the complainant, the court shall consider the enhanced sentence recommendations provided in Tables B1—B3.

(B) When the court determines that the person violated 18 Pa.C.S. § 3133 (relating to sexual extortion) and the complainant attempts suicide resulting in serious bodily injury or dies by suicide, within 90 days of the commission of the offense, as a proximate result of the trauma that the complainant experienced during or following the commission of the offense, the court shall adjust the OGS as provided in Table C.

(v) Arson Enhancement, as required by 42 Pa.C.S. § 9720.6.

(A) When the court determines that one or more of the following factors relating to arson as defined in 18 Pa.C.S. § 3301 are present, the court shall consider the enhanced sentence recommendations provided in Tables B1—B3:

(I) Bodily injury results to a firefighter, police officer or person actively engaged in fighting the fire; or

(II) Serious bodily injury results to a civilian.

(B) When the court determines that one or more of the following factors relating to arson as defined in 18 Pa.C.S. § 3301 are present, the court shall adjust the OGS as provided in Table C:

(I) More than three persons were present inside the property at the time of the offense; or

(II) The fire caused more than \$1,000,000 in property damage; or

(III) The actor used, attempted to use or possessed an explosive or incendiary device as defined in 18 Pa.C.S. § 5515(a) (relating to prohibiting paramilitary training).

(vi) Burglary Enhancement, as required by 18 Pa.C.S. § 3502(d.1) and 42 Pa.C.S. § 9720.7.

(A) When the court determines that the person violated 18 Pa.C.S. § 3502(a)(1)(i) (relating to burglary), regarding burglary of a structure adapted for overnight accommodations in which at the time of the offense any person is present and the person commits, attempts or threatens to commit a bodily injury therein, the court shall consider the enhanced sentence recommendations provided in Tables B1—B3.

(B) When the court determines that the person violated 18 Pa.C.S. § 3502 (relating to burglary) and a domestic animal was harmed or killed in the course of the burglary, the court shall adjust the OGS as provided in Table C.

(vii) Robbery of Motor Vehicle Enhancement, as required by 18 Pa.C.S. § 3702(b). When the court determines that the person violated 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle), the court shall consider the enhanced sentence recommendations provided in Tables B1—B3.

(viii) Person Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms Enhancement, as required by 18 Pa.C.S. § 6105(a.1)(1.1)(ii). When the court determines that the person violated 18 Pa.C.S. § 6105(a)(1) (relating to person not to possess, use, manufacture, control, sell or transfer firearms), regarding person not to possess a firearm; conviction for enumerated felony or drug felony, and was previously convicted or was in physical possession or control of a firearm, the court shall consider the enhanced sentence recommendations provided in Tables B1—B3.

(ix) Sexual Abuse of Children Enhancement, as required by 42 Pa.C.S. § 9720.5.

(A) When the court determines that the person violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that indecent contact with a child is depicted and the child depicted is under 10 years of age or prepubescent, the court shall consider the enhanced sentence recommendations provided in Tables B1—B3.

(B) When the court determines that the person violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that the person possessed more than 50 images, the court shall adjust the OGS as provided in Table C. For purposes of this enhancement, the number of images is defined as follows:

(I) Each photograph, picture, computer generated image, or any similar visual depiction shall be considered to be one image.

(II) Each video, video-clip, movie, or similar visual depiction shall be considered to have 50 images.

(C) When the court determines that the person violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that the abuse depicted in the images possessed by the person are of a sexual or violent nature or character, the court shall adjust the OGS as provided in Table C. This enhancement shall apply to any image possessed by the person which portrays or contains any of the following:

- (I) The bondage of a child; or
- (II) A dangerous weapon as defined in 18 Pa.C.S. § 913 used in a sexual context; or
- (III) Penetration or attempted penetration of a child; or
- (IV) An act which would constitute a crime under 18 Pa.C.S. Chapter 25 (relating to criminal homicide), 18 Pa.C.S. Chapter 27 (relating to assault) or 18 Pa.C.S. Chapter 31 (relating to sexual offenses).

(D) Sexual Abuse of Children Enhancement shall apply to each violation which meets the criteria above.

(6) *Descriptions of vehicle code enhancements.*

(i) Homicide by Vehicle Enhancements, as provided in 42 Pa.C.S. § 2154(b)(3) and required by 75 Pa.C.S. § 3732. When the court determines that the person violated 75 Pa.C.S. § 3732 (relating to homicide by vehicle) and that one or more of the following sentencing factors are present, the court shall consider the enhanced sentence recommendations as provided in Tables B1—B3:

(A) *Category A:* violation of 75 Pa.C.S. § 3802 (relating to driving under the influence) or 75 Pa.C.S. § 3316 (relating to prohibiting text-based communications).

(B) *Category B:* violation of 75 Pa.C.S. § 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors), 75 Pa.C.S. § 3325 (relating to duty of driver on approach of emergency vehicle), or 75 Pa.C.S. § 3327 (relating to duty of driver in emergency response areas and in relation to disabled vehicles).

(C) *Category C:* violation of 75 Pa.C.S. § 1501 (relating to drivers required to be licensed) or 75 Pa.C.S. § 1543 (relating to driving while operating privilege is suspended or revoked).

(ii) Aggravated Assault by Vehicle Enhancements, as provided in 42 Pa.C.S. § 2154(b)(3) and required by 75 Pa.C.S. § 3732.1. When the court determines that the person violated 75 Pa.C.S. § 3732.1 (relating to aggravated assault by vehicle) and that one or more of the following sentencing factors are present, the court shall consider the enhanced sentence recommendations as provided in Tables B1—B3:

(A) *Category A:* violation of 75 Pa.C.S. § 3802 (relating to driving under the influence) or 75 Pa.C.S. § 3316 (relating to prohibiting text-based communications).

(B) *Category B:* violation of 75 Pa.C.S. § 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors), 75 Pa.C.S. § 3325 (relating to duty of driver on approach of emergency vehicle), or 75 Pa.C.S. § 3327 (relating to duty of driver in emergency response areas and in relation to disabled vehicles).

(C) *Category C:* violation of 75 Pa.C.S. § 1501 (relating to drivers required to be licensed) or 75 Pa.C.S. § 1543 (relating to driving while operating privilege is suspended or revoked).

(iii) Accidents Involving Death Enhancement, as provided in 75 Pa.C.S. § 3742(b)(3)(ii). When the court

determines that the person violated 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury) and the victim dies, the court shall consider the enhanced sentence recommendations as provided in Tables B1—B3.

(iv) Driving Under the Influence of Alcohol or Controlled Substance Enhancement, as required by 75 Pa.C.S. § 3732. When the court determines that the person violated 75 Pa.C.S. § 3802(a)(1) where the person refused testing of breath or chemical testing or 75 Pa.C.S. § 3802(c) or (d) and where the person has four or more prior offenses, the court shall consider the enhanced sentence recommendations as provided in Tables B1—B3.

(c) *Mandatory sentencing provisions.*

(1) The court has no authority to impose a sentence less than that required by a mandatory minimum provision established in statute. When the guideline range is lower than that required by a mandatory sentencing statute, the mandatory minimum requirement supersedes the sentence recommendation. When the sentence recommendation is higher than that required by a mandatory sentencing statute, the court shall consider the guideline sentence recommendation.

(2) For mandatory sentencing provisions provided for in Title 30, Chapter 55 (relating to operation of boats) and in Title 75, Section 1543(b) (relating to driving while operating privilege is suspended or revoked), Chapter 37-B (relating to serious traffic offenses), Chapter 37-C (relating to accidents and accident reports), and Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs), the court shall consider the OGS assignments as provided in Tables D1-D2.

(3) Mandatory sentences for which restrictive DUI probation conditions (42 Pa.C.S. § 9763(c)) are authorized.

(i) The court shall consider the sentence recommendations for a person convicted under 75 Pa.C.S. § 1543(b) (relating to driving while operating privilege is suspended or revoked), former 75 Pa.C.S. § 3731 (relating to driving under the influence of alcohol or controlled substance), or 75 Pa.C.S. § 3804 (relating to penalties) for a first, second, or third offense under 75 Pa.C.S. Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs).

(ii) The court may use restrictive DUI probation conditions or a combination of confinement and restrictive DUI probation conditions to satisfy the mandatory minimum requirement as provided by law.

**§ 303a.4. Prior record score.**

(a) *General provisions.*

(1) The prior record score (PRS) is a measure of a person's criminal history, reflecting the number and seriousness of certain previous juvenile adjudications and adult convictions. The PRS addresses the greater culpability and risk to reoffend of repeat offenders. There are five PRS categories (PRS 0—PRS 4).

(2) The PRS is determined by identifying the most serious offense for which a person was adjudicated or convicted prior to the commission of the current offense, and then considering the number of previous adjudications or convictions of equal seriousness.

(3) Prior offense groups (POG) distinguish the seriousness of previous adjudications and convictions and are defined in paragraph (b). Certain previous adjudication and conviction offenses may be removed from consideration in the prior offense groups following prescribed periods of decay or gap, as described in paragraph (c).

(b) *Procedure for identifying previous offenses.*

(1) Identify prior offenses for which the person was adjudicated delinquent or convicted prior to the date of the current offense. The prosecution has the burden of proof in determining previous adjudications and convictions based on a preponderance of the evidence.

(2) Juvenile adjudications—consider the most serious offense for which the person was adjudicated delinquent from each disposition hearing that meets the following criteria:

(i) person 16 years of age or older at the time of the offense.

(ii) There was an express finding by the juvenile court that the adjudication was for a felony or a misdemeanor of the first degree (exclude consideration of all lesser offenses).

(3) Adult convictions (including juvenile transfers)—consider every offense for which the person was convicted. For former Pennsylvania offenses and out-of-state offenses:

(i) Determine the current equivalent Pennsylvania offense.

(ii) Determine the current equivalent grade of this offense.

(4) Excluded prior offenses.

(i) Exclude prior adjudications or convictions for offenses that contribute to an increase in the grade or maximum penalty of a subsequent adjudication or conviction. Prior DUI convictions shall not be considered in determining the PRS for any DUI sentence recommendation.

(ii) Exclude lapsed previous adjudication and conviction offenses as set forth in paragraph (d).

(5) Determine the seriousness of previous adjudications and convictions based on the following groups:

(i) POG1 includes all misdemeanors, unless designated as serious crimes.

(ii) POG2 includes all felonies of the third degree and all unclassified felonies, unless designated as serious crimes.

(iii) POG3 includes all serious crimes, defined as:

(A) All felonies of the first and second degree, unless designated as crimes of violence.

(B) All felonies of the third degree and misdemeanors of the first degree if:

(I) 18 Pa.C.S. Article B (Chapters 25—32)

(II) 18 Pa.C.S. Chapter 61-A (Uniform Firearms Act)

(III) 42 Pa.C.S. § 9799.14 (sexual offenses)

(iv) POG4 includes all crimes of violence (42 Pa.C.S. § 9714(g)).

(c) *Lapsing of previous offenses.*

(1) Exclude prior adjudications or convictions for offenses as set forth below. The burden of proof is on the person, based on a preponderance of the evidence.

(2) *Juvenile adjudications:*

(i) At 21 years of age (decay), remove prior adjudications for misdemeanor offenses (POG1), unless designated as a serious crime.

(ii) At 25 years of age (decay), remove prior adjudications for felony offenses (POG2), unless designated as a serious crime or crime of violence.

(iii) Following completion of a 10-year crime-free period since the last adjudication or conviction (gap), remove prior adjudications for misdemeanor and felony offenses (POG3), unless designated a crime of violence.

(iv) Following completion of a 15-year crime-free period since the last adjudication or conviction (gap), remove prior adjudications for offenses (POG4) designated crimes of violence.

(3) *Adult convictions:*

(i) Following completion of 15 years since the conviction date of the offense (decay), remove prior convictions for misdemeanor offenses (POG1), unless designated a serious crime.

(ii) Following completion of a 15-year crime-free period since release from confinement (gap), remove prior convictions for misdemeanor or felony offenses (POG2, POG3), unless designated a crime of violence.

(iii) Following completion of a 25-year crime-free period since release from confinement (gap), remove prior convictions for offenses (POG4) designated crimes of violence.

(d) *Procedure for determining the prior record score category.*

(1) Based on the offenses identified and excluding those removed through lapsing, select the prior offense group based on the most serious prior adjudication or conviction offense. Next, count the number of prior adjudication or conviction offenses contained in that prior offense group.

(2) Determine the PRS category based on the prior offense group and number of previous adjudications and convictions in the group, as provided in Table E:

(i) *PRS 4 (REVOC).* The category includes sentence recommendations that include the statutory limit at Level D and higher, with the category defined by two or more previous crimes of violence.

(ii) *PRS 3.* The category includes sentence recommendations of confinement that are generally no more than double the base recommendation, with the category defined by:

(A) One previous crime of violence; or

(B) Two or more previous serious crimes; or

(C) Three or more previous felonies (excluding crimes of violence and serious crimes).

(iii) *PRS 2.* The category is defined by:

(A) One previous serious offense; or

(B) No more than two previous felonies (excluding crimes of violence and serious crimes); or

(C) Three or more previous misdemeanors (excluding serious crimes).

(iv) *PRS 1.* The category is defined by:

(A) No more than two previous misdemeanors (excluding serious crimes).

(v) *PRS 0.* The category includes sentence recommendations that serve as the base recommendations, with the category defined by:

(A) No previous adjudications or convictions; or

(B) Previous adjudications or convictions that have lapsed.

(e) *Miscellaneous provisions.*

(1) *Adequacy of prior record score.* The court may consider at the time of sentencing prior adjudications or convictions not counted in the calculation of the PRS, including lapsed offenses, and other factors deemed appropriate by the court.

(2) When a previous adjudication or conviction offense was committed over a range of dates, the later date shall be used to determine if the prior offense meets the criteria in paragraph (b)(1) for determining the PRS.

(3) Unless otherwise provided, the classification of a previous adjudication or conviction for an inchoate offense or an offense with classification associated with an associated or underlying offense is used to determine the prior offense group.

(4) When a previous adjudication or conviction offense was misclassified, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(5) *Former Pennsylvania offenses.*

(i) For a previous adjudication or conviction offense under a former Pennsylvania law, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(ii) *Incomplete information.*

(A) When there is no current equivalent Pennsylvania offense, the classification of the previous adjudication or conviction offense is used to determine the prior offense group.

(B) When the previous adjudication or conviction offense was a felony, but the grade of the felony is unknown, it shall be treated as a felony of the third degree. When the previous adjudication or conviction offense was for a misdemeanor, but the grade of the misdemeanor is unknown, it shall be treated as a misdemeanor of the third degree.

(C) When the classification of the previous adjudication or conviction offense cannot be determined, it shall be treated as a misdemeanor of the third degree.

(D) When the previous adjudication or conviction is for an offense which includes a summary classification, and the classification of the previous adjudication or conviction offense is unknown, it shall not be included in the PRS.

(6) *Out-of-state, federal, or foreign offenses.*

(i) For a previous adjudication or conviction for an out-of-state, federal, or foreign offense, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(ii) For a court-martial for a criminal offense under the Uniform Code of Military Justice, which is considered a federal conviction, the classification of the current equivalent Pennsylvania offense is used to determine the prior offense group.

(iii) Non-judicial punishments or administrative actions (e.g., Article 15, Article 134) which are not convictions shall not be included in the PRS.

(iv) When there is no current equivalent Pennsylvania offense, the classification of the previous adjudication or conviction offense based on the maximum sentence permitted is used to determine the prior offense group.

(7) *Excluded offenses, charges, and convictions.* The following types of offenses, charges, and convictions shall not be scored in the PRS:

(i) Summary offenses, violations of local ordinances, direct or indirect contempt of court, violation of protection from abuse orders, and dispositions under Pa.R.Crim.P. Rules Chapter 3 (relating to accelerated rehabilitative disposition), 35 P.S. § 780-117 or 35 P.S. § 780-118.

(ii) A charge which is nolle prosequi, dismissed, or on which a demurrer is sustained.

(iii) Any prior conviction which contributed to an increase in the grade of a subsequent conviction.

**§ 303a.5. Guideline sentence recommendation.**(a) *General provisions.*

(1) In writing the sentencing guidelines, the Commission strives to provide a benchmark for the judges of Pennsylvania. The guidelines serve as a common starting point at sentencing, with a standard range of recommendations for the typical circumstances, based on the seriousness of the conviction offense and the consideration of relevant criminal history and criminal behavior of the person. As required by statute, aggravated and mitigated ranges are included to support the exercise of discretion when other circumstances are present, and adjustments to the guidelines are incorporated to address factors that may increase or decrease risk to public safety.

(2) Through the establishment of sentencing levels, the sentencing guidelines are anchored to the purposes of sentencing and to the authorized dispositions provided in statute. Within these levels, a specific guideline sentence recommendation is provided for each conviction offense, based on the combination of OGS and PRS, intended to promote uniformity and proportionality. General guideline sentence recommendations are provided for the aggregation of multiple sentences imposed during judicial proceedings, intended to promote greater consistency in the use of concurrent or consecutive sentences, and to encourage the consideration of various sentencing and correctional programs. "The guidelines were designed to bring greater rationality and consistency to sentences and to eliminate unwarranted disparity in sentencing." *Commonwealth v. Mouzon*, 812 A.2d 617 (Pa., 2002).

(3) While courts are required to consider the recommendations, Pennsylvania's sentencing guidelines are advisory, and courts are required to individualize sentences. "Guidelines serve the laudatory role of aiding and enhancing the judicial exercise of judgement regarding case-specific sentencing. Guidelines may help frame the exercise of judgement by the Court in imposing a sentence. . . they are advisory guideposts that are valuable, may provide an essential starting point, and that must be respected and considered; they recommend, however, rather than require a particular sentence." *Commonwealth v. Walls* (926 A.2d 957) (Pa., 2007).

(b) *Purposes of sentencing.*

(1) As provided in the Model Penal Code: Sentencing (Model Penal Code § 1.02(2)), the general purposes in decisions affecting the sentencing of persons include:

(i) To render sentences in all cases within a range of severity proportionate to the gravity of offenses, the harm done to victims, and the blameworthiness of persons; and

(ii) When reasonably feasible, to achieve person rehabilitation, general deterrence, incapacitation of dangerous persons, restitution to crimes victims, preservation of

families, and reintegration of persons into the law-abiding community, provided these goals are pursued within the boundaries of proportionality.

(2) The sentencing guidelines provide a system with a primary focus on retribution, but one which allows for the fulfillment of other utilitarian sentencing purposes, including person rehabilitation, general deterrence, incapacitation to protect the public, and victim restoration.

(3) While the guidelines provide a retributive framework for sentencing, other factors may impact the sentencing decision and other information may assist the court in determining an appropriate and individualized sentence. These include:

(i) Mandatory minimum sentencing provisions, which when applicable supersede the sentencing guidelines recommendations.

(ii) Diagnostic evaluations of dependency on alcohol and other drugs and clinically prescribed treatment.

(iii) The use of validated assessments of risk, needs and responsivity and related evidence-based practices to guide decisions related to the intensity and duration of community supervision.

(c) *Sentencing levels and standard range recommendations.*

(1) Eight sentencing levels are associated with recommended dispositions and durations, to allow for more consistent consideration of the authorized sentencing alternatives, and to address mandates related to the adoption of guidelines for probation, the use of restrictive conditions, and fines and community service. This also allows for the consideration of the risk and needs of the person, and for the use of sentencing and correctional programs.

(i) The sentencing levels increase in severity from restorative sanctions (Level A) to total confinement in a state facility (Level D through Level H, depending on the duration of the recommendation).

(ii) Consistent with retribution as the primary purpose of the guidelines, the increases in the severity of the recommendations are proportionate with increases in the seriousness of the offenses and the extent of the criminal history. The sentencing levels provide a rational basis for the consideration of both retributive and utilitarian purposes of sentencing.

(2) *Standard range recommendations*

(i) Standard range recommendations, based on each combination of the OGS, assigned pursuant to § 303a.3, and the PRS, determined pursuant to § 303a.4, are provided in the Sentencing Matrix, located at § 303a.8. The standard range serves as a common starting point for sentencing and includes sentence recommendations that apply to typical circumstances.

(ii) The standard range include specific recommendations, consistent with the sentencing level, that address the disposition and duration of a sentence, as well as the intensity of community supervision and the consideration of sentencing programs and are intended to promote uniformity and proportionality of sentencing.

(iii) When the guideline sentence recommendation exceeds that permitted by 18 Pa.C.S. § 1103 (relating to sentence of imprisonment for felony) and § 1104 (relating to sentence of imprisonment for misdemeanors), the guideline sentence recommendation is capped at the statutory limit. For the purposes of the guidelines, the

statutory limit is the longest legal minimum sentence, which is one-half the maximum period allowed by law.

(iv) Treatment alternatives, including medically assisted treatment and behavioral therapies when clinically appropriate, may be considered to address substance use or behavioral health issues. The specialized jurisdiction of problem-solving courts, as authorized by 42 Pa.C.S. § 916 (relating to problem-solving courts), provide an avenue for the use of court-supervised individualized treatment programs and services. Other treatment programs, such as those described in § 303a.1(d) (relating to preliminary provisions), may be considered:

(A) Probation with restrictive conditions, including the use of the use of clinically prescribed treatment, may be considered for eligible persons in lieu of recommendations for confinement in a county facility.

(B) Restrictive DUI probation conditions may be used to satisfy the mandatory minimum sentencing requirements for eligible persons.

(C) Persons committed to the Department may be recommended or made eligible by the Court for certain correctional programs, including the state motivational boot camp program and the state drug treatment program.

(3) The sentencing levels and related standard range recommendations are described below:

(i) Level A, generally limited to restorative sanctions recommendations.

(A) The guidelines encourage consideration of the use of restorative sanctions, including community service, economic sanctions, or other authorized sanctions not requiring probation or confinement. The use of restorative sanctions at this level, with a focus on reparations and restorative justice, supports the utilitarian purpose of restoration.

(B) Restorative sanctions recommendations may be satisfied by the following:

(I) Guilt without further penalty when the court determines probation would be appropriate but unnecessary.

(II) A fine, within the limits provided by law, or any amount equal to double the pecuniary gain derived from the offense by the person, or the use of community service as a non-monetary alternative, may be ordered as a restorative sanction without probation or confinement. The fines/community service guidelines, included with each guideline sentence recommendation, provide a range of recommended community service hours; the comparable fine is determined by multiplying the number of hours recommended by the person's hourly wage, or by the current minimum wage.

(III) Restitution as a mandatory requirement. The court is required to order the person to compensate the victim for damage or injury sustained because of the offense. Restitution as a restorative sanction may be ordered without probation or confinement.

(IV) Costs as a mandatory requirement. The court is required to order the person to pay costs. Costs as a restorative sanction may be ordered without probation or confinement.

(V) Probation in limited circumstances as necessary to fulfill court-ordered obligations.

(ii) Level B, limited to probation recommendations.

(A) The guidelines encourage consideration of the use of probation to provide community supervision with the



minimal control necessary to fulfill court-ordered obligations. The use of probation at this level, with consideration of restorative sanctions, supports the utilitarian purposes of rehabilitation and restoration.

(B) Probation recommendations include:

(I) The use of probation, not to exceed two years and as provided, with general conditions; and the consideration of fines/community service or other restorative sanctions as general conditions of probation.

(II) The use of probation, not to exceed two years and as designated, with restrictive conditions for a period less than three months and as designated (RC) for persons with greater criminal history, to increase the intensity of supervision and services; and the consideration of fines/community service or other restorative sanctions as general conditions of probation.

(iii) Level C, limited to confinement in a county facility, while providing for the use of probation with restrictive conditions as an alternative when eligible and appropriate.

(A) The guidelines encourage the consideration of confinement in a county facility, or an equivalent period of restrictive conditions of probation, with the court retaining jurisdiction of the case. The use of county confinement with the court authorized to consider county programs and county parole, or in the alternative, the court having the discretion to use probation with restrictive conditions to provide community supervision and/or treatment, supports multiple utilitarian purposes including deterrence, rehabilitation, and restoration.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a county facility, with a minimum term less than 12 months and as designated, and a maximum term of less than 24 months; with the court authorized to consider a county reentry program or partial release program as provided in § 303a.1(d), and county parole pursuant to 42 Pa.C.S. § 9776 (relating to judicial power to release inmates).

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(C) Probation with restrictive conditions recommendations include:

(I) Consideration of the eligibility requirements, as provided in § 303a.1(d), for the use of county intermediate punishment programs as restrictive conditions of probation.

(II) The use of probation, not to exceed two years and as designated, with restrictive conditions for a period less than 12 months and as designated (RC) for persons with greater criminal history, to increase the intensity of supervision and services; and the consideration of fines/community service or other restorative sanctions as general conditions of probation.

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended period of restrictive conditions.

(iv) Level D, while recommending confinement in a state facility, provides for confinement in a county facility

when authorized by statute or the use of probation with restrictive conditions when eligible and appropriate.

(A) The guidelines encourage the consideration of confinement in a state facility with consideration of certain correctional programs; or if authorized by statute, confinement in a county facility, with the court authorized to consider county programs and county parole; or the use of probation with restrictive conditions as an alternative to or in combination with confinement in a county facility to provide community supervision and/or treatment. The use of confinement, with consideration of sentencing and correctional programs, supports multiple utilitarian purposes including incapacitation, deterrence, rehabilitation, and restoration.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a state facility, with a minimum term of 12 months or more but less than 30 months and as provided in 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement), and a maximum term of less than 60 months; with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(d); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 (relating to specific powers of board involving offenders).

(III) The use of confinement in a county facility, with a minimum term of 12 months or more but less than 30 months and as provided in 42 Pa.C.S. § 9762 (relating to sentencing proceeding; place of confinement), and a maximum term of less than 60 months; with the court authorized to consider a county reentry program or partial release program as provided in § 303a.1(d), and county parole pursuant to 42 Pa.C.S. § 9776 (relating to judicial power to release inmates).

(IV) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(C) Probation with restrictive conditions recommendations include:

(I) Consideration of the eligibility requirements, as provided in § 303a.1(d), for the use of county intermediate punishment programs as restrictive conditions of probation.

(II) The use of probation, not to exceed two years, with restrictive conditions for a period of 12 months or less and as designated (RC); and the consideration of fines/community service or other restorative sanctions as general conditions of probation.

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended period of restrictive conditions.

(v) Level E, limited to confinement in a state facility.

(A) The guidelines encourage the consideration of confinement in a state facility with consideration of certain correctional programs. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level E are incapacitation and deterrence.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a state facility, with a minimum term of 30 months or more recommended, including consideration of the statutory limit for repeat violent offenders (REVOC), with the maximum term at least double the minimum term as provided in 42 Pa.C.S. § 9756 (relating to sentence of total confinement); with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(d); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 (relating to specific powers of board involving offenders).

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(vi) Level F, limited to confinement in a state facility for offenses with a statutory maximum greater than 20 years.

(A) The guidelines encourage the consideration of confinement in a state facility with consideration of certain correctional programs. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level F are incapacitation and deterrence.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a state facility, with a minimum term of 90 months or more recommended, including consideration of the statutory limit for repeat violent offenders (REVOC), with a maximum term at least double the minimum term as provided in 42 Pa.C.S. § 9756 (relating to sentence of total confinement); with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(d); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 (relating to specific powers of board involving offenders).

(III) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(vii) Level G, limited to confinement in a state facility for the offense of murder of the third degree, which has a statutory maximum of 40 years.

(A) The guidelines encourage the consideration of confinement in a state facility with consideration of certain correctional programs. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level G are incapacitation and deterrence.

(B) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a state facility, with a minimum term standard range recommendation of no less than 72 months and including the statutory limit of 240 months; with a maximum term at least double the minimum term as provided in 42 Pa.C.S. § 9756 (relating to sentence of total confinement); with the court authorized to determine the eligibility and appropriateness of specified Department programs as provided in § 303a.1(d); and with parole authority under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 (relating to specific powers of board involving offenders).

(III) Because of the wide range of circumstances contributing to convictions for murder of the third degree, the Commission has provided an extraordinarily wide standard range for consideration by the court, with a lower limit of 72 months and an upper limit of 240 months, which is the statutory limit. An enhancement, which increases the lower limit to 90 months, applies when the victim is less than 13 years of age. In order to refine future guidelines and promote greater proportionality and uniformity in sentencing, the Commission requires the court to report reasons for all sentences imposed for murder of the third degree.

(IV) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

(viii) Level H, limited to confinement in a state facility for the offenses of murder of the first degree and murder of the second degree.

(A) Level H includes convictions for which the penalty is the same as the penalty for murder of the first degree or murder of the second degree, including but not limited to:

(I) 18 Pa.C.S. § 2507 (relating to criminal homicide of law enforcement officer).

(II) 18 Pa.C.S. § 2604 (relating to murder of unborn child).

(III) 18 Pa.C.S. § 2716 (relating to weapons of mass destruction).

(IV) 18 Pa.C.S. § 3301 (relating to arson and related offenses).

(B) Three age categories apply: (A) persons 18 years of age or older at the time of the offense; (B) persons 15 years of age or older but less than 18 years of age at the time of the offense; and (C) persons 10 years of age or older but less than 15 years of age at the time of the offense.

(C) If person is under 18 years of age at the time of the offense and the conviction occurred after June 24, 2012, the court shall consider the recommendations provided in Level H. The court has no authority to impose a sentence less than that required by the mandatory minimum provision established in statute and may impose a minimum sentence up to and including life (18 Pa.C.S. § 1102.1).

(D) The statute requires confinement in a state facility, and the mandatory minimum requirements provide the lower limit of the recommendations in Level H, with recommendations increasing based on criminal history. While rehabilitation and restoration are under consideration at all levels, the primary utilitarian purposes of confinement at Level H are incapacitation and deterrence.

(E) Confinement recommendations include:

(I) The use of confinement consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the person.

(II) The use of confinement in a state facility, for those under 18 years of age at the time of the offense, considers the mandatory minimum sentencing requirements and criminal history in determining the minimum sentence recommendation. The maximum sentence authorized by statute is life, including life without the possibility of parole (LWOP), but excluding the death penalty. When sentenced to a minimum term of less than LWOP, parole authority is under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 (relating to specific powers of board involving offenders).

(III) The use of confinement in a state facility, for those 18 years or age or older at the time of the offense, penalties are limited to LWOP or death.

(F) Unless otherwise designated, the range of months in the standard range refers to the recommended minimum term of confinement.

**§ 303a.6. Aggravated and mitigated circumstances.**

(a) *Aggravated and mitigated ranges.* As required by 42 Pa.C.S. § 2154(b)(4) (relating to adoption of guidelines for sentencing), the sentencing guidelines provide aggravated and mitigated ranges as variations from the standard range on account of aggravating and mitigating circumstances.

(b) *Aggravated ranges.* When the court determines that aggravating circumstances are present, the court may consider the aggravated range of the sentencing guidelines. The aggravated range is determined by adding the designated number of months listed on the Sentencing Matrix (AGG/MIT column) to the top of the standard range recommendation as follows:

(1) At Level A, the aggravated range is determined by adding three months of probation to the top of the standard range recommendation. When the top of the standard range recommendation is RS, the aggravated range recommendation is a period of probation up to and including three months of probation; when the top of the standard range recommendation is 6 months of probation, the aggravated range recommendation is any period of probation greater than six months up to and including nine months of probation.

(2) At Level B, the aggravated range is determined by adding six months of probation to the standard range recommendation. When the standard range recommendation is 6 months of probation, the aggravated range recommendation is a period of probation greater than six months up to and including twelve months of probation; when the standard range recommendation is 24 months of probation, the aggravated range recommendation is any period of probation greater than 24 months up to and including 30 months of probation. The use of confinement, or the use of restrictive conditions for a period longer than designated in the standard range recommendation, is a departure from the guidelines.

(3) At Level C through Level H, the aggravated range recommendation is determined by adding the number of months designated below to the top of the standard range recommendations:

- (i) Level C = 3 months.
- (ii) Level D = 4 months.
- (iii) Level E = 6 months.
- (iv) Level F = 12 months.
- (v) Level G = 12 months.
- (vi) Level H = 24 months.

(4) As an example, when the top of the standard range recommendation is a minimum term of confinement of four months (Level C), the aggravated range recommendation is a minimum term of confinement of greater than four months up to and including a minimum term of confinement of seven months; when the top of the standard range recommendation is a minimum term of confinement of 60 months (Level E), the aggravated range recommendation is a minimum term of confinement of greater than 60 months up to and including a minimum term of confinement of 66 months.

(5) When the guideline sentence recommendation is higher than the statutory limit, the statutory limit shall be the upper limit of the aggravated range.

(c) *Mitigated ranges.* When the court determines that mitigating circumstances are present, the court may consider the mitigated range of the sentencing guidelines. The mitigated range is determined by subtracting the designated number of months listed on the Sentencing Matrix (AGG/MIT column) from the bottom of the standard range recommendation as follows:

(1) At Level A, the mitigated range is determined by subtracting three months of probation from the bottom of the standard range recommendation. There is no mitigated range at Level A, since the bottom of the standard range is restorative sanctions, which excludes probation.

(2) At Level B, the mitigated range is determined by subtracting six months of probation from the standard range recommendation. When the standard range recommendation is 6 months of probation or less, the mitigated range recommendation is RS (restorative sanctions); when the standard range recommendation is 24 months of probation, the mitigated range recommendation is any period of probation of 18 months or greater but less than 24 months of probation. The recommended duration of restrictive conditions is reduced by one month.

(3) At Level C through Level H, the mitigated range recommendation is determined by subtracting the number of months designated below from the bottom of the standard range recommendations:

- (i) Level C = 3 months.
- (ii) Level D = 4 months.
- (iii) Level E = 6 months.
- (iv) Level F = 12 months.
- (v) Level G = 12 months.
- (vi) Level H = 24 months.

(4) As an example, when the bottom of the standard range recommendation is a minimum term of confinement of three months or less (Level C), the mitigated range recommendation is RS (restorative sanctions); when the bottom of the standard range recommendation is a minimum term of confinement of 60 months (Level E), the mitigated range recommendation is a minimum term of confinement of 54 months or greater but less than 60 months.

(5) When the guideline sentence recommendation is lower than the sentence required by a mandatory sentencing statute, the mandatory minimum sentence shall be the lower limit of the mitigated range.

(d) *Departures from the guidelines.* Any sentence imposed with a disposition or duration more severe than the aggravated range recommendation is considered a departure above the guidelines. Any sentence imposed with a disposition or duration less severe than the mitigated

range recommendation is considered a departure below the guidelines. Any sentence imposed without consideration of applicable guideline requirements, such as completion of a diagnostic assessment for use of certain restrictive conditions of probation, is considered a procedural departure.

(e) *Reasons for sentence.*

(1) When the court imposes a sentence for murder of the third degree, or imposes a sentence in the aggravated or mitigated range, or departs from the sentencing guidelines, it shall consider and state on the record a reason or reasons for the sentence, including but not limited to the following:

- (i) Nature and circumstances of the offense:
  - (A) Neither caused nor threatened serious harm.
  - (B) Conduct substantially influenced by another person.
  - (C) Acted under strong provocation.
  - (D) Substantial grounds to justify conduct.
  - (E) Role in offense.
  - (F) Purity of controlled substance.
  - (G) Abuse of position of trust.
  - (H) Vulnerability of victim.
  - (I) Temporal pattern.
  - (J) Offense pattern.
- (ii) History and character of the person:
  - (A) No history of criminal conduct.
  - (B) Substantial period of law abiding behavior.
  - (C) Circumstances unlikely to recur.
  - (D) Likely to respond affirmatively to probation.
  - (E) Imprisonment would entail excessive hardship.
  - (F) Accepts responsibility.
  - (G) Provides substantial assistance.
  - (H) Compensated victim or community.
  - (I) Character and attitude.

(2) Unless otherwise prohibited by statute, the consideration of validated assessments of risk, needs and responsivity, or clinical evaluations may be considered to guide decisions related to the intensity of intervention, use of restrictive conditions, and duration of community supervision.

(3) Adequacy of the prior record score. The court may consider at sentencing prior convictions, juvenile adjudications, or dispositions not counted in the calculation of the PRS, in addition to other factors deemed appropriate by the court.

(f) *Reporting of reasons.* When the court imposes a sentence for murder of the third degree, or imposes an aggravated or mitigated sentence, or departs from the guidelines, the court shall include the reasons on the guideline sentence form, and electronically transmit the information to the Commission in the manner described § 303a.2.

**§ 303a.7. Judicial proceeding recommendations.**

(a) *General guideline sentence recommendations.* General guideline sentence recommendations are provided to address the imposition of multiple sentences during a judicial proceeding to promote greater consistency in the

use of concurrent or consecutive sentences, and to encourage the consideration of various sentencing and correctional programs.

(b) *Concurrent and consecutive sentences.* As provided in 42 Pa.C.S. § 9721(a) (relating to sentencing generally), the court may impose one or more sentencing alternatives consecutively or concurrently. When a judicial proceeding includes sentences for multiple convictions, the guidelines encourage the consideration of imposing concurrent sentences for lesser conviction offenses within the same criminal incident. Exceptions include:

- (1) Sentences for crimes of violence.
- (2) Consecutive sentences are required by law, including but not limited to:
  - (i) 18 Pa.C.S. § 2703(b) (relating to assault by prisoner).
  - (ii) 42 Pa.C.S. § 9711.1(c) (relating to sentencing for certain murders of infant persons).
  - (iii) 42 Pa.C.S. § 9718.5 (relating to mandatory period of probation for certain sexual offenders).
  - (iv) 61 Pa.C.S. § 6137.2 (relating to reentry supervision).
  - (v) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under the influence).
  - (vi) 75 Pa.C.S. § 3804(c.2) and (c.3) (relating to penalties for driving under the influence).

(3) Proceedings in which there are multiple crime victims.

(c) *Consecutive sentences of total confinement.* As provided in 42 Pa.C.S. § 9757 (relating to consecutive sentences of total confinement for multiple offenses), when the Court determines that a sentence should be imposed consecutive to one being then imposed or one previously imposed, the Court shall indicate the minimum sentence to be served for the total of all offenses; the minimum sentence shall not exceed one-half of the maximum sentence imposed. For purposes of the guidelines, the total confinement sentence imposed during the judicial proceeding shall be considered the aggregate confinement sentence.

(d) *Consideration of sentencing and correctional programs.* When the aggregate confinement sentence authorizes the use of a county facility, the guidelines encourage consideration of a county reentry program or partial release program as provided in § 303a.1(d) (relating to preliminary provisions), and county parole pursuant to 42 Pa.C.S. § 9776 (relating to judicial power to release inmates). When the aggregate confinement sentence authorizes the use of a state facility, the guidelines encourage the court to determine the eligibility and appropriateness of the specified Department programs provided in § 303a.1(d); parole authority in such cases is under the jurisdiction of the Board pursuant to 61 Pa.C.S. § 6132 (relating to specific powers of board involving offenders).

(e) *Consecutive sentences of probation.* Unless otherwise provided, the guidelines recommend the duration of the aggregate term of probation imposed during a judicial proceeding not exceed five years; and that the duration of the restrictive conditions of probation, or a combination of confinement without parole, as provided in 42 Pa.C.S. §§ 9755(h) (relating to sentence of partial confinement) and 9756(c.1) (relating to sentence of total), and restrictive conditions of probation, not exceed the months of confinement recommended in the guidelines.

§ 303a.8. Sentencing matrix.

		Prior Record Score					(AGG/MII) (+/-)	
		0	1	2	3	4 (REVOC)		
H	State Confinement (Murder 1, Murder 2)	H-6	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	Level H 24 months
		H-5	LWOP	LWOP	LWOP	LWOP	LWOP	
		H-4	420	420-480	480-540	540-600	660-SL	
		H-3	360	360-420	420-480	480-540	600-SL	
		H-2	300	300-360	360-420	420-480	540-SL	
		H-1	240	240-300	300-360	360-420	480-SL	
G	State Confinement (Murder 3)	G-2	90-240	114-240	138-240	162-240	186-240	Level G 12 months
		G-1	72-240	84-240	96-240	108-240	120-240	
F	State Confinement (Max >20 years)	30	162-186	186-210	210-234	234-258	258-SL	Level F 12 months
		29	138-162	162-186	186-210	210-234	234-SL	
		28	114-138	138-162	162-186	186-210	210-SL	
		27	90-114	114-138	138-162	162-186	186-SL	
E	State Confinement	26	84-96	96-108	108-120	120-132	132-SL	Level E 6 months
		25	78-90	90-102	102-114	114-126	126-SL	
		24	72-84	84-96	96-108	108-120	120-SL	
		23	66-78	78-90	90-102	102-114	114-SL	
		22 (F-1+ OMNI)	60-72	72-84	84-96	96-108	108-SL	
		21	54-66	66-78	78-90	90-102	102-SL	
		20	48-60	60-72	72-84	84-96	96-SL	
		19	42-54	54-66	66-78	78-90	90-SL	
		18	36-48	48-60	60-72	72-84	84-SL	
		17	30-42	42-54	54-66	66-78	78-SL	
D	State Confinement (County Confinement Exception)	16	24-<30	30-42	36-48	48-60	60-SL	
		15	20-26	24-<30	30-42	36-48	48-SL	
		14 (F-1 OMNI)	16-22	20-26	24-<30	30-42	42-SL	
		13	12-18	16-22	20-26	24-<30	30-SL	
C	County Confinement	12	9 - <12 (RC)	12-18	16-22	20-26	24-SL	Level D 4 months
		11 (F-2 OMNI)	7 - 10 (RC)	8 - 11 (RC)	12-18	16-22	20-SL	
		10	5 - 8 (RC)	6 - 9 (RC)	7 - 10 (RC)	12-18	16-SL	
		9 (F-3 OMNI)	3 - 6 (RC)	4 - 7 (RC)	5 - 8 (RC)	6 - 9 (RC)	12-SL	
		8	1 - 4 (RC)	2 - 5 (RC)	3 - 6 (RC)	4 - 7 (RC)	5 - 8 (RC)	
B	Probation	7 (M-1 OMNI)	24 months Probation (175-200)	1 - 4 (RC)	2 - 5 (RC)	3 - 6 (RC)	4 - 7 (RC)	LEVEL C 3 months
		6	18 months Probation (150-175)	24 months Probation (175-200)	1 - 4 (RC)	2 - 5 (RC)	3 - 6 (RC)	
		5	12 months Probation (125-150)	18 months Probation (150-175)	24 months Probation 1-3 mos RC (175-200)	1 - 4 (RC)	2 - 5 (RC)	
		4 (M-2 OMNI)	6 months Probation (100-125)	12 months Probation (125-150)	18 months Probation 1-2 mos RC (150-175)	24 months Probation 1-3 mos RC (175-200)	1 - 4 (RC)	
A	Restorative Sanctions	3	RS (75-100)	RS - 6 mos. Probation (100-125)	12 months Probation 1 mo RC (125-150)	18 months Probation 1-2 mos RC (150-175)	24 months Probation 1-3 mos RC (175-200)	Level B 6 months Probation
		2 (M-3 OMNI)	RS (50-75)	RS (75-100)	RS - 6 mos. Probation (100-125)	12 months Probation 1 mo RC (125-150)	18 months Probation 1-2 mos RC (150-175)	
		1	RS (25-50)	RS (50-75)	RS (75-100)	RS - 6 mos. Probation (100-125)	12 months Probation 1 mo RC (125-150)	Level A 3 months Probation

<b>Effective Date</b>	<b>Sentencing Guidelines Edition</b>
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06-03-1983	—Amendment 1
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<b>06-05-1986</b>	<b>Second Edition</b>
<b>04-25-1988</b>	<b>Third Edition</b>
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<b>08-12-1994</b>	<b>Fourth Edition</b>
<b>06-13-1997</b>	<b>Fifth Edition</b>
<b>06-03-2005</b>	<b>Sixth Edition</b>
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01-01-2018	—Amendment 4
06-01-2018	—Amendment 4, Supplement
01-01-2020	—Amendment 5
01-01-2021	—Amendment 6
<b>01-01-2024</b>	<b>Eighth Edition</b>

TABLE B-1—OGS-POG Assignments, Title 18

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
<b>PART I</b>								
901	Criminal attempt (inchoate)	18 Pa.C.S. § 905	F-1 (-1)					
902	Criminal solicitation (inchoate)	18 Pa.C.S. § 905	F-1 (-1)					
903	Criminal conspiracy (inchoate)	18 Pa.C.S. § 905	F-1 (-1)					
907(a)	Possessing instruments of crime (criminal instruments)	M-1	7	POG1				
907(b)	Possessing instruments of crime (weapon)	M-1	7	POG1				
907(c)	Possessing instruments of crime (unlawful body armor)	F-3	9	POG2				
908(a)	Prohibited offensive weapons	M-1	6	POG1				
908.1(a)(1)	Use electric incapacitation device (intent to commit felony)	F-2	12	POG3				
908.1(a)(1)	Use electric incapacitation device (no intent to commit felony)	M-1	7	POG1				
908.1(a)(2)	Possess electric incapacitation device (intent to commit felony)	F-2	10	POG3				
908.1(a)(2)	Possess electric incapacitation device (no intent to commit felony)	M-1	6	POG1				
909(a)	Manufacture/etc.-master key for motor vehicle	M-1	7	POG1				
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (>50 devices)	F-2	12	POG3				
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (10-50 devices)	F-3	9	POG2				
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (1st off)	M-1	7	POG1				
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (2nd off)	F-3	9	POG2				
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (3rd/subseq. off)	F-2	13	POG3				
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (>50 devices)	F-2	12	POG3				
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (10-50 devices)	F-3	9	POG2				
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (1st off)	M-1	7	POG1				

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (2nd off)	F-3	9	POG2				
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (3rd/subseq. off)	F-2	13	POG3				
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (>50 devices)	F-2	12	POG3				
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (10-50 devices)	F-3	9	POG2				
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (1st off)	M-1	7	POG1				
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (2nd off)	F-3	9	POG2				
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (3rd/subseq. off)	F-2	13	POG3				
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (>50 devices)	F-2	12	POG3				
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (10-50 devices)	F-3	9	POG2				
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (1st off)	M-1	7	POG1				
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (2nd off)	F-3	9	POG2				
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (3rd/subseq.)	F-2	13	POG3				
911(b)(1)	Corrupt organizations	F-1	13	POG3				
911(b)(2)	Corrupt organizations-interest in/control of enterprise	F-1	13	POG3				
911(b)(3)	Corrupt organizations-employee participation	F-1	13	POG3				
911(b)(4)	Corrupt organizations-conspire	F-1	13	POG3				
912(b)	Possession of weapon on school property	M-1	7	POG1				
913(a)(1)	Possession of weapon in court facility	M-3	2	POG1				
913(a)(2)	Possession of weapon in court facility (intend for crime)	M-1	7	POG1				
<b>PART II</b>	<b>ARTICLE A</b>							
2102(a)(1)	Desecration of flag (marks or writing)	M-3	2	POG1				
2102(a)(2)	Desecration of flag (public view of defiled flag)	M-3	2	POG1				
2102(a)(3)	Desecration of flag (manufactures for advertisement)	M-3	2	POG1				
2102(a)(4)	Desecration of flag (defile/mutilate)	M-3	2	POG1				
2103	Insults to national or Commonwealth flag	M-2	3	POG1				



<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
<b>PART II</b>	<b>ARTICLE B</b>							
2502 Inchoate	—Attempt/solicitation/conspiracy to Murder (SBI)	18 Pa.C.S. § 1102(c)	26	POG4			x	
2502 Inchoate	—Attempt/solicitation/conspiracy to Murder (No SBI)	18 Pa.C.S. § 1102(c)	24	POG4			x	
2502(a)	Murder-1st degree	Murder of 1st Degree	H-6	POG4			x	
2502(a)	Murder-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	H-4	POG4			x	
2502(a)	Murder-1st degree (offender <15 yrs.)	Murder of 1st Degree	H-2	POG4			x	
2502(b)	Murder-2nd degree	Murder of 2nd Degree	H-5	POG4			x	
2502(b)	Murder-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	H-3	POG4			x	
2502(b)	Murder-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	H-1	POG4			x	
2502(c)	Murder-3rd degree	F-1	G-1	POG4			x	
2502(c)	Murder-3rd degree (victim <13 yrs.)	F-1	G-2	POG4			x	E
2503(a)(1)	Voluntary manslaughter (provocation from victim)	F-1	19	POG4			x	
2503(a)(2)	Voluntary manslaughter (provocation from another)	F-1	19	POG4			x	
2503(b)	Voluntary manslaughter (believe justified)	F-1	19	POG4			x	
2504(a)	Involuntary manslaughter (victim <12 yrs.)	F-2	13	POG3				
2504(a)*	Involuntary manslaughter (with DUI conviction)	M-1	12	POG3	Article B			
2504(a)*	Involuntary manslaughter (with BUI conviction)	M-1	12	POG3	Article B			
2504(a)*	Involuntary manslaughter	M-1	10	POG3	Article B			
2505(a)	Suicide, causing (as homicide/murder 1)	Murder of 1st Degree	H-6	POG4			x	
2505(a)	Suicide, causing (as homicide/murder 1) (offender 15-<18 yrs.)	Murder of 1st Degree	H-4	POG4			x	
2505(a)	Suicide, causing (as homicide/murder 1) (offender <15 yrs.)	Murder of 1st Degree	H-2	POG4			x	
2505(a)	Suicide, causing (as homicide/murder 2)	Murder of 2nd Degree	H-5	POG4			x	
2505(a)	Suicide, causing (as homicide/murder 2) (offender 15-<18 yrs.)	Murder of 2nd Degree	H-3	POG4			x	
2505(a)	Suicide, causing (as homicide/murder 2) (offender <15 yrs.)	Murder of 2nd Degree	H-1	POG4			x	
2505(a)	Suicide, causing (as homicide/murder 3)	F-1	G-1	POG4			x	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
2505(a)	Suicide, causing (as homicide/murder 3) (<18/disability/autism)	F-1	G-2	POG4			x	E
2505(a)	Suicide, causing (as homicide/vol manslaughter)	F-1	19	POG4			x	
2505(a)	Suicide, causing (as homicide/vol. manslaughter) (<18/disability/autism)	F-1	20	POG4			x	E
2505(a)	Suicide, causing (as homicide/invol. manslaughter)	M-1	11	POG3	Article B			
2505(a)	Suicide, causing (as homicide/invol. manslaughter) (<18/disability/autism)	M-1	12	POG3	Article B			E
2505(a)	Suicide, causing (as homicide/invol. Manslaughter) (victim <12 yrs.)	F-2	13	POG3				
2505(a)	Suicide, causing (as homicide/invol. manslaughter) (victim <12 yrs.) (<18/disability/autism)	F-2	14	POG3				E
2505(a)	Suicide, causing (as homicide/invol. manslaughter) (w/ DUI or BUI conviction)	M-1	12	POG3	Article B			
2505(a)	Suicide, causing (as homicide/invol. manslaughter) (w/ DUI or BUI conviction) (<18/disability/autism)	M-1	13	POG3	Article B			E
2505(b)	Suicide, aiding or soliciting (positive result)	F-2	11	POG3				
2505(b)	Suicide, aiding or soliciting (positive result) (<18/disability/autism)	F-2	12	POG3				E
2505(b)	Suicide, aiding or soliciting (no result)	M-2	3	POG1				
2505(b)	Suicide, aiding or soliciting (no result) (<18/disability/autism)	M-2	4	POG1				E
2506(a)	Drug delivery resulting in death	F-1	22	POG4			x	
2507 Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer (SBI)	18 Pa.C.S. § 1102(c)	26	POG4			x	
2507 Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer (No SBI)	18 Pa.C.S. § 1102(c)	24	POG4			x	
2507(a)	Murder of law enforcement officer-1st degree	Murder of 1st Degree	H-6	POG4			x	
2507(a)	Murder of law enforcement officer-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	H-4	POG4			x	
2507(a)	Murder of law enforcement officer-1st degree (offender <15 yrs.)	Murder of 1st Degree	H-2	POG4			x	
2507(b)	Murder of law enforcement officer-2nd degree	Murder of 2nd Degree	H-5	POG4			x	
2507(b)	Murder of law enforcement officer-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	H-3	POG4			x	
2507(b)	Murder of law enforcement officer-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	H-1	POG4			x	

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
2507(c)(1)(i)	Manslaughter of law enforcement officer (1st degree/provocation by victim)	F-1	20	POG4			x	
2507(c)(1)(ii)	Manslaughter of law enforcement officer (1st degree/provocation by another)	F-1	20	POG4			x	
2507(c)(2)	Manslaughter of law enforcement officer (1st degree/believe justified)	F-1	20	POG4			x	
2507(d)	Manslaughter of law enforcement officer (2nd degree)	F-2	14	POG4			x	
2604 Inchoate	—Attempt/solicitation/conspiracy to Murder of unborn child (SBI)	18 Pa.C.S. § 1102(c)	26	POG4			x	
2604 Inchoate	—Attempt/solicitation/conspiracy to Murder of unborn child (No SBI)	18 Pa.C.S. § 1102(c)	24	POG4			x	
2604(a)(1)	Murder of unborn child-1st degree	Murder of 1st Degree	H-6	POG4			x	
2604(a)(1)	Murder of unborn child-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	H-4	POG4			x	
2604(a)(1)	Murder of unborn child-1st degree (offender <15 yrs.)	Murder of 1st Degree	H-2	POG4			x	
2604(b)(1)	Murder of unborn child-2nd degree	Murder of 2nd Degree	H-5	POG4			x	
2604(b)(1)	Murder of unborn child-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	H-3	POG4			x	
2604(b)(1)	Murder of unborn child-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	H-1	POG4			x	
2604(c)(1)	Murder of unborn child-3rd degree	F-1	G-2	POG4			x	
2605(a)(1)	Voluntary manslaughter of unborn child (provocation from mother)	F-1	19	POG3				
2605(a)(2)	Voluntary manslaughter of unborn child (provocation from another)	F-1	19	POG3				
2605(b)	Voluntary manslaughter of unborn child (believe justified)	F-1	19	POG3				
2606(a)*	Aggravated assault of unborn child (causes SBI)	F-1	20	POG4			x	
2606(a)*	Aggravated assault of unborn child (attempts to cause SBI)	F-1	18	POG4			x	
2701(a)(1)	Simple assault-attempt/cause BI	M-2	7	POG1				
2701(a)(1)*	Simple assault-cause BI (against child <12 by adult >=18)	M-1	9	POG3	Article B			
2701(a)(1)*	Simple assault-attempt BI (against child <12 by adult >=18)	M-1	8	POG3	Article B			
2701(a)(1)	Simple assault-attempt/cause BI (mutual consent)	M-3	5	POG1				
2701(a)(2)	Simple assault-cause BI w/ deadly weapon	M-2	7	POG1				

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2701(a)(2)	Simple assault-cause BI w/ deadly weapon (against child <12 by adult >=18)	M-1	9	POG3	Article B			
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (mutual consent)	M-3	5	POG1				
2701(a)(3)	Simple assault-cause fear of SBI	M-2	7	POG1				
2701(a)(3)	Simple assault-cause fear of SBI (against child <12 by adult >=18)	M-1	8	POG3	Article B			
2701(a)(3)	Simple assault-cause fear of SBI (mutual consent)	M-3	5	POG1				
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle	M-2	7	POG1				
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (against child <12 by adult >=18)	M-1	8	POG3	Article B			
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (mutual consent)	M-3	5	POG1				
2702(a)(1)*	Aggravated assault-cause SBI	F-1	18	POG4			x	
2702(a)(1)*	Aggravated assault-attempt SBI	F-1	16	POG4			x	
2702(a)(2)*	Aggravated assault-cause SBI to police/enumerated persons	F-1	19	POG4			x	
2702(a)(2)*	Aggravated assault-attempt SBI to police/enumerated persons	F-1	17	POG4			x	
2702(a)(3)*	Aggravated assault-cause BI to police/enumerated persons	F-2	12	POG3				
2702(a)(3)*	Aggravated assault-attempt BI to police/enumerated persons	F-2	10	POG3				
2702(a)(4)*	Aggravated assault-cause BI w/ deadly weapon	F-2	14	POG3				
2702(a)(4)*	Aggravated assault-attempt BI w/ deadly weapon	F-2	12	POG3				
2702(a)(5)*	Aggravated assault-cause BI to teacher, etc.	F-2	12	POG3				
2702(a)(5)*	Aggravated assault-attempt BI to teacher, etc.	F-2	10	POG3				
2702(a)(6)	Aggravated assault-cause fear of SBI	F-2	10	POG3				
2702(a)(7)	Aggravated assault-use tear gas/electronic device ag. police, etc.	F-2	10	POG3				
2702(a)(8)*	Aggravated assault-cause BI (against child <6 by person >=18)	F-2	13	POG3				
2702(a)(8)*	Aggravated assault-attempt BI (against child <6 by person >=18)	F-2	11	POG3				
2702(a)(9)*	Aggravated assault-cause SBI (against child <13 by person >=18)	F-1	20	POG3				
2702(a)(9)*	Aggravated assault-attempt SBI (against child <13 by person >=18)	F-1	18	POG3				

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2702.1(a)(1)	Assault of law enforcement officer-discharge firearm (cause BI)	F-1	28	POG4			x	
2702.1(a)(1)	Assault of law enforcement officer-discharge firearm (attempt BI)	F-1	27	POG4			x	
2702.1(a)(2)	Assault of law enforcement officer-cause/attempt contact with blood, seminal fluid, saliva, urine or feces	F-3	10	POG3	Article B			
2702.1(a)(2)	Assault of law enforcement officer-cause/attempt contact with blood, seminal fluid, saliva, urine or feces; infected with communicable disease	F-2	11	POG3				
2703(a)(1)(i)	Assault by prisoner	F-2	11	POG3				
2703(a)(1)(ii)	Assault by prisoner-against employee deadly weapon/likely to cause BI	F-2	12	POG3				
2703(a)(2)	Assault by prisoner-fluids	F-2	11	POG3				
2703(a)(3)	Assault by prisoner-against employee with deadly weapon/likely SBI	F-1	17	POG3				
2703.1	Aggravated harassment by prisoner	F-3	10	POG2	Article B			
2704	Assault by life prisoner	Murder of 2nd Degree	H-5	POG4			x	
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (SBI)	18 Pa.C.S. § 1102(c)	24	POG4			x	
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (No SBI)	18 Pa.C.S. § 1102(c)	22	POG4			x	
2705	Recklessly endangering another person	M-2	7	POG1				
2706(a)(1)	Terroristic threats-intent to terrorize	M-1	7	POG3	Article B			
2706(a)(1)	Terroristic threats-intent to terrorize/divert from activities	F-3	8	POG3	Article B			
2706(a)(2)	Terroristic threats-cause evacuation of building	M-1	7	POG3	Article B			
2706(a)(2)	Terroristic threats-cause evacuation of building/divert from activities	F-3	8	POG3	Article B			
2706(a)(3)	Terroristic threats-serious public inconvenience	M-1	7	POG3	Article B			
2706(a)(3)	Terroristic threats-serious public inconvenience/divert from activities	F-3	8	POG3	Article B			
2707(a)	Propulsion of missiles into an occupied vehicle	M-1	7	POG3	Article B			
2707(b)	Propulsion of missiles onto a roadway	M-2	5	POG1				
2707.1(a)	Discharge of firearm into an occupied structure	F-3	15	POG3	Article B			
2708(a)	Use of tear gas in labor dispute	M-1	7	POG3	Article B			
2709(a)(1)	Harassment-subject other physical contact (prev. violation of order)	M-3	5	POG1				

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2709(a)(2)	Harassment-follow in public place (prev. violation of order)	M-3	5	POG1				
2709(a)(3)	Harassment-course of conduct w/ no legitimate purpose (prev. violation of order)	M-3	5	POG1				
2709(a)(4)	Harassment-lewd communication	M-3	5	POG1				
2709(a)(5)	Harassment-repeated, anonymous communication	M-3	5	POG1				
2709(a)(6)	Harassment-repeated communication: inconvenient hours	M-3	5	POG1				
2709(a)(7)	Harassment-repeated communication: other	M-3	5	POG1				
2709(a.1)(1)(i)	Cyber harassment of a child; seriously disparaging statements or opinion (course of conduct)	M-3	2	POG1				
2709(a.1)(1)(ii)	Cyber harassment of a child; threat to inflict harm (course of conduct)	M-3	2	POG1				
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (1st off)	M-1	7	POG3	Article B			
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (2nd/subseq. off)	F-3	9	POG3	Article B			
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (prior crime of violence)	F-3	10	POG3	Article B			
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (1st off)	M-1	7	POG3	Article B			
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (2nd/subseq. off)	F-3	9	POG3	Article B			
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (prior crime of violence)	F-3	10	POG3	Article B			
2710	Ethnic Intimidation	18 Pa.C.S. § 2710(b)	(+2)					
2712(a)	Assault-sports official	M-1	8	POG3	Article B			
2713(a)(1)	Neglect of care-dependent person-no treatment (cause death)	F-1	18	POG3				
2713(a)(1)	Neglect of care-dependent person-no treatment (cause SBI)	F-1	16	POG3				
2713(a)(1)	Neglect of care-dependent person-no treatment (cause BI)	M-1	7	POG3	Article B			
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause death)	F-1	18	POG3				
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause SBI)	F-1	16	POG3				
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause BI)	M-1	7	POG3	Article B			
2713(a)(3)	Neglect of care-dependent person-fails to provide treatment, care, goods, etc. (course of conduct)	F-3	8	POG3	Article B			

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2713(a)(3)	Neglect of care-dependent person-fails to provide treatment, care, goods, etc.	M-2	5	POG1				
2713.1(a)(1)(i)	Abuse of care-dependent person-intent to harass, etc. (strike, shove kick)	M-1	7	POG3	Article B			
2713.1(a)(1)(ii)	Abuse of care-dependent person-intent to harass, etc. (course of conduct)	M-1	7	POG3	Article B			
2713.1(a)(1)(iii)	Abuse of care-dependent person-intent to harass, etc. (communications-type)	M-1	7	POG3	Article B			
2713.1(a)(1)(iv)	Abuse of care-dependent person-intent to harass, etc. (communicate-extremely inconvenient hours)	M-1	7	POG3	Article B			
2713.1(a)(2)	Abuse of care-dependent person-offense under 18 § 2709.1 (related to stalking)	F-3	8	POG3	Article B			
2714	Unauthorized administration of intoxicant	F-3	12	POG3	Article B			
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge	M-1	7	POG3	Article B			
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities)	F-3	8	POG3	Article B			
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (during emergency)	F-2	10	POG3				
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement	M-1	7	POG3	Article B			
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (divert from activities)	F-3	10	POG3	Article B			
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (during emergency)	F-2	10	POG3				
2716(a)	Weapons of mass destruction-possession (1st off)	F-2	10	POG3				
2716(a)	Weapons of mass destruction-possession (2nd/subseq. off)	F-1	18	POG3				
2716(b)(1)	Weapons of mass destruction-use (cause death)	Murder of 2nd Degree	H-5	POG4			x	
2716(b)(1)	Weapons of mass destruction-use (cause injury/illness)	F-1	22	POG4			x	
2716(b)(2)	Weapons of mass destruction-use (cause damage/disrupt water/food)	F-1	22	POG4			x	
2716(b)(3)	Weapons of mass destruction-use (cause evacuation of building etc.)	F-1	22	POG4			x	
2717	Terrorism	18 Pa.C.S. § 2717	(+2)	POG4			x	
2718(a)(1)	Strangulation-applying pressure to throat or neck	M-2	7	POG1				
2718(a)(1)	Strangulation-applying pressure to throat or neck	F-2	13	POG4			x	
2718(a)(1)	Strangulation-applying pressure to throat or neck	F-1	16	POG4			x	

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2718(a)(2)	Strangulation-blocking nose and mouth	M-2	7	POG1				
2718(a)(2)	Strangulation-blocking nose and mouth	F-2	13	POG4			x	
2718(a)(2)	Strangulation-blocking nose and mouth	F-1	16	POG4			x	
2802(a)(1)	Hazing a minor or student-violate federal or state criminal law (reasonable likelihood of BI)	M-3	5	POG1				
2802(a)(2)	Hazing a minor or student-consume food, liquid, alcohol, drug, etc. (reasonable likelihood of BI)	M-3	5	POG1				
2802(a)(3)	Hazing a minor or student-endure brutality of physical nature (reasonable likelihood of BI)	M-3	5	POG1				
2802(a)(4)	Hazing a minor or student-endure brutality of mental nature (reasonable likelihood of BI)	M-3	5	POG1				
2802(a)(5)	Hazing a minor or student-endure brutality of sexual nature (reasonable likelihood of BI)	M-3	5	POG1				
2802(a)(6)	Hazing a minor or student-endure other activity (reasonable likelihood of BI)	M-3	5	POG1				
2803(a)(1)*	Aggravated hazing a minor or student-reckless indifference (SBI)	F-3	10	POG3	Article B			
2803(a)(1)*	Aggravated hazing a minor or student-reckless indifference (death)	F-3	11	POG3	Article B			
2803(a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (SBI)	F-3	10	POG3	Article B			
2803(a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (death)	F-3	11	POG3	Article B			
2901(a)(1)	Kidnapping-for ransom (victim >=18 yrs.)	F-1	15	POG4			x	
2901(a)(2)	Kidnapping-to facilitate a felony (victim >=18 yrs.)	F-1	15	POG4			x	
2901(a)(3)	Kidnapping-to inflict terror, BI (victim >=18 yrs.)	F-1	15	POG4			x	
2901(a)(4)	Kidnapping-to interfere w/ performance of pub. official (victim >=18 yrs.)	F-1	15	POG4			x	
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim 14-<18 yrs.)	F-1	16	POG4		x	x	
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim <14 yrs.)	F-1	17	POG4		x	x	
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim 14-<18 yrs.)	F-1	16	POG4		x	x	
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim <14 yrs.)	F-1	17	POG4		x	x	
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim 14-<18 yrs.)	F-1	17	POG4		x	x	
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim <14 yrs.)	F-1	17	POG4		x	x	
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim 14-<18 yrs.)	F-1	16	POG4		x	x	



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2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim <14 yrs.)	F-1	17	POG4		x	x	
2902(a)(1)	Unlawful restraint-risk SBI	M-1	7	POG3	Article B			
2902(a)(2)	Unlawful restraint-involuntary servitude	M-1	7	POG3	Article B			
2902(b)(1)	Unlawful restraint-risk SBI (victim <18 yrs.)	F-2	12	POG3		x		
2902(b)(2)	Unlawful restraint-involuntary servitude (victim <18 yrs.)	F-2	12	POG3		x		
2902(c)(1)	Unlawful restraint by parent-risk SBI (victim <18 yrs.)	F-2	12	POG3				
2902(c)(2)	Unlawful restraint by parent-involuntary servitude (victim <18 yrs.)	F-2	12	POG3				
2903(a)	False imprisonment (victim >=18 yrs.)	M-2	6	POG1				
2903(b)	False imprisonment (victim <18 yrs.)	F-2	12	POG3		x		
2903(c)	False imprisonment by parent (victim <18 yrs.)	F-2	10	POG3				
2904(a)	Interfere with custody of children	F-3	9	POG3		x		
2904(a)*	Interfere with custody of children-good cause/time <24 hrs. ((c)(1))	M-2	7	POG1		x		
2904(a)*	Interfere with custody of children-good cause/time <24 hrs. ((c)(2))	M-2	7	POG1				
2904(a)	Interfere with custody of children-w/ reckless disregard	F-2	12	POG3		x		
2905(a)	Interfere with custody of committed person	M-2	6	POG1				
2906(a)(1)	Criminal coercion-threat to commit crime	M-2	5	POG1				
2906(a)(1)	Criminal coercion-threat to commit crime (felony)	M-1	7	POG3	Article B			
2906(a)(2)	Criminal coercion-threat to accuse of crime	M-2	5	POG1				
2906(a)(2)	Criminal coercion-threat to accuse of crime (felony)	M-1	7	POG3	Article B			
2906(a)(3)	Criminal coercion-threat to expose secret	M-2	5	POG1				
2906(a)(3)	Criminal coercion-threat to expose secret (felony)	M-1	7	POG3	Article B			
2906(a)(4)	Criminal coercion-threaten official act	M-2	5	POG1				
2906(a)(4)	Criminal coercion-threaten official act (felony)	M-1	7	POG3	Article B			
2907	Disposition of ransom	F-3	9	POG3	Article B			
2909(b)(1)	Concealment of whereabouts of a child-in Commonwealth	F-3	9	POG3	Article B			
2909(b)(2)	Concealment of whereabouts of a child-parents in Commonwealth	F-3	9	POG3	Article B			
2910(a)	Luring child into motor vehicle/structure	M-1	7	POG3	Article B			
2910	Luring a child into motor vehicle/structure (child <13 yrs.)	F-2	13	POG3		x		

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3011(a)(1)*	Trafficking in individuals-recruits, entices, solicits, harbors, etc.	F-1	15	POG4		x	x	
3011(a)(1)*	Trafficking in individuals recruits, entices, solicits, harbors, etc. (minor being subjected to sexual servitude, course of conduct) (as provided in § 3011(b))	F-1	27	POG4		x	x	
3011(a)(2)*	Trafficking in individuals-knowingly benefits financially	F-1	15	POG4		x	x	
3011(a)(2)*	Trafficking in individuals-knowingly benefits financially (minor being subjected to sexual servitude, course of conduct) (as provided in § 3011(b))	F-1	27	POG4		x	x	
3011(a)(3)	Trafficking in individuals-knows or recklessly disregards	F-2	13	POG4			x	
3011(a)(4)	Trafficking in individuals-knowingly benefits financially	F-2	13	POG4			x	
3012(b)(1)*	Involuntary servitude-cause serious harm	F-1	15	POG3		x		
3012(b)(1)*	Involuntary servitude-threaten serious harm	F-1	13	POG3		x		
3012(b)(2)*	Involuntary servitude-physically restrain another	F-1	15	POG3		x		
3012(b)(2)*	Involuntary servitude-threaten to physically restrain another	F-1	13	POG3		x		
3012(b)(3)*	Involuntary servitude-kidnap	F-1	18	POG3		x		
3012(b)(3)*	Involuntary servitude-attempt to kidnap	F-1	16	POG3		x		
3012(b)(4)*	Involuntary servitude-abuse legal process	F-1	15	POG3		x		
3012(b)(4)*	Involuntary servitude-threaten to abuse legal process	F-1	13	POG3		x		
3012(b)(5)	Involuntary servitude-taking/retaining personal property	F-1	15	POG3		x		
3012(b)(6)	Involuntary servitude-unlawful conduct of documents	F-1	15	POG3		x		
3012(b)(7)	Involuntary servitude-extortion	F-1	15	POG3		x		
3012(b)(8)	Involuntary servitude-fraud	F-1	15	POG3		x		
3012(b)(9)	Involuntary servitude-criminal coercion	F-1	15	POG3		x		
3012(b)(10)*	Involuntary servitude-duress through force	F-1	15	POG3		x		
3012(b)(10)*	Involuntary servitude-duress through threat of force	F-1	13	POG3		x		
3012(b)(11)	Involuntary servitude-debt coercion	F-1	15	POG3		x		
3012(b)(12)	Involuntary servitude-facilitate/restrict access to controlled substance	F-1	15	POG3		x		
3012(b)(13)	Involuntary servitude-cause believe harm/restraint to another	F-1	15	POG3		x		
3013(a)(1)*	Patronizing victim of sexual servitude	F-1	15	POG3		x		
3013(a)(1)*	Patronizing victim of sexual servitude-minor victim	F-1	18	POG3		x		

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
3013(a)(2)(i)*	Patronizing victim of sexual servitude-reckless disregard (1st offense)	F-3	9	POG3	Article B	x		
3013(a)(2)(i)*	Patronizing victim of sexual servitude-reckless disregard; minor victim (1st offense)	F-3	10	POG3	Article B	x		
3013(a)(2)(ii)*	Patronizing victim of sexual servitude-reckless disregard (2nd/subseq. offense)	F-1	14	POG3		x		
3013(a)(2)(ii)*	Patronizing victim of sexual servitude-reckless disregard; minor victim (2nd/subseq. offense)	F-1	16	POG3		x		
3014(1)	Unlawful conduct regarding documents-passport/other immigration document	F-3	9	POG3	Article B			
3014(2)	Unlawful conduct regarding documents-government ID document	F-3	9	POG3	Article B			
3015(a)(1)	Nonpayment of wages (<\$2,000)	M-3	5	POG1				
3015(a)(2)(i)	Nonpayment of wages (=>\$2,000)	F-3	9	POG3	Article B			
3015(a)(2)(ii)	Nonpayment of wages (2nd/subseq. violation)	F-3	9	POG3	Article B			
3015(a)(2)(iii)	Nonpayment of wages (falsely denies amount due or validity of claim)	F-3	9	POG3	Article B			
3016	Obstruction of justice-interfere with enforcement of Chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30	See § 303.3(a)(3)(ii)		Article B			
3121(a)(1)	Rape-forcible compulsion	F-1	21	POG4		x	x	
3121(a)(1)	Rape-forcible compulsion (uses substance to impair)	F-1	23	POG4		x	x	
3121(a)(2)	Rape-threat of forcible compulsion	F-1	20	POG4		x	x	
3121(a)(2)	Rape-threat of forcible compulsion (uses substance to impair)	F-1	23	POG4		x	x	
3121(a)(3)	Rape-unconscious victim	F-1	21	POG4		x	x	
3121(a)(3)	Rape-unconscious victim (uses substance to impair)	F-1	23	POG4		x	x	
3121(a)(4)	Rape-substantially impaired victim	F-1	21	POG4		x	x	
3121(a)(4)	Rape-substantially impaired victim (uses substance to impair)	F-1	23	POG4		x	x	
3121(a)(5)	Rape-mentally disabled victim	F-1	21	POG4		x	x	
3121(a)(5)	Rape-mentally disabled victim (uses substance to impair)	F-1	23	POG4		x	x	
3121(c)	Rape-child (victim <13 yrs.)	F-1	27	POG4		x	x	
3121(d)	Rape-child w/ SBI (victim <13 yrs.)	F-1	28	POG4		x	x	

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3122.1(a)(1)	Statutory sexual assault-victim <16 yrs. (person 4-<8 yrs. older)	F-2	11	POG3				
3122.1(a)(2)	Statutory sexual assault-victim <16 yrs. (person 8-<11 yrs. older)	F-2	12	POG3		x		
3122.1(b)	Statutory sexual assault-victim <16 yrs. (person ≥11 yrs. older)	F-1	14	POG3		x		
3123(a)(1)	IDSI-forcible compulsion	F-1	21	POG4		x	x	
3123(a)(2)	IDSI-threat of forcible compulsion	F-1	20	POG4		x	x	
3123(a)(3)	IDSI-unconscious victim	F-1	21	POG4		x	x	
3123(a)(4)	IDSI-substantially impaired victim	F-1	21	POG4		x	x	
3123(a)(5)	IDSI-mentally disabled victim	F-1	21	POG4		x	x	
3123(a)(7)	IDSI-victim <16 yrs. (person ≥4 yrs. older)	F-1	21	POG4		x	x	
3123(b)	IDSI-child (victim <13 yrs.)	F-1	27	POG4		x	x	
3123(c)	IDSI-child w/ SBI (victim <13 yrs.)	F-1	28	POG4		x	x	
3124.1	Sexual assault	F-2	18	POG4		x	x	
3124.2(a)	Institutional sexual assault-generally	F-3	9	POG3		x		
3124.2(a.1)	Institutional sexual assault-minor (victim <18 yrs.)	F-3	10	POG3		x		
3124.2(a.2)	Institutional sexual assault-by school volunteer/employee	F-3	10	POG3		x		
3124.2(a.3)	Institutional sexual assault-by childcare volunteer/employee	F-3	10	POG3		x		
3124.2(a.4)(1)	Institutional sexual assault by peace officer	F-3	10	POG3		x		
3124.2(a.4)(2)	Institutional sexual assault by peace officer-child (victim <18)	F-3	10	POG3		x		
3124.2(a.6)(1)	Institutional sexual assault by caretakers	F-3	10	POG3	Article B			
3124.3(a)	Sexual assault by sports official of non-profit association	F-3	9	POG3	Article B			
3124.3(b)	Sexual assault by volunteer or employee of non-profit association	F-3	9	POG3	Article B			
3125(a)(1)	Aggravated indecent assault-w/o consent	F-2	15	POG4		x	x	
3125(a)(1)	Aggravated indecent assault-of a child w/out consent (victim <13 yrs.)	F-1	21	POG4		x	x	
3125(a)(2)	Aggravated indecent assault-forcible compulsion	F-2	15	POG4		x	x	
3125(a)(2)	Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs.)	F-1	20	POG4		x	x	
3125(a)(3)	Aggravated indecent assault-threat of forcible compulsion	F-2	17	POG4		x	x	

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3125(a)(3)	Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs.)	F-1	21	POG4		x	x	
3125(a)(4)	Aggravated indecent assault-unconscious victim	F-2	16	POG4		x	x	
3125(a)(4)	Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs.)	F-1	21	POG4		x	x	
3125(a)(5)	Aggravated indecent assault-substantially impaired victim	F-2	17	POG4		x	x	
3125(a)(5)	Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs.)	F-1	21	POG4		x	x	
3125(a)(6)	Aggravated indecent assault-mentally disabled victim	F-2	17	POG4		x	x	
3125(a)(6)	Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs.)	F-1	21	POG4		x	x	
3125(a)(7)	Aggravated indecent assault-victim <13 yrs.	F-2	17	POG4		x	x	
3125(a)(8)	Aggravated indecent assault-victim <16 yrs. (person >=4 yrs. older)	F-2	17	POG4		x	x	
3126(a)(1)	Indecent assault-w/o consent	M-2	7	POG1		x		
3126(a)(2)	Indecent assault-forcible compulsion	M-1	8	POG3	Article B	x		
3126(a)(3)	Indecent assault-threat of forcible compulsion	M-1	8	POG3	Article B	x		
3126(a)(4)	Indecent assault-unconscious victim	M-1	9	POG3	Article B	x		
3126(a)(5)	Indecent assault-substantially impaired victim	M-1	9	POG3	Article B	x		
3126(a)(6)	Indecent assault-mentally disabled victim	M-1	9	POG3	Article B	x		
3126(a)(7)	Indecent assault-victim <13 yrs.	M-1	9	POG3	Article B	x		
3126(a)(7)	Indecent assault-victim <13 yrs. (2nd/subseq.)	F-3	12	POG3	Article B	x		
3126(a)(7)	Indecent assault-victim <13 yrs./course of conduct	F-3	12	POG3	Article B	x		
3126(a)(7)	Indecent assault-victim <13 yrs./touching victim's sexual parts w/ person's	F-3	11	POG3	Article B	x		
3126(a)(7)	Indecent assault-victim <13 yrs./touching person's sexual parts w/ victim's	F-3	11	POG3	Article B	x		
3126(a)(8)	Indecent assault-victim <16 yrs. (person >=4 yrs. older)	M-2	8	POG1		x		
3127(a)	Indecent exposure	M-2	7	POG1				
3127(a)	Indecent exposure-victim <16 yrs.	M-1	8	POG3	Article B			
3129	Sexual intercourse with animal	M-2	5	POG1				
3130(a)(1)	Conduct relating to sex offenders-withhold information	F-3	8	POG3	Article B			
3130(a)(2)	Conduct relating to sex offenders-harbor sex offender	F-3	8	POG3	Article B			
3130(a)(3)	Conduct relating to sex offenders-conceal sex offender	F-3	8	POG3	Article B			

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3130(a)(4)	Conduct relating to sex offenders-provide false information	F-3	8	POG3	Article B			
3131(a)	Unlawful dissemination of intimate image (person depicted is minor <18 yrs.)	M-1	7	POG3	Article B			
3131(a)	Unlawful dissemination of intimate image (person depicted is not minor =>18 yrs.)	M-2	5	POG1				
3132(a)(1)	Female mutilation	F-1	20	POG3				
3132(a)(2)	Female mutilation-is a parent of a minor and the parent knowingly consents or permits	F-1	18	POG3				
3132(a)(3)	Female mutilation-knowingly removes or permits the removal of a minor from this Commonwealth	F-1	18	POG3				
3133(a)(1)*	Sexual extortion-engage in sexual conduct	M-1	7	POG3	Article B			
3133(a)(1)*	Sexual extortion-engage in sexual conduct: victim<18	F-3	10	POG3	Article B			E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: intellectual disability	F-3	10	POG3	Article B			E
3133(a)(1)*	Sexual extortion-engage in sexual conduct: offender's position	F-3	10	POG3	Article B			
3133(a)(1)*	Sexual extortion-engage in sexual conduct: course of conduct	F-3	9	POG3	Article B			
3133(a)(1)*	Sexual extortion-engage in sexual conduct: 2nd/subseq.	F-3	9	POG3	Article B			
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.	M-1	7	POG3	Article B			
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: victim <18	F-3	10	POG3	Article B			E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: intellectual disability	F-3	10	POG3	Article B			E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: offender's position	F-3	10	POG3	Article B			E
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: course of conduct	F-3	9	POG3	Article B			
3133(a)(2)*	Sexual extortion-produce/disseminate image, etc.: 2nd/subseq.	F-3	9	POG3	Article B			
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.	M-1	7	POG3	Article B			
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: victim <18	F-3	10	POG3	Article B			E
3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: intellectual disability	F-3	10	POG3	Article B			E

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3133(c)(1)*	Sexual extortion-solicit/demand payment to remove/prevent disclosure of image, etc.: offender's position	F-3	10	POG3	Article B			E
3133(c)(1)*	Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: course of conduct	F-3	9	POG3	Article B			
3133(c)(1)*	Sexual extortion solicit/demand payment to remove/prevent disclosure of image, etc.: 2nd/subseq.	F-3	9	POG3	Article B			
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure	M-1	7	POG3	Article B			
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: victim < 18	F-3	10	POG3	Article B			E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: intellectual disability	F-3	10	POG3	Article B			E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: offender's position	F-3	10	POG3	Article B			E
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: course of conduct	F-3	9	POG3	Article B			
3133(c)(2)*	Sexual extortion-threaten/disseminate image, etc. & demand payment for removal/prevent disclosure: 2nd/subseq.	F-3	9	POG3	Article B			
3204	Medical consultation and judgment (intentional, knowing, or reckless violation)	F-3	9	POG3	Article B			
3205	Informed consent (2nd/subseq. offense)	M-3	2	POG1				
3210	Determination of gestational age (intentional, knowing, or reckless falsification)	M-3	2	POG1				
3211(a)	Abortion on unborn child of 24 or more weeks gestational age	F-3	9	POG3	Article B			
3211(c)	Abortion on unborn child of 24 or more weeks gestational age (regulated)	M-2	4	POG1				
3211(c)	Abortion on unborn child of 24 or more weeks gestational age (regulated) (2nd/subseq. offense)	M-1	7	POG3	Article B			
3212(b)	Infanticide (care required)	F-3	9	POG3	Article B			
3213(a)	Prohibited acts-payment for abortion	M-2	4	POG1				
3213(b)	Prohibited acts-referral fee	M-1	7	POG3	Article B			
3214	Reporting-willful false reports	M-1	7	POG3	Article B			
3214(c)	Reporting-failure to report	M-3	2	POG1				

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3214(e)(3)	Reporting-willful unauthorized disclosure	M-3	2	POG1				
3215(f)	Public officers; ordering abortions	M-1	7	POG3	Article B			
<b>PART II</b>								
<b>ARTICLE C</b>								
3301(a)(1)(i)*	Arson endangering persons-danger of death (person in building or BI results)	F-1	15	POG4			x	
3301(a)(1)(i)*	Arson endangering persons-danger of death (no person in building and no BI)	F-1	13	POG4			x	
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause SBI to civilian)	F-1	19	POG4			x	E
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause BI to firefighter, etc.)	F-1	19	POG4			x	E
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (person in building or BI results)	F-1	15	POG4			x	
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (no person in building and no BI)	F-1	13	POG4			x	
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (cause SBI to civilian)	F-1	19	POG4			x	E
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (cause BI to firefighter, etc.)	F-1	19	POG4			x	E
3301(a)(2)	Arson endangering persons-cause death w/ intent (murder-1st degree)	Murder of 1st Degree	H-6	POG4			x	
3301(a)(2)	Arson endangering persons-cause death (murder-2nd degree)	Murder of 2nd Degree	H-5	POG4			x	
3301(a.1)(1)(i)*	Aggravated arson-attempt BI to civilian	F-1	15	POG4			x	
3301(a.1)(1)(i)*	Aggravated arson-cause BI to civilian	F-1	19	POG4			x	
3301(a.1)(1)(i)*	Aggravated arson-attempt SBI to civilian	F-1	18	POG4			x	
3301(a.1)(1)(i)*	Aggravated arson-cause SBI to civilian	F-1	20	POG4			x	E
3301(a.1)(1)(i)*	Aggravated arson-attempt BI to firefighter, etc.	F-1	18	POG4			x	
3301(a.1)(1)(i)*	Aggravated arson-cause BI to firefighter, etc.	F-1	20	POG4			x	E
3301(a.1)(1)(ii)	Aggravated arson-other felony arson (when person present inside property)	F-1	15	POG4			x	
3301(a.1)(2)	Aggravated arson-fire/explosion causes death of any person	Murder of 2nd Degree	H2 (A)	POG4			x	
3301(a.2)(1)	Arson of historic resource-w/ intent (fire/explosion)	F-2	10	POG3				
3301(a.2)(2)	Arson of historic resource-aids/pays (fire/explosion)	F-2	10	POG3				
3301(c)(1)	Arson endangering property-intent to destroy unoccupied bldg.	F-2	9	POG3				
3301(c)(2)	Arson endangering property-endangers inhabited building	F-2	9	POG3				



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3301(c)(3)	Arson endangering property-intent to collect insurance	F-2	9	POG3				
3301(d)(1)	Arson-reckless burning or exploding (endanger unoccupied bldg.)	F-3	7	POG2				
3301(d)(2)	Arson-reckless burning or exploding (endanger property >\$5000)	F-3	7	POG2				
3301(e)(1)	Arson-failure to control/report (duty)	M-1	7	POG1				
3301(e)(2)	Arson-failure to control/report (own property)	M-1	7	POG1				
3301(f)	Arson-possess explosive material (intent to use)	F-3	7	POG2				
3301(g)	Arson-failure to disclose true owner	M-3	2	POG1				
3302(a)	Catastrophe-causing (intentionally)	F-1	15	POG3				
3302(a)	Catastrophe-causing (recklessly)	F-2	9	POG3				
3302(b)	Catastrophe-risking	F-3	8	POG2				
3303(1)	Failure to prevent catastrophe-duty	M-2	7	POG1				
3303(2)	Failure to prevent catastrophe-acted or assented to	M-2	6	POG1				
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig. (>\$5,000)	F-3	7	POG2				
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig. (>\$1,000)	M-2	6	POG1				
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig. (>\$500)	M-3	2	POG1				
3304(a)(2)	Criminal mischief-tamper w/ property (>\$5,000)	F-3	7	POG2				
3304(a)(2)	Criminal mischief-tamper w/ property (>\$1,000)	M-2	6	POG1				
3304(a)(2)	Criminal mischief-tamper w/ property (>\$500)	M-3	2	POG1				
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$5,000)	F-3	7	POG2				
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$1,000)	M-2	6	POG1				
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$500)	M-3	2	POG1				
3304(a)(4)	Criminal mischief-graffiti (>\$5,000)	F-3	7	POG2				
3304(a)(4)	Criminal mischief-graffiti (>\$1,000)	M-2	6	POG1				
3304(a)(4)	Criminal mischief-graffiti (>\$150)	M-3	2	POG1				
3304(a)(5)	Criminal mischief-damage property (>\$5,000)	F-3	7	POG2				
3304(a)(5)	Criminal mischief-damage property (>\$1,000)	M-2	5	POG1				
3304(a)(5)	Criminal mischief-damage property (>\$500)	M-3	2	POG1				
3304(a)(6)	Criminal mischief-paintball (>\$5,000)	F-3	7	POG2				
3304(a)(6)	Criminal mischief-paintball (>\$1,000)	M-2	5	POG1				
3304(a)(6)	Criminal mischief-paintball (>\$500)	M-3	2	POG1				
3305	Tampering w/ fire apparatus/hydrants	M-3	2	POG1				

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
3307(a)(1)	Institutional vandalism-place of worship (>\$5,000 or desecration)	F-3	7	POG2				
3307(a)(1)	Institutional vandalism-place of worship (<=\$5,000)	M-2	7	POG1				
3307(a)(2)	Institutional vandalism-cemetery (>\$5,000 or desecration)	F-3	7	POG2				
3307(a)(3)	Institutional vandalism-school (>\$5,000 or desecration)	F-3	7	POG2				
3307(a)(3)	Institutional vandalism-school (<=\$5,000)	M-2	7	POG1				
3307(a)(3)	Institutional vandalism-cemetery (<=\$5,000)	M-2	7	POG1				
3307(a)(4)	Institutional vandalism-adjacent grounds (>\$5,000 or desecration)	F-3	7	POG2				
3307(a)(4)	Institutional vandalism-adjacent grounds (<=\$5,000)	M-2	6	POG1				
3307(a)(5)	Institutional vandalism-personal property (>\$5,000 or desecration)	F-3	7	POG2				
3307(a)(5)	Institutional vandalism-personal property (<=\$5,000)	M-2	6	POG1				
3307(a.1)	Institutional vandalism-possess marking device on property	M-2	5	POG1				
3309(a)	Agricultural vandalism (>\$5,000)	F-3	7	POG2				
3309(a)	Agricultural vandalism (>\$1,000)	M-1	7	POG1				
3309(a)	Agricultural vandalism (>\$500)	M-2	5	POG1				
3309(a)	Agricultural vandalism (<=\$500)	M-3	2	POG1				
3310(a)	Agricultural crop destruction	F-2	10	POG3				
3311	Ecoterrorism	18 Pa.C.S. § 3311	(+2)	POG4			x	
3312(a)(2)	Destruction of survey monument-call boundary into question	M-2	7	POG1				
3313(a)	Illegal dumping of methamphetamine waste	F-3	7	POG2				
3502(a)(1)(i)	Burglary-home/person present and bodily injury crime as defined in 18 Pa.C.S. § 3502(e)	F-1	15	POG4			x	E
3502(a)(1)(ii)	Burglary-home/person present	F-1	13	POG4			x	
3502(a)(2)	Burglary-home/no person present	F-1	10	POG3				
3502(a)(3)	Burglary-not a home/person present	F-1	9	POG3				
3502(a)(4)	Burglary-not a home/no person present	F-2	8	POG3				
3502(a)(4)	Burglary-not a home/no person present (commit theft of drugs)	F-1	10	POG3				
3503(a)(1)(i)	Criminal trespass-buildings	F-3	7	POG2				
3503(a)(1)(ii)	Criminal trespass-buildings (break in)	F-2	8	POG3				
3503(b)(1)(i)	Criminal trespass-defiant (notice by communication)	M-3	5	POG1				

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
3503(b)(1)(ii)	Criminal trespass-defiant (notice posted)	M-3	5	POG1				
3503(b)(1)(iii)	Criminal trespass-defiant (notice by fencing)	M-3	5	POG1				
3503(b)(1)(iv)	Criminal trespass-defiant (notice posted/school grounds)	M-3	5	POG1				
3503(b)(1)(v)	Criminal trespass-defiant (communication/leave school grounds)	M-1	7	POG1				
3503(b.2)(1)(i)	Criminal trespass-agricultural trespass (posted land)	M-3	2	POG1				
3503(b.2)(1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	7	POG1				
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license	M-3	2	POG1				
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license (damage plant/animal)	M-1	7	POG1				
3503(b.3)(1)(ii)	Agricultural biosecurity trespass-fail to perform measure (damage plant/animal)	M-1	7	POG1				
3504(a)(1)(i)	Railroad vandalism to RR property-by disrupting train operation	M-3	2	POG1				
3504(a)(1)(ii)	Railroad vandalism to RR property-by driving vehicle	M-3	2	POG1				
3504(a)(1)(iii)	Railroad vandalism to RR property-by damaging property/equipment	M-3	2	POG1				
3504(b)	Railroad protection-stowaways prohibited	M-3	2	POG1				
3505(a)(3)	Unlawful use of unmanned aircraft: intentionally or knowingly deliver, provide, transmit, furnish contraband	F-2	10	POG3				
3701(a)(1)(i)	Robbery-inflicts SBI	F-1	20	POG4			x	
3701(a)(1)(i)	Robbery-inflicts SBI (drug-related)	F-1	22	POG4			x	
3701(a)(1)(ii)	Robbery-threatens SBI	F-1	16	POG4			x	
3701(a)(1)(ii)	Robbery-threatens SBI (drug-related)	F-1	19	POG4			x	
3701(a)(1)(iii)	Robbery-commit/threaten any F1 or F2	F-1	13	POG4			x	
3701(a)(1)(iii)	Robbery-commit/threaten any F1 or F2 (drug-related)	F-1	16	POG4			x	
3701(a)(1)(iv)	Robbery-inflicts/threatens BI	F-2	11	POG3				
3701(a)(1)(iv)	Robbery-inflicts/threatens BI (drug-related)	F-1	12	POG3				
3701(a)(1)(v)	Robbery-takes property by force	F-3	8	POG2				
3701(a)(1)(v)	Robbery-takes property by force (drug-related)	F-1	9	POG3				
3701(a)(1)(vi)	Robbery-demand money from financial institution	F-2	11	POG3				
3702(a)*	Robbery of motor vehicle-with SBI	F-1	21	POG4			x	E
3702(a)*	Robbery of motor vehicle-without SBI	F-1	14	POG4			x	E
3921(a)	Theft by unlaw taking-movable property (anhydrous ammonia)	F-2	12	POG3				

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3921(a)	Theft by unlaw taking-movable property (disaster)	F-2	12	POG3				
3921(a)	Theft by unlaw taking-movable property (firearm)	F-2	12	POG3				
3921(a)	Theft by unlaw taking-movable property (=>\$500,000)	F-1	12	POG3				
3921(a)	Theft by unlaw taking-movable property (\$100,000-<\$500,000)	F-2	10	POG3				
3921(a)*	Theft by unlaw taking-movable property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3921(a)*	Theft by unlaw taking-movable property (>\$2,000-\$25,000)	F-3	8	POG2				
3921(a)	Theft by unlaw taking-movable property (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3921(a)	Theft by unlaw taking-movable property (\$200-\$2,000/no threat)	M-1	6	POG1				
3921(a)	Theft by unlaw taking-movable property (\$50-<\$200/no threat)	M-2	5	POG1				
3921(a)	Theft by unlaw taking-movable property (<\$50/no threat)	M-3	2	POG1				
3921(b)	Theft by unlaw taking-immovable property (anhydrous ammonia)	F-2	12	POG3				
3921(b)	Theft by unlaw taking-immovable property (disaster)	F-2	12	POG3				
3921(b)	Theft by unlaw taking-immovable property (firearm)	F-2	12	POG3				
3921(b)	Theft by unlaw taking-immovable property (=>\$500,000)	F-1	12	POG3				
3921(b)	Theft by unlaw taking-immovable property (\$100,000-<\$500,000)	F-2	10	POG3				
3921(b)*	Theft by unlaw taking-immovable property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3921(b)*	Theft by unlaw taking-immovable property (>\$2,000-\$25,000)	F-3	8	POG2				
3921(b)	Theft by unlaw taking-immovable property (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3921(b)	Theft by unlaw taking-immovable property (\$200-\$2,000/no threat)	M-1	6	POG1				
3921(b)	Theft by unlaw taking-immovable property (\$50-<\$200/no threat)	M-2	5	POG1				
3921(b)	Theft by unlaw taking-immovable property (<\$50/no threat)	M-3	2	POG1				
3922(a)(1)	Theft by deception-false impression (anhydrous ammonia)	F-2	12	POG3				
3922(a)(1)	Theft by deception-false impression (firearm)	F-2	12	POG3				

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3922(a)(1)	Theft by deception-false impression (=>\$500,000)	F-1	12	POG3				
3922(a)(1)	Theft by deception-false impression (\$100,000-<\$500,000)	F-2	10	POG3				
3922(a)(1)*	Theft by deception-false impression (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3922(a)(1)*	Theft by deception-false impression (>\$2,000-\$25,000)	F-3	8	POG2				
3922(a)(1)	Theft by deception-false impression (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3922(a)(1)	Theft by deception-false impression (\$200-\$2,000/no threat)	M-1	6	POG1				
3922(a)(1)	Theft by deception-false impression (>\$50-\$200/no threat)	M-2	5	POG1				
3922(a)(1)	Theft by deception-false impression (<\$50/no threat)	M-3	2	POG1				
3922(a)(2)	Theft by deception-conceal information (anhydrous ammonia)	F-2	12	POG3				
3922(a)(2)	Theft by deception-conceal information (firearm)	F-2	12	POG3				
3922(a)(2)	Theft by deception-conceal information (=>\$500,000)	F-1	12	POG3				
3922(a)(2)	Theft by deception-conceal information (\$100,000-<\$500,000)	F-2	10	POG3				
3922(a)(2)*	Theft by deception-conceal information (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3922(a)(2)*	Theft by deception-conceal information (>\$2,000-\$25,000)	F-3	8	POG2				
3922(a)(2)	Theft by deception-conceal information (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3922(a)(2)	Theft by deception-conceal information (\$200-\$2,000/no threat)	M-1	6	POG1				
3922(a)(2)	Theft by deception-conceal information (\$50-<\$200/no threat)	M-2	5	POG1				
3922(a)(2)	Theft by deception-conceal information (<\$50/no threat)	M-3	2	POG1				
3922(a)(3)	Theft by deception-fail to correct (anhydrous ammonia)	F-2	12	POG3				
3922(a)(3)	Theft by deception-fail to correct (firearm)	F-2	12	POG3				
3922(a)(3)	Theft by deception-fail to correct (=>\$500,000)	F-1	12	POG3				
3922(a)(3)	Theft by deception-fail to correct (\$100,000-<\$500,000)	F-2	10	POG3				
3922(a)(3)*	Theft by deception-fail to correct (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3922(a)(3)*	Theft by deception-fail to correct (>\$2,000-\$25,000)	F-3	8	POG2				

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3922(a)(3)	Theft by deception-fail to correct (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3922(a)(3)	Theft by deception-fail to correct (\$200-\$2,000/no threat)	M-1	6	POG1				
3922(a)(3)	Theft by deception-fail to correct (\$50-<\$200/no threat)	M-2	5	POG1				
3922(a)(3)	Theft by deception-fail to correct (<=\$50/no threat)	M-3	2	POG1				
3923(a)(1)	Theft by extortion-commit crime (anhydrous ammonia)	F-2	12	POG3				
3923(a)(1)	Theft by extortion-commit crime (firearm)	F-2	12	POG3				
3923(a)(1)	Theft by extortion-commit crime (= >\$500,000)	F-1	12	POG3				
3923(a)(1)	Theft by extortion-commit crime (\$100,000-<\$500,000)	F-2	10	POG3				
3923(a)(1)*	Theft by extortion-commit crime (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3923(a)(1)*	Theft by extortion-commit crime (>\$2,000-\$25,000)	F-3	8	POG2				
3923(a)(1)	Theft by extortion-commit crime (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3923(a)(1)	Theft by extortion-commit crime (\$200-\$2,000/no threat)	M-1	6	POG1				
3923(a)(1)	Theft by extortion-commit crime (\$50-<\$200/no threat)	M-2	5	POG1				
3923(a)(1)	Theft by extortion-commit crime (<=\$50/no threat)	M-3	2	POG1				
3923(a)(2)	Theft by extortion-accuse of crime (anhydrous ammonia)	F-2	12	POG3				
3923(a)(2)	Theft by extortion-accuse of crime (firearm)	F-2	12	POG3				
3923(a)(2)	Theft by extortion-accuse of crime (= >\$500,000)	F-1	12	POG3				
3923(a)(2)	Theft by extortion-accuse of crime (\$100,000-<\$500,000)	F-2	10	POG3				
3923(a)(2)*	Theft by extortion-accuse of crime (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3923(a)(2)*	Theft by extortion-accuse of crime (>\$2,000-\$25,000)	F-3	8	POG2				
3923(a)(2)	Theft by extortion-accuse of crime (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3923(a)(2)	Theft by extortion-accuse of crime (\$200-\$2,000/no threat)	M-1	6	POG1				
3923(a)(2)	Theft by extortion-accuse of crime (\$50-<\$200/no threat)	M-2	5	POG1				
3923(a)(2)	Theft by extortion-accuse of crime (<=\$50/no threat)	M-3	2	POG1				
3923(a)(3)	Theft by extortion-expose secret (anhydrous ammonia)	F-2	12	POG3				
3923(a)(3)	Theft by extortion-expose secret (firearm)	F-2	12	POG3				
3923(a)(3)	Theft by extortion-expose secret (= >\$500,000)	F-1	12	POG3				

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3923(a)(3)	Theft by extortion-expose secret (\$100,000-<\$500,000)	F-2	10	POG3				
3923(a)(3)*	Theft by extortion-expose secret (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3923(a)(3)*	Theft by extortion-expose secret (>\$2,000-\$25,000)	F-3	8	POG2				
3923(a)(3)	Theft by extortion-expose secret (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3923(a)(3)	Theft by extortion-expose secret (\$200-\$2,000/no threat)	M-1	6	POG1				
3923(a)(3)	Theft by extortion-expose secret (\$50-<\$200/no threat)	M-2	5	POG1				
3923(a)(3)	Theft by extortion-expose secret (<\$50/no threat)	M-3	2	POG1				
3923(a)(4)	Theft by extortion-official action (anhydrous ammonia)	F-2	12	POG3				
3923(a)(4)	Theft by extortion-official action (firearm)	F-2	12	POG3				
3923(a)(4)	Theft by extortion-official action (=>\$500,000)	F-1	12	POG3				
3923(a)(4)	Theft by extortion-official action (\$100,000-<\$500,000)	F-2	10	POG3				
3923(a)(4)*	Theft by extortion-official action (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3923(a)(4)*	Theft by extortion-official action (>\$2,000-\$25,000 )	F-3	8	POG2				
3923(a)(4)	Theft by extortion-official action (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3923(a)(4)	Theft by extortion-official action (\$200-\$2,000/no threat)	M-1	6	POG1				
3923(a)(4)	Theft by extortion-official action (\$50-<\$200/no threat)	M-2	5	POG1				
3923(a)(4)	Theft by extortion-official action (<\$50/no threat)	M-3	2	POG1				
3923(a)(5)	Theft by extortion-strike/boycott (anhydrous ammonia)	F-2	12	POG3				
3923(a)(5)	Theft by extortion-strike/boycott (firearm)	F-2	12	POG3				
3923(a)(5)	Theft by extortion-strike/boycott (=>\$500,000)	F-1	12	POG3				
3923(a)(5)	Theft by extortion-strike/boycott (\$100,000-<\$500,000)	F-2	10	POG3				
3923(a)(5)*	Theft by extortion-strike/boycott (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3923(a)(5)*	Theft by extortion-strike/boycott (>\$2,000-\$25,000)	F-3	8	POG2				
3923(a)(5)	Theft by extortion-strike/boycott (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3923(a)(5)	Theft by extortion-strike/boycott (\$200-\$2,000/no threat)	M-1	6	POG1				
3923(a)(5)	Theft by extortion-strike/boycott (\$50-<\$200/no threat)	M-2	5	POG1				
3923(a)(5)	Theft by extortion-strike/boycott (<\$50/no threat)	M-3	2	POG1				
3923(a)(6)	Theft by extortion-testimony (anhydrous ammonia)	F-2	12	POG3				

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3923(a)(6)	Theft by extortion-testimony (firearm)	F-2	12	POG3				
3923(a)(6)	Theft by extortion-testimony (=>\$500,000)	F-1	12	POG3				
3923(a)(6)	Theft by extortion-testimony (\$100,000-<\$500,000)	F-2	10	POG3				
3923(a)(6)*	Theft by extortion-testimony (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3923(a)(6)*	Theft by extortion-testimony (>\$2,000-\$25,000)	F-3	8	POG2				
3923(a)(6)	Theft by extortion-testimony (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3923(a)(6)	Theft by extortion-testimony (\$200-\$2,000/no threat)	M-1	6	POG1				
3923(a)(6)	Theft by extortion-testimony (\$50-<\$200/no threat)	M-2	5	POG1				
3923(a)(6)	Theft by extortion-testimony (<\$50/no threat)	M-3	2	POG1				
3923(a)(7)	Theft by extortion-inflict harm (anhydrous ammonia)	F-2	12	POG3				
3923(a)(7)	Theft by extortion-inflict harm (firearm)	F-2	12	POG3				
3923(a)(7)	Theft by extortion-inflict harm (=>\$500,000)	F-1	12	POG3				
3923(a)(7)	Theft by extortion-inflict harm (\$100,000-<\$500,000)	F-2	10	POG3				
3923(a)(7)*	Theft by extortion-inflict harm (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3923(a)(7)*	Theft by extortion-inflict harm (>\$2,000-\$25,000)	F-3	7	POG2				
3923(a)(7)	Theft by extortion-inflict harm (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3923(a)(7)	Theft by extortion-inflict harm (\$200-\$2,000/no threat)	M-1	7	POG1				
3923(a)(7)	Theft by extortion-inflict harm (\$50-<\$200/no threat)	M-2	5	POG1				
3923(a)(7)	Theft by extortion-inflict harm (<\$50/no threat)	M-3	5	POG1				
3924	Theft of property-lost/mislaid (anhydrous ammonia)	F-2	12	POG3				
3924	Theft of property-lost/mislaid (firearm)	F-2	12	POG3				
3924	Theft of property-lost/mislaid (=>\$500,000)	F-1	12	POG3				
3924	Theft of property-lost/mislaid (\$100,000-<\$500,000)	F-2	10	POG3				
3924*	Theft of property-lost/mislaid (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3924*	Theft of property-lost/mislaid (>\$2,000-\$25,000)	F-3	8	POG2				
3924	Theft of property-lost/mislaid (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3924	Theft of property-lost/mislaid (\$200-\$2,000/no threat)	M-1	6	POG1				
3924	Theft of property-lost/mislaid (\$50-<\$200/no threat)	M-2	5	POG1				
3924	Theft of property-lost/mislaid (<\$50/no threat)	M-3	2	POG1				
3925(a)	Theft by receiving stolen property (anhydrous ammonia)	F-2	12	POG3				



<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
3925(a)	Theft by receiving stolen property (disaster)	F-2	12	POG3				
3925(a)	Theft by receiving stolen property (firearm/receiver in business)	F-1	13	POG3				
3925(a)	Theft by receiving stolen property (firearm/receiver not in business)	F-2	12	POG3				
3925(a)	Theft of receiving stolen property (=>\$500,000)	F-1	12	POG3				
3925(a)	Theft by receiving stolen property (\$100,000-<\$500,000)	F-2	10	POG3				
3925(a)*	Theft of receiving stolen property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3925(a)*	Theft by receiving stolen property (>\$2,000-\$25,000)	F-3	8	POG2				
3925(a)	Theft by receiving stolen property (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3925(a)	Theft by receiving stolen property (\$200-\$2,000/no threat)	M-1	6	POG1				
3925(a)	Theft by receiving stolen property (\$50-<\$200/no threat)	M-2	5	POG1				
3925(a)	Theft by receiving stolen property (<\$50/no threat)	M-3	2	POG1				
3926(a)(1)	Theft of services-obtain service (anhydrous ammonia)	F-2	12	POG3				
3926(a)(1)	Theft of services-obtain service (firearm)	F-2	12	POG3				
3926(a)(1)	Theft of services-obtain service (=>\$500,000)	F-1	12	POG3				
3926(a)(1)	Theft of services-obtain service (\$100,000-<\$500,000)	F-2	10	POG3				
3926(a)(1)*	Theft of services-obtain service (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3926(a)(1)*	Theft of services-obtain service (>\$2,000-\$25,000)	F-3	8	POG2				
3926(a)(1)	Theft of services-obtain service (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3926(a)(1)	Theft of services-obtain service (\$200-\$2,000/no threat)	M-1	6	POG1				
3926(a)(1)	Theft of services-obtain service (\$50-<\$200/no threat)	M-2	5	POG1				
3926(a)(1)	Theft of services-obtain service (<\$50/no threat)	M-3	2	POG1				
3926(a)(1.1)	Theft of services-obtain telecommunications (anhydrous ammonia)	F-2	12	POG3				
3926(a)(1.1)	Theft of services-obtain telecommunications (firearm)	F-2	12	POG3				
3926(a)(1.1)	Theft of services-obtain telecommunications (=>\$500,000)	F-1	12	POG3				
3926(a)(1.1)	Theft of services-obtain telecommunications (\$100,000-<\$500,000)	F-2	10	POG3				

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$25,000-<\$100,000/for motorized vehicle)	F-3	9	POG2				
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$2,000-\$25,000)	F-3	8	POG2				
3926(a)(1.1)	Theft of services-obtain telecommunications (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3926(a)(1.1)	Theft of services-obtain telecommunications (\$200-\$2,000/no threat)	M-1	6	POG1				
3926(a)(1.1)	Theft of services-obtain telecommunications (\$50-<\$200/no threat)	M-2	5	POG1				
3926(a)(1.1)	Theft of services-obtain telecommunications (<\$50/no threat)	M-2	2	POG1				
3926(b)	Theft of services-divert service (anhydrous ammonia)	F-2	12	POG3				
3926(b)	Theft of services-divert service (firearm)	F-2	12	POG3				
3926(b)	Theft of services-divert service (=>\$500,000)	F-1	12	POG3				
3926(b)	Theft of services-divert service (\$100,000-<\$500,000)	F-2	10	POG3				
3926(b)*	Theft of services-divert service (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3926(b)*	Theft of services-divert service (>\$2,000-\$25,000)	F-3	8	POG2				
3926(b)	Theft of services-divert service (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3926(b)	Theft of services-divert service (\$200-\$2,000/no threat)	M-1	6	POG1				
3926(b)	Theft of services-divert service (\$50-<\$200/no threat)	M-2	5	POG1				
3926(b)	Theft of services-divert service (<\$50/no threat)	M-3	2	POG1				
3926(e)	Theft of services-transfer device/plan	M-3	2	POG1				
3927(a)	Theft by failure-req. disposition funds (anhydrous ammonia)	F-2	12	POG3				
3927(a)	Theft by failure-req. disposition funds (firearm)	F-2	12	POG3				
3927(a)	Theft by failure-req. disposition funds (=>\$500,000)	F-1	12	POG3				
3927(a)	Theft by failure-req. disposition funds (\$100,000-<\$500,000)	F-2	10	POG3				
3927(a)*	Theft by failure-req. disposition funds (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3927(a)*	Theft by failure-req. disposition funds (>\$2,000-\$25,000)	F-3	8	POG2				
3927(a)	Theft by failure-req. disposition funds (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3927(a)	Theft by failure-req. disposition funds (\$200-\$2,000/no threat)	M-1	6	POG1				

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3927(a)	Theft by failure-req. disposition funds (\$50-<\$200/no threat)	M-2	5	POG1				
3927(a)	Theft by failure-req. disposition funds (<\$50/no threat)	M-3	2	POG1				
3928(a)	Unauthorized use of auto	M-2	5	POG1				
3928(a)	Unauthorized use of auto (disaster)	F-2	12	POG3				
3929(a)(1)	Retail theft-take merchandise (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2				
3929(a)(1)	Retail theft-take merchandise (1st/2nd off & >=\$150)	M-1	7	POG1				
3929(a)(1)	Retail theft-take merchandise (2nd off & <\$150)	M-2	5	POG1				
3929(a)(1)	Retail theft-take merchandise (3rd/subseq. off)	F-3	7	POG2				
3929(a)(1)	Retail theft-take merchandise (disaster)	F-2	12	POG3				
3929(a)(2)	Retail theft-alter price (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2				
3929(a)(2)	Retail theft-alter price (1st/2nd off & >=\$150)	M-1	5	POG1				
3929(a)(2)	Retail theft-alter price (2nd off & <\$150)	M-2	5	POG1				
3929(a)(2)	Retail theft-alter price (3rd/subseq. off)	F-3	7	POG2				
3929(a)(2)	Retail theft-alter price (disaster)	F-2	12	POG3				
3929(a)(3)	Retail theft-transfer container (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2				
3929(a)(3)	Retail theft-transfer container (1st/2nd off & >=\$150)	M-1	5	POG1				
3929(a)(3)	Retail theft-transfer container (2nd off & <\$150)	M-2	5	POG1				
3929(a)(3)	Retail theft-transfer container (3rd/subseq. off)	F-3	7	POG2				
3929(a)(3)	Retail theft-transfer container (disaster)	F-2	12	POG3				
3929(a)(4)	Retail theft-under-rings (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2				
3929(a)(4)	Retail theft-under-rings (1st/2nd off & >=\$150)	M-1	5	POG1				
3929(a)(4)	Retail theft-under-rings (2nd off & <\$150)	M-2	5	POG1				
3929(a)(4)	Retail theft-under-rings (3rd/subseq. off)	F-3	7	POG2				
3929(a)(4)	Retail theft-under-rings (disaster)	F-2	12	POG3				
3929(a)(5)	Retail theft-tamper w/ inventory tag (>\$1,000/or firearm/motor vehicle)	F-3	7	POG2				
3929(a)(5)	Retail theft-tamper w/ inventory tag (1st/2nd off & >=\$150)	M-1	5	POG1				
3929(a)(5)	Retail theft-tamper w/ inventory tag (2nd off & <\$150)	M-2	5	POG1				
3929(a)(5)	Retail theft-tamper w/ inventory tag (3rd/subseq. off)	F-3	7	POG2				
3929(a)(5)	Retail theft-tamper w/ inventory tag (disaster)	F-2	12	POG3				
3929.1(a)	Library Theft (1st/2nd off & >=\$150)	M-1	7	POG2				

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3929.1(a)	Library Theft (2nd off & <\$150)	M-2	5	POG1				
3929.1(a)	Library Theft (3rd/subseq. off)	F-3	7	POG2				
3929.2(a)	Unlawful possession-retail/library theft instruments	M-1	7	POG1				
3929.3(a)	Organized retail theft (>=\$20,000)	F-2	10	POG3				
3929.3(a)	Organized retail theft (\$5,000-\$19,999)	F-3	9	POG2				
3930(a)(1)	Theft of trade secrets-by force	F-2	10	POG3				
3930(a)(2)	Theft of trade secrets-willful entry of building	F-2	10	POG3				
3930(a)(3)	Theft of trade secrets-willful access of computer	F-2	10	POG3				
3930(b)(1)	Theft of trade secrets-unlawful possession	F-3	7	POG2				
3930(b)(2)	Theft of trade secrets-unlawful conversion to own use	F-3	7	POG2				
3931	Theft of unpublished drama, etc. (>\$2,000)	F-3	8	POG2				
3931	Theft of unpublished drama, etc. (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3931	Theft of unpublished drama, etc. (\$200-\$2,000/no threat)	M-1	6	POG1				
3931	Theft of unpublished drama, etc. (\$50-<\$200/no threat)	M-2	5	POG1				
3931	Theft of unpublished drama, etc. (<\$50/no threat)	M-3	2	POG1				
3932(a)	Theft of leased property (anhydrous ammonia)	F-2	12	POG3				
3932(a)	Theft of leased property (firearm)	F-2	12	POG3				
3932(a)	Theft of leased property (=>\$500,000)	F-1	12	POG3				
3932(a)	Theft of leased property (\$100,000-<\$500,000)	F-2	10	POG3				
3932(a)*	Theft of leased property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	9	POG2				
3932(a)*	Theft of leased property (>\$2,000-\$25,000)	F-3	8	POG2				
3932(a)	Theft of leased property (<=\$2,000/from indiv./by threat/breach)	M-1	7	POG1				
3932(a)	Theft of leased property (\$200-\$2,000/no threat)	M-1	6	POG1				
3932(a)	Theft of leased property (\$50-<\$200/no threat)	M-2	5	POG1				
3932(a)	Theft of leased property (<\$50/no threat)	M-3	2	POG1				
3934(a)	Theft from a motor vehicle (3rd/subseq. w/in 5 yrs.)	F-3	9	POG2				
3934(a)	Theft from a motor vehicle (>\$200)	M-1	7	POG1				
3934(a)	Theft from a motor vehicle (>=\$50-<\$200)	M-2	5	POG1				
3934(a)	Theft from a motor vehicle (<\$50)	M-3	2	POG1				
3935.1(a)	Theft of secondary metal (<\$50)	M-3	2	POG1				
3935.1(a)	Theft of secondary metal (\$50-<\$200)	M-2	5	POG1				
3935.1(a)	Theft of secondary metal (\$200-<\$1,000)	M-1	7	POG1				

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3935.1(a)	Theft of secondary metal (\$=>\$1,000)	F-3	7	POG2				
3935.1(a)	Theft of secondary metal (third/subseq. offense)	F-3	7	POG2				
4101(a)(1)	Forgery-altered writing (money/stocks/govt docs/etc.)	F-2	7	POG3				
4101(a)(1)	Forgery-altered writing (will//deed/other legal doc)	F-3	7	POG2				
4101(a)(1)	Forgery-altered writing (other)	M-1	7	POG1				
4101(a)(2)	Forgery-unauthorized writing (money/stocks/govt docs/etc.)	F-2	7	POG3				
4101(a)(2)	Forgery-unauthorized writing (will//deed/other legal doc)	F-3	7	POG2				
4101(a)(2)	Forgery-unauthorized writing (other)	M-1	7	POG1				
4101(a)(3)	Forgery-utter forged writing (money/stocks/govt docs/etc.)	F-2	7	POG3				
4101(a)(3)	Forgery-utter forged writing (will//deed/other legal doc)	F-3	7	POG2				
4101(a)(3)	Forgery-utter forged writing (other)	M-1	7	POG1				
4102	Simulating objects of antiquity	M-1	7	POG1				
4103	Fraudulent destruction of recordable instruments	F-3	7	POG2				
4104(a)	Tampering w/ records or identification	M-1	7	POG1				
4105(a)(1)	Bad checks-issues/passes check (=>\$75,000)	F-3	7	POG2				
4105(a)(1)	Bad checks-issues/passes check (\$1,000-<\$75,000)	M-1	7	POG1				
4105(a)(1)	Bad checks-issues/passes check (\$500-<\$1,000)	M-2	5	POG1				
4105(a)(1)	Bad checks-issues/passes check (\$200-<\$500)	M-3	5	POG1				
4105(a)(1)	Bad checks-issues/passes check (3rd/subseq. off & <\$75,000)	M-1	7	POG1				
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (=>\$75,000)	F-3	7	POG2				
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$1,000-<\$75,000)	M-1	7	POG1				
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000)	M-2	5	POG1				
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$200-<\$500)	M-3	5	POG1				
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (3rd/subseq. off & <\$75,000)	M-1	7	POG1				
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (>=\$500)	F-3	7	POG2				
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (\$50-<\$500)	M-1	7	POG1				
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (<\$50)	M-2	6	POG1				

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4106(a)(1)(ii)	Access device fraud-Unauthorized use of device (>\$500)	F-3	7	POG2				
4106(a)(1)(iii)	Access device fraud-Unauthorized use of device (\$50-<\$500)	M-1	7	POG1				
4106(a)(1)(ii)	Access device fraud-Unauthorized use of device (<\$50)	M-2	7	POG1				
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (>=\$500)	F-3	7	POG2				
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (\$50-<\$500)	M-1	7	POG1				
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (<\$50)	M-2	7	POG1				
4106(a)(1)(iv)	Access device fraud-other (>=\$500)	F-3	7	POG2				
4106(a)(1)(iv)	Access device fraud-other (\$50-<\$500)	M-1	7	POG1				
4106(a)(1)(iv)	Access device fraud-other (<\$50)	M-2	7	POG1				
4106(a)(2)	Access device fraud-publishes/makes/sells illegal device	F-3	7	POG2				
4106(a)(3)	Access device fraud-knowingly possesses illegal device	M-3	5	POG1				
4106.1(a)(1)	Unlawful device-making equipment (produces/traffics)	F-3	9	POG2				
4106.1(a)(2)	Unlawful device-making equipment (possesses)	M-1	7	POG1				
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000)	F-3	7	POG2				
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000)	M-1	7	POG1				
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk)	M-2	5	POG1				
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3				
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2				
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk & victim >=60 yrs.)	M-1	7	POG1				
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000)	F-3	7	POG2				
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000)	M-1	7	POG1				
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk)	M-2	5	POG1				
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3				
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2				
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk & victim >=60 yrs.)	M-1	7	POG1				

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4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000)	F-3	7	POG2				
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000)	M-1	7	POG1				
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk)	M-2	5	POG1				
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3				
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2				
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk & victim >=60 yrs.)	M-1	7	POG1				
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000)	F-3	7	POG2				
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000)	M-1	7	POG1				
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk)	M-2	5	POG1				
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3				
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2				
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk & victim >=60 yrs.)	M-1	7	POG1				
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000)	F-3	7	POG2				
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000)	M-1	7	POG1				
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk)	M-2	5	POG1				
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3				
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2				
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk & victim >=60 yrs.)	M-1	7	POG1				
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000)	F-3	7	POG2				
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000)	M-1	7	POG1				

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4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk)	M-2	5	POG1				
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3				
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2				
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk & victim >=60 yrs.)	M-1	7	POG1				
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000)	F-3	7	POG2				
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000)	M-1	7	POG1				
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk)	M-2	5	POG1				
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3				
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2				
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk & victim >=60 yrs.)	M-1	7	POG1				
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000)	F-3	7	POG2				
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000)	M-1	7	POG1				
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk)	M-2	5	POG1				
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3				
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2				
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk & victim >=60 yrs.)	M-1	7	POG1				
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000)	F-3	7	POG2				
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000)	M-1	7	POG1				
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk)	M-2	5	POG1				
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000 & victim >=60 yrs.)	F-2	10	POG3				



<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000 & victim >=60 yrs.)	F-3	7	POG2				
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk & victim >=60 yrs.)	M-1	7	POG1				
4107.1(a)	Deception relating to kosher food products	M-3	2	POG1				
4107.2(a)(1)	Deception minority/women's business-fraud to obtain certif.	F-3	7	POG2				
4107.2(a)(2)	Deception minority/women's business-false statement to deny certif.	F-3	7	POG2				
4107.2(a)(3)	Deception minority/women's business-obstruct investigation for certif.	F-3	7	POG2				
4107.2(a)(4)	Deception minority/women's business-fraudulent obtain public money	F-3	7	POG2				
4108(a)	Commercial bribery/breach of duty-corrupt employee/agent/fiduciary	M-2	5	POG1				
4108(b)	Commercial bribery/breach of duty-corrupt disinterested person	M-2	5	POG1				
4108(c)	Commercial bribery/breach of duty-solicitation	M-2	5	POG1				
4109(a)(1)	Rigging publicly exhibited contest-confer benefit/threaten injury	M-1	7	POG1				
4109(a)(2)	Rigging publicly exhibited contest-tamper w/ person/animal/thing	M-1	7	POG1				
4109(b)	Rigging publicly exhibited contest-solicit/accept benefit for rigging	M-1	7	POG1				
4109(c)	Rigging publicly exhibited contest-participate in rigged contest	M-1	7	POG1				
4110	Defrauding secured creditors	M-2	5	POG1				
4111	Fraud in Insolvency	M-2	5	POG1				
4111(1)	Fraud in insolvency-destroys/etc. property to obstruct creditor claim	M-2	5	POG1				
4111(2)	Fraud in insolvency-falsify writing/record of property	M-2	5	POG1				
4111(3)	Fraud in insolvency-knowingly misrepresent/refuse to disclose property	M-2	5	POG1				
4112	Receiving deposits in failing financial institution	M-2	5	POG1				
4113(a)	Misapplication of entrusted property (>\$50)	M-2	5	POG1				
4113(a)	Misapplication of entrusted property (<=\$50)	M-3	2	POG1				
4114	Securing execution of documents by deception	M-2	5	POG1				
4115	Falsely impersonating persons privately employed	M-2	5	POG1				

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4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings)	F-3	7	POG2				
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings and 2nd/subseq. off)	F-2	11	POG3				
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 1st off)	M-1	7	POG1				
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 2nd/subseq. off)	F-3	7	POG2				
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings)	F-3	7	POG2				
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings and 2nd/subseq. off)	F-2	11	POG3				
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 1st off)	M-1	7	POG1				
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 2nd/subseq. off)	F-3	7	POG2				
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings)	F-3	7	POG2				
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings and 2nd/subseq. off)	F-2	11	POG3				
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 1st off)	M-1	7	POG1				
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 2nd/subseq. off)	F-3	7	POG2				
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings)	F-3	7	POG2				
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings and 2nd/subseq. off)	F-2	11	POG3				
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 1st off)	M-1	7	POG1				
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subseq. off)	F-3	7	POG2				
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings)	F-3	7	POG2				
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings & 2nd/subseq. off)	F-2	11	POG3				

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4116(e)	Copying; recording devices-mfr. name on packaging (any other 1st off)	M-1	7	POG1				
4116(e)	Copying; recording devices-mfr. name on packaging (any other 2nd/subseq. off)	F-3	7	POG2				
4116.1(a)	Unlawful use of recording device in movie theater (1st off)	M-1	7	POG1				
4116.1(a)	Unlawful use of recording device in movie theater (2nd/subseq. off)	F-3	7	POG2				
4117(a)(1)	Insurance fraud-false document to gvt. agency for ins. rate	F-3	7	POG2				
4117(a)(2)	Insurance fraud-false insurance claim	F-3	7	POG2				
4117(a)(3)	Insurance fraud-assist/conspire/etc. in false insurance claim	F-3	7	POG2				
4117(a)(4)	Insurance fraud-unlicensed agent activity	F-3	7	POG2				
4117(a)(5)	Insurance fraud-knowingly benefits from proceeds	F-3	7	POG2				
4117(a)(6)	Insurance fraud-health care facility allows insurance fraud	F-3	7	POG2				
4117(a)(7)	Insurance fraud-borrows/uses another's ins. ID w/ intent to defraud	F-3	7	POG2				
4117(a)(8)	Insurance fraud-direct/indirect solicitation for pecuniary gain	F-3	7	POG2				
4117(b)(1)	Insurance fraud-unlawful compensation by attorney	M-1	7	POG1				
4117(b)(2)	Insurance fraud-unlawful compensation by provider	M-1	7	POG1				
4117(b)(3)	Insurance fraud-unlawful compensation for patient referral	M-1	7	POG1				
4117(b)(4)	Insurance fraud-false insurance application	M-1	7	POG1				
4118	Washing vehicle titles	F-3	7	POG2				
4119(a)(1)	Trademark counterfeiting-mfr.	M-1	7	POG1				
4119(a)(1)	Trademark counterfeiting-mfr. (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2				
4119(a)(1)	Trademark counterfeiting-mfr. (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	10	POG3				
4119(a)(2)	Trademark counterfeiting-sells	M-1	7	POG1				
4119(a)(2)	Trademark counterfeiting-sells (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2				
4119(a)(2)	Trademark counterfeiting-sells (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	10	POG3				
4119(a)(3)	Trademark counterfeiting-offers for sale	M-1	7	POG1				

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4119(a)(3)	Trademark counterfeiting-offers for sale (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2				
4119(a)(3)	Trademark counterfeiting-offers for sale (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	10	POG3				
4119(a)(4)	Trademark counterfeiting-displays	M-1	7	POG1				
4119(a)(4)	Trademark counterfeiting-displays (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2				
4119(a)(4)	Trademark counterfeiting-displays (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	10	POG3				
4119(a)(5)	Trademark counterfeiting-advertises	M-1	7	POG1				
4119(a)(5)	Trademark counterfeiting-advertises (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2				
4119(a)(5)	Trademark counterfeiting-advertises (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	10	POG3				
4119(a)(6)	Trademark counterfeiting-distributes	M-1	7	POG1				
4119(a)(6)	Trademark counterfeiting-distributes (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2				
4119(a)(6)	Trademark counterfeiting-distributes (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	10	POG3				
4119(a)(7)	Trademark counterfeiting-transports	M-1	7	POG1				
4119(a)(7)	Trademark counterfeiting-transports (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	7	POG2				
4119(a)(7)	Trademark counterfeiting-transports (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	10	POG3				
4120(a)	Identity theft (>=\$2,000)	F-3	7	POG2				
4120(a)	Identity theft (<\$2,000)	M-1	7	POG1				
4120(a)	Identity theft (3rd/subseq. off)	F-2	11	POG3				
4120(a)	Identity theft (furtherance of conspiracy)	F-3	7	POG2				
4120(a)	Identity theft (>=\$2,000 and victim >=60 yrs./care-dependent)	F-2	10	POG3				
4120(a)	Identity theft (<\$2,000 and victim >=60 yrs./care-dependent)	F-3	7	POG2				
4120(a)	Identity theft (3rd/subseq. off and victim >=60 yrs./care-dependent)	F-1	13	POG3				
4120(a)	Identity theft (furtherance of conspiracy and victim >=60 yrs./care-dependent)	F-2	10	POG3				
4120(a)	Identity theft (<\$2,000 and victim <18 yrs.)	F-3	7	POG2				
4120(a)	Identity theft (>=\$2,000 and victim <18 yrs.)	F-2	10	POG3				

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4120(a)	Identity theft (3rd/subseq. off and victim <18 yrs.)	F-1	13	POG3				
4120(a)	Identity theft (furtherance of conspiracy and victim <18 yrs.)	F-2	10	POG3				
4121(a)(1)(i)	Possession and use of unlawful device-intent to defraud (access, read, etc)	F-3	7	POG2				
4121(a)(1)(i)	Possession and use of unlawful device-intent to defraud (access, read, etc.) (2nd/subseq. offense)	F-2	11	POG3				
4121(a)(1)(ii)	Possession and use of unlawful device-intent to defraud (places information)	F-3	7	POG2				
4121(a)(1)(ii)	Possession and use of unlawful device-intent to defraud (places information) (2nd/subseq. offense)	F-2	11	POG3				
4121(a)(2)	Possession and use of unlawful device-knowingly possesses, sells or delivers device	F-3	7	POG2				
4121(a)(2)	Possession and use of unlawful device-knowingly possesses, sells or delivers device (2nd/subseq. offense)	F-2	11	POG3				
<b>PART II</b>	<b>ARTICLE D</b>							
4301(a)	Bigamy (by married person)	M-2	5	POG1				
4301(b)	Bigamy (knowing other person committing bigamy)	M-2	5	POG1				
4302(a)	Incest (victim >18 yrs.)	F-2	13	POG4			x	
4302(b)(1)	Incest-of a minor (victim <13 yrs.)	F-2	14	POG4		x	x	x
4302(b)(2)	Incest-of a minor (victim 13-18 yrs. and offender at least 4 yrs. older)	F-2	14	POG4		x	x	x
4303(a)	Concealing death of child	M-1	5	POG1				
4304(a)(1)	Endangering welfare of children-violate duty of care	M-1	7	POG1				
4304(a)(1)	Endangering welfare of children-violate duty of care (child <6 yrs.)	F-3	9	POG2				
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct)	F-3	9	POG2				
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct & child <6 yrs.)	F-2	13	POG3				
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI	F-3	9	POG2				
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (child < 6 yrs.)	F-2	13	POG3				
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct)	F-2	13	POG3				
4304(a)(1)	Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct & child < 6 yrs.)	F-1	13	POG3				

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4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting	M-1	7	POG1				
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (child <6 yrs.)	F-3	8	POG2				
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct)	F-3	8	POG2				
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct & child <6 yrs.)	F-2	13	POG3				
4305	Dealing in infant children	M-1	7	POG1				
<b>PART II</b>	<b>ARTICLE E</b>							
4701(a)(1)	Bribery in official & political matters-pecuniary benefit as public servant	F-3	9	POG2				
4701(a)(2)	Bribery in official & political matters-benefit for judicial/admin./legis. proceedings	F-3	9	POG2				
4701(a)(3)	Bribery in official & political matters-benefit for legal duty as public servant	F-3	9	POG2				
4702(a)(1)	Threats-to influence decision as public servant	M-2	5	POG1				
4702(a)(1)	Threats-to influence decision as public servant (threat to commit crime)	F-3	9	POG2				
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings	M-2	5	POG1				
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings (threat to commit crime)	F-3	9	POG2				
4702(a)(3)	Threats-harm for legal duty as public servant	M-2	5	POG1				
4702(a)(3)	Threats-harm for legal duty as public servant (threat to commit crime)	F-3	9	POG2				
4703	Retaliation for past official action	M-2	5	POG1				
4902(a)	Perjury	F-3	7	POG2				
4903(a)(1)	False swearing in official matters-in official proceeding	M-2	5	POG1				
4903(a)(2)	False swearing in official matters-to mislead public servant	M-2	5	POG1				
4903(b)	False swearing-statement required to be sworn	M-3	5	POG1				
4904(a)(1)	Unsworn falsification to authorities-written statement	M-2	5	POG1				
4904(a)(2)	Unsworn falsification to authorities-relies on false writing	M-2	5	POG1				
4904(a)(3)	Unsworn falsification to authorities-relies on false specimen/map/boundary, etc.	M-2	5	POG1				

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4904(b)	Unsworn falsification to authorities-statement under penalty	M-3	5	POG1				
4905(a)	False alarms to agency of public safety	M-1	5	POG1				
4905(a)	False alarms to agency of public safety (state of emergency)	F-3	7	POG2				
4906(a)	False reports-falsely incriminate another	M-2	5	POG1				
4906(a)	False reports-falsely incriminate another (report of theft/loss of firearm)	M-1	5	POG1				
4906(a)	False reports-falsely incriminate another (state of emergency)	M-1	5	POG1				
4906(b)(1)	False reports-fictitious report to law enforcement	M-3	5	POG1				
4906(b)(1)	False reports-fictitious report to law enforcement (report of theft/loss of firearm)	M-2	5	POG1				
4906(b)(1)	False reports-fictitious report to law enforcement (state of emergency)	M-2	5	POG1				
4906(b)(2)	False reports-fictitious report of information	M-3	5	POG1				
4906(b)(2)	False reports-fictitious report of information (report of theft/loss of firearm)	M-2	5	POG1				
4906(b)(2)	False reports-fictitious report of information (state of emergency)	M-2	5	POG1				
4906.1	False reports of child abuse	M-2	5	POG1				
4909	Witness or informant taking bribe	F-3	7	POG2				
4910(1)	Tampering w/ physical evidence-intent to impair availability	M-2	5	POG1				
4910(2)	Tampering w/ physical evidence-false record etc.	M-2	5	POG1				
4911(a)(1)	Tampering w/ public records-false entry/govt. doc	M-2	5	POG1				
4911(a)(1)	Tampering w/ public records-false entry/govt. doc. (to defraud)	F-3	7	POG2				
4911(a)(2)	Tampering w/ public records-presenting false document	M-2	5	POG1				
4911(a)(2)	Tampering w/ public records-presenting false document (to defraud)	F-3	7	POG2				
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability	M-2	5	POG1				
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability (to defraud)	F-3	7	POG2				
4912	Impersonating a public servant	M-2	5	POG1				
4913(a)	Impersonating a notary public	M-2	5	POG1				
4913(a)	Impersonating a notary public (intent to harm/defraud)	M-1	5	POG1				

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4913(a)	Impersonating a doctor of medicine (provides medical advice or treatment)	M-1	5	POG1				
4914(a)	False identification to law enforcement authorities	M-3	5	POG1				
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (1st off)	F-3	9	POG2				
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (2nd/subseq. off)	F-2	12	POG3				
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (1st off)	F-2	12	POG3				
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (2nd/subseq. off)	F-1	16	POG3				
4915.1(a)(1)	Fail to register with PSP-lifetime registration (1st off)	F-2	12	POG3				
4915.1(a)(1)	Fail to register with PSP-lifetime registration (2nd/subseq. off)	F-1	16	POG3				
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (1st off)	F-3	9	POG2				
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (2nd/subseq. off)	F-2	13	POG3				
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (1st off)	F-2	12	POG3				
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (2nd/subseq. off)	F-1	16	POG3				
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (1st off)	F-2	12	POG3				
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (2nd/subseq. off)	F-1	16	POG3				
4915.1(a)(3)	Fail to provide accurate information-15 yr. registration	F-2	12	POG3				
4915.1(a)(3)	Fail to provide accurate information-25 yr. registration	F-1	15	POG3				
4915.1(a)(3)	Fail to provide accurate information-lifetime registration	F-1	15	POG3				
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (1st off)	F-3	9	POG2				
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (2nd/subseq. off)	F-2	13	POG3				
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (1st off)	F-2	12	POG3				
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (2nd/subseq. off)	F-1	16	POG3				
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (1st off)	F-2	12	POG3				
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (2nd/subseq. off)	F-1	16	POG3				



<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
4915.1(a.1)(2)	Fail to verify address/be photo'd; transient-15 yr. registration (1st off)	F-3	9	POG2				
4915.1(a.1)(2)	Fail to verify address/be photo'd; transient-15 yr. registration (2nd/subseq. off)	F-2	13	POG3				
4915.1(a.1)(2)	Fail to verify address/be photo'd; transient-25 yr. registration (1st off)	F-2	12	POG3				
4915.1(a.1)(2)	Fail to verify address/be photo'd; transient-25 yr. registration (2nd/subseq. off)	F-1	16	POG3				
4915.1(a.1)(2)	Fail to verify address/be photo'd; transient-lifetime registration (1st off)	F-2	12	POG3				
4915.1(a.1)(2)	Fail to verify address/be photo'd; transient-lifetime registration (2nd/subseq. off)	F-1	16	POG3				
4915.1(a.1)(3)	Fail to provide accurate info.; transient-15 yr. registration	F-2	12	POG3				
4915.1(a.1)(3)	Fail to provide accurate info.; transient-25 yr. registration	F-1	15	POG3				
4915.1(a.1)(3)	Fail to provide accurate info.; transient-lifetime registration	F-1	15	POG3				
4915.1(a.2)(1)	Fail to comply w/ SVP outpatient review/counseling	M-1	7	POG1				
4915.1(a.2)(2)	Fail to comply w/ counseling req. from other jurisdiction	M-1	7	POG1				
4915.2(a)(1)	Fail to register—10-year registration	F-3	9	POG2				
4915.2(a)(1)	Fail to register—10-year registration (2nd/subseq. off)	F-2	12	POG3				
4915.2(a)(1)	Fail to register—lifetime registration	F-2	12	POG3				
4915.2(a)(1)	Fail to register—lifetime registration (2nd/subseq. off)	F-1	16	POG3				
4915.2(a)(2)	Fail to verify address/be photographed—10-year registration	F-3	9	POG2				
4915.2(a)(2)	Fail to verify address/be photographed—10-year registration (2nd/subseq. off)	F-2	13	POG3				
4915.2(a)(2)	Fail to verify address/be photographed—lifetime registration	F-2	12	POG3				
4915.2(a)(2)	Fail to verify address/be photographed—lifetime registration (2nd/subseq. off)	F-1	16	POG3				
4915.2(a)(3)	Fail to provide accurate information—10-year registration	F-2	12	POG3				
4915.2(a)(3)	Fail to provide accurate information—lifetime registration	F-1	15	POG3				
4915.2(a.1)(1)	Fail to comply with SVP counseling requirements	M-1	7	POG1				
4915.2(a.1)(2)	Fail to comply with SVP counseling requirements (another jurisdiction)	M-1	7	POG1				

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4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-1/Murder 1 or 2)	F-1	18	POG3				
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-2)	F-2	13	POG3				
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor)	F-3	10	POG2				
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (general)	M-2	7	POG1				
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-1/Murder 1 or 2)	F-1	18	POG3				
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-2)	F-2	13	POG3				
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor)	F-3	10	POG2				
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (general)	M-2	7	POG1				
4952(a)(3)	Intimidation of witness/victim-Withhold Information, (listed factor & F-1/Murder 1 or 2)	F-1	18	POG3				
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor & F-2)	F-2	13	POG3				
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor)	F-3	10	POG2				
4952(a)(3)	Intimidation of witness/victim-withhold info. (general)	M-2	7	POG1				
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/Murder 1 or 2)	F-1	18	POG3				
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2)	F-2	13	POG3				
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor)	F-3	10	POG2				
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (general)	M-2	7	POG1				
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/Murder 1 or 2)	F-1	18	POG3				
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-2)	F-2	13	POG3				
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor)	F-3	10	POG2				
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (general)	M-2	7	POG1				

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4952(a)(6)	Intimidation of witness/victim-absent from proceeding, (listed factor & F-1/Murder 1 or 2)	F-1	18	POG3				
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor & F-2)	F-2	13	POG3				
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor)	F-3	10	POG2				
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (general)	M-2	7	POG1				
4953(a)	Retaliation against witness/victim-listed factor	F-3	12	POG2				
4953(a)	Retaliation against witness/victim-general	M-2	7	POG1				
4953.1(a)	Retaliation against prosecutor/judicial official-listed factor	F-2	13	POG3				
4953.1(a)	Retaliation against prosecutor/judicial official-general	M-1	9	POG1				
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc.	M-2	7	POG1				
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (force, etc.)	F-2	10	POG3				
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (benefit)	F-2	10	POG3				
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (furtherance consp.)	F-2	10	POG3				
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (other person)	F-2	10	POG3				
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (prior conv)	F-2	10	POG3				
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report	M-2	7	POG1				
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (force, etc.)	F-2	10	POG3				
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (benefit)	F-2	10	POG3				
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (furtherance consp.)	F-2	10	POG3				
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (other person)	F-2	10	POG3				
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (prior conv)	F-2	10	POG3				
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information	M-2	7	POG1				

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4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (force, etc.)	F-2	10	POG3				
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (benefit)	F-2	10	POG3				
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (furtherance consp.)	F-2	10	POG3				
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (other person)	F-2	10	POG3				
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (prior conv)	F-2	10	POG3				
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information	M-2	7	POG1				
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (force, etc.)	F-2	10	POG3				
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (benefit)	F-2	10	POG3				
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (furtherance consp.)	F-2	10	POG3				
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (other person)	F-2	10	POG3				
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (prior conv)	F-2	10	POG3				
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process	M-2	7	POG1				
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (force)	F-2	10	POG3				
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (benefit)	F-2	10	POG3				
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (furtherance consp.)	F-2	10	POG3				
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (other person)	F-2	10	POG3				
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (prior conv)	F-2	10	POG3				
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process	M-2	7	POG1				
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (force)	F-2	10	POG3				
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (benefit)	F-2	10	POG3				

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4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (furtherance consp.)	F-2	10	POG3				
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (other person)	F-2	10	POG3				
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (prior conv)	F-2	10	POG3				
4958(b)	Retaliation child abuse cases	M-2	7	POG1				
4958(b)	Retaliation child abuse cases (force)	F-2	12	POG3				
4958(b)	Retaliation child abuse cases (benefit)	F-2	12	POG3				
4958(b)	Retaliation child abuse cases (furtherance consp.)	F-2	12	POG3				
4958(b)	Retaliation child abuse cases (other person)	F-2	12	POG3				
4958(b)	Retaliation child abuse cases (prior conv)	F-2	12	POG3				
4958(b.1)	Obstruction child abuse cases	M-2	7	POG1				
4958(b.1)	Obstruction child abuse case (force)	F-2	10	POG3				
4958(b.1)	Obstruction child abuse cases (benefit)	F-2	10	POG3				
4958(b.1)	Obstruction child abuse cases (furtherance consp.)	F-2	10	POG3				
4958(b.1)	Obstruction child abuse cases (other person)	F-2	10	POG3				
4958(b.1)	Obstruction child abuse cases (prior conv)	F-2	10	POG3				
5101	Obstructing admin. of law/other govt. function	M-2	5	POG1				
5102(a)	Obstructing/impeping justice by picketing	M-2	5	POG1				
5103	Unlawfully listening into deliberations of jury	M-3	5	POG1				
5103.1	Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area	M-2	5	POG1				
5103.1	Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area (2nd/subseq.)	M-1	7	POG1				
5104	Resisting arrest, etc.	M-2	5	POG1				
5104.1(a)	Disarming law enforcement officer	F-3	7	POG2				
5104.2	Evading arrest or detention on foot	M-2	4	POG1				
5104.2	Evading arrest or detention on foot-another person suffers bodily injury	F-3	9	POG2				
5104.2	Evading arrest or detention on foot-another person suffers death	F-2	11	POG3				
5104.3	Harming a police animal while evading arrest or detention-death or SBI	F-3	9	POG2				
5104.3	Harming a police animal while evading arrest or detention-BI	M-2	4	POG1				

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5105(a)(1)	Hindering apprehension-harbors/conceals	M-2	5	POG1				
5105(a)(1)	Hindering apprehension-harbors/conceals (charge is F1/F2)	F-3	7	POG2				
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension	M-2	5	POG1				
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension (charge is F1/F2)	F-3	7	POG2				
5105(a)(3)	Hindering apprehension-conceal/destroy evidence	M-2	5	POG1				
5105(a)(3)	Hindering apprehension-conceal/destroy evidence (charge is F1/F2)	F-3	7	POG2				
5105(a)(4)	Hindering apprehension-warn of apprehension	M-2	5	POG1				
5105(a)(4)	Hindering apprehension-warn of apprehension (charge is F1/F2)	F-3	7	POG2				
5105(a)(5)	Hindering apprehension-false info. to law enforcement of.	M-2	5	POG1				
5105(a)(5)	Hindering apprehension-false info. to law enforcement of. (charge is F1/F2)	F-3	7	POG2				
5107(a)	Aiding consummation of crime	M-2	5	POG1				
5107(a)	Aiding consummation of crime (principal off is F1/F2)	F-3	7	POG2				
5108(a)	Compounding	M-2	5	POG1				
5109	Barratry-vex with unjust/vexatious suits	M-3	2	POG1				
5110	Contempt of General Assembly	M-3	5	POG1				
5111(a)(1)	Dealing in proceeds of unlawful activities-intent to promote act	F-1	12	POG3				
5111(a)(2)	Dealing in proceeds of unlawful activities-designed to conceal proceeds	F-1	12	POG3				
5111(a)(3)	Dealing in proceeds of unlawful activities-avoid transaction report req.	F-1	12	POG3				
5112(a)	Obstructing emergency services	M-3	5	POG1				
5121(a)	Permitting/facilitating escape	M-2	6	POG1				
5121(a)	Escape	M-2	6	POG1				
5121(a)*	Escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	8	POG2				
5121(a)*	Escape (all other specified escapes)	F-3	9	POG2				
5121(a)*	Permitting/facilitating escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	8	POG2				

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5121(a)*	Permitting/facilitating escape (all other specified escapes)	F-3	9	POG2				
5122(a)(1)	Weapons/implements for escape-provide to inmate	M-1	12	POG1				
5122(a)(2)	Weapons/implements for escape-possession by inmate	M-1	8	POG1				
5123(a)	Contraband-provide controlled substance to inmate	F-2	10	POG3				
5123(a.2)	Contraband-possession of controlled substance by inmate	F-2	10	POG3				
5123(b)	Contraband-provide money to inmate	M-3	5	POG1				
5123(c)	Contraband-provide other contraband to inmate	M-1	7	POG1				
5123(c.1)	Contraband-provide telecom. device to inmate	M-1	7	POG1				
5123(c.2)	Contraband-possession of telecom. device by inmate	M-1	7	POG1				
5124(a)	Default in required appearance (felony)	F-3	7	POG2				
5124(a)	Default in required appearance (non-felony)	M-2	5	POG1				
5125	Absconding witness	M-3	2	POG1				
5126(a)	Flight to avoid apprehension (felony)	F-3	7	POG2				
5126(a)	Flight to avoid apprehension (misd.)	M-2	5	POG1				
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee >=16 yrs.)	M-2	5	POG1				
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee <16 yrs.)	M-1	7	POG1				
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee >=16 yrs.)	M-1	7	POG1				
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee <16 yrs.)	F-3	8	POG2				
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee >=16 yrs.)	F-3	8	POG2				
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee <16 yrs.)	F-2	10	POG3				
5301(1)	Official oppression-subjects another to arrest, etc.	M-2	5	POG1				
5301(2)	Official oppression-denies another enjoyment of rights	M-2	5	POG1				
5302(1)	Speculating/wagering on official action-acquires pecuniary interest	M-2	5	POG1				
5302(2)	Speculating/wagering on official action-speculates on information	M-2	5	POG1				
5302(3)	Speculating/wagering on official action-aids another	M-2	5	POG1				
<b>PART II</b>	<b>ARTICLE F</b>							
5501(1)	Riot-intent to commit felony/misd.	F-3	7	POG2				

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5501(2)	Riot-intent to prevent/coerce official action	F-3	7	POG2				
5501(3)	Riot-actor/other plans to use deadly weapon	F-3	7	POG2				
5502	Failure to disperse upon official order	M-2	5	POG1				
5503(a)(1)	Disorderly conduct-frightening/threatening behavior (substantial harm/persist after warning)	M-3	5	POG1				
5503(a)(2)	Disorderly conduct-unreasonable noise (substantial harm/persist after warning)	M-3	5	POG1				
5503(a)(3)	Disorderly conduct-obscene language (substantial harm/persist after warning)	M-3	5	POG1				
5503(a)(4)	Disorderly conduct-hazardous condition (substantial harm/persist after warning)	M-3	5	POG1				
5506	Loitering and prowling at night time	M-3	5	POG1				
5507(a)	Obstructing highway, etc.-after warning	M-3	5	POG1				
5508	Disrupting meetings and processions	M-3	5	POG1				
5509(a)(1)	Desecration of venerated objects-intentional (public monument, etc.)	M-2	5	POG1				
5509(a)(2)	Desecration of venerated objects-intentional (object of veneration)	M-2	5	POG1				
5509(a)(3)	Desecration of venerated objects-sell veteran's marker	M-2	5	POG1				
5509(a.1)	Desecration of venerated objects-historic burial lots	M-1	6	POG1				
5510	Abuse of corpse	M-2	7	POG1				
5532(a)(1)*	Neglect of animal-fails to provide sustenance/water (cause BI/risk SBI)	M-3	2	POG1				
5532(a)(1)*	Neglect of animal-violates 5536 tethering an unattended dog (cause BI/risk SBI)	M-3	2	POG1				
5532(a)(2)	Neglect of animal-fails to provide shelter (cause BI/risk SBI)	M-3	2	POG1				
5532(a)(3)	Neglect of animal-fails to provide veterinary care (cause BI/risk SBI)	M-3	2	POG1				
5533(a)*	Cruelty to animal-abuse, abandon, etc. (cause BI/risk SBI)	M-2	6	POG1				
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(a) animal mutilation cropping of ear (cause BI/risk SBI)	M-2	6	POG1				
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(b) animal mutilation debarking (cause BI/risk SBI)	M-2	6	POG1				
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(c) animal mutilation docking of tail (cause BI/risk SBI)	M-2	6	POG1				



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5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(d) animal mutilation surgical birth (cause BI/risk SBI)	M-2	6	POG1				
5533(a)*	Cruelty to animal-abuse, abandon, etc.: violates 5542(e) animal mutilation dewclawing (cause BI/risk SBI)	M-2	6	POG1				
5534(a)(1)	Aggravated cruelty to animal-tortures animal	F-3	8	POG2				
5534(a)(2)*	Aggravated cruelty to animal-violates 5532 (cause SBI/death)	F-3	9	POG2				
5534(a)(2)*	Aggravated cruelty to animal-violates 5533 (cause SBI/death)	F-3	9	POG2				
5535(a)	Attack of service, guide, or support dog	M-3	2	POG1				
5539	Transporting equine animals in cruel manner (2nd/subseq.)	M-3	2	POG1				
5543(1)	Animal fighting (for amusement/gain)	F-3	8	POG2				
5543(2)	Animal fighting (receives compensation)	F-3	8	POG2				
5543(3)	Animal fighting (owns fighting animal)	F-3	8	POG2				
5543(4)	Animal fighting (encourage/aid/assist)	F-3	8	POG2				
5543(5)	Animal fighting (wagers on fight outcome)	F-3	8	POG2				
5543(6)	Animal fighting (pays admission)	F-3	8	POG2				
5543(7)	Animal fighting (permits use of animal for fight)	F-3	8	POG2				
5544	Possession of animal fighting paraphernalia	M-3	2	POG1				
5548(a)	Police animals-illegal to taunt	F-3	8	POG2				
5548(b)	Police animals-illegal to torture or kill police animals	M-1	7	POG1				
5548(b)(1)	Police animals-intentionally torture or kill	F-2	11	POG3				
5548(b)(2)	Police animals-recklessly torture or kill	M-1	7	POG1				
5548(b.1)	Police animals-torture or kill during perpetration of felony	F-3	9	POG2				
5549(a)	Assault with biological agent on animal/fowl/honey bees	F-2	10	POG3				
75512(b)(1)	Lotteries-set up unlawful game	M-1	6	POG1				
5512(b)(2)	Lotteries-manuf./etc. unlawful tickets	M-1	6	POG1				
5512(b)(3)	Lotteries-publish advertisement	M-1	6	POG1				
5513(a)(1)	Gambling devices-intentionally makes gambling device	M-1	7	POG1				
5513(a)(2)	Gambling devices-allows assemble for gambling	M-1	7	POG1				
5513(a)(3)	Gambling devices-solicits/invites person for gambling	M-1	7	POG1				
5513(a)(4)	Gambling devices-allows gambling on premises	M-1	7	POG1				

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5513(a.1)(1)	Gambling devices-electronic video monitor: indirect or direct consideration	M-1	7	POG1				
5513(a.1)(2)	Gambling devices-electronic video monitor: player eligible for prize	M-1	7	POG1				
5514(1)	Pool selling and bookmaking-engage in	M-1	7	POG1				
5514(2)	Pool selling and bookmaking-occupy place	M-1	7	POG1				
5514(3)	Pool selling and bookmaking-receives bet on political outcome	M-1	7	POG1				
5514(4)	Pool selling and bookmaking-custodian of property wagered (for gain)	M-1	7	POG1				
5514(5)	Pool selling and bookmaking-knowingly permit premises to be used	M-1	7	POG1				
5515(b)(1)	Prohibiting of paramilitary training-teaching	M-1	7	POG1				
5515(b)(2)	Prohibiting of paramilitary training-assembles for training	M-1	7	POG1				
5516(a)(1)	Facsimile weapons of mass destruction-terrifying/etc. individual	F-3	8	POG2				
5516(a)(2)(i)	Facsimile weapons of mass destruction-reaction of org. wh/ deals w/ emergency	F-3	8	POG2				
5516(a)(2)(ii)	Facsimile weapons of mass destruction-reaction of law enforcement agency	F-3	8	POG2				
5516(a)(3)	Facsimile weapons of mass destruction-serious public inconvenience	F-3	8	POG2				
5517(a)	Unauthorized school bus entry	M-3	2	POG1				
5703	Interception of wire/oral communication	F-3	7	POG2				
5703(1)	Interception of wire/oral communication-intentionally intercepts	F-3	7	POG2				
5703(2)	Interception of wire/oral communication-discloses contents	F-3	7	POG2				
5703(3)	Interception of wire/oral communication-use contents	F-3	7	POG2				
5705(1)	Possess/etc. of interception devices-intentionally possess/etc.	F-3	7	POG2				
5705(2)	Possess/etc. of interception devices-intentionally sells/etc.	F-3	7	POG2				
5705(3)	Possess/etc. of interception devices-intentionally manufactures/etc.	F-3	7	POG2				
5705(4)	Possess/etc. of interception devices-intentionally advertises/etc.	F-3	7	POG2				
5719	Unlawful use of order concerning intercepted communications	M-2	5	POG1				

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5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (1st off)	M-3	2	POG1				
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (2nd/subseq. off)	M-2	5	POG1				
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (1st off)	M-3	2	POG1				
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (2nd/subseq. off)	M-2	5	POG1				
5771(a)	Prohibit pen register & trap/trace device	M-3	2	POG1				
5901	Open lewdness	M-3	2	POG1				
5902(a)(1)	Prostitution-business (1st/2nd off)	M-3	2	POG1				
5902(a)(1)	Prostitution-business (3rd off)	M-2	6	POG1				
5902(a)(1)	Prostitution-business (4th/subseq. off)	M-1	7	POG1				
5902(a)(1)	Prostitution-business (HIV positive/AIDS)	F-3	10	POG2				
5902(a)(2)	Prostitution (1st/2nd off)	M-3	2	POG1				
5902(a)(2)	Prostitution (3rd off)	M-2	6	POG1				
5902(a)(2)	Prostitution (4th/subseq. off)	M-1	7	POG1				
5902(a)(2)	Prostitution (HIV positive/AIDS)	F-3	10	POG2				
5902(b)(1)	Promoting prostitution-own house/business	F-3	8	POG2				
5902(b)(2)	Promoting prostitution-procure prostitute for house	F-3	8	POG2				
5902(b)(3)	Promoting prostitution-encourage prostitution	F-3	8	POG2				
5902(b)(4)	Promoting prostitution-solicit patron	M-2	6	POG1				
5902(b)(4)	Promoting prostitution-solicit patron (compel)	F-3	8	POG2				
5902(b)(4)	Promoting prostitution-solicit patron (HIV positive/AIDS)	F-3	8	POG2				
5902(b)(4)	Promoting prostitution-solicit patron (spouse/child/ward)	F-3	8	POG2				
5902(b)(5)	Promoting prostitution-procure prostitute	M-2	6	POG1				
5902(b)(5)	Promoting prostitution-procure prostitute (compel)	F-3	8	POG2				
5902(b)(5)	Promoting prostitution-procure prostitute (HIV positive/AIDS)	F-3	8	POG2				
5902(b)(5)	Promoting prostitution-procure prostitute (spouse/child/ward)	F-3	8	POG2				
5902(b)(6)	Promoting prostitution-transport prostitute	M-2	6	POG1				
5902(b)(6)	Promoting prostitution-transport prostitute (compel)	F-3	8	POG2				
5902(b)(6)	Promoting prostitution-transport prostitute (HIV positive/AIDS)	F-3	8	POG2				

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5902(b)(6)	Promoting prostitution-transport prostitute (spouse/child/ward)	F-3	8	POG2				
5902(b)(7)	Promoting prostitution-provide place for prostitution	M-2	6	POG1				
5902(b)(7)	Promoting prostitution-provide place for prostitution (compel)	F-3	8	POG2				
5902(b)(7)	Promoting prostitution-provide place for prostitution (HIV positive/AIDS)	F-3	8	POG2				
5902(b)(7)	Promoting prostitution-provide place for prostitution (spouse/child/ward)	F-3	8	POG2				
5902(b)(8)	Promoting prostitution-receive benefit	M-2	6	POG1				
5902(b)(8)	Promoting prostitution-receive benefit (compel)	F-3	8	POG2				
5902(b)(8)	Promoting prostitution-receive benefit (HIV positive/AIDS)	F-3	8	POG2				
5902(b)(8)	Promoting prostitution-receive benefit (spouse/child/ward)	F-3	8	POG2				
5902(b.1)(1)*	Promoting prostitution of minor-business (16-<18 yrs.)	F-3	10	POG3		x		
5902(b.1)(1)*	Promoting prostitution of minor-business (<16 yrs.)	F-3	13	POG3		x		
5902(b.1)(2)*	Promoting prostitution of minor-procure (16-<18 yrs.)	F-3	10	POG3		x		
5902(b.1)(2)*	Promoting prostitution of minor-procure (<16 yrs.)	F-3	13	POG3		x		
5902(b.1)(3)*	Promoting prostitution of minor-induce (16-<18 yrs.)	F-3	10	POG3		x		
5902(b.1)(3)*	Promoting prostitution of minor-induce (<16 yrs.)	F-3	13	POG3		x		
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (16-<18 yrs.)	F-3	10	POG3		x		
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (<16 yrs.)	F-3	13	POG3		x		
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (16-<18 yrs.)	F-3	10	POG3		x		
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (<16 yrs.)	F-3	13	POG3		x		
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (16-<18 yrs.)	F-3	10	POG3		x		
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (<16 yrs.)	F-3	13	POG3		x		
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (16-<18 yrs.)	F-3	10	POG3		x		
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (<16 yrs.)	F-3	13	POG3		x		
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (16-<18 yrs.)	F-3	10	POG3		x		

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5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (<16 yrs.)	F-3	13	POG3		x		
5902(d)	Living off prostitutes	M-2	6	POG1				
5902(d)	Living off prostitutes (compel)	F-3	8	POG2				
5902(d)	Living off prostitutes (HIV positive/AIDS)	F-3	8	POG2				
5902(d)	Living off prostitutes (spouse/child/ward)	F-3	8	POG2				
5902(e)	Patronizing prostitutes (1st/2nd off)	M-3	2	POG1				
85902(e)	Patronizing prostitutes (3rd off)	M-2	6	POG1				
5902(e)	Patronizing prostitutes (4th/subseq. off)	M-1	7	POG1				
5902(e)	Patronizing prostitutes (HIV positive/AIDS)	F-3	10	POG2				
5903(a)(1)	Obscene materials-display (1st off & not for resale)	M-1	7	POG1				
5903(a)(1)	Obscene materials-display (2nd/subseq. off or for resale)	F-3	8	POG2				
5903(a.1)	Obscene materials-disseminate via elec. comm. (1st off & not for resale)	M-1	7	POG1				
5903(a.1)	Obscene materials-disseminate via elec. comm. att. evade prosec. (1st) (additional penalty)	M-1	7	POG1				
5903(a.1)	Obscene materials-disseminate via elec. comm: att. evade prosec. (2nd) (additional penalty)	M-1	7	POG1				
5903(a)(2)	Obscene materials-sell (1st off & not for resale)	M-1	7	POG1				
5903(a)(2)	Obscene materials-sell (2nd/subseq. off or for resale)	F-3	8	POG2				
5903(a)(3)(i)	Obscene materials-design (1st off & not for resale)	M-1	7	POG1				
5903(a)(3)(i)	Obscene materials-design (2nd/subseq. off or for resale)	F-3	8	POG2				
5903(a)(3)(ii)	Obscene materials-design: minor depicted (1st off & not for resale)	M-1	8	POG3		x		
5903(a)(3)(ii)	Obscene materials-design: minor depicted (2nd/subseq. off or for resale)	F-3	10	POG3		x		
5903(a)(4)(i)	Obscene materials-prepare ad (1st off & not for resale)	M-1	7	POG1				
5903(a)(4)(i)	Obscene materials-prepare ad (2nd/subseq. off or for resale)	F-3	8	POG2				
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (1st off & not for resale)	M-1	8	POG3		x		
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (2nd/subseq. off or for resale)	F-3	10	POG3		x		
5903(a)(5)(i)	Obscene materials-produce performance (1st off & not for resale)	M-1	7	POG1				
5903(a)(5)(i)	Obscene materials-produce performance (2nd/subseq. off or for resale)	F-3	8	POG2				

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5903(a)(5)(ii)	Obscene materials-produce performance: minor included (1st off & not for resale)	M-1	8	POG3		x		
5903(a)(5)(iii)	Obscene materials-produce performance: minor included (2nd/subseq. off or for resale)	F-3	10	POG3		x		
5903(a)(6)	Obscene materials-use minor to assist (1st off & not for resale)	M-1	8	POG3		x		
5903(a)(6)	Obscene materials-use minor to assist (2nd/subseq. off or for resale)	F-3	10	POG3		x		
5903(a)(7)	Obscene materials-deliver to correctnl facility (1st off & not for resale)	M-1	7	POG1				
5903(a)(7)	Obscene materials-deliver to correctnl facility (2nd/subseq. off or for resale)	F-3	8	POG2				
5903(a)(8)	Obscene materials-inmate possesses (1st off & not for resale)	M-1	7	POG1				
5903(a)(8)	Obscene materials-inmate possesses (2nd/subseq. off or for resale)	F-3	8	POG2				
5903(a)(9)	Obscene materials-permit into correctnl inst (1st off & not for resale)	M-1	7	POG1				
5903(a)(9)	Obscene materials-permit into correctnl inst (2nd/subseq. off or for resale)	F-3	8	POG2				
5903(c)(1)	Obscene materials-disseminate pictures to minors (1st off)	F-3	8	POG2				
5903(c)(1)	Obscene materials-disseminate pictures to minors (2nd/subseq. off)	F-2	10	POG3				
5903(c)(2)	Obscene materials-disseminate print/audio to minors (1st off)	F-3	8	POG2				
5903(c)(2)	Obscene materials-disseminate print/audio to minors (2nd/subseq. off)	F-2	10	POG3				
5903(d)	Obscene materials-admit minor to show (1st off)	F-3	8	POG2				
5903(d)	Obscene materials-admit minor to show (2nd/subseq. off)	F-2	10	POG3				
5903(f)	Obscene materials-require sale	M-1	7	POG1				
5904	Public exhibition of insane/deformed person	M-2	5	POG1				
<b>PART II</b>	<b>ARTICLE G</b>							
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1))	F-2	15	POG3				
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) (previous conviction)	F-1	18	POG3				E

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6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) (possession/control of firearm or within reach)	F-1	18	POG3				E
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1))	F-2	14	POG3				
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) (previous conviction)	F-1	16	POG3				E
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) (possession/control of firearm or within reach)	F-1	16	POG3				E
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (loaded/ammo available) ((a.1)(1))	M-1	7	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (unloaded/no ammo available) ((a.1)(1))	M-1	7	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (loaded/ammo available) ((a.1)(2)(i))	M-3	5	POG1				
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) ((a.1)(2)(i))	M-3	2	POG1				
6105(a)(1)	Firearms-persons not to possess: fail to relinquish w/PFA (a.1)(2)	M-2	7	POG1				
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (loaded/ammo available) ((a.1)(5))	M-1	9	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (unloaded/no ammo available) ((a.1)(5))	M-1	7	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: fugitive from justice (loaded/ammo available) ((c)(1))	M-1	9	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: fugitive from justice (unloaded/no ammo available) ((c)(1))	M-1	7	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (loaded/ammo available) ((c)(2))	M-1	9	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (unloaded/no ammo available) ((c)(2))	M-1	7	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: convicted of DUI (loaded/ammo available) ((c)(3))	M-1	9	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: convicted of DUI (unloaded/no ammo available) ((c)(3))	M-1	7	POG3	VUFA			

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6105(a)(1)*	Firearms-persons not to possess: incompetent/mental illness (loaded/ammo available) ((c)(4))	M-1	7	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: incompetent/mental illness (unloaded/no ammo available) ((c)(4))	M-1	7	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: alien (loaded/ammo available) ((c)(5))	M-1	9	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: alien (unloaded/no ammo available) ((c)(5))	M-1	7	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: active PFA (loaded/ammo available) ((c)(6))	M-2	9	POG1				
6105(a)(1)*	Firearms-persons not to possess: active PFA (unloaded/no ammo available) ((c)(6))	M-2	7	POG1				
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(7))	M-1	9	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(7))	M-1	7	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(8))	M-1	9	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(8))	M-1	7	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: other under U.S.C. (loaded/ammo available) ((c)(9))	M-1	9	POG3	VUFA			
6105(a)(1)*	Firearms-persons not to possess: other under U.S.C. (unloaded/no ammo available) ((c)(9))	M-1	7	POG3	VUFA			
6105.2(a)(1)	Firearms-persons not to possess: relinquishment of firearms/licenses by convicted persons	M-2	7	POG1				
6106(a)(1)*	Firearms-carried w/o license: ineligible (loaded/ammo available)	F-3	13	POG3	VUFA			
6106(a)(1)*	Firearms-carried w/o license: ineligible (unloaded/no ammo available)	F-3	10	POG3	VUFA			
6106(a)(1)*	Firearms-carried w/o license: eligible and criminal act (loaded/ammo available & crim act.)	F-3	13	POG3	VUFA			
6106(a)(1)*	Firearms-carried w/o license: eligible and criminal act (unloaded/no ammo available & crim act.)	F-3	10	POG3	VUFA			
6106(a)(2)*	Firearms-carried w/o license (loaded/ammo available/no other crim. act.)	M-1	7	POG3	VUFA			
6106(a)(2)*	Firearms-carried w/o license (unloaded/no ammo available/ no other crim. act.)	M-1	7	POG3	VUFA			
6107(a)	Firearms-prohibited conduct during emergency	M-1	7	POG3	VUFA			



<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
6108*	Firearms-carrying in Philadelphia (loaded/ammo available)	M-1	7	POG3	VUFA			
6108*	Firearms-carrying in Philadelphia (unloaded/no ammo available)	M-1	7	POG3	VUFA			
6110.1(a)	Firearms-possession by minor	M-1	7	POG3	VUFA			
6110.1(c)	Firearms-delivery to minor by adult	F-3	10	POG3	VUFA			
6110.2(a)*	Firearms-possession w/ altered mfr. num. (loaded/ammo available)	F-2	15	POG3				
6110.2(a)*	Firearms-possession w/ altered mfr. num. (unloaded/no ammo available)	F-2	13	POG3				
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs	M-2	5	POG1				
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (2nd/subseq. off)	F-2	13	POG3				
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (false statements)	F-3	12	POG3	VUFA			
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of crim history)	F-3	7	POG3	VUFA			
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible)	F-3	12	POG3	VUFA			
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (unlawful crim history request)	F-3	7	POG3	VUFA			
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check	M-2	5	POG1				
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (2nd/subseq. off)	F-2	13	POG3				
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (false statements)	F-3	12	POG3	VUFA			
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (inappropriate use of crim history)	F-3	7	POG3	VUFA			
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (sell to ineligible)	F-3	12	POG3	VUFA			
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (unlawful crim history request)	F-3	7	POG3	VUFA			
6111(b)(1)	Firearms-sale/transfer: full app/record of sale	M-2	5	POG1				
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (2nd/subseq. off)	F-2	13	POG3				
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (false statements)	F-3	12	POG3	VUFA			
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (inappropriate use of crim history)	F-3	7	POG3	VUFA			

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (sell to ineligible)	F-3	12	POG3	VUFA			
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (unlawful crim history request)	F-3	7	POG3	VUFA			
6111(b)(1.2)	Firearms-sale/transfer: transmit fee	M-2	5	POG1				
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (2nd/subseq. off)	F-2	13	POG3				
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (false statements)	F-3	12	POG3	VUFA			
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (inappropriate use of crim history)	F-3	7	POG3	VUFA			
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (sell to ineligible)	F-3	12	POG3	VUFA			
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (unlawful crim history request)	F-3	7	POG3	VUFA			
6111(c)	Firearms-sale/transfer: thru licensed dealer	M-2	5	POG1	VUFA			
6111(c)	Firearms-sale/transfer: thru licensed dealer (2nd/subseq. off)	F-2	13	POG3	VUFA			
6111(c)	Firearms-sale/transfer: thru licensed dealer (false statements)	F-3	12	POG3	VUFA			
6111(c)	Firearms-sale/transfer: thru licensed dealer (inappropriate use of crim history)	F-3	7	POG3	VUFA			
6111(c)	Firearms-sale/transfer: thru licensed dealer (sell to ineligible)	F-3	12	POG3	VUFA			
6111(c)	Firearms-sale/transfer: thru licensed dealer (unlawful crim history request)	F-3	7	POG3	VUFA			
6111(g)(2)	Firearms-sale/transfer: to unqualified or ineligible person	F-3	12	POG3	VUFA			
6111(g)(2)	Firearms-sale/transfer: to unqualified or ineligible person (2nd/subseq. off)	F-2	13	POG3	VUFA			
6111(g)(4)	Firearms-sale/transfer: false statements, materials, ID	F-3	12	POG3	VUFA			
6111(g)(4)	Firearms-sale/transfer: false statements, materials, ID (2nd/subseq. off)	F-2	13	POG3	VUFA			
6112	Firearms-dealer to be licensed	M-1	7	POG3	VUFA			
6113(a)(1)	Firearms-dealer license: sell in undesignated area	M-1	7	POG3	VUFA			
6113(a)(2)	Firearms-dealer license: fail to display license	M-1	7	POG3	VUFA			
6113(a)(3)	Firearms-dealer license: violation of act	M-1	7	POG3	VUFA			
6113(a)(4)	Firearms-dealer license: w/o knowledge of purchaser	M-1	7	POG3	VUFA			
6113(a)(5)	Firearms-dealer license: fail to keep record	M-1	7	POG3	VUFA			
6113(a)(6)	Firearms-dealer license: display firearm in public view	M-1	7	POG3	VUFA			
6115(a)	Firearms-lending prohibited	M-1	7	POG3	VUFA			

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6116	Firearms-give false info/identity for purchase	M-1	7	POG3	VUFA			
6117(a)	Firearms-alter mfr. number/ID	F-2	10	POG3	VUFA			
6121(a)	Firearms-certain bullets prohibited	F-3	7	POG3	VUFA			
6122	Firearms-proof of license	M-1	7	POG3	VUFA			
6161(a)	Carrying explosives on conveyances	M-2	7	POG1				
6162(a)	Shipping explosives	M-3	7	POG1				
6301(a)(1)(i)	Corruption of minors	M-1	7	POG1				
6301(a)(1)(ii)	Corruption of minors-course of conduct (of a sexual nature)	F-3	10	POG3		x		
6301(a)(2)	Corruption of minors-encourage 2nd truancy in one year	M-3	2	POG1				
6302(a)	Sale/lease of weapons/explosives (to minor)	M-1	7	POG1				
6303(a)	Sale of starter pistols-to minors	M-1	7	POG1				
6304(a)(1)	Sale/use of air rifles-sale or transfer (to minor)	M-3	2	POG1				
6307(a)	Misrepresentation of age to secure alcohol (2nd/subseq. off)	M-3	2	POG1				
6309(a)	Representing that minor is of age	M-3	2	POG1				
6310(a)	Inducement of minors to buy liquor/beer	M-3	2	POG1				
6310.1(a)	Selling/furnishing liquor/beer to minors	M-3	2	POG1				
6310.2(a)	Manufacture/sale of false ID card	M-2	5	POG1				
6310.3(a)	Carrying a false ID card (2nd/subseq. off)	M-3	2	POG1				
6311(a)	Tattooing a minor (1st off)	M-3	2	POG1				
6311(a)	Tattooing a minor (2nd/subseq. off)	M-2	5	POG1				
6311(b)	Body piercing a minor (1st off)	M-3	2	POG1				
6311(b)	Body piercing a minor (2nd/subseq. off)	M-2	5	POG1				
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs.)	F-2	12	POG3		x		
6312(b)	Sexual abuse of children-photographing/etc. sexual acts (10-<13 yrs.)	F-2	13	POG3		x		
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (<10 yrs. or determination of prepubescence)	F-1	17	POG3		x		E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (13-<18 yrs.)	F-1	15	POG3		x		E
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (10-<13 yrs.)	F-1	17	POG3		x		E

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6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (<10 yrs. or determination of prepubescence)	F-1	18	POG3		x		
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs.) (1st off)	F-3	9	POG3		x		
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs.) (2nd/subseq. off)	F-2	10	POG3		x		
6312(c)*	Sexual abuse of children-dissemination (10-<13 yrs.) (1st off)	F-3	10	POG3		x		
6312(c)*	Sexual abuse of children-dissemination (10-<13 yrs.) (2nd/subseq. off)	F-2	12	POG3		x		
6312(c)*	Sexual abuse of children-dissemination (<10 yrs. or determination of prepubescence) (1st off)	F-2	14	POG3		x		E
6312(c)*	Sexual abuse of children-dissemination (<10 yrs. or determination of prepubescence) (2nd/subseq. off)	F-2	15	POG3		x		
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs.) (1st offense)	F-2	13	POG3		x		E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs.) (2nd/subseq. offense)	F-2	14	POG3		x		
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (10-<13 yrs. or determination of prepubescence) (1st offense)	F-2	14	POG3		x		E
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (10-<13 yrs. or determination of prepubescence) (2nd/subseq. offense)	F-2	15	POG3		x		
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (<10 yrs. or determination of prepubescence) (1st offense)	F-2	15	POG3		x		E
6312(c)*	Sexual abuse of children-dissemination: indecent contact depicted (<10 yrs. or determination of prepubescence) (2nd/subseq. offense)	F-2	16	POG3		x		
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs.) (1st off)	F-3	9	POG3		x		
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs.) (2nd/subseq. off)	F-2	10	POG3		x		
6312(d)*	Sexual abuse of children-possess child pornography (10-<13 yrs.) (1st off)	F-3	10	POG3		x		
6312(d)*	Sexual abuse of children-possess child pornography (10-<13 yrs.) (2nd/subseq. off)	F-2	12	POG3		x		
6312(d)*	Sexual abuse of children-possess child pornography (<10 yrs. or determination of prepubescence) (1st off)	F-2	14	POG3		x		E

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6312(d)*	Sexual abuse of children-possess child pornography (<10 yrs. or determination of prepubescence) (2nd/subseq. off)	F-2	15	POG3		x		
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18) (1st offense)	F-2	13	POG3		x		E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18) (2nd/subseq. offense)	F-2	14	POG3		x		
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (10-<13 yrs.) (1st offense)	F-2	14	POG3		x		E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (10-<13 yrs.) (2nd/subseq. offense)	F-2	15	POG3		x		
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<10 yrs. or determination of prepubescence) (1st offense)	F-2	15	POG3		x		E
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<10 yrs. or determination of prepubescence) (2nd/subseq. offense)	F-2	16	POG3		x		
6318(a)(1)	Unlaw. contact w/ minor-sexual offenses (underlying offense=F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 10, whichever is greater	Same as underlying offense		x		
6318(a)(1)	Unlaw. contact w/ minor-sexual offenses (underlying offense <F-3)	F-3	10	POG3		x		
6318(a)(2)	Unlaw. contact w/ minor-open lewdness (underlying offense=F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense		x		
6318(a)(2)	Unlaw. contact w/ minor-open lewdness (underlying offense <F-3)	F-3	9	POG3		x		
6318(a)(3)	Unlaw. contact w/ minor-prostitution (underlying offense=F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense		x		
6318(a)(3)	Unlaw. contact w/ minor-prostitution (underlying offense <F-3)	F-3	9	POG3		x		

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6318(a)(4)	Unlaw. contact w/ minor-sexual materials (underlying offense=F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense		x		
6318(a)(4)	Unlaw. contact w/ minor-sexual materials (underlying offense <F-3)	F-3	9	POG3		x		
6318(a)(5)	Unlaw. contact w/ minor-sexual abuse (underlying offense=F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense		x		
6318(a)(5)	Unlaw. contact w/ minor-sexual abuse (underlying offense <F-3)	F-3	9	POG3		x		
6318(a)(6)	Unlaw. contact w/ minor-sexual exploitation (underlying offense=F-3 or greater)	Same as underlying offense	Same as underlying offense, or OGS 9, whichever is greater	Same as underlying offense		x		
6318(a)(6)	Unlaw. contact w/ minor-sexual exploitation (underlying offense <F-3)	F-3	9	POG3		x		
6319(a)	Solicitation of minors to traffic drugs-general	F-2	13	POG3				
6319(b)	Solicitation of minors to traffic drugs-drug-free school zone	F-1	16	POG3				
6320	Sexual exploitation of children	F-2	13	POG3		x		
6321(b)	Transmission, sexually explicit image by minor-of another minor (victim >=12 yrs.)	M-3	5	POG1				
6321(c)(1)	Transmission, sexually explicit image by minor-w/ intent to harass: makes depiction of minor w/ nudity w/o knowledge and consent	M-2	7	POG1				
6321(c)(2)	Transmission, sexually explicit image by minor-w/ intent to harass: transmits depiction of minor w/ nudity w/o knowledge and consent	M-2	7	POG1				
6501(a)(1)	Scattering rubbish-upon land/stream (2nd/subseq. off)	M-3	2	POG1				
6501(a)(2)	Scattering rubbish-interferes w/ contents of receptacle (2nd/subseq. off)	M-3	2	POG1				
6501(a)(3)	Scattering rubbish-deposit trash on street (2nd/subseq. off)	M-1	7	POG1				
6501(a)(3)	Scattering rubbish-deposit trash on street (1st off)	M-2	5	POG1				

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6504	Public nuisances	M-2	5	POG1				
6701(b)(1)	Misrepresentation of military service	M-3	2	POG1				
6701(b)(2)	Misrepresentation of military honors	M-3	2	POG1				
6703	Dealing in military decorations	M-3	2	POG1				
6707	False registration of domestic animals	M-3	2	POG1				
6709(1)	Use of union labels-insignia	M-3	2	POG1				
6709(2)	Use of union labels-nonunion product	M-3	2	POG1				
6709(3)	Use of union labels-not authorized by union	M-3	2	POG1				
6901	Extension of water line-w/o permit	M-3	2	POG1				
6910(a)	Unauthorized sale of tickets	M-3	2	POG1				
7102	Administer drugs to race horses	M-1	7	POG1				
7103(a)	Horse racing	M-3	2	POG1				
7104(a)	Fortune telling-for gain or lucre	M-3	2	POG1				
7107(a)(1)	Unlawf. action by athlete agent-prior to eligibility expired	M-1	7	POG1				
7107(a)(2)	Unlawf. action by athlete agent-give prior to eligibility expired	M-1	7	POG1				
7107(a)(3)	Unlawf. action by athlete agent-agreement w/ univ. employee for referral	M-1	7	POG1				
7302(a)	Sale of solidified alcohol	M-2	5	POG1				
7302(b)	Labeling of solidified alcohol	M-1	7	POG1				
7303(a)	Sale/illegal use of certain solvents-smell/inhale toxic subst	M-3	2	POG1				
7303(c)	Sale/illegal use of certain solvents-possess solvent for toxic vapors	M-3	2	POG1				
7303(d)	Sale/illegal use of certain solvents-sell solvent for toxic vapors	M-3	2	POG1				
7306(a)	Incendiary devices	M-1	7	POG1				
7307	Out-of-state convict made goods-sell/exchange	M-2	5	POG1				
7308(a)	Unlawful advertising of insurance business	M-2	5	POG1				
7309(a)	Unlawful coercion in contracting insurance	M-1	7	POG1				
7310(a)	Furnishing free insurance as inducement for purchase	M-3	2	POG1				
7311(a)	Unlawful collection agency practices-assignment of claims	M-3	2	POG1				
7311(b)	Unlawful collection agency practices-appearance for creditor	M-3	2	POG1				

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7311(b.1)	Unlawful collection agency practices-unfair/deceptive methods	M-3	2	POG1				
7311(c)	Unlawful collection agency practices-unlaw. furnish legal services	M-3	2	POG1				
7311(d)	Unlawful collection agency practices-unlaw. service for debtor	M-3	2	POG1				
7311(e)	Unlawful collection agency practices-unlaw. solicit job for attorney	M-3	2	POG1				
7311(f)	Unlawful collection agency practices-unlaw. coercion/intimidation	M-3	2	POG1				
7312(a)	Debt pooling	M-3	2	POG1				
7313(a)	Buying/exchanging SNAP benefits (>=\$1,000)	F-3	7	POG2				
7313(a)	Buying/exchanging SNAP benefits (<\$1,000)	M-1	7	POG1				
7314(a)	Fraudulent traffic in SNAP benefits (>=\$2,500)	F-2	10	POG3				
7314(a)	Fraudulent traffic in SNAP benefits (\$1,000-<\$2,500)	F-3	7	POG2				
7314(a)	Fraudulent traffic in SNAP benefits (<\$1,000)	M-1	7	POG1				
7316(a)	Keeping bucket-shop	M-3	2	POG1				
7317(a)	Accessories in conduct of bucket-shop	M-3	2	POG1				
7318(a)	Maintaining premises of bucket-shop	M-3	2	POG1				
7319(b)	Bucket-shop contracts	M-3	2	POG1				
7321(a)	Lie detector tests-require for employment	M-2	5	POG1				
7322	Demanding property/money to secure employment	M-3	2	POG1				
7323	Discrimination on account of U.S. armed forces uniform	M-2	5	POG1				
7324(b)	Unlaw. sale of dissertations/etc.-sale of assistance	M-3	2	POG1				
7324(c)	Unlaw. sale of dissertations/etc.-sale of assignment	M-3	2	POG1				
7324(d)	Unlaw. sale of dissertations/etc.-distribution for sale	M-3	2	POG1				
7326(a)	Disclosure of confidential tax information	M-3	2	POG1				
7328(a)	Operation of unauthorized bottle club	M-3	2	POG1				
7503(a)	Architects/engineers-interest in public works contracts	M-3	2	POG1				
7504(a)	Appointment of special police	M-3	2	POG1				
7507	Breach of privacy-use stress monitor w/o consent	M-2	5	POG1				
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (single violation)	M-3	5	POG1		x		
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (>1 violation)	M-2	7	POG1		x		



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7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (single violation)	M-3	5	POG1		x		
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (>1 violation)	M-2	7	POG1		x		
7507.1(a)(3)	Invasion of privacy-transfer image (single violation)	M-3	5	POG1		x		
7507.1(a)(3)	Invasion of privacy-transfer image (>1 violation)	M-2	7	POG1		x		
7508.2(a)	Operate meth lab-cause chemical reaction	F-2	12	POG3				
7508.2(a)	Operate meth lab-cause chemical reaction (w/in 1000 ft of school)	F-1	13	POG3				
7509(a)	Furnishing drug-free urine: unlaw. sale	M-3	2	POG1				
7509(b)	Furnishing drug-free urine: unlaw. use	M-3	2	POG1				
7510(a)	Municipal housing code avoidance (4th off)	M-2	5	POG1				
7510(a)	Municipal housing code avoidance (5th/subseq. off)	M-1	7	POG1				
7512(a)	Criminal use of communication facility	F-3	7	POG2				
7515(a)(1)	Contingent compensation-compensate other	M-3	2	POG1				
7515(a)(2)	Contingent compensation-agree to lobby	M-3	2	POG1				
7516(a)	Greyhound racing-for remuneration	M-1	7	POG1				
7517(b)	Commemorative service demonstration activities	M-3	2	POG1				
7611(a)(1)	Unlawful use of computer-access w/ intent to disrupt function	F-3	10	POG2				
7611(a)(2)	Unlawful use of computer-access/interfere/damage/destroy	F-3	10	POG2				
7611(a)(3)	Unlawful use of computer-provide password/ID code/PIN/etc.	F-3	10	POG2				
7612(a)	Disruption of computer service	F-3	10	POG2				
7613(a)	Computer theft	F-3	10	POG2				
7614(a)	Unlawful duplication (>\$2500)	F-2	10	POG3				
7614(a)	Unlawful duplication (<=\$2500)	F-3	10	POG2				
7615(a)(1)	Computer trespass-remove data/programs	F-3	10	POG2				
7615(a)(2)	Computer trespass-cause malfunction	F-3	10	POG2				
7615(a)(3)	Computer trespass-alter/erase data	F-3	10	POG2				
7615(a)(4)	Computer trespass-transfer funds	F-3	10	POG2				
7615(a)(5)	Computer trespass-cause physical injury to property	F-3	10	POG2				
7616(a)(1)	Distribution of a computer virus-prevent/disrupt operation	F-3	10	POG2				
7616(a)(2)	Distribution of a computer virus-degrade/destroy performance	F-3	10	POG2				

<i>18 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>	<i>POG3 Article B and VUFA</i>	<i>Megan's Law</i>	<i>Crimes of Violence</i>	<i>Enhance</i>
7622	Duty of internet provider-disable child porn access (1st off)	M-3	2	POG1				
7622	Duty of internet provider-disable child porn access (2nd off)	M-2	5	POG1				
7622	Internet service provider-disable child porn access (3rd/subseq. off)	F-3	8	POG2				
7641(a)	Computer-assisted remote harvesting of animals	M-3	2	POG1				
7661(a)(1)	Unlaw. transmis. email-forge/falsify	M-3	2	POG1				
7661(a)(1)	Unlaw. transmis. email-forge/falsify (malicious damage; >=\$2500)	F-3	10	POG2				
7661(a)(1)	Unlaw. transmis. email-forge/falsify (reckless damage; >=\$2500)	M-1	8	POG1				
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify	M-3	2	POG1				
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (malicious damage; >=\$2500)	F-3	10	POG2				
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (reckless damage; >=\$2500)	M-1	8	POG1				
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose	M-3	2	POG1				
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (malicious damage; >=\$2500)	F-3	10	POG2				
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (reckless damage; >=\$2500)	M-1	8	POG1				
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify	M-3	2	POG1				
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (malicious damage; >=\$2500)	F-3	10	POG2				
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (reckless damage; >=\$2500)	M-1	8	POG1				
7702(1)	Owning/operating/conducting a chop shop	F-2	10	POG3				
7702(2)	Owning/operating/conducting a chop shop-transfer/sell vehicle	F-2	10	POG3				
7703	Altered or illegally obtained property-veh ID num	F-3	8	POG2				
7704	Altered or illegally obtained property-disposition	F-3	8	POG2				

TABLE B-2—OGS-POG Assignments, Title 35

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (1st off)	M	7	POG1
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (2nd/subsq off)	M	8	POG1
(a)(2)	Adulterate/misbrand-controlled substance (1st off)	M	7	POG1
(a)(2)	Adulterate/misbrand-controlled substance (2nd/subsq off)	M	8	POG1
(a)(3)	False/misleading advertisement (1st off)	M	7	POG1
(a)(3)	False/misleading advertisement (2nd/subsq off)	M	8	POG1
(a)(4)	Removal/disposal-detained substance (1st off)	M	8	POG1
(a)(4)	Removal/disposal-detained substance (2nd/subsq off)	M	8	POG1
(a)(5)	Adulterate/destroy label-controlled substance for sale (1st off)	M	7	POG1
(a)(5)	Adulterate/destroy label-controlled substance for sale (2nd/subsq off)	M	8	POG1
(a)(6)	Forge/counterfeit w/ mark/ID symbol (1st off)	M	8	POG1
(a)(6)	Forge/counterfeit w/ mark/ID symbol (2nd/subsq off)	M	8	POG1
(a)(7)	Place trademark on controlled substance to defraud (1st off)	M	8	POG1
(a)(7)	Place trademark on controlled substance to defraud (2nd/subsq off)	M	8	POG1
(a)(8)	Selling controlled substance w/ defrauded trademark (1st off)	M	8	POG1
(a)(8)	Selling controlled substance w/ defrauded trademark (2nd/subsq off)	M	8	POG1
(a)(9)	Selling trademark equipment to defraud (1st off)	M	8	POG1
(a)(9)	Selling trademark equipment to defraud (2nd/subsq off)	M	8	POG1
(a)(10)	Illegal sale of nonproprietary drug (1st off)	M	7	POG1
(a)(10)	Illegal sale of nonproprietary drug (2nd/subsq off)	M	8	POG1
(a)(11)	Illegal pharmacy operations (1st off)	M	8	POG1
(a)(11)	Illegal pharmacy operations (2nd/subsq off)	M	8	POG1
(a)(12)*	Acquisition of controlled substance by fraud-heroin (>1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (100-1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (50-<100 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (10-<50 g)	F	12	POG2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (1-<10 g)	F	10	POG2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (<1 g)	F	9	POG2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 pills)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 pills)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 pills)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 g)	F	12	POG2

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 pills)	F	12	POG2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 g)	F	10	POG2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 pills)	F	10	POG2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (<1 g)	F	9	POG2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (>1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (100-1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (50-<100 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (10-<50 g)	F	12	POG2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (5-<10 g)	F	10	POG2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (2-<5 g)	F	10	POG2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (<2 g)	F	8	POG2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (>1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (100-1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (50-<100 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (10-<50 g)	F	12	POG2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (2.5-<10 g)	F	10	POG2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (<2.5 g)	F	9	POG2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (>1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (100-1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (50-<100 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (10-<50 g)	F	12	POG2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (2.5-<10 g)	F	10	POG2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (<2.5 g)	F	9	POG2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (>1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (100-1000 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (50-<100 g)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (10-<50 g)	F	12	POG2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (2.5-<10 g)	F	10	POG2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (<2.5 g)	F	9	POG2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>1000 lbs.)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>5000 plants)	F	16	POG2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (50-1000 lbs.)	F	12	POG2

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (51-5000 plants)	F	12	POG2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<50 lbs.)	F	10	POG2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (21-<51 plants)	F	10	POG2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (1-<10 lbs.)	F	8	POG2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<21 plants)	F	8	POG2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<1 lb.)	F	7	POG2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<10 plants)	F	7	POG2
(a)(12)*	Acquisition of controlled substance by fraud-Sched I	F	8	POG2
(a)(12)*	Acquisition of controlled substance by fraud-Sched II	F	8	POG2
(a)(12)*	Acquisition of controlled substance by fraud-Sched III	F	8	POG2
(a)(12)*	Acquisition of controlled substance by fraud-Sched IV	F	8	POG2
(a)(12)*	Acquisition of controlled substance by fraud-Sched V	M	7	POG1
(a)(13)	Dispense drugs to dependent person (1st off)	M	7	POG1
(a)(13)	Dispense drugs to dependent person (2nd/subsq off)	M	8	POG1
(a)(14)*	Delivery by practitioner-heroin (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-heroin (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-heroin (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-heroin (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-heroin (1-<10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-heroin (<1 g)	F	9	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (>=100 g)	F	22	POG2
	Distribution to minors (35 P.S. § 780-114)		24	POG2
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (50-<100 g)	F	22	POG2
	Distribution to minors (35 P.S. § 780-114)		24	POG2
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (10-<50 g)	F	18	POG2
	Distribution to minors (35 P.S. § 780-114)		22	POG2
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (1-<10 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (<1 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-other narcotics Sched I & II (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (>1000 pills)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 pills)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		7	POG2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 pills)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 pills)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 pills)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (<1 g)	F	9	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
(a)(14)*	Delivery by practitioner-cocaine (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-cocaine (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-cocaine (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-cocaine (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-cocaine (5-<10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-cocaine (2-<5 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-cocaine (<2 g)	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-methamphetamine (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-methamphetamine (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-methamphetamine (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
(a)(14)*	Delivery by practitioner-methamphetamine (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-methamphetamine (2.5-<10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-methamphetamine (<2.5 g)	F	9	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
(a)(14)*	Delivery by practitioner-PCP (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-PCP (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-PCP (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-PCP (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-PCP (2.5-< 10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-PCP (<2.5 g)	F	9	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
(a)(14)*	Delivery by practitioner-MDMA (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-MDMA (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-MDMA (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
(a)(14)*	Delivery by practitioner-MDMA (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-MDMA (2.5-< 10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-MDMA (<2.5 g)	F	9	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
(a)(14)*	Delivery by practitioner-marijuana (>1000 lbs.)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-marijuana (>5000 plants)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-marijuana (50-1000 lbs.)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-marijuana (51-5000 plants)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
(a)(14)*	Delivery by practitioner-marijuana (10-<50 lbs.)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-marijuana (21-<51 plants)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
(a)(14)*	Delivery by practitioner-marijuana (1-<10 lbs.)	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
(a)(14)*	Delivery by practitioner-marijuana (10-<21 plants)	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
(a)(14)*	Delivery by practitioner-marijuana (<1 lb.)	F	7	POG2
	Distribution to minors (35 P.S. § 780-114)		8	POG2
(a)(14)*	Delivery by practitioner-marijuana (<10 plants)	F	7	POG2
	Distribution to minors (35 P.S. § 780-114)		8	POG2
(a)(14)*	Delivery by practitioner-Sched I	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		10	POG2
(a)(14)*	Delivery by practitioner-Sched II	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		10	POG2
(a)(14)*	Delivery by practitioner-Sched III	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		10	POG2
(a)(14)*	Delivery by practitioner-Sched IV	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		10	POG2
(a)(14)*	Delivery by practitioner-Sched V	M	7	POG1
	Distribution to minors (35 P.S. § 780-114)		8	POG1
(a)(15)	Illegal retail sale-controlled substance (1st off)	M	7	POG1
(a)(15)	Illegal retail sale-controlled substance (2nd/subsq off)	M	8	POG1
(a)(16)	Simple possession (1st off)	M	5	POG1
(a)(16)	Simple possession (2nd/subsq off)	M	6	POG1
(a)(16)	Simple possession-GHB (1st off)	F	8	POG2
(a)(16)	Simple possession-GHB (2nd/sub off)	F	8	POG2
(a)(17)	Dispense drugs w/o label by practitioner (1st off)	M	7	POG1
(a)(17)	Dispense drugs w/o label by practitioner (2nd/subsq off)	M	8	POG1
(a)(18)	Illegal sale container (1st off)	M	7	POG1
(a)(18)	Illegal sale container (2nd/subsq off)	M	8	POG1
(a)(19)	Intentional unauthorized purchase (1st off)	M	7	POG1
(a)(19)	Intentional unauthorized purchase (2nd/subsq off)	M	8	POG1
(a)(20)	Divulging trade secret (1st off)	M	7	POG1
(a)(20)	Divulging trade secret (2nd/subsq off)	M	8	POG1
(a)(21)	Failure to keep records (1st off)	M	5	POG1
(a)(21)	Failure to keep records (2nd/subsq off)	M	6	POG1
(a)(22)	Refusal of inspection (1st off)	M	5	POG1
(a)(22)	Refusal of inspection (2nd/subsq off)	M	6	POG1
(a)(23)	Unauthorized removal of seals	M	8	POG1
(a)(24)	Failure to obtain license (1st off)	M	5	POG1
(a)(24)	Failure to obtain license (2nd/subsq off)	M	6	POG1
(a)(25)	Manufacture by unauthorized party	M	8	POG1
(a)(26)	Distribution by registrant of Schedule I or II	M	8	POG1
(a)(27)	Use of fictitious registration number	M	8	POG1
(a)(28)	Furnish false application material	M	8	POG1
(a)(29)	Production of counterfeit trademarks equipment	M	8	POG1
(a)(30)*	Possession with intent to deliver-heroin (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-heroin (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2



<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
(a)(30)*	Possession with intent to deliver-heroin (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-heroin (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)			POG2
(a)(30)*	Possession with intent to deliver-heroin (1-<10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2
(a)(30)*	Possession with intent to deliver-heroin (<1 g)	F	9	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (>=100 g)	F	22	POG2
	Distribution to minors (35 P.S. § 780-114)		24	POG2
	Second or subsequent offense (35 P.S. § 780-115)		24	POG2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (50-<100 g)	F	22	POG2
	Distribution to minors (35 P.S. § 780-114)		24	POG2
	Second or subsequent offense (35 P.S. § 780-115)		24	POG2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (10-<50 g)	F	18	POG2
	Distribution to minors (35 P.S. § 780-114)		22	POG2
	Second or subsequent offense (35 P.S. § 780-115)		22	POG2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (1-<10 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (<1 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 pills)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 pills)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 pills)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 pills)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 pills)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (<1 g)	F	9	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2
(a)(30)*	Possession with intent to deliver-cocaine (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-cocaine (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-cocaine (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-cocaine (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-cocaine (5-<10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		2	POG2
(a)(30)*	Possession with intent to deliver-cocaine (2-<5 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2
(a)(30)*	Possession with intent to deliver-cocaine (<2 g)	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2
(a)(30)*	Possession with intent to deliver-methamphetamine (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-methamphetamine (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-methamphetamine (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-methamphetamine (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-methamphetamine (2.5-<10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2
(a)(30)*	Possession with intent to deliver-methamphetamine (<2.5 g)	F	9	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2
(a)(30)*	Possession with intent to deliver-PCP (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-PCP (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-PCP (50-<100 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-PCP (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-PCP (2.5-<10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2
(a)(30)*	Possession with intent to deliver-PCP (<2.5 g)	F	9	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2
(a)(30)*	Possession with intent to deliver-MDMA (>1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-MDMA (100-1000 g)	F	16	POG2
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-MDMA (50-<100 g)	F	16	POG2

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
	Distribution to minors (35 P.S. § 780-114)		17	POG2
	Second or subsequent offense (35 P.S. § 780-115)		17	POG2
(a)(30)*	Possession with intent to deliver-MDMA (10-<50 g)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-MDMA (2.5-<10 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2
(a)(30)*	Possession with intent to deliver-MDMA (<2.5 g)	F	9	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2
(a)(30)*	Possession with intent to deliver-marijuana (>1000 lbs.)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-marijuana (>5000 plants)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-marijuana (50-1000 lbs.)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-marijuana (51-5000 plants)	F	12	POG2
	Distribution to minors (35 P.S. § 780-114)		13	POG2
	Second or subsequent offense (35 P.S. § 780-115)		13	POG2
(a)(30)*	Possession with intent to deliver-marijuana (10-<50 lbs.)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2
(a)(30)*	Possession with intent to deliver-marijuana (21-<51 plants)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2
(a)(30)*	Possession with intent to deliver-marijuana (1-<10 lbs.)	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2
(a)(30)*	Possession with intent to deliver-marijuana (10-<21 plants)	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		11	POG2
	Second or subsequent offense (35 P.S. § 780-115)		11	POG2
(a)(30)*	Possession with intent to deliver-marijuana (<1 lb.)	F	7	POG2
	Distribution to minors (35 P.S. § 780-114)		8	POG2
	Second or subsequent offense (35 P.S. § 780-115)		8	POG2
(a)(30)*	Possession with intent to deliver-marijuana (<10 plants)	F	7	POG2
	Distribution to minors (35 P.S. § 780-114)		8	POG2
	Second or subsequent offense (35 P.S. § 780-115)		8	POG2
(a)(30)*	Possession with intent to deliver-Sched I (>=100 g)	F	10	POG2
	Distribution to minors (35 P.S. § 780-114)		12	POG2
	Second or subsequent offense (35 P.S. § 780-115)		12	POG2
(a)(30)*	Possession with intent to deliver-Sched I (<100 g)	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		10	POG2

<i>35 P.S. § 780-113</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2
(a)(30)*	Possession with intent to deliver-Sched II	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		10	POG2
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2
(a)(30)*	Possession with intent to deliver-Sched III	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		10	POG2
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2
(a)(30)*	Possession with intent to deliver-Sched IV	F	8	POG2
	Distribution to minors (35 P.S. § 780-114)		10	POG2
	Second or subsequent offense (35 P.S. § 780-115)		10	POG2
(a)(30)*	Possession with intent to deliver-Sched V	M	7	POG1
	Distribution to minors (35 P.S. § 780-114)		8	POG1
	Second or subsequent offense (35 P.S. § 780-115)		8	POG1
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish)	M	2	POG1
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): personal use	M	2	POG1
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): intent to distribute, not sell	M	2	POG1
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): distribution, not sale	M	2	POG1
(a)(32)	Possession-drug paraphernalia	M	2	POG1
(a)(33)	Possession w/ intent to deliver paraphernalia-under 18/3 yrs or more junior	M-2	7	POG1
(a)(33)	Possession w/ intent to deliver paraphernalia-not to a minor	M	7	POG1
(a)(34)	Place ad for sale of drug paraphernalia	M	2	POG1
(a)(34)	Place ad for sale of drug paraphernalia-GHB	F	8	POG2
(a)(35)(i)	Illegal sale of noncontrolled substance-intent to distribute	F	8	POG2
(a)(35)(ii)	Illegal sale of noncontrolled substance-represent as controlled substance	F	8	POG2
(a)(35)(iii)	Illegal sale of noncontrolled substance-distribute for redistribution	F	8	POG2
(a)(36)	Possession w/ intent to deliver-designer drugs	F	8	POG2
(a)(37)	Possession >30 doses-anabolic steroid (1st off)	M	7	POG1
(a)(37)	Possession >30 doses-anabolic steroid (2nd/subsq off)	M	8	POG1
(a)(38)(II)	Unlawful manufacture-methamphetamine (BI of child <18)	F-2	13	POG3
(a)(38)(I)	Unlawful manufacture-methamphetamine (child <18 present)	F-3	10	POG2
(a)(39)	Possess ephedrine, etc. w/ intent to manif. methamphetamine (1st off)	M	5	POG1
(a)(39)	Possess ephedrine, etc. w/ intent to manif. methamphetamine (2nd/subsq off)	M	6	POG1
(a)(40)	Retail sale-product containing ephedrine, etc. (1st off)	M	5	POG1
(a)(40)	Retail sale-product containing ephedrine, etc. (2nd/subsq off)	M	5	POG1
<i>35 P.S. § 780-113.1</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score</i>	<i>Prior Offense Group</i>
(a)(1)(i)	Possess liquefied ammonia-purpose other than agriculture/industrial	M	7	POG1
(a)(1)(ii)	Possess liquefied ammonia-unapproved container	M	7	POG1

<i>35 P.S. § 780-113.1</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score</i>	<i>Prior Offense Group</i>
(a)(2)	Possess liquefied ammonia-intent to manuf controlled substance	F	8	POG2
(a)(3)	Possess red phosphorous-intent to manuf controlled substance	F	8	POG2
(a)(4)	Possess esters/salts/etc. w/ intent to manuf controlled substance	F	8	POG2

**TABLE B-3—OGS-POG Assignments, Miscellaneous****Title 23: DOMESTIC RELATIONS**

<i>23 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
4354(d)(2)	Willful failure to pay child support (special circumstances)	M-3	2	POG1
6319(a)(2)(i)	Failure to report or refer suspected child abuse-willfully fails to report	F-3	9	POG2
6319(a)(2)(ii)	Failure to report or refer suspected child abuse-child abuse constitutes F-1 or higher	F-3	9	POG2
6319(a)(2)(iii)	Failure to report or refer suspected child abuse-direct knowledge of abuse	F-3	9	POG2
6319(a)(3)	Failure to report or to refer suspected child abuse	M-2	4	POG1
6319(b)	Failure to report or to refer suspected child abuse-continuing course of action	F-3	9	POG2
6319(b)	Failure to report or to refer suspected child abuse-continuing course of action (child abuse if F-1 or higher)	F-2	11	POG32
6319(c)	Failure to report or to refer suspected child abuse (2nd/subseq.)	F-3	9	POG2
6319(c)	Failure to report or to refer suspected child abuse-child abuse if F-1 or higher (2nd/subseq.)	F-2	11	POG3
6344(b.2)	Employees-investigation (failure to submit required documentation)	M-3	2	POG1
6344.3(h)	Effect of noncompliance	M-3	2	POG1
6346(b)	Willful failure to cooperate in investigation of suspected child abuse (1st violation)	M-3	2	POG1
6346(b)	Willful failure to cooperate in investigation of suspected child abuse (subseq. violation)	M-2	4	POG1
6349(a)(1)	Failure to amend or expunge information	M-3	2	POG1
6349(a)(1)	Failure to amend or expunge information (2nd/subseq.)	M-2	4	POG1
6349(a)(2)	Failure to amend or expunge information-willfully fails to obey a final order	M-3	2	POG1
6349(b)	Unauthorized release of information	M-2	4	POG1
6349(b.1)	Unauthorized access or use of information	M-2	4	POG1
6349(b.1)	Unauthorized access or use of information-intent to harass	M-1	7	POG1
6506	Failure to report acceptance of newborns (2nd/subsequent)	M-3	2	POG1
6711(b)(1)	Access by fraud or misrepresentation	M-2	4	POG1
6711(b)(1)	Access by fraud or misrepresentation (2nd/subsequent)	F-3	9	POG2
6711(b)(2)	Access by fraud or misrepresentation (previously convicted of crime of violence)	F-3	9	POG2

## Title 25: ELECTIONS

<i>25 P.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
1701	Lawful orders-intentionally disobey lawful order of registration	M-3	2	POG1
1702(a)	Registration-improper	M-1	7	POG1
1702(b)	Registration-denial	M-1	7	POG1
1703(a)(1)	Application-not entitled to registration	M-1	7	POG1
1703(a)(2)	Application-not entitled to change of residence	M-1	7	POG1
1703(a)(3)	Application-declare as residence	M-1	7	POG1
1703(a)(4)	Application-intentionally impersonate another	M-1	7	POG1
1704(a)(1)	Altering registration-entry without proper application	M-1	7	POG1
1704(a)(2)	Altering registration-intentionally materially alter	M-1	7	POG1
1705(a)(1)	Votes-knowingly refuse vote	M-1	7	POG1
1705(a)(2)	Votes-knowingly accept vote of individual not registered	M-1	7	POG1
1705(a)(3)	Votes-knowingly receive vote from a person falsely claiming to be a registered elector	M-1	7	POG1
1706	Duties under part-intentionally delays, neglects, or refuses to perform	M-2	4	POG1
1707(a)(1)	Official documents and electronic records-intentionally insert entry	M-1	7	POG1
1707(a)(2)	Official documents and electronic records-intentionally alter or destroy	M-1	7	POG1
1707(a)(3)	Official documents and electronic records-remove from lawful custody	M-1	7	POG1
1707(a)(4)	Official documents and electronic records	M-1	7	POG1
1708	Withholding information	M-2	4	POG1
1709	Law enforcement assistance-fail to render assistance	M-2	4	POG1
1710	Interference-performance of act or duty	M-2	4	POG1
1711(a)(1)	Preventing registration-knowingly and intentionally prevent qualified elector	M-1	7	POG1
1711(a)(2)	Preventing registration-by coercion, threat of BI, or intimidation	M-1	7	POG1
1711(a)(3)	Preventing registration-induce political enrollment	M-1	7	POG1
1711(a)(4)	Preventing registration-prevent record from being used, inspected, or copied	M-1	7	POG1
1712(a)(1)	Approval of registration-intentionally alter party designation	M-3	2	POG1
1712(a)(2)	Approval of registration-fail to transmit	M-3	2	POG1
1713(a)	Solicitation of registration	M-3	2	POG1
3502	Perjury	M-1	7	POG1
3525	Frauds by elections officers	F-3	9	POG2
3526	Prying into ballots	M	2	POG1
3527	Interference with primaries and elections; frauds; conspiracy	F-3	9	POG2
3528	Persons interfering in other districts	F-3	9	POG2
3529	Assault and battery at polls	M-1	7	POG1
3530	Unlawful assistance in voting	M	2	POG1
3531	Election officers permitting unlawful assistance	M	2	POG1
3532	Failure to keep and return record of assisted voters	M	2	POG1
3533	Unlawful voting	M-1	7	POG1

<i>25 P.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
3534	Elector voting ballot of wrong party at primary	M-2	4	POG1
3535	Repeat voting at elections	F-3	9	POG2
3536	Removing ballots	M-2	4	POG1
3538	Fraudulent voting by soldiers	M	2	POG1
3539	Bribery at elections	F-3	9	POG2
3540	Receipts and disbursements of primary and election expenses by persons other than candidates and treasurers	M	2	POG1
3541	Receipts of primary and election expenses by unauthorized persons	M	2	POG1
3543	Contributions by corporations or unincorporated associations	M	2	POG1
3545	Failure to file expense account	M	2	POG1
3547	Prohibiting duress and intimidation of voters and interference with the free exercise of the elective franchise	M-2	4	POG1
3548	Failure to perform duty	M	2	POG1
3549	Hindering or delaying performance of duty	M	2	POG1
3553	Violation of provisions relating to absentee and mail-in ballots	M-3	2	POG1
3553	Violation of provisions relating to absentee and mail-in ballots-chief clerk/member of board of elections	F-3	9	POG2

**Title 35: HEALTH (miscellaneous)**

<i>35 P.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
780-113.1				
(a)(1)(i)	Possess liquefied ammonia-purpose other than agriculture/industrial	M	7	POG1
(a)(1)(ii)	Possess liquefied ammonia-unapproved container	M	7	POG1
(a)(2)	Possess liquefied ammonia-intent to manuf controlled substance	F	8	POG2
(a)(3)	Possess red phosphorous-intent to manuf controlled substance	F	8	POG2
(a)(4)	Possess esters/salts/etc. w/ intent to manuf controlled substance	F	8	POG2
<b>35 P.S. § 780-113.4</b>				
(a)(1)	Operate meth lab-create chemical reaction	F-2	10	POG3
(a)(3)	Operate meth lab-create chemical reaction (w/in 1000 ft. of school)	F-1	12	POG3
(b)(1)	Operate meth lab-stores/disposes substance used in manuf.	F-3	8	POG2
<b>35 P.S. §§ 6018.101—6018.1002</b>				
	Solid Waste Management Act			
	Knowingly transports, etc. hazardous waste without permit	F-1	13	POG3
	Transports, etc. hazardous waste without permit	F-2	10	POG3
	Violation of Act, DER Order, etc.	M-3	2	POG1
<b>35 P.S. §§ 691.1—691.1001</b>				
	Clean Streams Law			
	Violation of Act, DER Order, etc.	M-3	2	POG1
<b>35 P.S. §§ 4001—4015</b>				
	Air Pollution Control Act			



<i>35 P.S. § 780-113.1</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
	Knowingly releases hazardous air pollutant	F-1	13	POG3
	Violation of Act, DER Order, etc.	M-2	5	POG1
	Negligently releases hazardous air pollution	M-3	2	POG1

**Title 42: JUDICIAL CODE**

<i>42 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Prior Offense Group (POG)</i>
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime Mur 1/Mur 2/F-1)	F-1	18	POG3
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime F-2)	F-2	13	POG3
4583.1(a)(1)	Agg. jury tampering-employ force/violence (any other charged crime)	F-3	10	POG2
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime Mur 1/Mur 2/F-1)	F-1	18	POG3
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime F-2)	F-2	13	POG3
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (any other charged crime)	F-3	10	POG2
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime Mur 1/Mur 2/F-1)	F-1	18	POG3
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime F-2)	F-2	13	POG3
4583.1(a)(3)	Agg. jury tampering-further conspiracy (any other charged crime)	F-3	10	POG2
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime Mur 1/Mur 2/F-1)	F-1	18	POG3
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime F-2)	F-2	13	POG3
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (any other charged crime)	F-3	10	POG2

**OMNIBUS ASSIGNMENTS**

<i>Omnibus Assignments</i>	<i>Statutory Class</i>	<i>Offense Gravity Score</i>	<i>Prior Offense Group</i>
Offenses not otherwise listed and new offenses:	F-1 + (max > 20 years)	22	POG3/POG4
	F-1	14	POG3
	F-2	11	POG3
	F-3	9	POG2
	Felony Not Classified	9	POG2
	M-1	7	POG1
	M-2	4	POG1
	M-3	2	POG1
	Misdemeanor Not Classified	2	POG1

TABLE C—OGS Enhancements

<i>Pa.C.S. §</i>	<i>Description</i>	<i>OGS Assignment</i>	<i>OGS Adjustment</i>	<i>Additional Enhancements or Details</i>
<b>18-2502(c)</b>	<b>Murder of the third degree</b>			
	Victim <13 years of age	x		
<b>18-2505</b>	<b>Causing or aiding suicide</b>			
	Victim <18/intellectual disability/autism	x		
<b>18-3011</b>	<b>Trafficking in individuals</b>			<i>Maximum adjustment = __</i>
	<i>Unless otherwise included in OGS description:</i>			
	Sexual servitude		+2	
	Kidnapping, rape, or IDSI in course of offense (maximum = Life) (42/9720.2)		OGS 27	
	Age of victim—13 to less than 18 years of age		+2	
	Age of victim—less than 13 years of age		+4	
<b>18-3012</b>	<b>Involuntary servitude</b>			<i>Maximum adjustment = __</i>
	<i>Unless otherwise included in OGS description:</i>			
	Sexual servitude		+2	
	Kidnapping, rape, or IDSI in course of offense (maximum = Life) (42/9720.2)		OGS 27	
	Age of victim—13 to less than 18 years of age		+2	
	Age of victim—less than 13 years of age		+4	
<b>18-3133</b>	<b>Sexual extortion</b>			
	Victim<18/intellectual disability/actor holds position of trust	x		
	<i>Unless otherwise included in OGS description:</i>			
	Victim attempts suicide resulting in SBI/death		+1	
<b>18-3301(a)</b>	<b>Arson endangering persons (enhancement as provided in 42-9720.6)</b>			
	Cause SBI to civilian or cause BI to firefighter, etc.	x		
	<i>Unless otherwise included in OGS description:</i>			<i>Maximum adjustment = __</i>
	More than 3 people in building (F-1 offense)		+2	
	More than three people in building (< F-1 offense)		+3	
	Greater than \$1 million in damage (F-1 offense)		+2	
	Greater than \$1 million in damage (< F-1 offense)		+3	
	Incendiary device (F-1 offense)		+2	
	Incendiary device (< F-1 offense)		+3	
<b>18-3301(a.1)</b>	<b>Aggravated arson (enhancement as provided in 42-9720.6)</b>			
	Cause SBI to civilian or cause BI to firefighter, etc.	x		
	<i>Unless otherwise included in OGS description:</i>			<i>Maximum adjustment = __</i>
	More than 3 people in building (F-1 offense)		+2	
	More than three people in building (< F-1 offense)		+3	
	Greater than \$1 million in damage (F-1 offense)		+2	
	Greater than \$1 million in damage (< F-1 offense)		+3	

<i>Pa.C.S. §</i>	<i>Description</i>	<i>OGS Assignment</i>	<i>OGS Adjustment</i>	<i>Additional Enhancements or Details</i>
	Incendiary device (F-1 offense)		+2	
	Incendiary device (< F-1 offense)		+3	
<b>18-3502</b>	<b>Burglary (enhancement as provided in part in 42-9720.7)</b>			
	Occupied structure, person present, bodily injury crime	x		
	<i>Unless otherwise included in OGS description:</i>			
	Domestic animal harmed or killed		+1	
<b>18-3503</b>	<b>Criminal trespass</b>			
	<i>Unless otherwise included in OGS description:</i>			
	Domestic animal harmed or killed		+1	
<b>18-3702</b>	<b>Robbery of motor vehicle</b>			
	Steals or takes motor vehicle in presence of person	x		
<b>18-6105</b>	<b>Person not to possess firearms</b>			
	Previous conviction	x		
	Possession/control of firearm or within reach	x		
<b>18-6312</b>	<b>Sexual abuse of children (enhancement as provided in 42-9720.5)</b>			
	Age of victim or prepubescent	x		
	Indecent contact depicted	x		
	<i>Unless otherwise included in OGS description:</i>			
	Nature and character of abuse depicted		+1	
	Child know to defendant		+1	
	Number of images (video clip = 50 images):			
	More than 50 to 200 images		+1	
	More than 200 to 500 images		+2	
	More than 500 images		+3	
<b>75-3732</b>	<b>Homicide by vehicle</b>			
	<i>Category A:</i> DUI (75-3802); texting (75-3316)	x		
	<i>Category B:</i> active work zone (75-3326), emergency vehicle (75-3325), emergency response area (75-3327)	x		
	<i>Category C:</i> required to be licensed (75-1501); operating privilege suspended/revoked (75-1543)	x		
<b>75-3732.1</b>	<b>Aggravated assault by vehicle</b>			
	<i>Category A:</i> DUI (75-3802); texting (75-3316)	x		
	<i>Category B:</i> active work zone (75-3326), emergency vehicle (75-3325), emergency response area (75-3327)	x		
	<i>Category C:</i> required to be licensed (75-1501); operating privilege suspended/revoked (75-1543)	x		
<b>75-3742</b>	<b>Accidents involving death or personal injury</b>			
	Victim dies as a result of the violation	x		
<b>75-3802</b>	<b>Driving under the influence of alcohol or controlled substance</b>			
	Four or more prior convictions under (a)(1), (c), or (d)	x		
<b>42-2154(b)(3)</b>	<b>Deadly weapon enhancement</b>			
	Deadly weapon possessed		+2	

<i>Pa.C.S. §</i>	<i>Description</i>	<i>OGS Assignment</i>	<i>OGS Adjustment</i>	<i>Additional Enhancements or Details</i>
	Deadly weapon used		+3	
<b>42-2154(b)(3)</b>	<b>School and youth drug possession enhancement</b>			
	Distribution in a school zone		+1	
	Distribution to a minor		+2	
	Distribution to a minor in a school zone		+3	
<b>42-9720.4</b>	<b>Sentences for offenses committed in association with a criminal gang</b>			
	Crimes of violence (42-9714(g)) or a violation of section (a)(30) of the Drug Act (35-780-114) if knowingly committed at the direction of or for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.		+2	
<b>42-9720.8</b>	<b>Domestic violence (enhancement as provided in part 42-9720.8)</b>			
	Offense under Title 18, Chapters 25, 27, 29, 30, 31, or 49 against a family or household member (23-6102).		+2	
	Defendant knew crime was witnessed, either through sight or sound, by a minor who is also a family or household members of the defendant to victim.			Payment of costs or fees for assessment and treatment of the minor.

TABLE D-1—OGS Assignments, Mandatory Provisions, Title 30

<i>30 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off)	M	4	6 mos prob
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	4	6 mos prob
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off)	M	7	5 days
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	5 days
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	5 days + 1 to 6 mos
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off)	M-2	7	10 days
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	10 days
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	10 days + 1 to 6 mos
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	9	10 days + 6 mos to 2 years
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off)	M	4	6 mos prob
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	4	6 mos prob
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off)	M-1	7	5 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	5 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	5 days + 1 to 6 mos

<i>30 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off)	M-1	7	10 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	10 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	10 days + 1 to 6 mos
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	9	10 days + 6 mos to 2 years
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off)	M	4	6 mos prob
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	4	6 mos prob
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off)	M	7	5 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	5 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	5 days + 1 to 6 mos
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off)	M-1	7	10 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	10 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	10 days + 1 to 6 mos
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	9	10 days + 6 mos to 2 years
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off)	M-1	7	10 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	10 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	10 days + 1 to 6 mos
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	9	10 days + 6 mos to 2 years
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off)	M	4	6 mos prob
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	4	6 mos prob
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off)	M	7	5 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	5 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	5 days + 1 to 6 mos
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off)	M-1	7	10 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	10 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	10 days + 1 to 6 mos

<i>30 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	9	10 days + 6 mos to 2 years
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off)	M-1	7	10 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	10 days
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	10 days + 1 to 6 mos
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	9	10 days + 6 mos to 2 years
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off)	M	4	6 mos prob
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	4	6 mos prob
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off)	M	7	5 days
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	5 days
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	5 days + 1 to 6 mos
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	7	10 days
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	10 days
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	10 days + 1 to 6 mos
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	9	10 days + 6 mos to 2 years
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off)	M	7	48 hours
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	48 hours
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off)	M	8	30 days
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	8	30 days
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	9	30 days + 1 to 6 mos
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	9	90 days
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off); 1st minor <18 passenger	M-1 <sup>1</sup>	9	90 days
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	9	90 days + 1 to 6 mos
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	9	90 days + 6 mos to 2 years
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	13	1 year
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	13	1 year

<i>30 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	13	1 year + 1 to 6 mos
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	13	1 year + 6 mos to 2 years
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off)	M	7	72 hours
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	72 hours
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	9	90 days
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	9	90 days
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	9	90 days + 1 to 6 mos
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	13	1 year
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	13	1 year
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	13	1 year + 1 to 6 mos
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	13	1 year + 6 mos to 2 years
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off)	M	7	72 hours
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	72 hours
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off)	M-1	9	90 days
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	9	90 days
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	9	90 days + 1 to 6 mos
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off)	M-1	13	1 year
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	13	1 year
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	13	1 year + 1 to 6 mos
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	13	1 year + 6 mos to 2 years
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off)	M	7	72 hours
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	72 hours
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off)	M-1	9	90 days
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	9	90 days
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off); 1st minor <18 passenger	M-1 <sup>2</sup>	9	90 days + 1 to 6 mos

<i>30 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off)	M-1	13	1 year
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	13	1 year
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	13	1 year + 1 to 6 mos
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	13	1 year + 6 mos to 2 years
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off)	M	7	72 hours
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	72 hours
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	9	90 days
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	9	90 days
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	9	90 days + 1 to 6 mos
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	13	1 year
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	13	1 year
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	13	1 year + 1 to 6 mos
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	13	1 year + 6 mos to 2 years
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off)	M	7	72 hours
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	72 hours
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off)	M-1	9	90 days
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	9	90 days
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	9	90 days + 1 to 6 mos
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off)	M-1	13	1 year
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	13	1 year
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	13	1 year + 1 to 6 mos
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	13	1 year + 6 mos to 2 years
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off)	M	7	72 hours
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	72 hours
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off)	M-1	9	90 days



<i>30 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	9	90 days
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	9	90 days + 1 to 6 mos
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off)	M-1	13	1 year
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	13	1 year
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	13	1 year + 1 to 6 mos
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	13	1 year + 6 mos to 2 years
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off)	M	7	72 hours
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	72 hours
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off)	M-1	9	90 days
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	9	90 days
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	9	90 days + 1 to 6 mos
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off)	M-1	13	1 year
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	13	1 year
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	13	1 year + 1 to 6 mos
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	13	1 year +6 mos to 2 years
5502(a.4)	Oper. watercraft under influence-minor operator (1st off)	M	7	48 hours
5502(a.4)	Oper. watercraft under influence-minor operator (1st off); 1st minor <18 passenger	M-1 <sup>1</sup>	7	48 hours
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off)	M	8	30 days
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off); 1st minor <18 passenger	M-1 <sup>1</sup>	8	30 days
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	8	30 days + 1 to 6 mos
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off)	M-1	9	90 days
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off); 1st minor <18 passenger	M-1 <sup>1</sup>	9	90 days
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off); 2nd minor <18 passenger	M-1 <sup>2</sup>	9	90 days + 1 to 6 mos
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	9	90 days + 6 mos to 2 years
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off)	M-1	13	1 year
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off); 1st minor <18 passenger	M-1 <sup>1</sup>	13	1 year

30 Pa.C.S. §	Description	Statutory Class	Offense Gravity Score (OGS)	Mand. Sentence Provision
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off); 2nd minor <18 passenger	M-1 <sup>2</sup>	13	1 year + 1 to 6 mos
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off); 3rd/subsq minor <18 passenger	M-1 <sup>3</sup>	13	1 year + 6 mos to 2 years
5502.1(a)	Homicide by watercraft while operating under influence	F-2	17	3 years
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M-1	12	NA
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M-1	10	NA
5502.3(a)	Aggravated assault by watercraft while operating under influence	F-2	16	NA
5502.4(a)	Aggravated assault by watercraft (SBI)	F-3	11	NA
5507(a)	Duties of operators involved in boating accidents-stop	M-1	7	NA
5507(a)	Duties of operators involved in boating accidents-stop (death)	F-3	9	NA
5507(b)	Duties of operators involved in boating accidents-give information	M-1	7	NA
5507(b)	Duties of operators involved in boating accidents-give information (death)	F-3	9	NA
5507(c)	Duties of operators involved in boating accidents-render aid	M-1	7	NA
5507(c)	Duties of operators involved in boating accidents-render aid (death)	F-3	9	NA
5507(d)	Duties of operators involved in boating accidents-stay	M-1	7	NA
5507(d)	Duties of operators involved in boating accidents-stay (death)	F-3	9	NA

§ 5502(c.1)(5) An individual who violates this section when a minor under 18 years of age was a passenger in the watercraft when the violation occurred, *in addition to any penalty imposed under this section*, shall be sentenced as follows:

- <sup>1</sup> (i) For the first offense: pay a fine of not less than \$1,000; complete 100 hours of community service.
- <sup>2</sup> (ii) For a second offense: pay a fine of not less than \$2,500; undergo imprisonment for not less than 1 month nor more than 6 months.
- <sup>3</sup> (iii) For a third or subsequent offense: undergo imprisonment for not less than six months nor more than two years.

OMNIBUS ASSIGNMENTS

§ 5502 OGS Assignments (based on mandatory minimum sentence requirements)		§ 5502 OGS Override (when OGS of statutory class is higher)	
1 year and > *subsq off +1 (up to OGS 15)	13*	M-1	97
90 days to <1 year	9	M-2	4
30 days to <90 days	8	M	2
<30 days	7		
6 mos prob	4		

TABLE D-2—OGS Assignments, Mandatory Provisions, Title 75

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
1543(b)(1)(iii)	Drive w/ suspended/revoked license as condition of ARD/conviction for DUI (3rd/subsq off)	M-3	9	6 months	
1543(b)(1.1)(ii)	Drive w/ susp. lic. & BAC $\geq 0.02\%$ /or under influence of controlled subst. (2nd off)	M-3	9	6 months	
1543(b)(1.1)(iii)	Drive w/ susp. lic. & BAC $\geq 0.02\%$ /or under influence of controlled subst. (3rd/subsq off)	M-1	13	2 years	
1571(a.1)	Violations concerning licenses-agents issuing altered driver's license	F-3	9	NA	
1571(a)(5)	Violations concerning licenses-exhibit fictitious driver's license	M-1	7	NA	
3105(g)(2)	Unauth. operation of preemptive device	M-3	2	NA	
3367	Racing on highways (2nd/subsq off)	M	2	NA	
3712(a)	Abandonment of vehicles-on highway (3rd/subsq off)	M-3	2	NA	
3712(b)	Abandonment of vehicles-public/private property (3rd/subsq off)	M-3	2	NA	
3712.2(a)	Stripping abandoned vehicles (2nd/subsq off)	F-3	9	NA	
3712.2(a)	Stripping abandoned vehicles (1st off)	M-3	2	NA	
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and B) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A and Category B)	F-3 <sup>1</sup>	16	NA	E
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and C) required to be licensed (75-1501), operating privilege suspended / revoked (75-1543) (Category A and Category C)	F-3 <sup>1</sup>	16	NA	E
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: B) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category B and Category C)	F-3 <sup>1</sup>	14	NA	E
3732(a)*	Homicide by vehicle-w/ one additional factor present during the criminal incident: A) DUI conviction, texting (75-3316) or B) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) or C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A or Category B or Category C)	F-3 <sup>1</sup>	14	NA	E
3732(a)*	Homicide by vehicle	F-3	12	NA	
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and B) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A and Category B)	F-3 <sup>2</sup>	15	NA	E
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: A) DUI conviction or texting (75-3316) and C) required to be licensed (75-1501), operating privilege suspended / revoked (75-1543) (Category A and Category C)	F-3 <sup>2</sup>	15	NA	E

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: B) required to be licensed (75-1501), operating privilege suspended / revoked (75-1543) and C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category B and Category C)	F-3 <sup>2</sup>	13	NA	E
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor present during the criminal incident: A) DUI conviction, texting (75-3316), required to be licensed (75-1501) or B) operating privilege suspended/revoked (75-1543) or C) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327) (Category A or Category B or Category C)	F-3 <sup>2</sup>	13	NA	E
3732.1(a)*	Aggravated assault by vehicle	F-3	11	NA	
3733(a)	Fleeing or eluding police officer	M-2	4	NA	
3733(a)	Fleeing or eluding police officer-with DUI/cross state line/high-speed chase	F-3	9	NA	
3735(a)(1)(i)	Homicide by vehicle while DUI	F-2	17	3 years	
3735(a)(1)(ii)	Homicide by vehicle while DUI (prior DUI)	F-1	18	3 years	
3735.1(a)	Aggravated assault by vehicle while DUI	F-2	16	NA	
3735.1(a.1)*	Aggravated assault by vehicle while DUI-required to be licensed (75-1501) or operating privilege suspended/revoked (75-1543)	F-2	17	NA	
3742(a)	Accident involving death/personal injury-failure to stop (death)	F-2	17	3 years	E
3742(a)	Accident involving death/personal injury-failure to stop (SBI)	F-3	9	90 days	
3742(a)	Accident involving death/personal injury-failure to stop (injury)	M-1	7	NA	
3742.1(a)(1)*	Accident involving death/personal injury-not properly licensed (death)	F-3	11	NA	
3742.1(a)(1)*	Accident involving death/personal injury-not properly licensed (SBI)	F-3	9	NA	
3742.1(a)(1)	Accident involving death/personal injury-not properly licensed	M-2	4	NA	
3742.1(a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (death)	M-2	7	NA	
3742.1(a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (SBI)	M-3	4	NA	
3743(a)	Accident involving damage to attended vehicle or property	M-3	2	NA	
3802	Driving under the influence of alcohol or controlled substance (DUI) (See mandatory provisions § 303.9(i))				
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off)	M	4	6 mos prob	
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	6 mos prob	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735)(1st off)	F-3	9	6 mos prob	
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off)	M	7	5 days	
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	5 days	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	5 days + 1 to 6 mos	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735)(2nd off)	F-3	9	5 days	
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off)	M-2	7	10 days	
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	10 days	
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	10 days + 1 to 6 mos	
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	10 days + 6 mos to 2 years	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735)(3rd off)	F-3	9	10 days	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off)	F-3	9	10 days	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off); 1st violation involving minor occupant	F-3 <sup>3</sup>	9	10 days	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	9	10 days + 1 to 6 mos	
3802(a)(1)	DUI-general impairment/incapable of safe driving (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	10 days + 6 mos to 2 years	
3802(a)(1)	DUI-general impairment/incapable of safe driving (prior conviction 75-3735) (4th/subsq off)	F-3	9	10 days	
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off)	M	7	72 hours	
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	72 hours	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (1st off)	F-3	7	72 hours	
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off)	M-1	9	90 days	
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (2nd off)	F-3	9	90 days	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off)	F-3	13	1 year	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (3rd off)	F-3	13	1 year	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off)	F-2	14	1 year	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off); 1st violation involving minor occupant	F-2 <sup>3</sup>	14	1 year	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off); 2nd violation involving minor occupant	F-2 <sup>4</sup>	14	1 year + 1 to 6 mos	
3802(a)(1)	DUI-incapable of safe driving: refused testing (4th off); 3rd/subsq violation involving minor occupant	F-2 <sup>5</sup>	14	1 year + 6 mos to 2 years	
3802(a)(1)	DUI-incapable of safe driving: refused testing (5th/subsq off)(E)	F-2	15	1 year	
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (5th/subsq off)	F-2	15	1 year	E
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (1st off)	M	7	48 hours	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	48 hours	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (1st off)	F-3	9	48 hours	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off)	M	8	30 days	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	8	30 days	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	30 days + 1 to 6 mos	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (2nd off)	F-3	9	30 days	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off)	M-1	9	90 days	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	90 days + 6 mos to 2 years	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (3rd off)	F-3	9	90 days	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off)	F-3	13	1 year	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735) (4th/subsq off)	F-3	13	1 year	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off)	M	7	48 hours	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	48 hours	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (1st off)	F-3	9	48 hours	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off)	M	8	30 days	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	8	30 days	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	30 days + 1 to 6 mos	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (2nd off)	F-3	9	30 days	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off)	M-1	9	90 days	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	90 days + 6 mos to 2 years	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (3rd off)	F-3	9	90 days	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off)	F-3	13	1 year	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735) (4th/subsq off)	F-3	13	1 year	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off)	M	4	6 mos prob	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	6 mos prob	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (1st off)	F-3	9	6 mos prob	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off)	M	7	5 days	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	5 days	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	5 days + 1 to 6 mos	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (2nd off)	F-3	9	5 days	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off)	M-2	7	10 days	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	10 days	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	10 days + 1 to 6 mos	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	10 days + 6 mos to 2 years	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (3rd off)	F-3	9	10 days	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off)	F-3	9	10 days	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off); 1st violation involving minor occupant	F-3 <sup>3</sup>	9	10 days	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	9	10 days + 1 to 6 mos	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	10 days + 6 mos to 2 years	
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735) (4th/subsq off)	F-3	9	10 days	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (1st off)	M	7	48 hours	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	48 hours	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (1st off)	F-3	9	48 hours	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off)	M	8	30 days	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	8	30 days	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	30 days + 1 to 6 mos	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (2nd off)	F-3	9	30 days	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	9	90 days	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	90 days + 6 mos to 2 years	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (3rd off)	F-3	9	90 days	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	F-3	13	1 year	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735) (4th/subsq off)	F-3	13	1 year	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (1st off)	M	7	72 hours	
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	72 hours	



<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (prior conviction 75-3735) (1st off)	F-3	9	72 hours	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (2nd off)	M-1	9	90 days	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (prior conviction 75-3735) (2nd off)	F-3	9	90 days	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (3rd off)	F-3	13	1 year	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (3rd off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (3rd off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (prior conviction 75-3735) (3rd off)	F-3	13	1 year	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (4th off)	F-2	14	1 year	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (4th off); 1st violation involving minor occupant	F-2 <sup>3</sup>	14	1 year	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (4th off); 2nd violation involving minor occupant	F-2 <sup>4</sup>	14	1 year + 1 to 6 mos	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (4th off); 3rd/subsq violation involving minor occupant	F-2 <sup>5</sup>	14	1 year + 6 mos to 2 years	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (prior conviction 75-3735) (4th off)	F-2	14	1 year	
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (5th/subsq off)	F-2	15	1 year	E
3802(c)	DUI-highest rate of alcohol: BAC $\geq$ .16 (prior conviction 75-3735) (5th/subsq off)	F-2	15	1 year	E
3802(d)(1)(i)	DUI-controlled substances: Sched I (1st off)	M	7	72 hours	
3802(d)(1)(i)	DUI-controlled substances: Sched I (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	72 hours	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (1st off)	F-3	9	72 hours	
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off)	M-1	9	90 days	
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (2nd off)	F-3	9	90 days	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off)	F-3	13	1 year	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (3rd off)	F-3	13	1 year	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off)	F-2	14	1 year	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off); 1st violation involving minor occupant	F-2 <sup>3</sup>	14	1 year	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off); 2nd violation involving minor occupant	F-2 <sup>4</sup>	14	1 year + 1 to 6 mos	
3802(d)(1)(i)	DUI-controlled substances: Sched I (4th off); 3rd/subsq violation involving minor occupant	F-2 <sup>5</sup>	14	1 year + 6 mos to 2 years	
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (4th off)	F-2	14	1 year	
3802(d)(1)(i)	DUI-controlled substances: Sched I (5th/subsq off)	F-2	15	1 year	E
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735) (5th/subsq off)	F-2	15	1 year	E
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off)	M	7	72 hours	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	72 hours	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (1st off)	F-3	9	72 hours	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off)	M-1	9	90 days	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (2nd off)	F-3	9	90 days	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off)	F-3	13	1 year	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (3rd off)	F-3	13	1 year	
3803(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off)	F-2	14	1 year	
3803(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off); 1st violation involving minor occupant	F-2 <sup>3</sup>	14	1 year	
3803(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off); 2nd violation involving minor occupant	F-2 <sup>4</sup>	14	1 year + 1 to 6 mos	
3803(d)(1)(ii)	DUI-controlled substances: Sched II/III (4th off); 3rd/subsq violation involving minor occupant	F-2 <sup>5</sup>	14	1 year + 6 mos to 2 years	
3803(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (4th off)	F-2	14	1 year	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3803(d)(1)(ii)	DUI-controlled substances: Sched II/III (5th/subsq off)	F-2	15	1 year	E
3803(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735) (5th/subsq off)	F-2	15	1 year	E
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off)	M	7	72 hours	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	72 hours	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (1st off)	F-3	9	72 hours	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	9	90 days	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (2nd off)	F-3	9	90 days	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off)	F-3	13	1 year	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (3rd off)	F-3	13	1 year	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off)	F-2	14	1 year	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off); 1st violation involving minor occupant	F-2 <sup>3</sup>	14	1 year	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off); 2nd violation involving minor occupant	F-2 <sup>4</sup>	14	1 year + 1 to 6 mos	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (4th off); 3rd/subsq violation involving minor occupant	F-2 <sup>5</sup>	14	1 year + 6 mos to 2 years	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (4th off)	F-2	14	1 year	
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (5th/subsq off)	F-2	15	1 year	E
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735) (5th/subsq off)	F-2	15	1 year	E
3802(d)(2)	DUI-controlled substances & incapable of safe driving (1st off)	M	7	72 hours	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	72 hours	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	72 hours	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off)	M-1	9	90 days	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	90 days	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off)	F-3	13	1 year	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	13	1 year	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off)	F-2	14	1 year	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off); 1st violation involving minor occupant	F-2 <sup>3</sup>	14	1 year	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off); 2nd violation involving minor occupant	F-2 <sup>4</sup>	14	1 year + 1 to 6 mos	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (4th off); 3rd/subsq violation involving minor occupant	F-2 <sup>5</sup>	14	1 year + 6 mos to 2 years	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (4th off)	F-2	14	1 year	
3802(d)(2)	DUI-controlled substances & incapable of safe driving (5th/subsq off)	F-2	15	1 year	E
3802(d)(2)	DUI-controlled substances & incapable of safe driving (prior conviction 75-3735) (5th/subsq off)	F-2	15	1 year	E
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off)	M	7	72 hours	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	72 hours	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	72 hours	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off)	M-1	9	90 days	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	90 days	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off)	F-3	13	1 year	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	13	1 year	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off)	F-2	14	1 year	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off); 1st violation involving minor occupant	F-2 <sup>3</sup>	14	1 year	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off); 2nd violation involving minor occupant	F-2 <sup>4</sup>	14	1 year + 1 to 6 mos	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (4th off); 3rd/subsq violation involving minor occupant	F-2 <sup>5</sup>	14	1 year + 6 mos to 2 years	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (4th off)	F-2	14	1 year	
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (5th/subsq off)	F-2	15	1 year	E
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735) (5th/subsq off)	F-2	15	1 year	E
3802(d)(4)	DUI-controlled substances: solvent, etc. (1st off)	M	7	72 hours	
3802(d)(4)	DUI-controlled substances: solvent, etc. (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	72 hours	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (1st off)	F-3	9	72 hours	
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off)	M-1	9	90 days	
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (2nd off)	F-3	9	90 days	
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off)	F-3	13	1 year	
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(d)(4)	DUI-controlled substances: solvent, etc. (prior conviction 75-3735) (3rd subsq off)	F-3	13	1 year	
3802(d)(4)	DUI-controlled substances: solvent, etc (4th off)	F-2	14	1 year	
3802(d)(4)	DUI-controlled substances: solvent, etc (4th off); 1st violation involving minor occupant	F-2 <sup>3</sup>	14	1 year	
3802(d)(4)	DUI-controlled substances: solvent, etc (4th off); 2nd violation involving minor occupant	F-2 <sup>4</sup>	14	1 year + 1 to 6 mos	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(d)(4)	DUI-controlled substances: solvent, etc (4th off); 3rd/subsq violation involving minor occupant	F-2 <sup>5</sup>	14	1 year + 6 mos to 2 years	
3802(d)(4)	DUI-controlled substances: solvent, etc (prior conviction 75-3735) (4th off)	F-2	14	1 year	
3802(d)(4)	DUI-controlled substances: solvent, etc (5th/subsq off)	F-2	15	1 year	E
3802(d)(4)	DUI-controlled substances: solvent, etc (prior conviction 75-3735) (5th/subsq off)	F-2	15	1 year	E
3802(e)	DUI-minor driver (1st off)	M	7	48 hours	
3802(e)	DUI-minor driver (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	48 hours	
3802(e)	DUI-minor driver (prior conviction 75-3735) (1st off)	F-3	9	48 hours	
3802(e)	DUI-minor driver (2nd off)	M	8	30 days	
3802(e)	DUI-minor driver (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	8	30 days	
3802(e)	DUI-minor driver (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	30 days + 1 to 6 mos	
3802(e)	DUI-minor driver (prior conviction 75-3735) (2nd off)	F-3	9	30 days	
3802(e)	DUI-minor driver (3rd off)	M-1	9	90 days	
3802(e)	DUI-minor driver (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(e)	DUI-minor driver (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(e)	DUI-minor driver (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	90 days + 6 mos to 2 years	
3802(e)	DUI-minor driver (prior conviction 75-3735) (3rd off)	F-3	9	90 days	
3802(e)	DUI-minor driver (4th/subsq off)	F-3	13	1 year	
3802(e)	DUI-minor driver (4th/subsq off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(e)	DUI-minor driver (4th/subsq off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(e)	DUI-minor driver (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(e)	DUI-minor driver (prior conviction 75-3735) (4th/subsq off)	F-3	13	1 year	
3802(f)(1)(i)	DUI-commercial vehicles (1st off)	M	7	48 hours	
3802(f)(1)(i)	DUI-commercial vehicles (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	48 hours	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (1st off)	F-3	9	48 hours	
3802(f)(1)(i)	DUI-commercial vehicles (2nd off)	M	8	30 days	
3802(f)(1)(i)	DUI-commercial vehicles (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	8	30 days	
3802(f)(1)(i)	DUI-commercial vehicles (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	30 days + 1 to 6 mos	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (2nd off)	F-3	9	30 days	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(f)(1)(i)	DUI-commercial vehicles (3rd off)	M-1	9	90 days	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(f)(1)(i)	DUI-commercial vehicles (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	90 days + 6 mos to 2 years	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (3rd off)	F-3	9	90 days	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off)	F-3	13	1 year	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735) (4th/subsq off)	F-3	13	1 year	
3802(f)(1)(ii)	DUI-school vehicles (1st off)	M	7	48 hours	
3802(f)(1)(ii)	DUI-school vehicles (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	48 hours	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (1st off)	F-3	9	48 hours	
3802(f)(1)(ii)	DUI-school vehicles (2nd off)	M	8	30 days	
3802(f)(1)(ii)	DUI-school vehicles (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	8	30 days	
3802(f)(1)(ii)	DUI-school vehicles (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	30 days + 1 to 6 mos	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (2nd off)	F-3	9	30 days	
3802(f)(1)(ii)	DUI-school vehicles (3rd off)	M-1	9	90 days	
3802(f)(1)(ii)	DUI-school vehicles (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(f)(1)(ii)	DUI-school vehicles (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(f)(1)(ii)	DUI-school vehicles (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	90 days + 6 mos to 2 years	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (3rd off)	F-3	9	90 days	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off)	F-3	13	1 year	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735) (4th/subsq off)	F-3	13	1 year	

<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off)	M	7	48 hours	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	48 hours	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (1st off)	F-3	9	48 hours	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off)	M	8	30 days	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	8	30 days	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	30 days + 1 to 6 mos	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (2nd off)	F-3	9	30 days	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off)	M-1	9	90 days	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	90 days + 6 mos to 2 years	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (3rd off)	F-3	9	90 days	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off)	F-3	13	1 year	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735) (4th/subsq off)	F-3	13	1 year	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off)	M	7	48 hours	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	48 hours	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (1st off)	F-3	9	48 hours	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off)	M	8	30 days	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	8	30 days	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	30 days + 1 to 6 mos	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (2nd off)	F-3	9	30 days	



<i>75 Pa.C.S. §</i>	<i>Description</i>	<i>Statutory Class</i>	<i>Offense Gravity Score (OGS)</i>	<i>Mand. Sentence Provision</i>	<i>Enhance</i>
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off)	M-1	9	90 days	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	90 days + 6 mos to 2 years	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (3rd off)	F-3	9	90 days	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq)	F-3	13	1 year	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735) (4th/subsq)	F-3	13	1 year	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off)	M	7	48 hours	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off); 1st violation involving minor occupant	M-1 <sup>3</sup>	7	48 hours	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (1st off)	F-3	9	48 hours	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off)	M	8	30 days	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	8	30 days	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	8	30 days + 1 to 6 mos	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (2nd off)	F-3	9	30 days	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off)	M-1	9	90 days	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off); 1st violation involving minor occupant	M-1 <sup>3</sup>	9	90 days	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off); 2nd violation involving minor occupant	M-1 <sup>4</sup>	9	90 days + 1 to 6 mos	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	9	90 days + 6 mos to 2 years	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (3rd off)	F-3	9	90 days	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off)	F-3	13	1 year	

75 Pa.C.S. §	Description	Statutory Class	Offense Gravity Score (OGS)	Mand. Sentence Provision	Enhance
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off); 1st violation involving minor occupant	F-3 <sup>3</sup>	13	1 year	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off); 2nd violation involving minor occupant	F-3 <sup>4</sup>	13	1 year + 1 to 6 mos	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off); 3rd/subsq violation involving minor occupant	F-3 <sup>5</sup>	13	1 year + 6 mos to 2 years	
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735) (4th/subsq off)	F-3	13	1 year	
3808(a)(1)	Illegally operating motor vehicle not equipped with ignition interlock-no BAC	M	2	NA	
3808(a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025)	M-3	9	90 days	
3808(b)	Tampering with ignition interlock system-using/providing breath sample	M	2	NA	
6308(d)	Investigation by police officers-records	M-3	2	NA	
6503.1	Habitual offenders	M-2	4	NA	
7111	Deal in titles/plates for stolen vehicles	M-1	7	NA	
7112	False report of theft or conversion of vehicle	M-3	2	NA	
7121	False application for title or registration	M-1	7	NA	
7122	Altered/forged/counterfeit title/plates	M-1	7	NA	
8306(b)	Willful violation-hazardous materials transportation regs (1st off)	M-3	2	NA	
8306(c)	Subsq willful violation-hazardous materials transportation regs (w/in 2 yrs)	M-2	4	NA	

<sup>1</sup> statutory maximum increased by 5 years if offense occurred in active work zone or if also convicted of 75 § 1501, 75 § 1543, 75 § 3316, 75 § 3325 or 75 § 3327 (maximum=12 years)

<sup>2</sup> statutory maximum increased by 2 years if offense occurred in active work zone or if also convicted of 75 § 1501, 75 § 1543, 75 § 3316, 75 § 3325 or 75 § 3327 (maximum=9 years)

<sup>3</sup> 75 § 3804(c.1)(1) Violation involving minor occupant. An individual who violates section 3803(b)(5)(relating to grading), in addition to any penalty imposed in this chapter shall be sentenced for a first offense to pay a fine of no less than \$1,000; and complete 100 hours of community service.

<sup>4</sup> 75 § 3804(c.1)(2) An individual who violates section 3803(b)(5)(relating to grading), in addition to any penalty imposed shall be sentenced for a second offense to pay a fine of not less than \$2,500; and undergo imprisonment of not less than one month nor more than six months.

<sup>5</sup> 75 § 3804(c.1)(3) An individual who violates section 3803(b)(5)(relating to grading), in addition to any penalty imposed shall be sentenced for a for a third or subsequent offense to undergo imprisonment of not less than 6 months nor more than 2 years

OMNIBUS ASSIGNMENTS

§ 3802 OGS Assignments (based on mandatory minimum sentence requirements)		§ 3802 OGS Override (when OGS of statutory class is higher)	
1 year and > *subsq off +1 (up to OGS 15)	13*	F-2	11
90 days to <1 year	9	F-3	9
30 days to <90 days	8	M-1	7
<30 days	7	M-2	4
6 mos prob	4	M	2

**Table E—Prior Offense Groups (POG) and Prior Record Score (PRS) Categories**

Prior Offense Group	Description of Prior Adjudications and Convictions	Number of Priors in Group	PRS 0	PRS 1	PRS 2	PRS 3	PRS 4 (REVOC)
	No priors	0	•				
<b>POG1</b> (1-1-2)	Misdemeanors*	1		•			
		2		•			
		3+			•		
<b>POG2</b> (2-2-3)	Felonies*	1			•		
		2			•		
		3+				•	
<b>POG3</b> (2-3-3)	Serious Crimes**	1			•		
		2				•	
		3+				•	
<b>POG4</b> (3-4-4)	Crimes of Violence***	1				•	
		2					•
		3+					•

\* Unless designated Serious Crimes or Crimes of Violence

\*\* F-1/F-2 offenses, unless Crimes of Violence; and F-3/M-1 offenses if 18 Pa.C.S. Article B, 18 Pa.C.S. Chap. 61, or 42 Pa.C.S. § 9799.14

\*\*\* 42 Pa.C.S. § 9714(g)

[Pa.B. Doc. No. 23-30. Filed for public inspection January 6, 2023, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### COMMISSION ON SENTENCING

#### PART VIII. CRIMINAL SENTENCING

#### [ 204 PA. CODE CHS. 307 AND 307a ]

#### Proposed Resentencing Guidelines, Amendment 2; Proposed New Resentencing Guidelines for 8th Edition Sentencing Guidelines

The Pennsylvania Commission on Sentencing hereby publishes for public comment proposed Amendment 2 to the Resentencing Guidelines, 204 Pa. Code §§ 307.1—307.4, for use with the 7th Edition Sentencing Guidelines; and proposed new Resentencing Guidelines, 204 Pa. Code §§ 307a.1—307a.4, for use with the 8th Edition Sentencing Guidelines. The proposed Amendment 2 to the Resentencing Guidelines, relabeled as Resentencing Guidelines for 7th Edition Sentencing Guidelines, is set forth in Annex A. The proposed new Resentencing Guidelines for 8th Edition Sentencing Guidelines, is set forth in Annex B.

The Commission adopted Resentencing Guidelines, Amendment 1, on September 10, 2020, and published the same in the *Pennsylvania Bulletin* on September 26, 2020 (50 Pa.B. 5441). Resentencing Guidelines, Amendment 1 apply to sentences of probation imposed on or after January 1, 2021, and that are subsequently revoked for technical violations and conviction violations and resentenced. The Resentencing Guidelines, as adopted June 13, 2019 and effective January 1, 2020, remain applicable to sentences of probation imposed on or after January 1, 2020 but prior to January 1, 2021, and that are subsequently revoked and resentenced effective January 1, 2024.

On December 8, 2022, the Commission approved for the purpose of public comment a proposed amendment to provide for resentencing guidelines consistent with the corresponding edition of the sentencing guidelines. In the case of the proposal related to Chapter 307, the proposed amendment limits the application of the resentencing guidelines to probation sentences imposed under the 7th Edition Sentencing Guidelines and subsequently revoked. In the case of the proposal related to a new Chapter 307a, the proposed addition limits the application of the new resentencing guidelines to probation sentences imposed under the proposed 8th Edition Sentencing Guidelines and subsequently revoked.

In accordance with 42 Pa.C.S. § 2155 (relating to publication of guidelines for sentencing, resentencing and parole, risk assessment instrument and recommitment ranges following revocation), the Commission shall publish in the *Pennsylvania Bulletin* the proposed sentencing guidelines and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

Pennsylvania District Attorneys Association  
Chiefs of Police Associations  
Fraternal Order of Police  
Public Defenders Organization  
Law School faculty members  
Pennsylvania Parole Board  
Pennsylvania Department of Corrections  
Pennsylvania Bar Association

Pennsylvania Wardens Association  
Pennsylvania Association on Probation, Parole and  
Corrections  
Pennsylvania Conference of State Trial Judges  
Any other interested person or organization

The Commission has scheduled the following hearings to receive public comment on the proposed sentencing guidelines:

Justice Juanita Kidd Stout Center for Criminal Justice  
Courtroom 507  
1301 Filbert Street  
Philadelphia, PA  
Wednesday, February 8, 2023, at 1:30 p.m.

Northampton County Courthouse  
Courtroom 1  
669 Washington Street  
Easton, PA  
Friday, February 17, 2023, at 10:00 a.m.

Duquesne University Thomas R. Kline School of Law  
208 Hanley Hall  
900 Locust Street  
Pittsburgh, PA  
Wednesday, February 22, 2023, at 1:30 p.m.

Pennsylvania Department of Corrections (remote  
hearing)  
Registration open to the public; testimony limited to  
incarcerated individuals  
Zoom Webinar (registration for public access):  
<https://bit.ly/DOCPubHrng2023Feb27>  
Monday, February 27, 2023, at 10:00 a.m.

Erie County Courthouse  
Courtroom D-214  
140 West 6th Street  
Erie, PA  
Thursday, March 2, 2023, at 10:00 a.m.

K. Leroy Irvis Office Building (hybrid hearing)  
Room 523  
450 Commonwealth Avenue  
Harrisburg, PA  
Zoom Webinar (registration for public access):  
<https://bit.ly/PCSPubHrng2023March8>  
Wednesday, March 8, 2023, at 9:00 a.m.

Those wishing to attend or testify at Zoom Webinar hearings may register at the link provided. Those wishing to testify in person may register by contacting the Commission (Cathy Dittman, 814-863-5729, [cwd2@psu.edu](mailto:cwd2@psu.edu)).

Persons or organizations wishing to testify in-person or via Zoom Webinar are asked to register and provide an electronic copy of any testimony at least five business days prior to the hearing. Written comments from persons or organizations not wishing to testify should be received by the Commission at least five business days before the last-scheduled public hearing. Forward all testimony and documents to Cathy Dittman ([cwd2@psu.edu](mailto:cwd2@psu.edu)).

JUDGE TAMARA R. BERNSTEIN,  
*Chair*

#### Commentary on Annex A

This Commentary provides selected highlights of the amendment to the Resentencing Guidelines, 204 Pa. Code §§ 307.1—307.4, for use with the 7th Edition Sentencing Guidelines. The proposed amendment to Chapter 307 limits the application of the resentencing guidelines to probation sentences imposed under the 7th Edition Sen-

tencing Guidelines and subsequently revoked. The proposed amendment to Chapter 307 is set forth in Annex A.

Provided below is a description of the revisions by section.

*Section 307.1. Preliminary provisions*

Revisions to this section include editorial changes to several definitions, by inserting common abbreviations and revising the references to the 7th Edition Sentencing Guidelines.

*Section 307.2. Resentencing guidelines standards*

Revisions to this section include an editorial change to the title of the section and revising the references to the 7th Edition Sentencing Guidelines and modifying the description of the effective dates of the amendments to the resentencing guidelines, linking the resentencing guidelines to the corresponding amendment of the 7th Edition Sentencing Guidelines.

*Section 307.3. Procedure for determining resentencing guidelines*

Revisions to this section include an editorial change to the title of the section.

*Section 307.4. Resentencing guidelines recommendations*

Revisions to this section include an editorial change to the title of the section and revising the reference to the 7th Edition Sentencing Guidelines.

**Commentary on Annex B**

This Commentary provides selected highlights of the addition of new Resentencing Guidelines, 204 Pa. Code §§ 307a.1—307a.4, for use with the 8th Edition Sentencing Guidelines. The proposed addition of Chapter 307a limits the application of the resentencing guidelines to probation sentences imposed under the 8th Edition Sentencing Guidelines and subsequently revoked. The proposed addition of Chapter 307a is set forth in Annex B.

Provided below is a description of the revisions by section.

*Section 307a.1. Preliminary provisions*

This section includes authorization and definitions related to the application of resentencing guidelines for use with the proposed 8th Edition Sentencing Guidelines.

*Section 307a.2. Resentencing guidelines standards*

This section includes standards for the application of resentencing guidelines to probation sentences imposed under the 8th Edition Sentencing Guidelines and subsequently revoked, as well as providing the effective date of the resentencing guidelines.

*Section 307a.3. Procedure for determining resentencing guidelines*

This section includes the procedures for determining the sentence recommendation for technical violations and conviction violations for probation sentences imposed under the 8th Edition Sentencing Guidelines and subsequently revoked.

*Section 307a.4. Resentencing guidelines recommendations*

This section provides general recommendations for consideration at resentencing.

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART VIII. CRIMINAL SENTENCING**

**CHAPTER 307. RESENTENCING GUIDELINES  
[ , AMENDMENT 1 ] for 7th EDITION SENTENCING  
GUIDELINES**

**§ 307.1. Preliminary provisions.**

(a) *Authorization.*

(1) As authorized by 42 Pa.C.S. § 2154.4 (relating to adoption of guidelines for resentencing), the Commission shall adopt guidelines that shall be considered by the court when resentencing an offender following the revocation of probation.

(2) The Resentencing Guidelines shall take into account:

- (i) factors considered in adopting the sentencing guidelines;
- (ii) the seriousness of the violation; and
- (iii) the rehabilitative needs of the defendant.

(b) *Definitions.* For the purposes of this chapter, **the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:**

“*Conviction.*” A finding of guilty or the entering of a plea of guilty or nolo contendere for a misdemeanor or felony in a court, whether or not judgement of sentence has been imposed.

“*Court.*” A court of record.

“*Judicial proceeding.*” A sentencing hearing in which all offenses for which the offender is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple OTNs.

“**OGS—Offense gravity score [ (OGS) ]**.” An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense (see: 204 Pa. Code [ **§ 303.3 and § 303.15** ] **Chapter 303**).

“**OTN—Offense tracking number [ (OTN) ]**.” A unique identifying number assigned to an entire set of charges related to a conviction. An OTN is generally assigned by the court at the time of arraignment.

[ “**Prior record score (PRS)**.” A category in the sentencing guidelines reflecting the seriousness of the criminal history of an offender (see: 204 Pa. Code § 303.3 and § 303.15). ]

“**PRS—Prior record score.**” A category in the sentencing guidelines reflecting the seriousness of the criminal history of an offender (see: 204 Pa. Code Chapter 303).

“*Probation.*” A sentencing alternative as provided in 42 Pa.C.S. § 9722 (relating to order of probation) and imposed pursuant to 42 Pa.C.S. § 9754 (relating to order of probation); conditions of probation, pursuant to 42 Pa.C.S. § 9763 (relating to conditions of probation), include conditions generally subsection (b), restrictive DUI probation conditions subsection (c), and restrictive conditions of probation subsection (d).

“*Resentence.*” A new sentence imposed following the revocation of probation. Upon revocation, the sentencing alternatives available to the court shall be the same as

were available at the time of the initial sentence, due consideration given to time spent serving the order of probation.

*“Revocation.”* The termination of an order of probation, upon proof of a violation of specific conditions of the order or sentence, as provided in 42 Pa.C.S. §§ 9771 and 9771.1 (relating to modification or revocation of order of probation; and court-imposed sanctions for violating probation).

*“Risk assessment instrument.”* An empirically based worksheet which uses factors that are relevant in predicting recidivism. A risk assessment instrument is often identified with a specific ‘generation’ of development:

*1st generation.* “Professional judgment,” with assessments based on training and experience;

*2nd generation.* “Risk assessment,” an actuarial assessment of static criminal justice and demographic factors used to estimate risk of re-offense;

*3rd generation.* “Risk-needs assessment (RNA),” an actuarial assessment of static and dynamic factors and changing circumstances, such as relationships, employment, and substance abuse, used to estimate risk of re-offense and to assess criminogenic needs to be addressed through treatment and supervision;

*4th generation.* “Risk-needs-responsivity (RNR) assessment,” an actuarial assessment of static and dynamic factors used to match the level of service to the offender’s risk to re-offend; assess criminogenic needs and target them in treatment; and structure the sentence to address the learning style, motivation, abilities, and strengths of the offender.

*“SID—State identification number [ (SID) ].”* A unique number associated with each offender based on fingerprints. The Commission requires the inclusion of the SID as part of the record in the completed Guideline Sentence Form ( [ § 303.1(f) ] see: 204 Pa. Code Chapter 303).

*“Sentencing Guidelines Software Web Application (SGS Web).”* A JNET-based application operated by the Commission which includes the modules for Sentencing Guidelines and for Resentencing Guidelines. SGS Web serves as the source of data for the original reported sentence and associated information and the reporting source for revocations and resentences.

*“Violation.”* A finding by a court, following a hearing, that the offender failed to comply with terms and conditions of an order of probation.

*“Conviction violation.”* Commission of a new offense during the period of probation, resulting in a conviction for a misdemeanor or felony in a court of record, whether or not judgement of sentence has been imposed.

*“Technical violation.”* Failure to comply with the terms and conditions of an order of probation, other than by the commission of a new offense of which the offender is convicted in a court of record.

§ 307.2. Resentencing [ **Guidelines** ] **guidelines** standards.

(a) The court shall consider the Resentencing Guidelines in determining the appropriate resentence upon a revocation of probation.

(b) The Resentencing Guidelines shall apply to revocations of probation for all offenses committed on or after January 1, 2020. Amendments to the Resentencing Guidelines shall apply to revocations of probation for all

offenses committed on or after the effective date of the amendment. [ **Amendment 1 is effective January 1, 2021. ]**

**(1) The initial Resentencing Guidelines, effective January 1, 2020, apply to all offenses committed on or after January 1, 2020 but prior to January 1, 2021, for which the 7th Edition, Amendment 5 Sentencing Guidelines applied.**

**(2) Resentencing Guidelines, Amendment 1, effective January 1, 2021, apply to all offenses committed on or after January 1, 2021 but prior to January 1, 2024, for which the 7th Edition, Amendment 6 Sentencing Guidelines applied.**

**(3) Resentencing Guidelines for the 8th Edition Sentencing Guidelines, effective January 1, 2024, as provided in Chapter 307a, apply to all offenses committed on or after January 1, 2024, for which the 8th Edition Sentencing Guidelines applied.**

(c) Upon revocation of probation, all sentencing alternatives available to the court at the time of the initial sentence shall be available to the court for resentencing.

(d) In every case in which a court of record imposes a resentence for a felony or misdemeanor, the court shall make as a part of the record and disclose in open court at the time of resentencing, a statement of the reason or reasons for the revocation and for the resentence imposed. In every case where a court of record imposes a resentence outside the Resentencing Guidelines, the reason or reasons for the deviation from the guidelines shall be recorded on the Guideline Sentence Form, a copy of which shall be electronically transmitted to the Pennsylvania Commission on Sentencing in the manner described in 204 Pa. Code [ § 303.1(e) ] **Chapter 303** (relating to resentencing guidelines).

(e) Unless otherwise provided by the Commission, the JNET-based Sentencing Guidelines Software Web Application (SGS Web) shall be used at the court’s direction to report all revocations of probation and related resentences to the Commission. The information shall be electronically submitted to the Commission via SGS Web no later than 30 days after the date of resentencing.

§ 307.3. Procedure for determining the [ **guideline resentence** ] **resentencing guidelines**.

(a) For a technical violation resulting in the revocation of an order of probation, the resentencing guidelines shall be the same as the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303 (relating to sentencing guidelines), with consideration given to any service of the original sentence.

(b) For a conviction violation resulting in revocation of an order of probation, the resentencing guidelines shall begin with the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303, and include consideration of the following:

(1) If the PRS category of the initial sentencing guidelines is PRS 0 through PRS 4, the PRS is increased by one category;

(2) If the PRS category of the initial sentencing guidelines is PRS 5, RFEL, or REVOC, there is no change to the PRS category. Consideration shall be given to any service of the original sentence.

(c) If the revocation of an order of probation is related to both a technical violation and a conviction violation, the resentencing guidelines for the conviction violation apply.

§ 307.4. [ **Guideline resentence** ] **Resentencing guidelines** recommendations.

(a) Prior to resentencing, the Commission recommends the court obtain additional information via a risk-needs assessment or a risk-needs-responsivity assessment to identify any rehabilitative needs that may be addressed in a resentence.

(b) Guidelines resentencing recommendations relating to sentencing level, sentencing programs, aggravated and mitigated circumstances, and economic sanctions shall be the same as those provided for guideline sentence recommendations pursuant to 204 Pa. Code [ §§ **303.11, 303.12, 303.13, and 303.14** ] **Chapter 303** (relating to resentencing guidelines).

**Annex B**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART VIII. CRIMINAL SENTENCING**

**CHAPTER 307a. RESENTENCING GUIDELINES for 8th EDITION SENTENCING GUIDELINES**

**Sec.**

- 307a.1. Preliminary provisions.  
 307a.2. Resentencing guidelines standards.  
 307a.3. Procedure for determining the resentencing guidelines.  
 307a.4. Resentencing guidelines recommendations.

§ **307a.1. Preliminary provisions.**

(a) *Authorization.*

(1) As authorized by 42 Pa.C.S. § 2154.4 (relating to adoption of guidelines for resentencing), the Commission shall adopt guidelines that shall be considered by the court when resentencing an offender following the revocation of probation.

(2) The Resentencing Guidelines shall take into account:

- (i) factors considered in adopting the sentencing guidelines;  
 (ii) the seriousness of the violation; and  
 (iii) the rehabilitative needs of the defendant.

(b) *Definitions.* For the purposes of this chapter, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

*“Conviction.”* A finding of guilty or the entering of a plea of guilty or nolo contendere for a misdemeanor or felony in a court, whether or not judgement of sentence has been imposed.

*“Court.”* A court of record.

*“Judicial proceeding.”* A sentencing hearing in which all offenses for which the offender is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple OTNs.

*“OGS—Offense gravity score.”* An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense (see: 204 Pa. Code Chapter 303a).

*“OTN—Offense tracking number.”* A unique identifying number assigned to an entire set of charges related to a conviction. An OTN is generally assigned by the court at the time of arraignment.

*“PRS—Prior record score.”* category in the sentencing guidelines reflecting the seriousness of the criminal history of an offender (see: 204 Pa. Code Chapter 303a).

*“Probation.”* A sentencing alternative as provided in 42 Pa.C.S. § 9722 and imposed pursuant to 42 Pa.C.S. § 9754; conditions of probation, pursuant to 42 Pa.C.S. § 9763, include conditions generally (b), restrictive DUI probation conditions (c), and restrictive conditions of probation (d).

*“Resentence.”* A new sentence imposed following the revocation of probation. Upon revocation, the sentencing alternatives available to the court shall be the same as were available at the time of the initial sentence, due consideration given to time spent serving the order of probation.

*“Revocation.”* The termination of an order of probation, upon proof of a violation of specific conditions of the order or sentence, as provided in 42 Pa.C.S. §§ 9771 and 9771.1 (relating to revocation of probation).

*“Risk assessment instrument.”* An empirically based worksheet which uses factors that are relevant in predicting recidivism. A risk assessment instrument is often identified with a specific ‘generation’ of development:

*1st generation.* “Professional judgment,” with assessments based on training and experience;

*2nd generation.* “Risk assessment,” an actuarial assessment of static criminal justice and demographic factors used to estimate risk of re-offense;

*3rd generation.* “Risk-needs assessment (RNA),” an actuarial assessment of static and dynamic factors and changing circumstances, such as relationships, employment, and substance abuse, used to estimate risk of re-offense and to assess criminogenic needs to be addressed through treatment and supervision;

*4th generation.* “Risk-needs-responsivity (RNR) assessment,” an actuarial assessment of static and dynamic factors used to match the level of service to the offender’s risk to re-offend; assess criminogenic needs and target them in treatment; and structure the sentence to address the learning style, motivation, abilities, and strengths of the offender.

*“SID—State identification number.”* A unique number associated with each offender based on fingerprints. The Commission requires the inclusion of the SID as part of the record in the completed Guideline Sentence Form (see: 204 Pa. Code Chapter 303a).

*“Sentencing Guidelines Software Web Application (SGS Web).”* A JNET-based application operated by the Commission which includes the modules for Sentencing Guidelines and for Resentencing Guidelines. SGS Web serves as the source of data for the original reported sentence and associated information and the reporting source for revocations and resentences.

*“Violation.”* A finding by a court, following a hearing, that the offender failed to comply with terms and conditions of an order of probation.

*“Conviction violation.”* Commission of a new offense during the period of probation, resulting in a conviction for a misdemeanor or felony in a court of record, whether or not judgement of sentence has been imposed.

*“Technical violation.”* Failure to comply with the terms and conditions of an order of probation, other than by the commission of a new offense of which the offender is convicted in a court of record.

§ **307a.2. Resentencing guidelines standards.**

(a) The court shall consider the Resentencing Guidelines in determining the appropriate resentence upon a revocation of probation.

(b) The Resentencing Guidelines shall apply to revocations of probation for all offenses committed on or after January 1, 2020. Amendments to the Resentencing Guidelines shall apply to revocations of probation for all offenses committed on or after the effective date of the amendment.

(1) The initial Resentencing Guidelines, effective January 1, 2020, as provided in Chapter 307, apply to all offenses committed on or after January 1, 2020 but prior to January 1, 2021, for which the 7th Edition, Amendment 5 Sentencing Guidelines applied.

(2) Resentencing Guidelines, Amendment 1, effective January 1, 2021, as provided in Chapter 307, apply to all offenses committed on or after January 1, 2021 but prior to January 1, 2024, for which the 7th Edition, Amendment 6 Sentencing Guidelines applied.

(3) Resentencing Guidelines for the 8th Edition Sentencing Guidelines, effective January 1, 2024, apply to all offenses committed on or after January 1, 2024, for which the 8th Edition Sentencing Guidelines applied.

(c) Upon revocation of probation, all sentencing alternatives available to the court at the time of the initial sentence shall be available to the court for resentencing.

(d) In every case in which a court of record imposes a sentence for a felony or misdemeanor, the court shall make as a part of the record and disclose in open court at the time of resentencing, a statement of the reason or reasons for the revocation and for the sentence imposed. In every case where a court of record imposes a sentence outside the Resentencing Guidelines, the reason or reasons for the deviation from the guidelines shall be recorded on the Guideline Sentence Form, a copy of which shall be electronically transmitted to the Commission in the manner described in 204 Pa. Code Chapter 303a (relating to sentencing guidelines).

(e) Unless otherwise provided by the Commission, the JNET-based Sentencing Guidelines Software Web Application (SGS Web) shall be used at the court's direction to report all revocations of probation and related resentences to the Commission. The information shall be electronically submitted to the Commission via SGS Web no later than 30 days after the date of resentencing.

**§ 307a.3. Procedure for determining the resentencing guidelines.**

(a) For a technical violation resulting in the revocation of an order of probation, the resentencing guidelines shall be the same as the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303a (relating to sentencing guidelines), with consideration given to any service of the original sentence.

(b) For a conviction violation resulting in revocation of an order of probation, the resentencing guidelines shall begin with the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303a, with the OGS assignment increased by one point. The highest OGS assignment permitted is OGS 30. Consideration shall be given to any service of the original sentence.

(c) If the revocation of an order of probation is related to both a technical violation and a conviction violation, the resentencing guidelines for the conviction violation apply.

**§ 307a.4. Resentencing guidelines recommendations.**

(a) Prior to resentencing, the Commission recommends the court obtain additional information via a risk-needs

assessment or a risk-needs-responsivity assessment to identify any rehabilitative needs that may be addressed in a sentence.

(b) Guidelines resentencing recommendations relating to sentencing level, sentencing programs, aggravated and mitigated circumstances, and economic sanctions shall be the same as those provided for guideline sentence recommendations pursuant to 204 Pa. Code Chapter 303a (relating to sentencing guidelines).

[Pa.B. Doc. No. 23-31. Filed for public inspection January 6, 2023, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING

#### [ 204 PA. CODE CH. 311 ]

#### Proposed State Parole Recommitment Ranges

The Pennsylvania Commission on Sentencing hereby publishes for public comment proposed State Parole Recommitment Ranges, 204 Pa. Code §§ 311.1—311.6. The proposed State Parole Recommitment Ranges are set forth in Annex A. Previous versions of proposed recommitment ranges were published in the *Pennsylvania Bulletin* on July 11, 2020 (50 Pa.B. 3417) and April 23, 2022 (52 Pa.B. 2357) for public comment.

The Commission is authorized by 42 Pa.C.S. § 2154.6 (relating to adoption of recommitment ranges following revocation of parole by Board) to adopt recommitment ranges following revocation of parole to be considered by the Pennsylvania Parole Board when exercising its power to reparole, commit, and recommit for parole violations. Recommitment ranges shall take into account the: 1) seriousness of the initial conviction offense, 2) the level of seriousness of the violation, and 3) rehabilitative needs of the defendant. The State Parole Recommitment Ranges are advisory and do not remove the discretionary authority of the Pennsylvania Parole Board.

Following public hearings held on May 30, 2022 and June 1, 2022, the Commission voted on June 2, 2022 to defer action on adoption, providing staff with an opportunity to address the following issues: consideration of the seriousness of the initial conviction offense, as required by statute; consideration of the rehabilitative needs of the defendant, as required by statute; concerns that recommendations for technical violators included a minimum period of time, and did not address disciplinary infractions or commitments to non-correctional facilities; and concerns that recommendations for convicted violators were linked to the current sentencing guidelines, which would be inconsistent with proposals the Commission was preparing for new sentencing guidelines. Staff reviewed revised proposals with the Parole Board and drafted revised recommitment ranges which included tables for clearer presentation of recommendations.

On December 8, 2022, the Commission approved for the purpose of public comment the proposed State Parole Recommitment Ranges applicable to all parole violation hearings initiated on or after January 1, 2024.

In accordance with 42 Pa.C.S. § 2155 (relating to publication of guidelines for sentencing, resentencing and



parole, risk assessment instrument and recommitment ranges following revocation), the Commission shall publish in the *Pennsylvania Bulletin* the proposed sentencing guidelines and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

Pennsylvania District Attorneys Association  
 Chiefs of Police Associations  
 Fraternal Order of Police  
 Public Defenders Organization  
 Law School faculty members  
 Pennsylvania Parole Board  
 Pennsylvania Department of Corrections  
 Pennsylvania Bar Association  
 Pennsylvania Wardens Association  
 Pennsylvania Association on Probation, Parole and Corrections  
 Pennsylvania Conference of State Trial Judges  
 Any other interested person or organization

The Commission has scheduled the following hearings to receive public comment on the proposed sentencing guidelines:

Justice Juanita Kidd Stout Center for Criminal Justice  
 Courtroom 507  
 1301 Filbert Street  
 Philadelphia, PA  
 Wednesday, February 8, 2023, at 1:30 p.m.

Northampton County Courthouse  
 Courtroom 1  
 669 Washington Street  
 Easton, PA  
 Friday, February 17, 2023, at 10:00 a.m.

Duquesne University Thomas R. Kline School of Law  
 208 Hanley Hall  
 900 Locust Street  
 Pittsburgh, PA  
 Wednesday, February 22, 2023, at 1:30 p.m.

Pennsylvania Department of Corrections (remote hearing)  
 Registration open to the public; testimony limited to incarcerated individuals  
 Zoom Webinar (registration for public access):  
<https://bit.ly/DOCPubHrng2023Feb27>  
 Monday, February 27, 2023, at 10:00 a.m.

Erie County Courthouse  
 Courtroom D-214  
 140 West 6th Street  
 Erie, PA  
 Thursday, March 2, 2023, at 10:00 a.m.

K. Leroy Irvis Office Building (hybrid hearing)  
 Room 523  
 450 Commonwealth Avenue  
 Harrisburg, PA  
 Zoom Webinar (registration for public access):  
<https://bit.ly/PCSPubHrng2023March8>  
 Wednesday, March 8, 2023, at 9:00 a.m.

Those wishing to attend or testify at Zoom Webinar hearings may register at the link provided. Those wishing to testify in person may register by contacting the Commission (Cathy Dittman, (814) 863-5729 or [cwd2@psu.edu](mailto:cwd2@psu.edu)).

Persons or organizations wishing to testify in-person or via Zoom Webinar are asked to register and provide an electronic copy of any testimony at least five business

days prior to the hearing. Written comments from persons or organizations not wishing to testify should be received by the Commission at least five business days before the last-scheduled public hearing. Forward all testimony and documents to Cathy Dittman ([cwd2@psu.edu](mailto:cwd2@psu.edu)).

JUDGE TAMARA R. BERNSTEIN,  
*Chair*

*Commentary on Annex A*

As provided in statute, 61 Pa.C.S. § 6102 (relating to operation of parole system generally), the parole system shall operate consistently with the following provisions:

(1) The parole system provides several benefits to the criminal justice system, including the provision of adequate supervision of the offender while protecting the public, the opportunity for the offender to become a useful member of society and the diversion of appropriate offenders from prison.

(2) In providing these benefits to the criminal justice system, the Board and any other paroling entity shall first and foremost seek to protect the safety of the public.

(3) In addition to this goal, the Board and any other paroling entity shall address input by crime victims, assist in the fair administration of justice by ensuring the custody, control and treatment of paroled offenders, shall consider any applicable guidelines established by the commission and shall ensure that parole proceedings, release and recommitment are administered in an efficient and timely manner.

Regarding recommitment following violation of terms, 61 Pa.C.S. § 6137(h) (relating to parole power), authorizes:

(1) The Board may, during the period for which an inmate shall have been sentenced, recommit the inmate, if paroled, for violation of the terms and conditions of his parole and from time to time to reparole and recommit in the same manner and with the same procedure as in the case of an original parole or recommitment if, in the judgment of the Board:

(i) There is a reasonable probability that the inmate will be benefited by paroling the inmate again.

(ii) It does not appear that the interests of the Commonwealth will be injured by paroling the inmate again.

(2) In exercising these powers, the board shall consider any applicable recommitment ranges established by the commission under 42 Pa.C.S. § 2154.6.

(i) Cases involving deviations from guidelines. In each case in which the board deviates from the recommitment ranges established under 42 Pa.C.S. § 2154.6, the board shall provide a contemporaneous written statement of the reason for the deviation from the recommitment ranges to the commission, as established under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties of commission).

42 Pa.C.S. § 2154.6 requires the Commission to adopt recommitment ranges for violations of parole that consider all of the following:

- (1) the seriousness of the initial conviction offense;
- (2) the level of seriousness of the violation; and
- (3) the rehabilitative needs of the defendant.

A recommitment range is a recommendation for a period of time for which a parole violator may be recommitment to serve an additional part of the term the parole violator would have been compelled to serve had

the parole violator not been paroled. At the end of the recommitment period, the parole violator may be reviewed for parole or, without further review, shall be reparaoled.

61 Pa.C.S. § 6137 requires the Board to consider recommitment ranges established by the Commission, and to report to the Commission the recommitment decision and provide a contemporaneous written statement of reasons for any deviation from the recommitment ranges. In addition to consideration of the guidelines, the Board may develop and use internal decisional instruments.

The recommitment ranges established by the Commission are advisory recommendations, which must be considered by the Board but for which the Board may exercise discretion in deviating from the recommendations. The recommitment ranges do not remove the discretionary authority of the Pennsylvania Parole Board, and do not prevent the Board from developing policies and procedures related to recommitment decisions.

The proposed recommitment ranges standardize current practices, improve the consistency and transparency of decisions, and enhance data collection and analysis. By linking the recommitment ranges to both the recently enacted parole guidelines and the proposed 8th Edition Sentencing Guidelines, the Commission is promoting coordination of information and decision-making.

This Commentary provides selected highlights of the proposed State Parole Reccommitment Ranges. The proposed State Parole Reccommitment Ranges are set forth in Annex A.

*Section 311.1. Preliminary provisions.*

This section addresses the statutory authorization to adopt recommitment ranges and includes a list of definitions of words and phrases used in the recommitment ranges.

*Section 311.2. Parole violator recommitment range standards.*

This section addresses the requirements related to the consideration of the recommitment ranges and the reporting of decisions to the Commission.

*Section 311.3. Procedure for determining parole violator recommitment range.*

This section defines the two types of violators: technical parole violator and convicted parole violator; and describes the general procedures for determining the applicable range and consideration of aggravating or mitigating circumstances.

*Section 311.4. Technical parole violator recommitment ranges.*

This section includes general provisions for consideration of ranges for technical parole violators, including the description of specified violation conditions for which individuals are recommitted to correctional facilities, and those otherwise recommitted to non-correctional facilities; and the specific provisions for determining the recommitment ranges for technical parole violators.

*Section 311.5. Convicted parole violator recommitment ranges.*

This section includes general provisions for consideration of ranges for convicted parole violators, including the specific provisions related to the recommended range

determined in part on the seriousness of the new conviction offense based on the corresponding level of the proposed 8th Edition Sentencing Guidelines.

*Section 311.6. Parole violator tables.*

This section includes two tables that display recommitment ranges. Table 1 addresses technical parole violator recommitment ranges; Table 2 addresses convicted parole violator recommitment ranges.

**Annex A**

**TITLE 204. JUDICIAL SYSTEM  
GENERAL PROVISIONS**

**PART VIII. CRIMINAL SENTENCING**

**CHAPTER 311. STATE PAROLE  
RECOMMITMENT RANGES**

Sec.	
311.1.	Preliminary provisions.
311.2.	Parole violator recommitment range standards.
311.3.	Procedure for determining parole violator recommitment range.
311.4.	Technical parole violator recommitment ranges.
311.5.	Convicted parole violator recommitment ranges.
311.6.	Parole violator tables.

**§ 311.1. Preliminary provisions.**

(a) *Authorization.*

(1) As authorized by 42 Pa.C.S. § 2154.6 (relating to recommitment ranges following revocation of parole by the Board), the Commission shall adopt recommitment ranges that shall be considered by the Board when exercising its power to reparole, commit and recommit for violations of parole any person sentenced by a court in this Commonwealth to imprisonment in any correctional institution.

(i) The recommitment ranges shall take into account:

- (A) the seriousness of the initial conviction offense;
- (B) the level of seriousness of the violation; and
- (C) the rehabilitative needs of the defendant.

(ii) At the end of the recommitment period, the parole violator shall be reviewed for parole or, without further review, shall be reparaoled.

(b) *Definitions.* For purposes of this chapter, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

*“Aggregated sentence.”* Two or more consecutive sentences that have been combined whereby the aggregate minimum term is the sum of the consecutive minimum terms and the maximum term is the sum of the consecutive maximum terms.

*“At liberty on parole.”* The period of conditional liberty and freedom from confinement on a particular sentence that a parolee enjoys during which time the parolee is in compliance with the terms and conditions of parole.

*“Automatic reparole.”* An immediate release from a state correctional institution, contracted county jail, community corrections center, or community corrections facility based on the date stated on the board action. Disciplinary infractions result in removal of automatic parole.

*“Board.”* Pennsylvania Parole Board (PB). An independent executive branch agency comprised of nine members appointed by the Governor and confirmed by the Senate for six-year terms. The Board has the responsibility to parole, recommit for violations of parole, and to discharge from parole offenders sentenced to two years or more.

*“Commission.”* Pennsylvania Commission on Sentencing. A criminal justice agency of the General Assembly authorized to adopt guidelines for parole and recommitment ranges following revocation of parole to be considered by the Board.

*“Concurrent sentence.”* Sentences imposed to be served simultaneously or at the same time.

*“Consecutive sentence.”* Sentences imposed to be served one after another. State law requires that consecutive sentences be aggregated into one sentence structure with one minimum and one maximum sentence.

*“Constructive parole.”* A grant of parole when an inmate is released from one sentence but remains confined while serving another sentence, rather than being released from confinement.

*“Convicted parole violator.”* Parolee under the jurisdiction of the Board who, during the period of parole or while delinquent on parole, commits a crime punishable by imprisonment, for which the parolee is convicted or found guilty by a judge or jury or to which the parolee pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1) (relating to convicted violators).

*“Conviction.”* A finding of guilt or the entering of a plea of guilty or nolo contendere for a misdemeanor or felony offense in a court of record, whether or not judgement of sentence has been imposed.

*“Department.”* Pennsylvania Department of Corrections (DOC). An executive branch agency responsible for operating the state prison system and providing parole supervision of reentrants. The following facilities are provided in statute for recommitment:

*PVC—parole violator centers.* Secure facilities operated or contracted by the Department to address violation behavior, which may be located at correctional facilities or group facilities. A CCC or CCF may be used for technical parole violators to provide immediate treatment and programming to address violation behavior using a Community Based Life Skills (CBLS) program. Participation is for a maximum period of six months with automatic reparole. An SCI or CCJ may be used for technical parole violators who are not eligible to be placed in a CCC or CCF to receive the treatment and programming otherwise provided in a CCC or CCF.

*Correctional facilities.* Secure facilities operated or contracted by the Department, including SCI and CCJ.

*CCJ—contracted county jail.* Secure county facilities contracted by the Department for confinement of certain offenders.

*SCI—State correctional institution.* Secure facilities maintained by the Department for confinement of offenders, classified into four security levels: minimum, medium, close, and maximum; and including special facilities for diagnostics and classification, substance abuse treatment, psychiatric care and treatment, capital case inmates, and a motivational boot camp.

*Group facilities.* Residential facilities operated or contracted by the Department, including CCC and CCF.

*CCC—community corrections center.* A residential facility operated and staffed by the Department of Corrections, Bureau of Community Corrections, to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.

*CCF—community corrections facility or community contracted facility.* A residential facility contracted by the Department and operated by a private or public entity to provide supportive, transitional, and accountable reentry by positively influencing individual behavior through professional interactions.

*“Detainer.”* A written order of the Department to hold a person in custody in a correctional institution pending further legal action.

*“Direct violation.”* Commission of a new offense during the period of parole resulting in a conviction, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1), whether or not judgement of sentence has been imposed. Also see conviction violation.

*“Hearing examiner.”* An agent of the Board who is empowered to sit on parole revocation panels, conduct parole hearings in lieu of panels, and conduct parole interviews on behalf of the Board.

*“Hearings.”* Include the following:

*Cox hearing.* An evidentiary hearing to determine if a parolee’s stay at a CCC/CCF is the equivalence of incarceration.

*Detention hearing.* A first-level, probable cause hearing to determine whether there is probable cause that a parolee should be detained or returned pending disposition of a new criminal charge.

*Preliminary hearing.* A first-level, probable cause hearing to determine whether there is probable cause to believe that a parolee has committed a violation of a condition of parole.

*Rescission hearing.* A hearing to decide whether there is good cause for rescinding parole.

*Revocation hearing.* A second-level, fact-finding hearing held by the Board to determine whether a parolee violated the terms and conditions of parole and, if so, should be recommitted as a convicted parole violator.

*Violation hearing.* A second-level, fact-finding hearing held by the Board to determine whether a parolee violated the terms and conditions of parole and, if so, should be recommitted as a technical violator.

*“Indirect violation.”* A violation of parole by a breach of the terms and conditions of parole other than the commission of a new criminal offense of which the offender is found guilty or pleads guilty or nolo contendere. Also see technical violation.

*“Judicial proceeding.”* A sentencing hearing in which all offenses for which the offender is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple OTNs.

*“NV—non-violent offender.”* An offender who is not currently nor was previously convicted of a violent offense, used to determine the parole guidelines and the seriousness of the initial conviction offense for a conviction violation. Also see 204 Pa. Code Chapter 309 (relating to parole guidelines).

*“OGS—offense gravity score.”* An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense, which is used to determine the sentencing level of a new conviction violation offense. Also see 204 Pa. Code Chapter 303a (relating to sentencing guidelines).

*“Order of service of sentence.”* As provided in 61 Pa.C.S. § 6138(a)(5) and (5.1), if a new sentence of confinement is imposed on a convicted parole violator, the service of the balance of the original sentence shall precede the com-

mencement of the service of the new sentence imposed, if the person was paroled from an SCI and is sentenced to an SCI or by a foreign jurisdiction, or the person was paroled from a county jail and is sentenced to the same county jail or by a foreign jurisdiction. Otherwise, the service of the new confinement sentence shall precede the service of the recommitment on the original sentence.

*“Original sentence.”* The sentence resulting from the original conviction. It is from this sentence the Board paroles the inmate and the parolee serves the remaining time on the street unless recommitted by the Board.

*“Panel.”* A two-member unit of the Board comprised of either two Board Members or one Board Member and one Hearing Examiner, empowered to make parole release decisions and recommitment decisions.

*“Parole.”* The conditional release from confinement of an inmate from a correctional facility, to serve the remainder of the unserved balance of the maximum term in the community under supervision, as long as the parolee satisfactorily complies with all terms and conditions provided in the parole order. There is no right to parole in Pennsylvania.

*“Parole decision.”* A decision by the Board to grant parole or refuse to grant parole.

*“Parole violation.”* A finding following a hearing that the offender failed to comply with terms and conditions of parole.

*Conviction violation.* Commission of a new offense during the period of parole resulting in a conviction, as provided in 61 Pa.C.S. § 6138(a)(1) and (1.1), whether or not judgement of sentence has been imposed. Violations including both technical and conviction violation are considered conviction violations. Also see direct violation.

*Technical violation.* Failure to comply with the terms and conditions of parole, other than by the commission of a new offense of which the offender is convicted. Also see technical parole violation. Also see indirect violation.

*“Parole violator.”* An offender under parole supervision in the community who commits a technical violation or conviction violation. Also see convicted parole violator and technical parole violator.

*“Recommitment range.”* A recommended range of time for which a parole violator may be recommitted, to serve all or part of the unserved balance of the sentence for which the offender was paroled, based on the seriousness of the initial conviction, the seriousness of the violation, and the rehabilitative needs of the offender.

*“Rescission.”* The revocation of a grant of parole based upon an inmate’s conduct occurring prior to release on parole which conduct is unknown to the Board at the time parole was granted.

*“Revocation.”* A decision to revoke parole and to recommit an offender after a revocation or violation hearing.

*“SGS Web—sentencing guidelines software web application.”* A JNET-based application operated by the Commission which includes the modules for sentencing, resentencing, and parole guidelines. SGS Web serves as the source of data for the original reported sentence and associated information and the reporting source for revocations and resentences.

*“Sentencing level.”* A category of offense gravity scores, determined by the sentencing guidelines, which is used to

determine the recommitment ranges of a new conviction violation offense. Also see 204 Pa. Code Chapter 303a (relating to sentencing guidelines).

*“Technical parole violator.”* Parolee under the jurisdiction of the Board who violates the terms and conditions of his parole, other than by the commission of a new crime of which the parolee is convicted or found guilty by a judge or jury or to which the parolee pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(c).

*“Unexpired term.”* The period of time the person has remaining on the unserved portion of his or her original sentence.

*“V—violent offender.”* A designation used in the parole guidelines, based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1, and 9799.14, or for an offense otherwise designated by the Board as a violent offense. Also see 204 Pa. Code Chapter 309.

### § 311.2. Parole violator recommitment range standards.

(a) The Board shall consider recommitment ranges in determining the recommitment time recommended for technical and convicted parole violators.

(b) In every case in which the Board deviates from the recommitment ranges, the Board shall provide a contemporaneous written statement of the reasons for the deviation from the recommitment ranges to the Commission as established under 42 Pa.C.S. § 2153(a)(14) (relating to powers and duties).

(c) The recommitment ranges apply to revocations of parole when recommitment is ordered by the Board.

(d) The recommitment ranges shall apply to all state parole violation hearings initiated on or after January 1, 2024. Amendments to the recommitment ranges shall apply to all state parole violation hearings initiated on or after the effective date of the amendment to the recommitment ranges.

(e) Unless otherwise provided by the Commission, the SGS Web application shall be used by the Board to do the following:

(1) Provide required information on the violation used to determine the recommended recommitment range.

(2) Provide details on the recommitment order, including the type of facility (i.e., correctional facility, group facility, and/or parole violator center) and the duration of the recommitment.

(3) Report the date of recommitment and date of eligibility for re-parole or automatic release.

(4) Attach a copy of the completed State Parole Guidelines Form used to report the grant of parole.

### § 311.3. Procedure for determining parole violator recommitment range.

(a) For each parole recommitment of an offender under the jurisdiction of the Board, the procedure for determining the recommended recommitment range is as follows:

(1) Determine if the offender is a technical parole violator or a convicted parole violator:

(i) A technical parole violator is a parolee under the jurisdiction of the Board who violates the terms and conditions of parole, other than by the commission of a new crime of which the parolee is convicted or found

guilty by a judge or jury or to which the parolee pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(c) (relating violation of terms of parole).

(ii) A convicted parole violator is a parolee under the jurisdiction of the Board who, during the period of parole or while delinquent on parole, commits a crime punishable by imprisonment, for which the parolee is convicted or found guilty by a judge or jury or to which the parolee pleads guilty or nolo contendere, as provided in 61 Pa.C.S. § 6138(a).

(2) Consider the recommitment ranges as follows:

(i) For a technical parole violator, consider the recommendations provided at § 311.6 (relating to parole violator tables) in TABLE 1, based on the following:

(A) Determine if the offender is a violent offender, as provided in the parole guidelines, based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1, and 9799.14, or for an offense otherwise designated by the Board as a violent offense.

(B) Determine if the offender is being recommitted to a correctional facility, as provided in 61 Pa.C.S. § 6138(d), or to a group facility or parole violator center, as provided in 61 Pa.C.S. § 6138(e), and the number of recommitments to a correctional facility.

(C) Determine if any disciplinary infractions provided in 61 Pa.C.S. § 6138(d)(5) or (e)(3) apply to the offender.

(D) Identify the recommended recommitment range.

(ii) For a convicted parole violator, consider the recommendations provided at § 311.6 in TABLE 2, based on the following:

(A) Determine if the offender is a violent offender, as provided in the parole guidelines based on a current or previous conviction for an offense identified in 42 Pa.C.S. §§ 9714(g), 9718.1, and 9799.14, or for an offense otherwise designated by the Board as a violent offense.

(B) Determine the offense gravity score and the corresponding sentencing level of the most serious new conviction offense.

(C) Identify the recommended recommitment range.

(b) Consider any aggravating and mitigating circumstances, including progress on parole prior to revocation and the rehabilitative needs of the offender, when determining the duration of recommitment and prescribed treatment and programming.

(c) Determine the recommitment period, and report the decision, reasons for deviation, and other required information to the Commission, as provided in § 311.2 (relating to parole violator recommitment range standards).

#### § 311.4. Technical parole violator recommitment ranges.

(a) *General provisions.*

(1) Recommitment ranges shall be considered by the Board when a parolee violates a general or specific condition of parole and the Board orders recommitment as a technical parole violator after the necessary violation hearing(s).

(2) The Board shall determine if any of the following specified violation conditions, as provided in 61 Pa.C.S. § 6138(c)(1.3) (relating to violation of terms of parole), are present:

(i) Violation was sexual in nature.

(ii) Violation involved assaultive behavior or included a credible threat to cause bodily injury to another.

(iii) Violation involved possession or control of a weapon.

(iv) Parolee absconded and cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility operated or contracted by the Department.

(v) An identifiable threat exists to public safety and parolee cannot be safely diverted to a community corrections center, community corrections facility, or any secured facility operated or contracted by the Department.

(vi) The violation involved an intentional and unexcused failure to adhere to recommended programming or conditions on more than three occasions, and the parolee cannot be safely diverted.

(3) As provided in 61 Pa.C.S. § 6138(c)(1), unless the Board determines a specified violation condition is present, a technical parole violator shall be committed to a group facility or secured facility, and the following shall apply:

(i) The Board shall consider the applicable recommitment ranges described in subsection (b).

(ii) Except as provided in subparagraph (iii), a technical parole violator shall be recommitted, as provided in 61 Pa.C.S. § 6138(e), for a maximum period of six months, after which the offender shall automatically be reparaoled without further action by the Board.

(iii) The maximum period of recommitment and automatic reparaole shall not be applicable to an offender if any of the following apply:

(A) Commits a disciplinary infraction involving assaultive behavior, sexual assault, a weapon, or a controlled substance.

(B) Spends more than 61 days in segregated housing due to one or more disciplinary infractions.

(C) Refuses programming or a work assignment.

(D) Is not in compliance with all legal requirements applicable to the offender, including but not limited to, maintaining registration in any applicable sex offender registry.

(4) As provided in 61 Pa.C.S. § 6138(c)(1.3), when the Board determines that one or more specified violation conditions are present, a technical parole violator shall be committed to a correctional facility, and the following shall apply:

(i) The Board shall consider the applicable recommitment ranges described in subsection (b).

(ii) Except as provided in subparagraph (iii), a technical parole violator shall be recommitted, as provided in 61 Pa.C.S. § 6138(d), for a maximum period as described below, after which the offender shall automatically be reparaoled without further action by the Board:

(A) For the first recommitment, a technical parole violator shall serve not more than six months.

(B) For the second recommitment for the same sentence, a technical parole violator shall serve not more than nine months.

(C) For the third and subsequent recommitment for the same sentence, a technical parole violator shall serve not more than one year.

(iii) The maximum period of recommitment and automatic reparole shall not be applicable to an offender if any of the following apply:

(A) Committed a disciplinary infraction involving assaultive behavior, sexual assault, a weapon, or a controlled substance.

(B) Spent more than 90 days in segregated housing due to one or more disciplinary infractions.

(C) Refused programming or a work assignment.

(b) *Specific provisions.*

(1) Technical violator recommitment ranges are to be considered by the Board in the exercise of its discretion, while accounting for the following factors:

(i) The seriousness of the initial conviction offense. Seriousness is based on the determination under the state parole guidelines whether the offender is designated as a violent offender or non-violent offender.

(ii) The type of facility to which the offender is being recommitment. Type of facility includes a correctional facility, as provided in 61 Pa.C.S. § 6138(d), and a group facility or parole violator center, as provided in 61 Pa.C.S. § 6138(e).

(iii) The number of recommitments for the same sentence. When recommitment to a correctional facility, the maximum period of a recommitment is determined by the number of recommitments, as provided in 61 Pa.C.S. § 6138(d)(3). For recommitment to a group facility or parole violator center, the maximum period is six months, notwithstanding the number of recommitments for the same sentence, as provided in 61 Pa.C.S. § 6138(e)(2).

(iv) Any disciplinary infractions committed by the offender. The time limits and automatic reparole provided in statute are not applicable in the case of an offender who commits certain disciplinary infractions, and separate recommitment recommendations are provided. The types of disciplinary infractions in a correctional facility are provided in 61 Pa.C.S. § 6138(d)(5); the types of disciplinary infractions in a group facility or parole violator center are provided in 61 Pa.C.S. § 6138(e)(3).

(v) The time required to receive treatment and programming to meet the rehabilitative needs of the offender. The corrective programming required to address the needs of the offender associated with the recommitment, which begins after a hearing or waiver of a hearing, may require a recommitment period shorter or longer than the recommended recommitment range.

(2) The technical parole violator recommitment ranges, as described below, are provided at § 311.6 in TABLE 1.

(i) When applied to offenders recommitment to group facilities:

(A) The recommended recommitment range for a non-violent offender placed in a group facility or parole violator center, except for those with disciplinary infractions, is a maximum of six months. Reparole is automatic without further action by the Board.

(B) The recommended recommitment range for a violent offender placed in a group facility or parole violator center, except for those with disciplinary infractions, is a maximum of nine months. Reparole is automatic without further action by the Board.

(C) The recommended recommitment range for an offender placed in a group facility or parole violator center with disciplinary infractions is 12 months. Reparole requires action by the Board.

(ii) When applied to offenders recommitment to correctional facilities:

(A) The recommended recommitment range for a non-violent offender placed in a correctional facility, except for those with disciplinary infractions, for a first violation is a maximum of six months; for a second violation a maximum of nine months; and for a third or subsequent violation is a maximum of 12 months. Reparole is automatic without further action by the Board.

(B) The recommended recommitment range for a violent offender placed in a correctional facility, except for those with disciplinary infractions, for a first violation is a range of three to six months; for a second violation a range of six to nine months; and for a third or subsequent violation is a range of nine to 12 months. Reparole is automatic without further action by the Board.

(C) The recommended recommitment range for an offender with disciplinary infractions placed in a correctional facility is a maximum of 12 months for a first violation; a maximum of 18 months for a second violation; and a maximum of 24 months for a third or subsequent violation. Reparole requires action by the Board.

(3) Determine the recommitment period and provide reasons if a deviation from the recommitment ranges.

### **§ 311.5. Convicted parole violator recommitment ranges.**

(a) *General provisions.*

(1) Recommitment ranges shall be considered by the Board when a parolee is convicted of a new offense committed while on parole and the Board orders recommitment as a convicted parole violator after the necessary violation hearing(s).

(2) As provided in 61 Pa.C.S. § 6138(a) (relating to violation of terms of parole), the Board may, at its discretion, revoke the parole of an offender convicted of a crime committed while on parole, and including certain enumerated summary offenses.

(i) If the offender's parole is revoked, the offender shall be recommitment to a correctional facility to serve the remainder of the term which the offender would have been compelled to serve had the parole not been granted, and the Board shall determine whether any credit shall be granted for time at liberty on parole.

(ii) The Board may, in its discretion, reparole a convicted parole violator whenever the best interests of the offender justify or require the offender's release on parole and it does not appear that the interests of the Commonwealth will be injured.

(iii) The period of time for which the offender is required to serve shall be computed by the Board.

(3) The Board shall consider the applicable recommitment ranges described in subsection (b).

(b) *Specific provisions.*

(1) Convicted violator recommitment ranges are to be considered by the Board in the exercise of its discretion, while accounting for the following factors:

(i) The seriousness of the initial conviction offense. Seriousness is based on the determination under the state parole guidelines whether the offender is designated as a violent offender or non-violent offender.

(ii) The level of seriousness of the new conviction offense. The seriousness of the new conviction offense is determined by identifying the highest offense gravity

score assignment under the Pennsylvania sentencing guidelines of all new conviction offenses, and then determining the corresponding sentencing level. For out-of-state convictions, the current equivalent Pennsylvania offense under the sentencing guidelines applies. Summary offenses are assigned the lowest offense gravity score (OGS 1) and the corresponding sentencing level (Level A). Murder of the first degree and murder of the second degree are assigned the highest offense gravity scores (Murder 1 A/B/C, Murder 2 A/B/C) and the corresponding sentencing level (Level H).

(iii) The time required to receive treatment and programming to meet the rehabilitative needs of the offender. The corrective programming required to address the needs of the offender associated with the recommitment, which begins after a hearing or waiver of a hearing, may require a recommitment period shorter or longer than the recommended recommitment range.

(2) The convicted parole violator recommitment ranges, as described below, are provided at § 311.6 (relating to parole violator tables) in TABLE 2.

(i) The recommended recommitment range for a non-violent offender placed in a correctional facility shall be:

(A) When the most serious new conviction offense is Level A (OGS 1—OGS 3), a range of one to six months.

(B) When the most serious new conviction offense is Level B (OGS 4—OGS 7), a range of six to 12 months.

(C) When the most serious new conviction offense is Level C (OGS 8—OGS 12), a range of 12 to 18 months.

(D) When the most serious new conviction offense is Level D (OGS 13—OGS 16), a range of 18 to 30 months.

(E) When the most serious new conviction offense is Level E (OGS 17—OGS 26), a range of 24 to 36 months.

(F) When the most serious new conviction offense is Level F (OGS 27—OGS 30), a range of 48 months to the unserved balance of the sentence from which the offender was paroled.

(G) When the most serious new conviction offense is Level G (OGS G-1-OGS G-2), a range of 48 months to the unserved balance of the sentence from which the offender was paroled.

(H) When the most serious new conviction offense is Level H (OGS H-1—OGS H-6), the range is limited to the unserved balance of the sentence from which the offender was paroled.

(ii) The recommended recommitment range for a violent offender placed in a correctional facility shall be:

(A) When the most serious new conviction offense is Level A (OGS 1—OGS 3), a range of one to six months.

(B) When the most serious new conviction offense is Level B (OGS 4—OGS 7), a range of six to 12 months.

(C) When the most serious new conviction offense is Level C (OGS 8—OGS 12), a range of 12 to 18 months.

(D) When the most serious new conviction offense is Level D (OGS 13—OGS 16), a range of 24 to 36 months.

(E) When the most serious new conviction offense is Level E (OGS 17—OGS 26), a range of 36 to 48 months.

(F) When the most serious new conviction offense is Level F (OGS 27—OGS 30), a range of 60 months to the unserved balance of the sentence from which the offender was paroled.

(G) When the most serious new conviction offense is Level G (OGS G-1-OGS G-2), a range of 60 months to the unserved balance of the sentence from which the offender was paroled.

(H) When the most serious new conviction offense is Level H (OGS H-1—OGS H-6), the range is limited to the unserved balance of the sentence from which the offender was paroled.

(iii) When the Board determines that one or more aggravating circumstances are present, the Board may consider a recommitment period:

(A) For Level A (OGS 1—OGS 3), up to three months longer than the upper limit of the recommitment range.

(B) For Level B (OGS 4—OGS 7), up to six months longer than the upper limit of the recommitment range.

(C) For Level C (OGS 8—OGS 12), up to six months longer than the upper limit of the recommitment range.

(D) For Level D (OGS 13—OGS 16), up to 12 months longer than the upper limit of the recommitment range.

(E) For Level E (OGS 17—OGS 26), up to 12 months longer than the upper limit of the recommitment range.

(iv) When the Board determines that one or more mitigating circumstances are present, the Board may consider a recommitment period:

(A) For Level B (OGS 4—OGS 7), up to six months shorter than the lower limit of the recommitment range.

(B) For Level C (OGS 8—OGS 12), up to six months shorter than the lower limit of the recommitment range.

(C) For Level D (OGS 13—OGS 16), up to 12 months shorter than the lower limit of the recommitment range.

(D) For Level E (OGS 17—OGS 26), up to 12 months shorter than the lower limit of the recommitment range.

(E) For Level F (OGS 27—OGS 30), up to 24 months shorter than the lower limit of the recommitment range.

(F) For Level G (OGS G-1-OGS G-2), up to 24 months shorter than the lower limit of the recommitment range.

(3) Determine the recommitment period and provide reasons if an aggravated or mitigated duration or deviation from the recommitment ranges.

## § 311.6. Parole violator tables.

**TABLE 1—Technical parole violator recommitment ranges**

<i>Correctional Facility Recommitments</i>	<i>Non-violent (NV) recommitment range</i>	<i>Violent (V) recommitment range</i>	<i>Disciplinary Infractions 61 Pa.C.S. § 6138(d)(5) 61 Pa.C.S. § 6138(e)(3)</i>
1st violation	6 months maximum	3—6 months	12 months maximum
2nd violation	9 months maximum	6—9 months	18 months maximum
3rd/subseq. violation	12 months maximum	9—12 months	24 months maximum
<i>CCC/CCF/PVC Recommitments</i>	3 months maximum	6 months maximum	12 months maximum

**TABLE 2—Convicted parole violator recommitment ranges**

<i>Level</i>	<i>New Conviction</i>	<i>Non-violent (NV) recommitment range</i>	<i>Violent (V) recommitment range</i>	<i>Agg/Mit</i>
A	OGS 1—OGS 3	1—6 months	1—6 months	+ 3
B	OGS 4—OGS 7	6—12 months	6—12 months	+/- 6
C	OGS 8—OGS 12	12—18 months	12—18 months	+/- 6
D	OGS 13—OGS 16	18—30 months	24—36 months	+/- 12
E	OGS 17—OGS 26	24—36 months	36—48 months	+/- 12
F	OGS 27—OGS 30	N/A	60—unserved balance	- 24
G	OGS G-1-OGS G-2	N/A	60—unserved balance	- 24
H	OGS H-1—OGS H-6	N/A	Maximum/unserved balance	N/A

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