



CRIMINAL PUNISHMENT CODE TASK FORCE Scoresheets Subcommittee Minutes

January 10, 2020 at 3PM

Conference Call

I. Members Present:

The Honorable Donna McIntosh (Chair)

The Honorable Larry Eger

Mr. Kenneth Steely

Senator Pizzo

Professor Michael Morley

II. Scoresheets Subcommittee

The subcommittee created and approved the following resolutions:

Proposed Resolution #2: Resolved that Victim Injury Point Adjustments in Part III should not be applied to any offense for which the basis for the adjustment is identical to an element. Instead, the Offense Level for each offense that involves an element identical to any Victim Injury Point Adjustment should be adjusted to reflect the failure to apply the adjustment, so this change does not reduce the total number of points a defendant would receive.

This resolution passed, 4-1 with Mr. Eger in dissent.

Proposed Resolution #4: Resolved that additional points should not be added for a Firearms Violation in Part VII when the defendant is convicted of an offense involving an identical element. Instead, the Offense Level for the underlying firearms offense should be adjusted to reflect the failure to apply this adjustment, so this change does not reduce the total number of points a defendant would receive

This resolution passed 4-1, with Mr. Eger in dissent.

Proposed Resolution #3 – Resolved that additional points should not be added for a Legal Status Violation in Part V when all of the offense(s) of which the defendant is convicted involve an element that is identical to the basis for that Violation. Instead, the Offense Level for each offense that involves an element identical to a Legal Status Violation should be adjusted to

reflect the failure to add these extra points, so this change does not reduce the total number of points a defendant would receive.

This resolution passed, 4-1 with Mr. Eger in dissention.

Proposed Resolution #5 – Resolved that additional points should not be added for a Serious Felony in Part VIII. Instead, the Prior Record points for offenses that qualify as serious felonies should be increased to reflect the failure to apply this adjustment, as follows:

Offense Level	Current Prior Record Points	Potential Points to Offset Eliminating Part VIII
8	19	37 (<i>i.e.</i> , add 18 points to current adjustment)
9	23	47 (<i>i.e.</i> , add 24 points to current adjustment)
10	29	59 (<i>i.e.</i> , add 30 points to current adjustment)

With the caveat of revisiting the points adjustment, the resolution passed unanimously.

Proposed Resolution #6 – Resolved that certain offenses have been assigned offense levels that are disproportionately harsh and should be reassigned to lower offense levels that more accurately reflect the gravity of the offenses and the harm they pose.

This resolution passed unanimously.

III. Subcommittee Objectives

The subcommittee reviewed and updated its stated objectives. They are as follows:

1. Review and make recommendations regarding offense severity rankings
 - a. Including uncharted
2. Review and make recommendations for sentencing points under the CPC.
 - a. What is the number of points necessary to trigger state sanctions?
 - b. Legal status
 - c. Review sentencing range- lowest and highest permissible.
 - d. Review points for primary, additional, and prior offenses
 - e. Sentencing scoresheet enhancements- bring to attention for enhancements subcommittee (enhancement of a crime already enhanced because the nature of the offense)
3. Mitigating Factors

IV. Adjourn

5:05 PM