

SERIOUSNESS LEVEL 5
Effective date January 1, 2018

| Criminal History Score | 0 | 1 | 2 | 3 | 4 | 5+ |
|---|-----------|--|--|--|------------------------------------|-----------------------------|
| Presumptive Sentence | CCC AS | ADC 24-60 (2-5 yrs) CCC AS | ADC 36-72 (3-6 yrs) CCC AS | ADC 48-96 (4-8 yrs) CCC AS | ADC 60-144 (5-12 yrs) CCC | ADC 84-180 (7-15 yrs) |
| Presumptive Sentence (January 1, 1994-December 31, 2017) | CCC AS | ADC 36 CCC AS | ADC 54 CCC AS | ADC 72 CCC AS | ADC 120 | ADC 180 |
| Presumptive Range (Prior to July 1, 2005) | | ADC 34.20- 37.80 | ADC 51.30- 56.70 | ADC 68.40- 75.60 | ADC 114-126 | ADC 171-189 |

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

Common Level 5 Offenses (See Seriousness Reference Table for additional offenses and effective dates.)

| | | |
|-------------------|---|--|
| 5-26-202 | C | Incest |
| 5-37-201 | B | Forgery I |
| 5-38-301 | B | Arson (≥ \$5,000 < \$15,000 Damage) |
| 5-39-201 | C | Burglary - Commercial |
| 5-54-105 | B | Hindering Apprehension or Prosecution |
| 5-54-119 | B | Furnishing, Possessing or Using Prohibited Articles |
| 5-64-419(b)(1)(C) | B | Possession of Controlled Substance – Schedule I or II Methamphetamine or Cocaine ≥ 10 g < 200 g |
| 5-64-419(b)(5)(D) | C | Possession of Controlled Substance – Schedule VI ≥ 10 lbs < 25 lbs |
| 5-64-436(b)(4) | B | Possession of Schedule VI Controlled Substance with Purpose to Deliver ≥ 25 lbs < 100 lbs |
| 5-64-438(b)(4) | B | Delivery of Schedule VI Controlled Substance ≥ 25 lbs < 100 lbs |
| 5-64-439(b)(4) | B | Manufacture of Schedule VI Controlled Substance ≥ 25 lbs < 100 lbs |
| 5-73-103(c) | B | Possession of Firearm by Certain Person |

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 5 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> |
|--------------|---------------------|----------------------|----------------------|----------------------|----------------------|
| A | 6-30 | 6-50 | 6-60 | 40-80 or Life | 40-Life |
| 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 |

See A.C.A. §§ 5-4-401 and 5-4-501.