

SERIOUSNESS LEVEL 3
Effective date January 1, 2018

Criminal History Score	0	1	2	3	4	5+
Presumptive Sentence	CCC AS	CCC AS	ADC 18-36 (1.5-3 yrs) CCC AS	ADC 24-48 (2-4 yrs) CCC AS	ADC 36-60 (3-5 yrs) CCC AS	ADC 48-72 (4-6 yrs) CCC AS
Presumptive Sentence (January 1, 1994-December 31, 2017)	CCC AS	CCC AS	ADC 18 CCC AS	ADC 30 CCC AS	ADC 42 CCC AS	ADC 60 CCC AS
Presumptive Range (Prior to July 1, 2005)			ADC 17.10- 18.90	ADC 28.50- 31.50	ADC 39.90- 44.10	ADC 57-63

AS = Alternative Sanctions, CCC = Community Correction Center, ADC = ADC Facility Only
ALL SENTENCE DURATIONS ARE SHOWN IN MONTHS COMMITTED

Common Level 3 Offenses (See Seriousness Reference Table for additional offenses and effective dates.)

5-13-204	D	Aggravated Assault
5-26-401	D	Non-Support
5-36-106(e)(3)(B)	D	Theft by Receiving – Credit/Debit Card or Account Number
5-37-201	C	Forgery II
5-37-207	C	Fraudulent Use of a Credit Card
5-38-203	C	Criminal Mischief I
5-39-202	D	Breaking or Entering
5-60-101	C	Abuse of a Corpse
5-64-419(b)(1)(A)	D	Possession of Controlled Substance – Schedule I or II Methamphetamine or Cocaine < 2g
5-64-419(b)(2)(A)	D	Possession of Controlled Substance – Schedule I or II not Methamphetamine or Cocaine < 2g
5-64-419(b)(5)(B)	D	Possession of Controlled Substance – Schedule VI ≥ 1 oz. < 4 oz.; 4+ prior convictions
5-64-419(b)(5)(C)	D	Possession of Controlled Substance – Schedule VI ≥ 4 oz. < 10 lbs
5-64-436(b)(2)	D	Possession of Schedule VI Controlled Substance with Purpose to Deliver > 14g < 4 oz
5-64-443(a)(2)	D	Possession of Drug Paraphernalia to Ingest, Inhale, etc.
5-64-443(d)	D	Use or Possession of Paraphernalia to Manufacture a Controlled Substance not Methamphetamine, Cocaine, Heroin, or Fentanyl
5-65-111(d)(1)	U	DWI/BWI 4 [See statute for penalty range – CCC by judicial transfer only]
12-12-904	C	Sex Offender Failing to Register

Transfer Eligibility - one-third of time imposed minus good time of up to one-half, i.e. one sixth of time imposed if offender earns maximum good time.

Classification of Level 3 offenses and statutory ranges (shown in years):

<u>Class</u>	<u>Normal Range</u>	<u>Habitual §(a)</u>	<u>Habitual §(b)</u>	<u>Habitual §(c)</u>	<u>Habitual §(d)</u>
B	5-20	5-30	5-40	40-80 or Life	30-60
C	3-10	3-20	3-30	40-80 or Life	25-40
D	0-6	0-12	0-15	40-80 or Life	20-40

See A.C.A. §§ 5-4-401 and 5-4-501.