

Florida's Criminal Punishment Code: A Comparative Assessment, September 2005

A Report to the Florida Legislature
Detailing Florida's Criminal Punishment Code



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.....A Comparative Assessment

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Executive Summary

Offenses Committed On or After October 1, 1998

In 1997, the Florida legislature created a new sentencing structure, the Florida Criminal Punishment Code ("Code"). The Code is Florida's primary sentencing policy. It is unique in that it has features of both structured and unstructured sentencing policies.

From a structured sentencing perspective, the Code provides for a uniform evaluation of relevant factors present at sentencing, such as the offense before the court for sentencing, prior criminal record, victim injury and others. It also provides for a lowest permissible sentence that the court must impose in any given sentencing event, absent a valid reason for departure.

The Code also contains some characteristics of unstructured sentencing, such as broad judicial discretion and the allowance for the imposition of lengthy terms of incarceration.

The Code is effective for offenses committed on or after October 1, 1998 and is unlike the state's preceding sentencing guidelines, which provided for narrow ranges of permissible sentences in all non-capital sentencing events.

The intent of this report is to address the requirement set forth in Florida Statute 921.002(4)(a) to analyze sentencing events under the Florida Criminal Punishment Code. Each year, the Department of Corrections is required to report on trends in sentencing practices and sentencing score thresholds and provide an analysis of the sentencing factors considered by the courts. **In this report, a comparison is made between the Criminal Punishment Code sentences received in FY 2003-2004 and FY 2004-2005.**

Since January 1, 1994, the Florida Department of Corrections has collected more than 1.2 million scoresheets on felony offenders sentenced in Florida courts under the state's Sentencing Guidelines and Criminal Punishment Code. This report describes the 118,019 Criminal Punishment Code scoresheets with sentence dates in FY2004-2005 received by the Florida Department of Corrections through September 1, 2005, for felony offenses committed on or after October 1, 1998. It also compares 85,659 Criminal Punishment Code scoresheets received by the Florida Department of Corrections through September 1, 2005, for felony offenses committed on or after October 1, 2003 and sentence dates in Fiscal Year 2004-2005 with 88,391 Criminal Punishment Code scoresheets with offense dates on or after October 1, 2002 and sentence dates in Fiscal Year 2003-2004.

Heggs V. State

In February 2000, the Florida Supreme Court, in its review of Curtis Leon Heggs, determined Chapter Law 95-184 to be unconstitutional due to a violation of the single subject rule of the Florida Constitution. This Chapter Law contained substantial changes in sentencing law referred commonly to as the "1995 Sentencing Guidelines."

In some cases, the 1995 Sentencing Guidelines provided for greater punishment than the 1994 Sentencing Guidelines. Some enhancements were made to the Guidelines, designed primarily to target offenders with more serious current or prior criminal records. There were a significant number of changes and the nature of

the changes had a significant effect on some offenders. However, many offenders sentenced under the 1995 Guidelines would have scored identically under the 1994 version of the law.

In May 2000, the Supreme Court revised and finalized their opinion in this case and further clarified who is eligible for re-sentencing. This decision stated that *"only those persons adversely affected by the amendments made by Chapter Law 95-184 may rely on our decision here to obtain relief. Stated another way, in the guidelines context, we determine that if a person's sentence imposed under the 1995 Guidelines could have been imposed under the 1994 Guidelines (without a departure), then that person shall not be entitled to relief."*

The Supreme Court declined to rule in Heggs as to when the window period closed for offenders claiming their guidelines sentences are invalid due to the amendments contained in Chapter Law 95-184. However, in its review of Xzavier Trapp, the Supreme Court determined that the window period for challenging the Sentencing Guidelines provisions amended in Chapter Law 95-184 opened on October 1, 1995 and closed on May 24, 1997.

Approximately 192,267 sentencing events occurred under the 1995 sentencing structure for offenses committed between October 1, 1995 and May 24, 1997, based on the Guidelines scoresheets received by the Department of Corrections through February 29, 2000. Original analysis indicated that 73,467 of these sentencing events evidenced scores adversely affected by the changes brought about in the 1995 guidelines. This analysis did not determine that the 1995 sentence was outside the range of the 1994 sentence, only that the scoresheet calculation reflected a difference in points.

Due to the potential number of re-sentencing events, it would be inaccurate to attempt to analyze and compare the 1995 sentencing guidelines to other versions of the sentencing scoresheet. As re-sentencing events occur, the original 1995 scoresheet will be replaced in the database with a 1994 scoresheet. This is necessary because the re-sentencing invalidates the original sentencing event. Likewise, the new sentence will overwrite the original sentence in DOC sentence structure and databases. A computerized record of the original sentence is not kept in the database that is used for data analysis.

As such, it is not possible to determine which scoresheets are the result of a re-sentencing or to verify that a re-sentencing event was a result of the Heggs ruling. Therefore, any analysis of this time period would yield a mixture of offenders sentenced under both the 1994 and 1995 guidelines.

As this makes it impossible to compare the Criminal Punishment Code to prior sentencing practices, without going back to the 1994 Sentencing Guidelines, the data analysis in this report compares sentences received under the Criminal Punishment Code in FY 2003-2004 to those received in FY 2004-2005.

Notes:

The sentencing scoresheet database is dynamic in that it is constantly being updated. Every effort is made to include scoresheets that are received, however, there is a lag in data entry. While this lag time is generally less than 45 days it may exceed this in some of the larger circuits. As such, as more time is allowed for the data to mature, a more accurate and complete picture of the data may be presented.

No scoresheets were received from Franklin, Lafayette and Suwanee Counties with sentence dates during FY2003-04.

No scoresheets were received from Gilchrist, Lafayette and Suwanee Counties with sentence dates during FY2004-05.

Part I: Introduction; Overview of Florida's Sentencing Policies

History of Sentencing Policy

Unstructured Sentencing

Prior to October 1, 1983, courts sentenced in accordance with the provisions of law that permitted a wide range of judicial discretion in the sentencing decision. Sanctions ranged from a fine up to state prison incarceration. The statutory maximum penalties of incarceration in state prison were:

- Five years for a felony of the third degree;
- Fifteen years for a felony of the second degree;
- Thirty years for a felony of the first degree, and;
- Life for a life felony.

This was a form of an indeterminate sentencing policy because most offenders sentenced to prison were by law, parole eligible. Parole was a discretionary early release policy, which obviously had a significant impact upon both the percentage and the actual amount of time served.

Structured Sentencing/Sentencing Guidelines

The Florida Sentencing Guidelines represent the state's structured policy with respect to the sentencing of non-capital felony offenders. There are three distinct versions of the guidelines currently in operation in Florida. They each:

- Provide for a uniform set of standards to guide the sentencing court in sentencing decisions;
- Evaluate relevant factors present at sentencing relating to the offense or offenses and the defendant's prior criminal behavior;
- Are attempts to provide for "truth in sentencing" and eliminate unwarranted disparity in sentencing decisions;
- Focus on ensuring that the punishment is commensurate with the offenses before the court for sentencing, and;
- Are mathematically based and provide a means to address several policy areas. Every assessment of points reflects a policy statement regarding the relative severity of a criminal behavior. Each policy is represented on its respective scoresheet, which must be completed for each felony defendant prior to sentencing.

The 1983 Sentencing Guidelines

Due to concerns regarding actual and percent of time served as well as concerns regarding a lack of uniformity in sentencing, the 1983 Florida Sentencing Guidelines were enacted October 1, 1983 and parole eligibility was abolished for almost all offenses committed after that date. These guidelines are currently in effect for all non-capital felony offenses that were committed on or after October 1, 1983 and before January 1, 1994 .

The 1983 guideline structure was comprised of nine separate worksheets for specified offense categories such as murder, sexual offenses, drug offenses, etc. All offenses were contained in one of these categories.

Within each worksheet, points were assessed for offenses to be sentenced and prior record offenses based on the number of offenses and each offense's felony degree. Assessments were made for legal status and victim injury. Total scores fell into sentencing ranges or cells, for each worksheet. The least severe cell provided for a non-state prison sanction and the most severe cell provided for 27 years to life in prison. Departure sentences were permissible as long as written reasons were provided.

Several factors eventually eroded the integrity of the "truth in sentencing" aspect of the 1983 sentencing guidelines. Some of these factors included an epidemic of "crack" cocaine-related offense activity, which resulted in an unanticipated impact upon correctional resources; the passage of unfunded mandatory minimum sentence legislation; and significant growth in the population of the State of Florida.

As a result of these and other factors, the percentage of time served and actual time served declined. By 1989, the average percentage of time served was 34 percent. This lack of system integrity was the impetus for the creation of a new sentencing guideline structure.

The 1994 Sentencing Guidelines

The 1994 sentencing guidelines were enacted through the passage of the "Safe Streets Act." These guidelines were created with the recognition that prison resources are finite and that the use of state incarceration should be focused upon offenders who commit serious or violent offenses, or who offend repetitively. The 1994 guidelines repealed the grant of basic gain time, evidencing the legislature's re-commitment to "truth in sentencing." These sentencing guidelines are in effect for all non-capital felony offenses committed on or after January 1, 1994 and before October 1, 1995.

The structure of the 1994 sentencing guidelines has little similarity to the 1983 structure. The structure created attempted to resolve some of the problems inherent in the preceding structure, such as the nine separate worksheets, the lack of offense-specific detail and the issue of grouping crimes by category. The structure of the 1994 guidelines:

- Ranks all non-capital felonies in one of ten offense severity levels. Level one is the least severe ranking and ten reflects the most serious felonies.
- Each of the rankings has an associated point value in each of three elements subject to scoring: primary offense, additional offense(s) and prior record. Point values escalate as the rank increases. Every offense scored is provided its corresponding point value in these areas, with the emphasis of points lying in the area of the primary offense.
- Includes other policy levels through an assessment of points for a variety of other factors such as: victim injury, legal status, supervision violations and others.

Under the 1994 structure, the total guidelines score determines the sanction and a range of length of

sanction when state prison is applicable. There are basically three categories of sanction based upon total scores. There are ranges of score which:

1. Mandate a non-state prison sanction when the total score is 40 points or fewer.
2. Provide for discretionary prison or non-state prison sanction when the total score is greater than forty and less than 52 points.
3. Mandate a state prison sanction when the total score exceeds 52 points.

The length of prison is determined by subtracting 28 from the total sentence points to derive the total prison months.

The court has the discretion to increase or decrease the sanction by twenty-five percent. This provided for a relatively narrow range for the imposition of a guideline sentence.

The 1995 Sentencing Guidelines

The 1994 Sentencing Guidelines were significantly amended in 1995 through the passage of the Crime Control Act of 1995. The basic structure of the 1994 sentencing guidelines remained; however, point values were increased in a variety of areas and additional policy levers were created to provide for greater sanctions. The 1995 guidelines are in effect for offenses committed on or after October 1, 1995 through September 30, 1998.

The Hegg's ruling stated that the use of the 1995 Sentencing Guidelines for offenses between October 1, 1995 and May 24, 1997 is unconstitutional. However, the 1995 Sentencing Guidelines are used for offense dates between May 25, 1997 and September 30, 1998.

The guidelines were slightly modified in both 1996 and 1997, again providing for increased sanctions and sanction length in certain instances.

The Criminal Punishment Code

The Criminal Punishment Code became effective for offenses committed on or after October 1, 1998. The guidelines are repealed for all offenses committed on or after October 1, 1998 but remain in effect for offenses committed prior to this date. The Code contains features of both structured and unstructured sentencing policies. It maintains many of the goals of guidelines sentencing. Compared to the guidelines however, the Code allows for greater upward discretion in sentencing, provides for increased penalties and lowers mandatory prison thresholds.

- The Code significantly alters the sentencing policy in a variety of respects. One of the most notable changes is the significant broadening of upward discretion in the sentencing policy. Under the sentencing guidelines, the upward discretion was 25 percent above the state prison months determined by the calculation. Under the Code, the maximum sentence for any felony offense is determined by the statutory maximums as provided in Florida Statute (F.S) 775.082.

Felony Degree Years in Prison	
Life Felony	Up to Life
1 st	Up to 30

2 nd	Up to 15
3 rd	Up to 5

- This has two effects that are divergent from the preceding guidelines. First, all felony offenders have the potential to receive a prison sentence, whereas many under the guidelines were by policy excluded from such a possibility. Second, the maximums of F.S. 775.082 usually will provide for far greater sentence lengths than were permissible under the guidelines.
- Another significant change is the determination when a prison sentence becomes mandatory under the new sentencing policy. The basic structure of the sentencing policy has not changed with respect to point determinations. Sentencing point thresholds for sentence calculations have, however, undergone significant revisions.
 1. If total points are equal to or less than 44, the lowest permissible sentence is a non-state prison sanction. (However, state prison up to the statutory maximum can be imposed.)
 2. If total points exceed 44, the minimum sentence is established by taking the total point value subtracting 28 and decreasing the remaining value by 25%. This end result value is the lowest permissible prison sentence in months.

This means that only those offenders scoring 44 or fewer points may receive a non-state prison sanction under the code. All others must receive a state prison sanction, absent downward departure from this structure. The threshold under the guidelines for mandatory prison incarceration was 52 points.

Department of Corrections Responsibilities

The department was provided a variety of responsibilities regarding the sentencing policy with respect to the 1994 and subsequent versions of the law. Florida Statute 921 requires the department to:

- Develop the scoresheet and any revisions of the scoresheet for approval by the Supreme Court and supply Sentencing Guidelines and Criminal Punishment Code scoresheets to the appropriate criminal justice entities in the state;
- Prior to July 1, 2001, the Department had a coequal responsibility to prepare scoresheets with the state attorneys. However, the Department of Corrections continued to complete scoresheets which had been ordered by the courts prior to July 1, 2001. In addition there were transitional issues involved in transferring this responsibility to the state attorneys. This resulted in 9.7% of scoresheets received during FY2001-02 having been prepared by the Department of Corrections;
- Assist the Criminal Justice Estimating Conference in estimating correctional impact of proposed changes to the code;
- Provide the legislature by October 1 of each year a report detailing the rate of compliance of each judicial circuit in providing scoresheets to the department; and,
- Provide the legislature an annual report detailing trends in sentencing and an analysis thereof by October 1 of each year.

The SAGES (Sentencing Analysis and Guidelines Entry Systems)

database

The department developed a database in 1994 to be used as a mechanism to allow for the storage of completed scoresheets and allow for more accurate, legible and efficient scoresheet preparation.

This report is derived primarily from the information on sentencing scoresheets received by the department from the clerks of the courts and entered into SAGES.

The following should be considered when evaluating this and other information derived from this database:

- The information is compiled from a database containing sentencing scoresheets received by the Department of Corrections for offenses with dates of commission on or after January 1, 1994. The information is based on the scoresheets in the database with dates of sentence in Fiscal Year 2004-2005 and offenses on or after October 1, 1998, entered as of September 1, 2005.
- As the compliance rate for scoresheet submissions is not 100%, there is missing information that would have potentially affected the outcome of the analysis. The current statewide compliance rate is 67.9% for Fiscal Year 2004-2005.
- **Though the Department retrieves and includes in the database omitted information from a scoresheet that is critical, no effort is made to correct preparation error or errors recorded on scoresheets regarding the sentence imposed. The department does not have the authority to amend an official court document. Conversely, there is a responsibility to record the information as received.**
- There is data entry error on the part of department staff. Recent analyses indicate that the rate of data entry error in the fields analyzed in the report is not significant.

Part I: Introductory Statistics

FACT: There were 118,019 Punishment Code scoresheets with offense dates on or after October 1, 1998 with sentencing dates during FY2004-05 entered into the sentencing scoresheet database, as of September 1, 2005.

FINDINGS:

- The number of Code scoresheets received by month of sentence fluctuated from a high of 10,990 to a low of 8,425 from July 1, 2004 to June 30, 2005 ([Figure 1](#)).
- For the time period July 2004 through June 2005, Code scoresheets represent ninety-nine percent (99.0%) of the total scoresheet submissions. Beginning in the month of August 2004 and continuing through the end of the fiscal year, more than ninety-eight percent (98.9%) of the scoresheets represented sentencing events under the Florida Criminal Punishment Code ([Table 2](#)).
- Nearly thirty percent (29.8%) of the offenders sentenced under the Code were considered “youthful offenders” at the time of sentencing ([Table 3](#)). Of the 2,357 true juveniles (under 18 at the time of their offense) transferred to adult court under the Code, 843 (35.4%) of the offenders were age sixteen or younger ([Table 4](#)).
- There were 969 juveniles sentenced under the Code for violent offenses, including, murder/manslaughter, sex offenses, robbery and other violent personal offenses. These violent offenses represent over forty-one percent (41.1%) of all offenses of juveniles ([Table 4](#)). Of the 969 violent juvenile offenders, 459 (47.4%) received a state prison sanction ([Table 5](#)).
- The gender and race distributions of offenders sentenced under the Code are similar to previous years sentencing events. Over eighty percent (80.3%) of all scoresheets were for male offenders ([Table 6](#)) and 56.9% were for white offenders ([Table 7](#)).

Figure 1
Scoresheets Received by Month of Sentence
Criminal Punishment Code

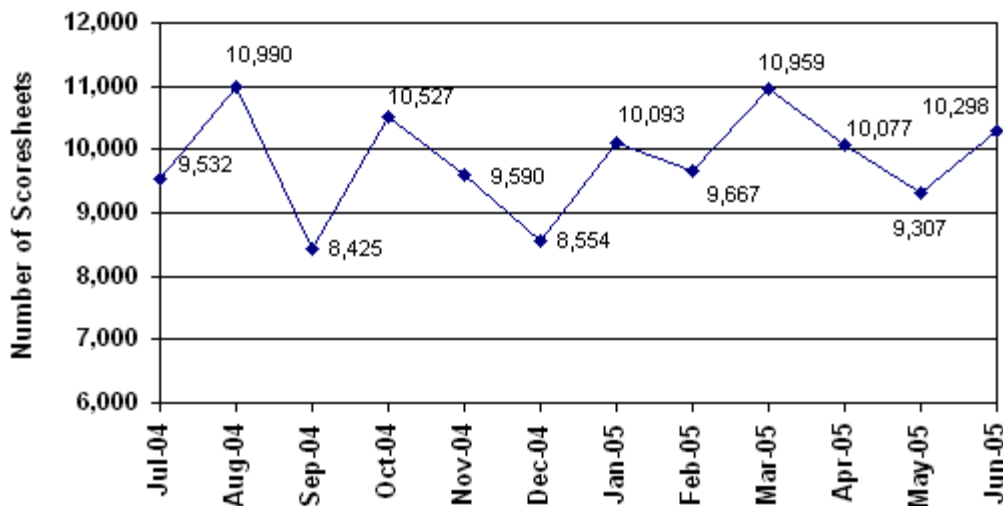


Table 1 Scoresheets Received by Circuit Criminal Punishment Code Fiscal Year 2004-2005

Circuit of Sentence	Total	
	Number	Percent
01 (Pensacola)	5,593	4.7%
02 (Tallahassee)	2,979	2.5%
03 (Lake City)	1,162	1.0%
04 (Jacksonville)	7,672	6.5%
05 (Tavares)	5,994	5.1%
06 (Clearwater)	15,201	12.9%
07 (Daytona Beach)	4,980	4.2%
08 (Gainesville)	2,349	2.0%
09 (Orlando)	1,907	1.6%
10 (Bartow)	4,088	3.5%
11 (Miami)	13,653	11.6%
12 (Sarasota)	4,143	3.5%
13 (Tampa)	13,525	11.5%
14 (Panama City)	2,262	1.9%
15 (West Palm Beach)	5,522	4.7%
16 (Key West)	786	0.7%
17 (Ft. Lauderdale)	10,844	9.2%
18 (Sanford)	4,537	3.8%
19 (Ft. Pierce)	4,620	3.9%
20 (Ft. Myers)	6,202	5.3%
Total	118,019	100.0%

Table 2 Sentencing Scoresheets Received by Month of Sentence* Criminal Punishment Code Fiscal Year 2004-2005

Month of Sentence	1994 Sentencing Guidelines Scoresheet		1995 Sentencing Guidelines Scoresheet**		Criminal Punishment Code Scoresheet		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
July 2003	17	0.2%	94	1.0%	9,532	98.8%	9,643	8.1%
August 2003	19	0.2%	98	0.9%	10,990	98.9%	11,107	9.3%
September 2003	13	0.2%	72	0.8%	8,425	99.0%	8,510	7.1%
October 2003	25	0.2%	88	0.8%	10,527	98.9%	10,640	8.9%

November 2003	27	0.3%	87	0.9%	9,590	98.8%	9,704	8.1%
December 2003	16	0.2%	70	0.8%	8,554	99.0%	8,640	7.2%
January 2004	16	0.2%	92	0.9%	10,093	98.9%	10,201	8.6%
February 2004	19	0.2%	70	0.7%	9,667	99.1%	9,756	8.2%
March 2004	30	0.3%	79	0.7%	10,959	99.0%	11,068	9.3%
April 2004	17	0.2%	72	0.7%	10,077	99.1%	10,166	8.5%
May 2004	21	0.2%	55	0.6%	9,307	99.2%	9,383	7.9%
June 2004	19	0.2%	67	0.6%	10,298	99.2%	10,384	8.7%
Total	239	0.2%	944	0.8%	118,019	99.0%	119,202	100.0%

* Total number of scoresheets, including those with offense dates between October 1, 1995 and May 24, 1997.

** Offense dates between May 25, 1997 and September 30, 1998.

Figure 2
Sentencing Scoresheets Received:
1994 SG vs. 1995 SG vs. Punishment Code
Versions

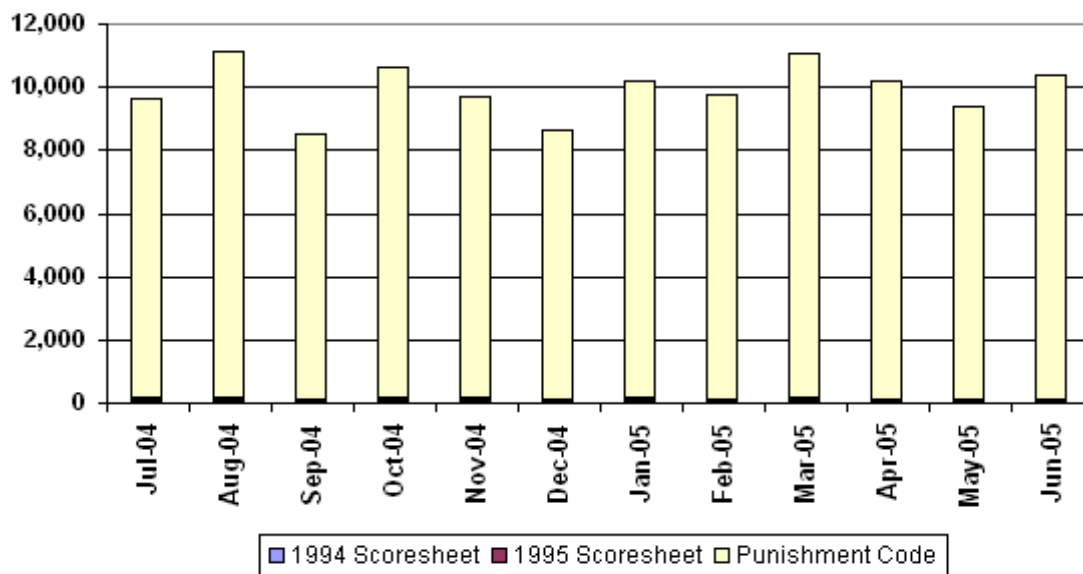


Table 3 Age at Sentencing Criminal Punishment Code Fiscal Year 2004-2005

Age	Number	Percent
17 and Below	722	0.6%
18 to 24	34,480	29.2%
25 to 29	20,023	17.0%

30 to 34	15,755	13.3%
35 to 39	14,745	12.5%
40 to 44	14,361	12.2%
45 to 49	9,709	8.2%
50 and Over	8,214	7.0%
Unknown	10	
Total	118,019	100.0%

Figure 3
Age at Sentencing Distribution
Criminal Punishment Code

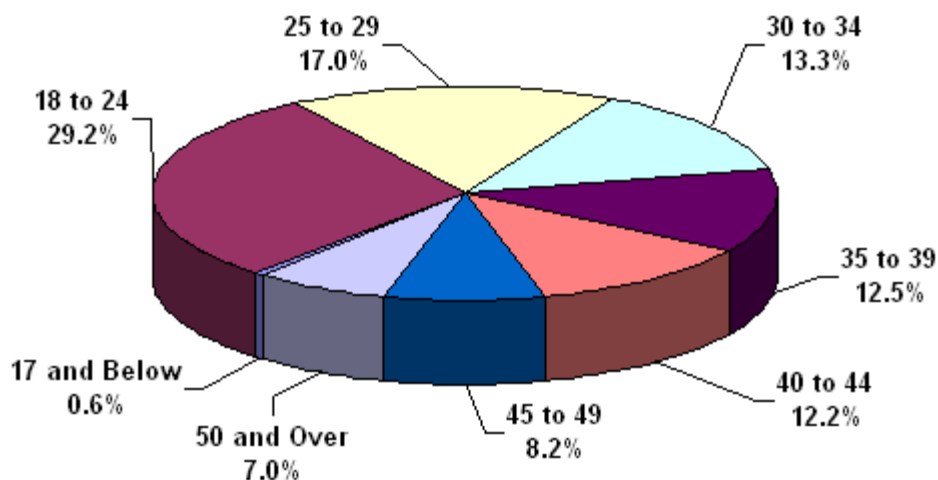


Table 4 Age at Offense for Offenders Under 18 Criminal Punishment Code Fiscal Year 2004-2005

Primary Offense	15 & Under	16 Years Old	17 Years Old	Total
Murder/Manslaughter	7	18	21	46
	2.9%	3.0%	1.4%	2.0%
Sexual Offenses	12	29	58	99
	5.0%	4.9%	3.8%	4.2%
Robbery	73	109	197	379
	30.4%	18.3%	12.9%	16.1%
Violent Personal Offenses	44	113	288	445
	18.3%	19.0%	18.9%	18.9%
Burglary	46	139	375	560
	19.2%	23.4%	24.6%	23.8%

Theft, Forgery, Fraud	22	60	188	270
	9.2%	10.1%	12.4%	11.5%
Drugs	23	82	289	394
	9.6%	13.8%	19.0%	16.7%
Weapons	4	21	49	74
	1.7%	3.5%	3.2%	3.1%
Other Offenses	9	24	57	90
	3.8%	4.0%	3.7%	3.8%
Total	240	595	1,522	2,357
	100.0%	100.0%	100.0%	100.0%

Figure 4
Age at Offense Distribution
Offenders Under 18

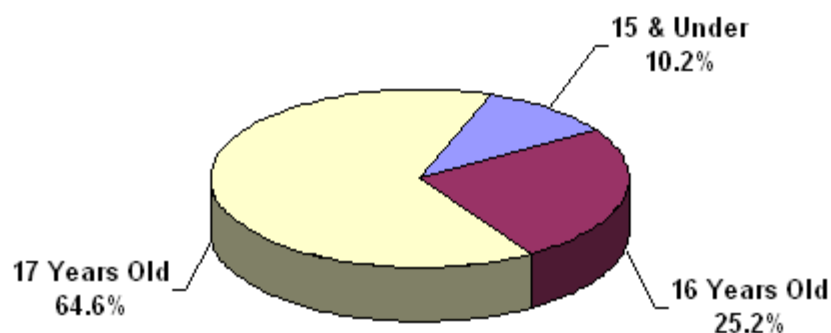


Table 5 Sanction Imposed by Primary Offense For All 11 - 17 Year Olds Criminal Punishment Code Fiscal Year 2004-2005

Primary Offense	State Prison	Comm. Control	Probation	County Jail	Other	Total
Murder/Manslaughter	39	2	3	1	1	46
	2.5%	1.2%	0.2%	0.0%	0.0%	2.0%
Sexual Offenses	55	12	22	4	6	99
	2.0%	3.0%	2.0%	0.3%	0.0%	4.2%
Robbery	198	52	82	44	3	379
	25.0%	18.0%	8.7%	5.6%	0.0%	16.1%
Violent Personal Offenses	167	37	171	58	12	445
	19.2%	16.6%	14.5%	11.7%	6.3%	18.9%
	201	60	219	55	25	560

Burglary	25.9%	26.0%	23.7%	12.3%	43.8%	23.8%
	57	22	123	59	9	270
Theft, Forgery, Fraud	7.2%	11.5%	16.5%	17.8%	12.5%	11.5%
	91	37	150	104	12	394
Drugs	13.0%	16.3%	25.5%	44.8%	25.0%	16.7%
	18	8	34	10	4	74
Weapons	2.6%	2.1%	3.9%	4.2%	12.5%	3.1%
	25	9	37	16	3	90
Other Offenses	2.6%	5.3%	4.9%	3.3%	0.0%	3.8%
Total	851	239	841	351	75	2,357
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Note: County Jail includes those sentenced to time served; prison includes those sentenced to life.

Figure 5
Sanction Imposed Distribution
Offenders Under 18

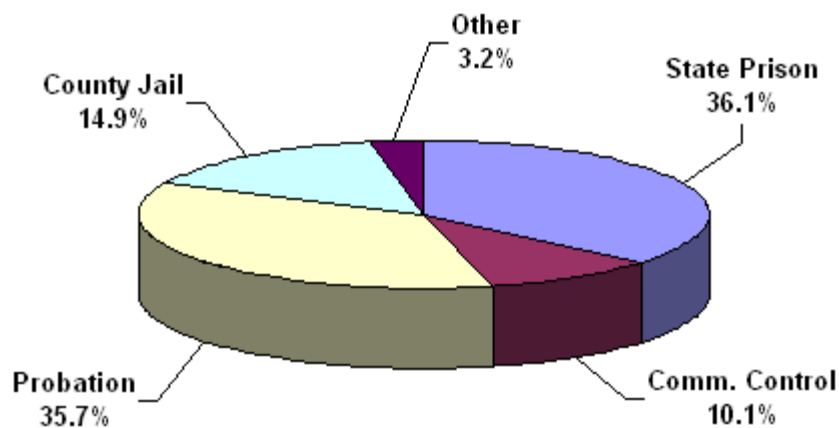


Table 6 Gender by Judicial Circuit Criminal Punishment Code
Fiscal Year 2004-2005

Judicial Circuit	Gender				Total	Total
	Male		Female			
01 (Pensacola)	4,392	3.7%	1,201	1.0%	5,593	4.7%
02 (Tallahassee)	2,336	2.0%	643	0.5%	2,979	2.5%
03 (Lake City)	924	0.8%	238	0.2%	1,162	1.0%
04 (Jacksonville)	6,087	5.2%	1,585	1.3%	7,672	6.5%
05 (Tavares)	4,719	4.0%	1,275	1.1%	5,994	5.1%

06 (Clearwater)	11,477	9.7%	3,724	3.2%	15,201	12.9%
07 (Daytona Beach)	4,109	3.5%	871	0.7%	4,980	4.2%
08 (Gainesville)	1,921	1.6%	428	0.4%	2,349	2.0%
09 (Orlando)	1,551	1.3%	356	0.3%	1,907	1.6%
10 (Bartow)	3,245	2.7%	843	0.7%	4,088	3.5%
11 (Miami)	11,777	10.0%	1,876	1.6%	13,653	11.6%
12 (Sarasota)	3,295	2.8%	848	0.7%	4,143	3.5%
13 (Tampa)	10,814	9.2%	2,711	2.3%	13,525	11.5%
14 (Panama City)	1,749	1.5%	513	0.4%	2,262	1.9%
15 (West Palm Beach)	4,600	3.9%	922	0.8%	5,522	4.7%
16 (Key West)	655	0.6%	131	0.1%	786	0.7%
17 (Ft. Lauderdale)	8,874	7.5%	1,970	1.7%	10,844	9.2%
18 (Sanford)	3,574	3.0%	963	0.8%	4,537	3.8%
19 (Ft. Pierce)	3,613	3.1%	1,007	0.9%	4,620	3.9%
20 (Ft. Myers)	5,056	4.3%	1,146	1.0%	6,202	5.3%
Total	94,768	80.3%	23,251	19.7%	118,019	100.0%

Table 7 Race by Judicial Circuit Criminal Punishment Code Fiscal Year 2004-2005

Judicial Circuit	Race						Total	
	Black		White		Other*			
01 (Pensacola)	2,105	1.8%	3,443	2.9%	45	0.0%	5,593	4.7%
02 (Tallahassee)	2,107	1.8%	850	0.7%	22	0.0%	2,979	2.5%
03 (Lake City)	490	0.4%	668	0.6%	4	0.0%	1,162	1.0%
04 (Jacksonville)	4,177	3.5%	3,446	2.9%	49	0.0%	7,672	6.5%
05 (Tavares)	1,836	1.6%	3,973	3.4%	185	0.2%	5,994	5.1%
06 (Clearwater)	4,386	3.7%	10,678	9.0%	137	0.1%	15,201	12.9%
07 (Daytona Beach)	1,725	1.5%	3,165	2.7%	90	0.1%	4,980	4.2%
08 (Gainesville)	1,245	1.1%	1,101	0.9%	3	0.0%	2,349	2.0%
09 (Orlando)	694	0.6%	1,153	1.0%	60	0.1%	1,907	1.6%
10 (Bartow)	1,347	1.1%	2,524	2.1%	217	0.2%	4,088	3.5%
11 (Miami)	7,706	6.5%	5,916	5.0%	31	0.0%	13,653	11.6%
12 (Sarasota)	1,235	1.0%	2,768	2.3%	140	0.1%	4,143	3.5%
13 (Tampa)	6,021	5.1%	6,782	5.7%	722	0.6%	13,525	11.5%
14 (Panama City)	649	0.5%	1,605	1.4%	8	0.0%	2,262	1.9%

15 (W. Palm Beach)	2,572	2.2%	2,938	2.5%	12	0.0%	5,522	4.7%
16 (Key West)	191	0.2%	583	0.5%	12	0.0%	786	0.7%
17 (Ft. Lauderdale)	5,470	4.6%	4,990	4.2%	384	0.3%	10,844	9.2%
18 (Sanford)	1,543	1.3%	2,906	2.5%	88	0.1%	4,537	3.8%
19 (Ft. Pierce)	1,594	1.4%	2,924	2.5%	102	0.1%	4,620	3.9%
20 (Ft. Myers)	1,427	1.2%	4,714	4.0%	61	0.1%	6,202	5.3%
Total	48,520	41.1%	67,127	56.9%	2,372	2.0%	118,019	100.0%

*Other includes Asian, Native American and other categories.

Part II: Offense to Sentence Date Lag Time Comparison

FACT: *Scoresheets that have been received by the Department of Corrections for offenders sentenced under the Florida Criminal Punishment Code are not representative of the true impact of sentencing events under the Code.*

FINDINGS:

- There were 85,659 scoresheets submitted to the Department of Corrections with sentence dates in FY2004-2005 and offense dates on or after October 1, 2003. The number of scoresheets submitted to the Department of Corrections with sentence dates in FY2003-2004 and offense dates on or after October 1, 2002 was 88,391.
- **Lag Time** - The average length of time that passes from the date an offender commits a crime to the date the offender is sentenced for that crime is 5.8 months for sentencing events in FY2004-2005 ([Table 1](#)).
- More serious and violent crimes typically have much longer lag time than the less serious property or drug crimes. A data file that is constrained by the date of offense must allow for enough time for the serious and violent crimes to be processed and convicted in order to represent a true distribution of sentencing events. The Florida Criminal Punishment Code went into effect for offenses committed on or after October 1, 1998. As of September 1, 2005, the Department of Corrections had received 793,869 Code scoresheets. However, because of the long lag time for serious offenses, the information to date is skewed more heavily by the less serious offenses.
- The average lag time for FY2003-2004 sentencing events is 5.8 months. When the lag times are examined by offense severity level and type of primary offense, the average lag time for level 10 offenses (most serious) was 9.1 months for sentencing events during FY2003-2004. In FY2004-2005, the average lag time for level 10 offenses was 10.3 months. Also, for murder/manslaughter, the average lag time from offense to sentence is 10.2 months for sentencing dates in FY2003-2004 and 10.7 months for FY2004-2005 ([Table 2](#)).
- Drug offenses comprised the largest group of scoresheets received in both FY2003-2004 (37.5%) and FY2004-2005 (39.3%) ([Table 3](#)).
- The more violent, serious offenses represented more than sixteen percent of the scoresheets in FY2003-2004 (16.6%) and over fifteen percent (15.5%) in FY2004-2005. ([Table 3](#)).

Table 1 Comparison of Average Time from Offense Date to Sentence Date by Offense Severity Level of Primary Offense, in Months

Offense Severity Level	FY2003-2004 Sentence Date ¹	FY2004-2005 Sentence Dates ²
1	5.3	5.3
2	6.0	6.1
3	5.1	5.0
4	5.6	5.7
5	6.0	6.0
6	6.6	6.7
7	7.3	7.6
8	8.4	8.6
9	9.1	9.4
10	9.1	10.3
Overall Average	5.8	5.8

¹Offense dates on or after October 1, 2002.

²Offense dates on or after October 1, 2003.

Table 2 Comparison of Average "Lag" Time from Offense Date to Sentence Date by Primary Offense, in Months

Primary Offense	FY 2003-2004 Sentence Dates ¹	FY 2004-2005 Sentence Dates ²
Murder/Manslaughter	10.2	10.7
Sexual/Lewd Behavior	8.9	9.4
Robbery	7.1	7.5
Violent, Other	6.4	6.6
Burglary	6.1	6.3
Property Theft/Fraud/Damage	6.2	6.3
Drugs	5.3	5.2
Weapons	6.0	6.1
Other	5.1	5.2
Overall Average	5.8	5.8

¹Offense dates on or after October 1, 2002.

²Offense dates on or after October 1, 2003.

Figure 1
Distribution of Offense Group
Sentence Dates in FY2003-2004 vs. FY2004-2005

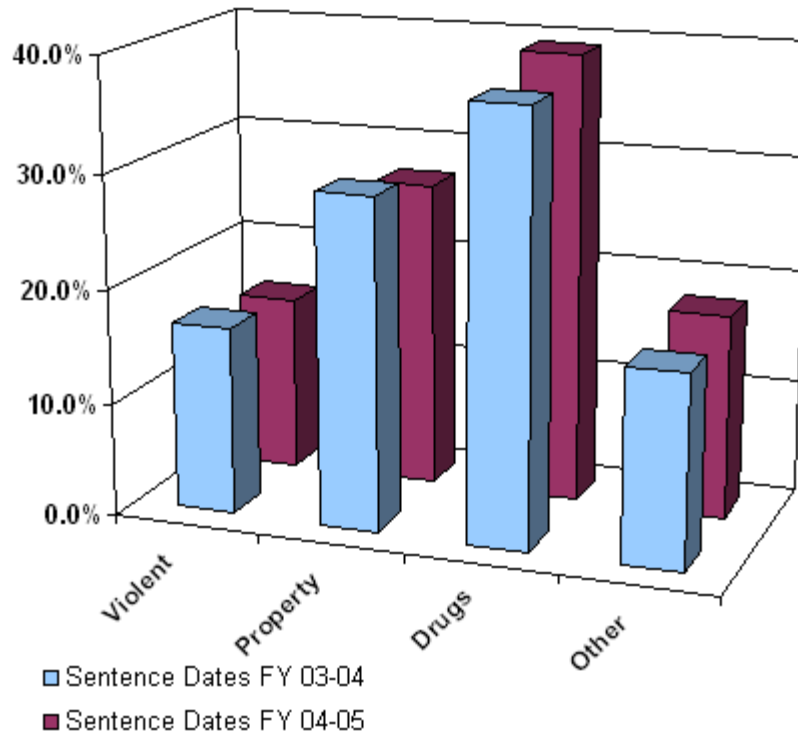


Table 3 Distribution of Offense Sentence Dates FY 2003-2004 vs. Sentence Dates FY 2004-2005

Primary Offense	FY 2003-2004 Sentence Dates ¹	FY 2004-2005 Sentence Dates ²
Murder/Manslaughter	225 0.3%	201 0.2%
Sexual Offenses	810 0.9%	707 0.8%
Robbery	2,025 2.3%	1,714 2.0%
Violent Personal Offenses	11,053 12.5%	10,169 11.9%
Burglary	8,196 9.3%	7,531 8.8%
Theft/Forgery/Fraud	17,759 20.1%	15,923 18.6%
Drugs	33,143	33,701

	37.5%	39.3%
Weapons	1,768	1,690
	2.0%	2.0%
Other	13,412	14,023
	15.2%	16.4%
Total	88,391	85,659
	100.0%	100.0%

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Table 4 Distribution of Offense

Primary Offense	FY 2003-2004 Sentence Dates ¹		FY 2004-2005 Sentence Dates ²	
Murder/Manslaughter	225	0.3%	201	0.2%
1st Degree Murder	46	0.1%	40	0.0%
2nd Degree Murder	72	0.1%	68	0.1%
3rd Degree Murder	7	0.0%	1	0.0%
Homicide, Other	2	0.0%	3	0.0%
Manslaughter	52	0.1%	51	0.1%
DUI Manslaughter	46	0.1%	38	0.0%
Sexual Offenses	810	0.9%	707	0.8%
Capital Sexual Battery	20	0.0%	21	0.0%
Life Sexual Battery	28	0.0%	33	0.0%
1st Degree Sexual Battery	38	0.0%	35	0.0%
2nd Degree Sexual Battery	128	0.1%	102	0.1%
Sexual Assault, Other	8	0.0%	4	0.0%
Lewd/Lascivious Behavior	588	0.7%	512	0.6%
Robbery	2,025	2.3%	1,714	2.0%
Robbery with Weapon	712	0.8%	548	0.6%
Robbery without Weapon	1,275	1.4%	1,117	1.3%
Home Invasion, Robbery	38	0.0%	49	0.1%
Violent Personal Offenses	11,053	12.5%	10,169	11.9%
Home Invasion, Other	1	0.0%	0	0.0%
Carjacking	104	0.1%	82	0.1%
Aggravated Assault	1,607	1.8%	1,510	1.8%

Aggravated Battery	1,224	1.4%	1,155	1.3%
Assault/Battery on L.E.O.	1,440	1.6%	1,247	1.5%
Assault/Battery, Other	525	0.6%	515	0.6%
Aggravated Stalking	262	0.3%	250	0.3%
Resisting Arrest with Violence	1,874	2.1%	1,627	1.9%
Kidnapping	347	0.4%	336	0.4%
Arson	143	0.2%	159	0.2%
Abuse of Children	1,134	1.3%	995	1.2%
Leaving Accident, Injury/Death	417	0.5%	474	0.6%
DUI, Injury	104	0.1%	83	0.1%
Violent, Other	1,871	2.1%	1,736	2.0%
Burglary	8,196	9.3%	7,531	8.8%
Burglary, Structure	4,806	5.4%	4,485	5.2%
Burglary, Dwelling	2,354	2.7%	2,130	2.5%
Burglary, Armed	208	0.2%	167	0.2%
Burglary with Assault	238	0.3%	235	0.3%
Burglary/Trespass, Other	590	0.7%	514	0.6%
Theft/Forgery/Fraud	17,759	20.1%	15,923	18.6%
Grand Theft, Other	6,152	7.0%	5,851	6.8%
Grand Theft, Automobile	2,505	2.8%	2,347	2.7%
Stolen Property	2,098	2.4%	1,878	2.2%
Forgery/Counterfeiting	3,292	3.7%	2,753	3.2%
Worthless Checks	638	0.7%	473	0.6%
Fraudulent Practices	1,764	2.0%	1,601	1.9%
Theft/Property Damage, Other	1,310	1.5%	1,020	1.2%
Drugs	33,143	37.5%	33,701	39.3%
Drugs, Manufacture/Sale/Purchase	10,412	11.8%	10,495	12.3%
Drugs, Trafficking	894	1.0%	775	0.9%
Drugs, Possession/Other	21,837	24.7%	22,431	26.2%
Weapons	1,768	2.0%	1,690	2.0%
Weapons, Discharging	266	0.3%	271	0.3%
Weapons, Possession	1,497	1.7%	1,416	1.7%
Weapons, Other	5	0.0%	3	0.0%
Other	13,412	15.2%	14,023	16.4%
Escape	2,140	2.4%	2,417	2.8%
DUI, No Injury	887	1.0%	905	1.1%

Traffic, Other	8,092	9.2%	8,269	9.7%
Racketeering	12	0.0%	15	0.0%
Pollution/Hazardous Materials	61	0.1%	90	0.1%
Other	2,220	2.5%	2,327	2.7%
Total	88,391	100.0%	85,659	100.0%

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Part III: Comparative Description

NOTES: This section examines the sentencing parameters point values, as follows:

- The Criminal Punishment Code allows for a non-state prison sanction for offenders scoring 44.0 or fewer total points.
- The Code mandates state prison as the sanction, unless the sentence is mitigated, for all those offenders whose total points exceed 44.0.

This means that only those offenders scoring 44 or fewer points may receive a non-state prison sanction under the Code. All others must receive a state prison sanction, absent downward departure from this structure.

Florida Statute 921.0026 allows for circumstances or factors that reasonably justify the downward departure of Guidelines/Code scoresheet.

In addition, on January 24, 2002 the Supreme Court of Florida ruled in *Jones v. State* that Section 948.01(3) F.S. (supp. 1998), which allows for the sanction of drug offender probation in the case of a chronic substance abuser, provides an alternative sentencing scheme for drug offenders that is outside the Code. It was ruled that the trial court had the discretion to sentence the defendant to drug offender probation even though the Code mandated prison time.

Actual sanctions imposed, including state prison, community control, probation, county jail/time served and other sanctions are presented and compared to the categories listed above.

FINDINGS:

- Across the state, 17.2% of offenders were sentenced to state prison as the most severe sanction in FY2004-2005. An additional 27.4% were sentenced to incarceration in county jail, or to time already served in jail. Nearly six percent (5.7%) were sentenced to community control and over half to probation (48.3%), including drug offender probation, administrative probation and regular probation. A little over one percent (1.4%) of offenders were sentenced to “other” sanctions. For sentencing dates in FY2003-2004, 17.5% of offenders were sentenced to state prison and 24.7% were sentenced to county jail or time served. Less than seven percent (6.6%) were sentenced to community control and 50.0% to probation. Only 1.2% of the offenders were sentenced to “other” sanctions ([Table 1](#)).
- More than three-quarters of the 85,659 Code scoresheets with a sentence date in FY2004-2005 examined (66,755 scoresheets or 77.9%) scored 44 points or fewer ([Table 1](#)). These scoresheets represent sentencing events where the judge has the discretion to sentence the offender to either a non-state prison sanction or a state prison sanction. If the judge chose to sentence the offender to state prison, the judge had the discretion to sentence the offender up to the statutory maximum of the law. For scoresheets with sentence dates in FY2003-2004, there were 68,409 (77.4%) offenders scoring 44 points or fewer ([Table 1](#)).
- For FY2004-2005, of the offenders scoring in the recommended state prison category, 53.4% were sentenced to state prison, with another 14.9% sentenced to county jail or time served. Of those scoring less than 44 points, 6.9% were sentenced to state prison and 31.0% to county jail/time served.

For FY2003-2004, a little over fifty-five percent (55.4%) of the offenders scoring above 44 points were sentenced to state prison and another 12.7% of these offenders were sentenced to county jail or time served. Of those scoring less than 44 points, 6.4% were sentenced to state prison and 28.2% to county jail/time served. ([Table 1](#)).

- Scoresheets with a state prison sanction decreased slightly from 17.5% in FY2003-2004 to 17.2% in FY2004-2005. Conversely, county jail sanctions increased from 24.7% in FY2003-2004 to 27.4% in FY2004-2005. Community supervision sanctions decreased from 6.6% in FY2003-2004 to 5.7% in FY2004-2005 ([Table 1](#)).
- Statewide, 68.7% of offenders receiving a prison sanction scored out to a prison sanction. [Table 2](#) presents the scoring distribution of offenders under the Code for FY2003-2004 and FY2004-2005 by circuit and sanction imposed. In FY2004-2005, Circuit 20 (Ft. Myers) had the highest percentage (89.4%) of prison sanctioned scoresheets with more than 44 points while Circuit 19 (Ft. Pierce) has the lowest (47.4%).
- Incarceration rates vary greatly by county and circuit. Jail sanctions also vary greatly depending on the number of beds available and judicial inclination to use the jail sanction. [Table 3](#) presents the distribution of sanctions imposed by circuit and county. Although variance in sentencing does exist at the circuit and county level based on the judge involved, variability in the statistics presented in this table could also be a result of differences in the type of offenders being sentenced around the state. There are also very small numbers of scoresheets for some of the counties listed in this table. The incarceration rates for counties with less than 100 scoresheets could possibly be misleading ([Table 3](#)).
- In both FY2003-2004 and FY2004-05 the majority of violent offenders received a state prison sanction ([Table 4](#)).
- The percentage of burglary offenders receiving a state prison sanction increased slightly from FY2003-2004 to FY2004-2005 ([Table 4](#)).
- The percentage of drug offenders receiving a state prison sanction decreased slightly from FY2003-2004 to FY2004-2005 ([Table 4](#)).
- As would be expected, scoresheets with the highest offense severity levels received a state prison sanction, those with the lowest received probation, and community control fell in the middle with the majority having levels 3 through 6 ([Table 5](#)).
- Consistently in FY2003-2004 and FY2004-2005, for offenders sentenced to state prison, the majority with offense severity levels of 1 through 5 received less than two years and those with offense level 10 received more than ten years ([Table 6](#)).
- From FY2003-2004 to FY2004-2005 the percentage of scoresheets with no prior record and with prior misdemeanors both decreased. The percentage with four or more felonies remained constant ([Table 7](#)).
- Similarly, from FY2003-2004 to FY2004-2005 the percentage of scoresheets with no additional offenses and those with misdemeanors both decreased. The percentage with four or more felonies remained constant ([Table 8](#)).
- Within the Code policy, a true mitigation occurs when an offenders scores more than 44 total points and either receives a non-state prison sanction (except drug offender probation) or a state prison sentence length below the 25% permissible discretion. Sanction mitigation occurs when an offender scores more than 44 total points, but receives a non-state prison sanction (except drug offender

probation).

- The true mitigation rate for offenders that scored more than 44 total points is 57.7% for FY2003-2004 and 59.8% for FY2004-2005. The sanction mitigation rate (cases that scored to state prison but received a non-state prison sanction) was 43.4% for FY2003-2004 and 45.4% for FY2004-2005 ([Table 11](#)).
- For the offenders that received a mitigated prison sentence length, the average reduction in sentence was 25.0 months during FY2003-2004 and 22.7 months during FY2004-2005 ([Table 11](#)).
- Departure, as defined here, is not a comment on the legality of the sentence. There are many reasons for departure, which are recognized as legitimate under F.S. 921.0026. In addition, other statutes, such as F.S. 948.034, establish special conditions allowing for departures from recommended sentences. Database limitations do not allow us to isolate all these reasons for departure.

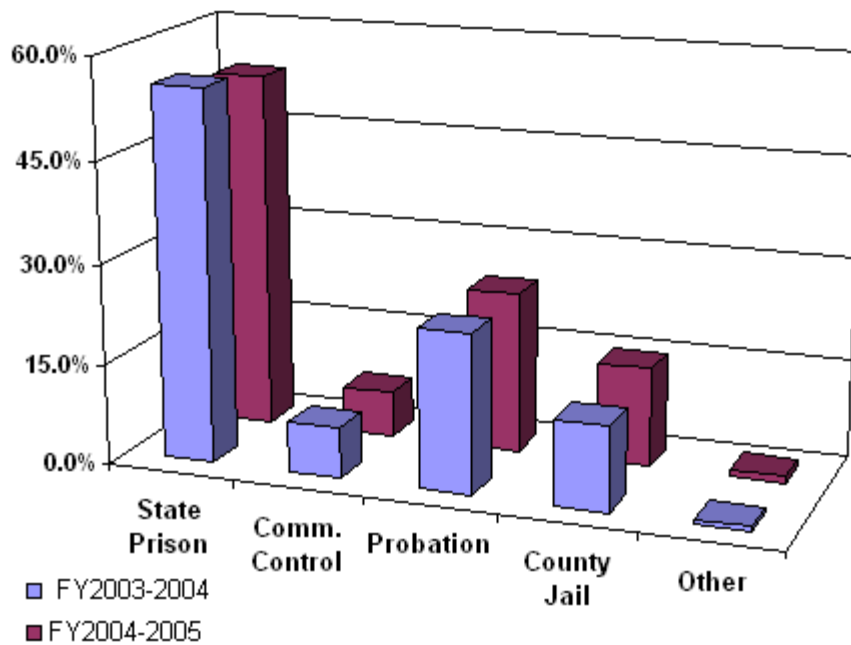
Table 1 Recommended Sanction Category by Sanction Imposed

Sanction Imposed	Recommended Sanction Category					
	FY 2003-2004 Sentence Dates ¹			FY 2004-2005 Sentence Dates ²		
	44.0 Points or fewer	More than 44.0 Points	Total	44.0 Points or fewer	More than 44.0 Points	Total
State Prison	4,377 6.4%	11,069 55.4%	15,446 17.5%	4,608 6.9%	10,096 53.4%	14,704 17.2%
Community Control	4,304 6.3%	1,532 7.7%	5,836 6.6%	3,589 5.4%	1,287 6.8%	4,876 5.7%
Probation	39,480 57.7%	4,719 23.6%	44,199 50.0%	36,861 55.2%	4,532 24.0%	41,393 48.3%
County Jail	19,324 28.2%	2,533 12.7%	21,857 24.7%	20,670 31.0%	2,810 14.9%	23,480 27.4%
Other	924 1.4%	129 0.6%	1,053 1.2%	1,027 1.5%	179 0.9%	1,206 1.4%
Total	68,409 100.0%	19,982 100.0%	88,391 100.0%	66,755 100.0%	18,904 100.0%	85,659 100.0%

¹Offense dates on or after October 1, 2002.

²Offense dates on or after October 1, 2003.

Figure 1
Sanction Imposed for Offenders Scoring In the
State Prison Sanction Category*



*Total points greater than 44.

Part III Comparative Description

Table 2 Recommended Sanction Category by Sanction Imposed

Judicial Circuit/ Sanction Imposed	Recommended Sanction Category							
	FY 2003-2004 Sentence Dates ¹				FY 2004-2005 Sentence Dates ²			
	44.0 Points or fewer		More than 44.0 Points		44.0 Points or fewer		More than 44.0 Points	
01 (Pensacola)	3,339	82.8%	695	17.2%	3,328	84.3%	618	15.7%
Prison	287	38.2%	465	61.8%	229	37.5%	381	62.5%
Community Control	394	83.8%	76	16.2%	411	86.2%	66	13.8%
Probation	2,012	94.6%	114	5.4%	1,969	94.8%	107	5.2%
County Jail	584	94.2%	36	5.8%	649	93.4%	46	6.6%
Other	62	93.9%	4	6.1%	70	79.5%	18	20.5%
02 (Tallahassee)	1,187	65.4%	627	34.6%	1,313	65.3%	697	34.7%
Prison	154	29.7%	365	70.3%	175	30.9%	391	69.1%
Community Control	54	69.2%	24	30.8%	63	55.3%	51	44.7%
Probation	823	80.5%	199	19.5%	882	79.4%	229	20.6%
County Jail	151	79.9%	38	20.1%	189	88.3%	25	11.7%
Other	5	0.0%	1	0.0%	4	0.0%	1	0.0%
03 (Lake City)	460	72.0%	179	28.0%	504	67.4%	244	32.6%
Prison	43	30.3%	99	69.7%	52	29.9%	122	70.1%
Community Control	51	75.0%	17	25.0%	62	72.1%	24	27.9%
Probation	327	86.1%	53	13.9%	312	80.0%	78	20.0%
County Jail	10	58.8%	7	41.2%	36	72.0%	14	28.0%
Other	29	90.6%	3	9.4%	42	87.5%	6	12.5%
04 (Jacksonville)	4,756	80.6%	1,146	19.4%	5,142	82.2%	1,113	17.8%
Prison	662	46.2%	770	53.8%	711	47.1%	797	52.9%
Community Control	118	80.8%	28	19.2%	88	88.0%	12	12.0%
Probation	1,018	86.7%	156	13.3%	833	89.3%	100	10.7%
County Jail	2,944	93.9%	192	6.1%	3,503	94.5%	204	5.5%
Other	14	100.0%	0	0.0%	7	100.0%	0	0.0%
05 (Tavares)	3,905	83.4%	777	16.6%	3,186	80.2%	786	19.8%
Prison	153	23.3%	503	76.7%	244	33.2%	491	66.8%
Community Control	245	86.6%	38	13.4%	161	80.1%	40	19.9%
Probation	2,592	93.9%	169	6.1%	2,023	91.9%	179	8.1%
County Jail	779	93.2%	57	6.8%	624	92.4%	51	7.6%
Other	136	93.2%	10	6.8%	134	84.3%	25	15.7%
06 (Clearwater)	7,974	80.3%	1,953	19.7%	8,218	81.0%	1,925	19.0%
Prison	301	19.9%	1,213	80.1%	272	18.6%	1,193	81.4%
Community Control	444	79.4%	115	20.6%	333	81.8%	74	18.2%
Probation	5,347	91.8%	476	8.2%	5,274	91.9%	466	8.1%
County Jail	1,742	93.5%	122	6.5%	2,134	93.5%	149	6.5%
Other	140	83.8%	27	16.2%	205	82.7%	43	17.3%

07 (Daytona)	2,815	75.0%	937	25.0%	2,956	79.1%	782	20.9%
Prison	423	38.2%	683	61.8%	483	47.7%	530	52.3%
Community Control	279	84.3%	52	15.7%	272	82.4%	58	17.6%
Probation	1,555	91.0%	153	9.0%	1,628	91.3%	156	8.7%
County Jail	546	91.9%	48	8.1%	519	93.7%	35	6.3%
Other	12	92.3%	1	7.7%	54	94.7%	3	5.3%
08 (Gainesville)	1,379	68.6%	630	31.4%	1,092	71.4%	437	28.6%
Prison	56	17.0%	273	83.0%	68	20.9%	257	79.1%
Community Control	71	60.7%	46	39.3%	32	69.6%	14	30.4%
Probation	998	81.0%	234	19.0%	727	85.7%	121	14.3%
County Jail	194	78.9%	52	21.1%	227	85.7%	38	14.3%
Other	60	70.6%	25	29.4%	38	84.4%	7	15.6%
09 (Orlando)	2,540	79.0%	677	21.0%	903	79.8%	228	20.2%
Prison	252	35.6%	455	64.4%	48	24.2%	150	75.8%
Community Control	129	74.6%	44	25.4%	30	71.4%	12	28.6%
Probation	1,464	91.6%	134	8.4%	529	90.7%	54	9.3%
County Jail	674	94.4%	40	5.6%	288	96.3%	11	3.7%
Other	21	84.0%	4	16.0%	8	88.9%	1	11.1%
10 (Bartow)	2,759	82.1%	600	17.9%	2,291	78.6%	624	21.4%
Prison	278	38.9%	437	61.1%	453	48.2%	487	51.8%
Community Control	221	81.3%	51	18.8%	174	82.5%	37	17.5%
Probation	1,829	95.8%	81	4.2%	1,405	94.2%	86	5.8%
County Jail	423	93.4%	30	6.6%	254	94.8%	14	5.2%
Other	8	88.9%	1	11.1%	5	100.0%	0	0.0%
11 (Miami)	6,864	65.6%	3,607	34.4%	7,665	66.7%	3,832	33.3%
Prison	130	13.4%	843	86.6%	124	13.1%	825	86.9%
Community Control	120	32.3%	251	67.7%	85	29.4%	204	70.6%
Probation	2,911	71.8%	1,143	28.2%	3,313	73.2%	1,215	26.8%
County Jail	3,703	73.0%	1,370	27.0%	4,143	72.3%	1,588	27.7%
Other	0		0		0		0	
12 (Sarasota)	2,859	85.9%	470	14.1%	2,904	87.7%	408	12.3%
Prison	95	21.3%	352	78.7%	91	22.7%	310	77.3%
Community Control	183	89.3%	22	10.7%	164	92.1%	14	7.9%
Probation	1,523	95.0%	81	5.0%	1,481	96.1%	60	3.9%
County Jail	1,039	98.6%	15	1.4%	1,154	98.0%	23	2.0%
Other	19	100.0%	0	0.0%	14	93.3%	1	6.7%
13 (Tampa)	7,035	74.2%	2,449	25.8%	7,019	74.3%	2,427	25.7%
Prison	325	19.1%	1,375	80.9%	387	24.1%	1,217	75.9%
Community Control	692	65.2%	370	34.8%	589	65.6%	309	34.4%
Probation	4,249	89.3%	509	10.7%	4,148	87.5%	594	12.5%
County Jail	1,650	90.6%	172	9.4%	1,691	86.2%	271	13.8%
Other	119	83.8%	23	16.2%	204	85.0%	36	15.0%
14 (Panama City)	1,157	75.2%	382	24.8%	1,155	74.5%	396	25.5%
Prison	189	41.5%	266	58.5%	170	42.1%	234	57.9%
Community Control	178	79.1%	47	20.9%	158	77.1%	47	22.9%
Probation	747	92.3%	62	7.7%	760	88.4%	100	11.6%

County Jail	21	91.3%	2	8.7%	17	73.9%	6	26.1%
Other	22	81.5%	5	18.5%	50	84.7%	9	15.3%
15 (West Palm Beach)	4,210	84.0%	801	16.0%	3,939	84.1%	745	15.9%
Prison	87	14.8%	501	85.2%	101	17.4%	481	82.6%
Community Control	34	81.0%	8	19.0%	34	82.9%	7	17.1%
Probation	1,860	90.3%	199	9.7%	1,542	90.5%	161	9.5%
County Jail	2,223	96.0%	93	4.0%	2,262	96.0%	95	4.0%
Other	6	0.0%	0	0.0%	0	0.0%	1	100.0%
16 (Key West)	415	83.2%	84	16.8%	429	82.7%	90	17.3%
Prison	22	29.7%	52	70.3%	14	21.2%	52	78.8%
Community Control	12	75.0%	4	25.0%	17	73.9%	6	26.1%
Probation	320	92.5%	26	7.5%	316	92.4%	26	7.6%
County Jail	51	98.1%	1	1.9%	69	94.5%	4	5.5%
Other	10	90.9%	1	9.1%	13	86.7%	2	13.3%
17 (Ft. Lauderdale)	6,174	75.9%	1,957	24.1%	6,083	77.2%	1,794	22.8%
Prison	251	18.4%	1,112	81.6%	321	23.6%	1,041	76.4%
Community Control	314	62.8%	186	37.2%	270	59.9%	181	40.1%
Probation	4,395	88.5%	571	11.5%	4,340	89.9%	489	10.1%
County Jail	1,176	93.6%	81	6.4%	1,093	93.5%	76	6.5%
Other	38	84.4%	7	15.6%	59	89.4%	7	10.6%
18 (Sanford)	2,586	84.3%	482	15.7%	2,678	85.3%	461	14.7%
Prison	212	35.6%	384	64.4%	200	35.9%	357	64.1%
Community Control	273	86.9%	41	13.1%	291	85.6%	49	14.4%
Probation	1,906	97.2%	54	2.8%	2,038	97.4%	54	2.6%
County Jail	195	98.5%	3	1.5%	149	100.0%	0	0.0%
Other	0		0		0		1	100.0%
19 (Ft. Pierce)	2,483	82.0%	544	18.0%	2,628	84.1%	497	15.9%
Prison	386	47.7%	424	52.3%	417	52.6%	376	47.4%
Community Control	177	85.9%	29	14.1%	173	90.6%	18	9.4%
Probation	1,450	95.5%	68	4.5%	1,383	95.4%	67	4.6%
County Jail	447	95.7%	20	4.3%	615	95.3%	30	4.7%
Other	23	88.5%	3	11.5%	40	87.0%	6	13.0%
20 (Ft. Myers)	3,512	78.1%	985	21.9%	3,322	80.6%	800	19.4%
Prison	71	12.5%	497	87.5%	48	10.6%	404	89.4%
Community Control	315	79.1%	83	20.9%	182	74.0%	64	26.0%
Probation	2,154	90.1%	237	9.9%	1,958	91.2%	190	8.8%
County Jail	772	83.4%	154	16.6%	1,054	89.0%	130	11.0%
Other	200	93.5%	14	6.5%	80	87.0%	12	13.0%
Statewide	68,409	100.0%	19,982	100.0%	66,755	100.0%	18,904	100.0%

Note: County jail includes those sentenced to time served; prison includes those sentenced to life.

¹Offense dates on or after October 1, 2002.

²Offense dates on or after October 1, 2003.

Table 3 Sanction Imposed By Judicial Circuit and County

Circuit/County	FY 2003-2004 Sentence Dates ¹				FY 2004-2005 Sentence Dates ²			
	State	Comm.	County	Other	State	Comm.	County	Other

	Prison	Control	Probation	Jail	Sentence	Total	Prison	Control	Probation	Jail	Sentence	Total
01 (Pensacola)	752	470	2,126	620	66	4,034	610	477	2,076	695	88	3,946
	18.6%	11.7%	52.7%	15.4%	1.6%	100.0%	15.5%	12.1%	52.6%	17.6%	2.2%	100.0%
Escambia	621	280	1,187	446	43	2,577	505	241	1,171	484	54	2,455
	24.1%	10.9%	46.1%	17.3%	1.7%	100.0%	20.6%	9.8%	47.7%	19.7%	2.2%	100.0%
Okaloosa	58	110	540	108	10	826	39	166	544	127	29	905
	7.0%	13.3%	65.4%	13.1%	1.2%	100.0%	4.3%	18.3%	60.1%	14.0%	3.2%	100.0%
Santa Rosa	53	55	243	57	9	417	59	63	269	81	1	473
	12.7%	13.2%	58.3%	13.7%	2.2%	100.0%	12.5%	13.3%	56.9%	17.1%	0.2%	100.0%
Walton	20	25	156	9	4	214	7	7	92	3	4	113
	9.3%	11.7%	72.9%	4.2%	1.9%	100.0%	6.2%	6.2%	81.4%	2.7%	3.5%	100.0%
02 (Tallahassee)	519	78	1,022	189	6	1,814	566	114	1,111	214	5	2,010
	28.6%	4.3%	56.3%	10.4%	0.3%	100.0%	28.2%	5.7%	55.3%	10.6%	0.2%	100.0%
Franklin	0	0	0	0	0	0	0	0	7	0	0	7
							0.0%	0.0%	100.0%	0.0%	0.0%	100.0%
Gadsden	113	25	324	22	0	484	119	15	250	11	0	395
	23.3%	5.2%	66.9%	4.5%	0.0%	100.0%	30.1%	3.8%	63.3%	2.8%	0.0%	100.0%
Jefferson	0	0	2	0	0	2	3	2	16	0	0	21
	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%	14.3%	9.5%	76.2%	0.0%	0.0%	100.0%
Leon	391	51	666	165	6	1,279	419	93	815	201	5	1,533
	30.6%	4.0%	52.1%	12.9%	0.5%	100.0%	27.3%	6.1%	53.2%	13.1%	0.3%	100.0%
Liberty	13	2	30	2	0	47	12	2	20	2	0	36
	27.7%	4.3%	63.8%	4.3%	0.0%	100.0%	33.3%	5.6%	55.6%	5.6%	0.0%	100.0%
Wakulla	2	0	0	0	0	2	13	2	3	0	0	18
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	72.2%	11.1%	16.7%	0.0%	0.0%	100.0%
03 (Lake City)	142	68	380	17	32	639	174	86	390	50	48	748
	22.2%	10.6%	59.5%	2.7%	5.0%	100.0%	23.3%	11.5%	52.1%	6.7%	6.4%	100.0%
Columbia	98	39	242	9	30	418	111	71	252	43	47	524
	23.4%	9.3%	57.9%	2.2%	7.2%	100.0%	21.2%	13.5%	48.1%	8.2%	9.0%	100.0%
Dixie	2	3	15	0	0	20	6	4	23	1	0	34
	10.0%	15.0%	75.0%	0.0%	0.0%	100.0%	17.6%	11.8%	67.6%	2.9%	0.0%	100.0%
Hamilton	7	0	1	0	0	8	10	2	7	1	0	20
	87.5%	0.0%	12.5%	0.0%	0.0%	100.0%	50.0%	10.0%	35.0%	5.0%	0.0%	100.0%
Lafayette	0	0	0	0	0	0	0	0	0	0	0	0
Madison	1	0	2	0	0	3	8	0	4	0	0	12
	33.3%	0.0%	66.7%	0.0%	0.0%	100.0%	66.7%	0.0%	33.3%	0.0%	0.0%	100.0%
Suwannee	0	0	0	0	0	0	0	0	0	0	0	0
Taylor	34	26	120	8	2	190	39	9	104	5	1	158
	17.9%	13.7%	63.2%	4.2%	1.1%	100.0%	24.7%	5.7%	65.8%	3.2%	0.6%	100.0%
04 (Jacksonville)	1,432	146	1,174	3,136	14	5,902	1,508	100	933	3,707	7	6,255
	24.3%	2.5%	19.9%	53.1%	0.2%	100.0%	24.1%	1.6%	14.9%	59.3%	0.1%	100.0%
Clay	190	25	268	232	8	723	172	17	285	233	2	709
	26.3%	3.5%	37.1%	32.1%	1.1%	100.0%	24.3%	2.4%	40.2%	32.9%	0.3%	100.0%
	1,152	107	777	2,819	5	4,860	1,206	66	493	3,304	4	5,073

	Duval	23.7%	2.2%	16.0%	58.0%	0.1%	100.0%	23.8%	1.3%	9.7%	65.1%	0.1%	100.0%
	Nassau	90	14	129	85	1	319	130	17	155	170	1	473
		28.2%	4.4%	40.4%	26.6%	0.3%	100.0%	27.5%	3.6%	32.8%	35.9%	0.2%	100.0%
05 (Tavares)		656	283	2,761	836	146	4,682	735	201	2,202	675	159	3,972
		14.0%	6.0%	59.0%	17.9%	3.1%	100.0%	18.5%	5.1%	55.4%	17.0%	4.0%	100.0%
	Citrus	116	23	275	48	8	470	125	22	280	53	17	497
		24.7%	4.9%	58.5%	10.2%	1.7%	100.0%	25.2%	4.4%	56.3%	10.7%	3.4%	100.0%
	Hernando	117	107	512	119	0	855	2	5	19	1	0	27
		13.7%	12.5%	59.9%	13.9%	0.0%	100.0%	7.4%	18.5%	70.4%	3.7%	0.0%	100.0%
	Lake	199	66	727	328	83	1,403	237	78	804	347	52	1,518
		14.2%	4.7%	51.8%	23.4%	5.9%	100.0%	15.6%	5.1%	53.0%	22.9%	3.4%	100.0%
	Marion	167	78	1,156	329	51	1,781	309	81	947	249	84	1,670
		9.4%	4.4%	64.9%	18.5%	2.9%	100.0%	18.5%	4.9%	56.7%	14.9%	5.0%	100.0%
	Sumter	57	9	91	12	4	173	62	15	152	25	6	260
		32.9%	5.2%	52.6%	6.9%	2.3%	100.0%	23.8%	5.8%	58.5%	9.6%	2.3%	100.0%
06 (Clearwater)		1,514	559	5,823	1,864	167	9,927	1,465	407	5,740	2,283	248	10,143
		15.3%	5.6%	58.7%	18.8%	1.7%	100.0%	14.4%	4.0%	56.6%	22.5%	2.4%	100.0%
	Pasco	331	294	1,257	235	19	2,136	325	179	1,284	238	17	2,043
		15.5%	13.8%	58.8%	11.0%	0.9%	100.0%	15.9%	8.8%	62.8%	11.6%	0.8%	100.0%
	Pinellas	1,183	265	4,566	1,629	148	7,791	1,140	228	4,456	2,045	231	8,100
		15.2%	3.4%	58.6%	20.9%	1.9%	100.0%	14.1%	2.8%	55.0%	25.2%	2.9%	100.0%
07 (Daytona)		1,106	331	1,708	594	13	3,752	1,013	330	1,784	554	57	3,738
		29.5%	8.8%	45.5%	15.8%	0.3%	100.0%	27.1%	8.8%	47.7%	14.8%	1.5%	100.0%
	Flagler	46	10	127	41	0	224	69	28	207	64	0	368
		20.5%	4.5%	56.7%	18.3%	0.0%	100.0%	18.8%	7.6%	56.3%	17.4%	0.0%	100.0%
	Putnam	79	27	273	69	9	457	65	16	267	67	41	456
		17.3%	5.9%	59.7%	15.1%	2.0%	100.0%	14.3%	3.5%	58.6%	14.7%	9.0%	100.0%
	St. Johns	125	7	245	42	0	419	61	15	214	29	0	319
		29.8%	1.7%	58.5%	10.0%	0.0%	100.0%	19.1%	4.7%	67.1%	9.1%	0.0%	100.0%
	Volusia	856	287	1,063	442	4	2,652	818	271	1,096	394	16	2,595
		32.3%	10.8%	40.1%	16.7%	0.2%	100.0%	31.5%	10.4%	42.2%	15.2%	0.6%	100.0%
08 (Gainesville)		329	117	1,232	246	85	2,009	325	46	848	265	45	1,529
		16.4%	5.8%	61.3%	12.2%	4.2%	100.0%	21.3%	3.0%	55.5%	17.3%	2.9%	100.0%
	Alachua	250	74	899	186	55	1,464	244	20	582	223	35	1,104
		17.1%	5.1%	61.4%	12.7%	3.8%	100.0%	22.1%	1.8%	52.7%	20.2%	3.2%	100.0%
	Baker	4	14	48	4	7	77	7	2	46	0	0	55
		5.2%	18.2%	62.3%	5.2%	9.1%	100.0%	12.7%	3.6%	83.6%	0.0%	0.0%	100.0%
	Bradford	33	8	111	30	12	194	32	11	101	25	5	174
		17.0%	4.1%	57.2%	15.5%	6.2%	100.0%	18.4%	6.3%	58.0%	14.4%	2.9%	100.0%
	Gilchrist	1	0	4	1	0	6	0	0	0	0	0	0
		16.7%	0.0%	66.7%	16.7%	0.0%	100.0%						
	Levy	35	9	135	18	10	207	36	5	82	7	5	135
		16.9%	4.3%	65.2%	8.7%	4.8%	100.0%	26.7%	3.7%	60.7%	5.2%	3.7%	100.0%
	Union	6	12	35	7	1	61	6	8	37	10	0	61
		9.8%	19.7%	57.4%	11.5%	1.6%	100.0%	9.8%	13.1%	60.7%	16.4%	0.0%	100.0%
		707	173	1,598	714	25	3,217	198	42	583	299	9	1,131

09 (Orlando)		22.0%	5.4%	49.7%	22.2%	0.8%	100.0%	17.5%	3.7%	51.5%	26.4%	0.8%	100.0%
Orange	570	107	1,119	554	14	2,364	149	25	425	230	4	833	
	24.1%	4.5%	47.3%	23.4%	0.6%	100.0%	17.9%	3.0%	51.0%	27.6%	0.5%	100.0%	
Osceola	137	66	479	160	11	853	49	17	158	69	5	298	
	16.1%	7.7%	56.2%	18.8%	1.3%	100.0%	16.4%	5.7%	53.0%	23.2%	1.7%	100.0%	
10 (Bartow)		715	272	1,910	453	9	3,359	940	211	1,491	268	5	2,915
		21.3%	8.1%	56.9%	13.5%	0.3%	100.0%	32.2%	7.2%	51.1%	9.2%	0.2%	100.0%
Hardee	21	14	84	12	0	131	7	13	102	3	0	125	
	16.0%	10.7%	64.1%	9.2%	0.0%	100.0%	5.6%	10.4%	81.6%	2.4%	0.0%	100.0%	
Highlands	75	57	196	9	7	344	52	16	89	14	0	171	
	21.8%	16.6%	57.0%	2.6%	2.0%	100.0%	30.4%	9.4%	52.0%	8.2%	0.0%	100.0%	
Polk	619	201	1,630	432	2	2,884	881	182	1,300	251	5	2,619	
	21.5%	7.0%	56.5%	15.0%	0.1%	100.0%	33.6%	6.9%	49.6%	9.6%	0.2%	100.0%	
11 (Miami)		973	371	4,054	5,073	0	10,471	949	289	4,528	5,731	0	11,497
		9.3%	3.5%	38.7%	48.4%	0.0%	100.0%	8.3%	2.5%	39.4%	49.8%	0.0%	100.0%
Miami-Dade	973	371	4,054	5,073	0	10,471	949	289	4,528	5,731	0	11,497	
	9.3%	3.5%	38.7%	48.4%	0.0%	100.0%	8.3%	2.5%	39.4%	49.8%	0.0%	100.0%	
12 (Sarasota)		447	205	1,604	1,054	19	3,329	401	178	1,541	1,177	15	3,312
		13.4%	6.2%	48.2%	31.7%	0.6%	100.0%	12.1%	5.4%	46.5%	35.5%	0.5%	100.0%
Desoto	23	29	42	31	3	128	22	15	46	40	2	125	
	18.0%	22.7%	32.8%	24.2%	2.3%	100.0%	17.6%	12.0%	36.8%	32.0%	1.6%	100.0%	
Manatee	194	137	812	417	0	1,560	178	130	684	352	5	1,349	
	12.4%	8.8%	52.1%	26.7%	0.0%	100.0%	13.2%	9.6%	50.7%	26.1%	0.4%	100.0%	
Sarasota	230	39	750	606	16	1,641	201	33	811	785	8	1,838	
	14.0%	2.4%	45.7%	36.9%	1.0%	100.0%	10.9%	1.8%	44.1%	42.7%	0.4%	100.0%	
13 (Tampa)		1,700	1,062	4,758	1,822	142	9,484	1,604	898	4,742	1,962	240	9,446
		17.9%	11.2%	50.2%	19.2%	1.5%	100.0%	17.0%	9.5%	50.2%	20.8%	2.5%	100.0%
Hillsborough	1,700	1,062	4,758	1,822	142	9,484	1,604	898	4,742	1,962	240	9,446	
	17.9%	11.2%	50.2%	19.2%	1.5%	100.0%	17.0%	9.5%	50.2%	20.8%	2.5%	100.0%	
14 (Panama City)		455	225	809	23	27	1,539	404	205	860	23	59	1,551
		29.6%	14.6%	52.6%	1.5%	1.8%	100.0%	26.0%	13.2%	55.4%	1.5%	3.8%	100.0%
Bay	402	173	589	18	25	1,207	342	168	646	12	59	1,227	
	33.3%	14.3%	48.8%	1.5%	2.1%	100.0%	27.9%	13.7%	52.6%	1.0%	4.8%	100.0%	
Calhoun	13	15	34	0	0	62	7	13	17	3	0	40	
	21.0%	24.2%	54.8%	0.0%	0.0%	100.0%	17.5%	32.5%	42.5%	7.5%	0.0%	100.0%	
Gulf	6	7	16	2	1	32	11	5	21	3	0	40	
	18.8%	21.9%	50.0%	6.3%	3.1%	100.0%	27.5%	12.5%	52.5%	7.5%	0.0%	100.0%	
Holmes	3	16	63	0	0	82	0	2	47	0	0	49	
	3.7%	19.5%	76.8%	0.0%	0.0%	100.0%	0.0%	4.1%	95.9%	0.0%	0.0%	100.0%	
Jackson	27	7	44	2	0	80	38	11	73	5	0	127	
	33.8%	8.8%	55.0%	2.5%	0.0%	100.0%	29.9%	8.7%	57.5%	3.9%	0.0%	100.0%	
Washington	4	7	63	1	1	76	6	6	56	0	0	68	
	5.3%	9.2%	82.9%	1.3%	1.3%	100.0%	8.8%	8.8%	82.4%	0.0%	0.0%	100.0%	
15 (West Palm Beach)		588	42	2,059	2,316	6	5,011	582	41	1,703	2,357	1	4,684
		11.7%	0.8%	41.1%	46.2%	0.1%	100.0%	12.4%	0.9%	36.4%	50.3%	0.0%	100.0%
		588	42	2,059	2,316	6	5,011	582	41	1,703	2,357	1	4,684

Palm Beach	11.7%	0.8%	41.1%	46.2%	0.1%	100.0%	7.4%	0.5%	21.6%	29.9%	0.0%	59.5%
16 (Key West)	74	16	346	52	11	499	66	23	342	73	15	519
	14.8%	3.2%	69.3%	10.4%	2.2%	100.0%	12.7%	4.4%	65.9%	14.1%	2.9%	100.0%
Monroe	74	16	346	52	11	499	66	23	342	73	15	519
17 (Ft. Lauderdale)	1,363	500	4,966	1,257	45	8,131	1,362	451	4,829	1,169	66	7,877
	16.8%	6.1%	61.1%	15.5%	0.6%	100.0%	17.3%	5.7%	61.3%	14.8%	0.8%	100.0%
Broward	1,363	500	4,966	1,257	45	8,131	1,362	451	4,829	1,169	66	7,877
18 (Sanford)	596	314	1,960	198	0	3,068	557	340	2,092	149	1	3,139
	19.4%	10.2%	63.9%	6.5%	0.0%	100.0%	17.7%	10.8%	66.6%	4.7%	0.0%	100.0%
Brevard	384	236	1,030	21	0	1,671	358	270	1,259	20	1	1,908
Seminole	23.0%	14.1%	61.6%	1.3%	0.0%	100.0%	18.8%	14.2%	66.0%	1.0%	0.1%	100.0%
	212	78	930	177	0	1,397	199	70	833	129	0	1,231
19 (Ft. Pierce)	767	221	1,379	495	165	3,027	793	191	1,450	645	46	3,125
	25.3%	7.3%	45.6%	16.4%	5.5%	100.0%	25.4%	6.1%	46.4%	20.6%	1.5%	100.0%
Indian River	202	28	300	130	0	660	193	16	301	237	2	749
Martin	30.6%	4.2%	45.5%	19.7%	0.0%	100.0%	25.8%	2.1%	40.2%	31.6%	0.3%	100.0%
	141	46	336	123	1	647	156	46	326	172	8	708
Okeechobee	21.8%	7.1%	51.9%	19.0%	0.2%	100.0%	22.0%	6.5%	46.0%	24.3%	1.1%	100.0%
	14	29	1	57	140	241	55	12	127	60	1	255
St. Lucie	5.8%	12.0%	0.4%	23.7%	58.1%	100.0%	21.6%	4.7%	49.8%	23.5%	0.4%	100.0%
	410	118	742	185	24	1,479	389	117	696	176	35	1,413
20 (Ft. Myers)	568	398	2,391	926	214	4,497	452	246	2,148	1,184	92	4,122
	12.6%	8.9%	53.2%	20.6%	4.8%	100.0%	11.0%	6.0%	52.1%	28.7%	2.2%	100.0%
Charlotte	128	130	365	131	4	758	96	78	350	156	4	684
Collier	16.9%	17.2%	48.2%	17.3%	0.5%	100.0%	14.0%	11.4%	51.2%	22.8%	0.6%	100.0%
	191	121	1,076	326	13	1,727	114	108	726	510	18	1,476
Glades	11.1%	7.0%	62.3%	18.9%	0.8%	100.0%	7.7%	7.3%	49.2%	34.6%	1.2%	100.0%
	2	2	10	4	1	19	0	0	10	1	1	12
Hendry	10.5%	10.5%	52.6%	21.1%	5.3%	100.0%	0.0%	0.0%	83.3%	8.3%	8.3%	100.0%
	9	10	123	33	1	176	20	4	99	30	0	153
Lee	5.1%	5.7%	69.9%	18.8%	0.6%	100.0%	13.1%	2.6%	64.7%	19.6%	0.0%	100.0%
	238	135	817	432	195	1,817	222	56	963	487	69	1,797
Statewide	15,403	5,851	44,060	21,885	1,192	88,391	14,704	4,876	41,393	23,480	1,206	85,659
	17.4%	6.6%	49.8%	24.8%	1.3%	100.0%	17.2%	5.7%	48.3%	27.4%	1.4%	100.0%

Note: County jail includes those sentenced to time served; prison includes those sentenced to life.

¹Offense dates on or after October 1, 2002.

²Offense dates on or after October 1, 2003.

Part III Comparative Description

Table 4 Offense Types by Sanction Imposed

Offense Type	FY2003 - 2004 Sentence Dates ¹						FY2004 - 2005 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other	Total	State Prison	Comm. Control	Probation	County Jail	Other	Total
Murder/Manslaughter												
First Degree Murder												
Attempt	39	1	5	1	0	46	37	0	1	1	0	39
	84.8%	2.2%	10.9%	2.2%	0.0%	100.0%	94.9%	0.0%	2.6%	2.6%	0.0%	100.0%
Complete	0	0	0	0	0	0	1	0	0	0	0	1
							100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Second Degree Murder												
Attempt	24	2	0	0	0	26	16	1	4	0	0	21
	92.3%	7.7%	0.0%	0.0%	0.0%	100.0%	76.2%	4.8%	19.0%	0.0%	0.0%	100.0%
Complete	45	0	1	0	0	46	47	0	0	0	0	47
	97.8%	0.0%	2.2%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Third Degree Murder												
Attempt	1	0	0	0	0	1	0	0	0	0	0	0
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%						
Complete	6	0	0	0	0	6	1	0	0	0	0	1
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Homicide, Other												
Complete	2	0	0	0	0	2	1	1	1	0	0	3
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	33.3%	33.3%	33.3%	0.0%	0.0%	100.0%
Manslaughter												
Attempt	1	0	0	0	0	1	3	0	2	0	0	5
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	60.0%	0.0%	40.0%	0.0%	0.0%	100.0%
Complete	43	3	5	0	0	51	31	3	10	2	0	46
	84.3%	5.9%	9.8%	0.0%	0.0%	100.0%	67.4%	6.5%	21.7%	4.3%	0.0%	100.0%
DUI Manslaughter												
Complete	41	4	1	0	0	46	31	2	5	0	0	38
	89.1%	8.7%	2.2%	0.0%	0.0%	100.0%	81.6%	5.3%	13.2%	0.0%	0.0%	100.0%
Sexual/Lewd Behavior												
Capital Sexual Battery												
Attempt	15	0	3	1	1	20	19	1	1	0	0	21

	75.0%	0.0%	15.0%	5.0%	5.0%	100.0%	90.5%	4.8%	4.8%	0.0%	0.0%	100.0%
Life Sexual Battery												
Attempt	6	0	0	0	0	6	8	1	0	0	0	9
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%	88.9%	11.1%	0.0%	0.0%	0.0%	100.0%
Complete	21	0	1	0	0	22	19	3	2	0	0	24
	95.5%	0.0%	4.5%	0.0%	0.0%	100.0%	79.2%	12.5%	8.3%	0.0%	0.0%	100.0%
1st Degree Sexual Battery												
Attempt	4	0	0	0	0	4	0	0	0	0	0	0
	100.0%	0.0%	0.0%	0.0%	0.0%	100.0%						
Complete	28	3	3	0	0	34	25	2	8	0	0	35
	82.4%	8.8%	8.8%	0.0%	0.0%	100.0%	71.4%	5.7%	22.9%	0.0%	0.0%	100.0%
2nd Degree Sexual Battery												
Attempt	10	2	5	2	0	19	11	0	5	0	0	16
	52.6%	10.5%	26.3%	10.5%	0.0%	100.0%	68.8%	0.0%	31.3%	0.0%	0.0%	100.0%
Complete	56	10	41	1	1	109	50	8	26	2	0	86
	51.4%	9.2%	37.6%	0.9%	0.9%	100.0%	58.1%	9.3%	30.2%	2.3%	0.0%	100.0%
Sexual Assault, Other												
Complete	2	0	5	1	0	8	0	0	4	0	0	4
	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%
Lewd/Lascivious Behavior												
Attempt	8	2	9	1	0	20	16	5	7	0	0	28
	40.0%	10.0%	45.0%	5.0%	0.0%	100.0%	57.1%	17.9%	25.0%	0.0%	0.0%	100.0%
Complete	294	55	189	27	3	568	236	50	188	10	0	484
	51.8%	9.7%	33.3%	4.8%	0.5%	100.0%	48.8%	10.3%	38.8%	2.1%	0.0%	100.0%
Robbery												
Robbery with Weapon												
Attempt	47	5	14	4	0	70	39	12	21	3	0	75
	67.1%	7.1%	20.0%	5.7%	0.0%	100.0%	52.0%	16.0%	28.0%	4.0%	0.0%	100.0%
Complete	466	70	79	24	3	642	354	50	61	7	1	473
	72.6%	10.9%	12.3%	3.7%	0.5%	100.0%	74.8%	10.6%	12.9%	1.5%	0.2%	100.0%
Robbery without Weapon												
Attempt	43	9	55	33	2	142	58	13	55	31	1	158
	30.3%	6.3%	38.7%	23.2%	1.4%	100.0%	36.7%	8.2%	34.8%	19.6%	0.6%	100.0%
Complete	488	96	379	164	6	1,133	410	75	338	125	11	959
	43.1%	8.5%	33.5%	14.5%	0.5%	100.0%	42.8%	7.8%	35.2%	13.0%	1.1%	100.0%
Home Invasion, Robbery												
Attempt	5	0	1	0	0	6	0	0	1	1	0	2
	83.3%	0.0%	16.7%	0.0%	0.0%	100.0%	0.0%	0.0%	50.0%	50.0%	0.0%	100.0%
Complete	24	2	5	1	0	32	37	5	5	0	0	47

	75.0%	6.3%	15.6%	3.1%	0.0%	100.0%	78.7%	10.6%	10.6%	0.0%	0.0%	100.0%
Violent Personal Offenses												
Attempt	30	5	32	3	1	71	26	11	37	7	0	81
	42.3%	7.0%	45.1%	4.2%	1.4%	100.0%	32.1%	13.6%	45.7%	8.6%	0.0%	100.0%
Complete	2,301	851	6,200	1,523	107	10,982	2,016	720	5,679	1,528	145	10,088
	21.0%	7.7%	56.5%	13.9%	1.0%	100.0%	20.0%	7.1%	56.3%	15.1%	1.4%	100.0%
Burglary												
Attempt	103	19	110	50	4	286	109	12	112	51	4	288
	36.0%	6.6%	38.5%	17.5%	1.4%	100.0%	37.8%	4.2%	38.9%	17.7%	1.4%	100.0%
Complete	2,250	655	3,773	1,144	88	7,910	2,122	511	3,326	1,179	105	7,243
	28.4%	8.3%	47.7%	14.5%	1.1%	100.0%	29.3%	7.1%	45.9%	16.3%	1.4%	100.0%
Property Theft/Fraud/Damage												
Attempt	2	1	12	3	2	20	4	2	9	5	0	20
	10.0%	5.0%	60.0%	15.0%	10.0%	100.0%	20.0%	10.0%	45.0%	25.0%	0.0%	100.0%
Complete	2,267	985	10,270	3,980	237	17,739	2,064	762	9,073	3,770	234	15,903
	12.8%	5.6%	57.9%	22.4%	1.3%	100.0%	13.0%	4.8%	57.1%	23.7%	1.5%	100.0%
Drugs												
Manufacture/Sale/Purchase												
Attempt	52	36	361	302	21	772	63	33	285	384	18	783
	6.7%	4.7%	46.8%	39.1%	2.7%	100.0%	8.0%	4.2%	36.4%	49.0%	2.3%	100.0%
Complete	2,360	694	3,894	2,600	92	9,640	2,334	617	3,789	2,870	102	9,712
	24.5%	7.2%	40.4%	27.0%	1.0%	100.0%	24.0%	6.4%	39.0%	29.6%	1.1%	100.0%
Drugs, Trafficking												
Attempt	35	16	36	2	1	90	26	8	30	2	0	66
	38.9%	17.8%	40.0%	2.2%	1.1%	100.0%	39.4%	12.1%	45.5%	3.0%	0.0%	100.0%
Complete	548	94	150	10	2	804	497	69	123	17	3	709
	68.2%	11.7%	18.7%	1.2%	0.2%	100.0%	70.1%	9.7%	17.3%	2.4%	0.4%	100.0%
Drugs, Possession/Other												
Attempt	5	2	28	15	2	52	4	4	25	16	0	49
	9.6%	3.8%	53.8%	28.8%	3.8%	100.0%	8.2%	8.2%	51.0%	32.7%	0.0%	100.0%
Complete	1,702	1,087	10,864	7,870	262	21,785	1,755	987	10,385	8,894	361	22,382
	7.8%	5.0%	49.9%	36.1%	1.2%	100.0%	7.8%	4.4%	46.4%	39.7%	1.6%	100.0%
Weapons												
Attempt	3	0	4	6	0	13	2	1	5	4	1	13
	23.1%	0.0%	30.8%	46.2%	0.0%	100.0%	15.4%	7.7%	38.5%	30.8%	7.7%	100.0%
Complete	426	130	866	315	18	1,755	429	91	796	341	20	1,677
	24.3%	7.4%	49.3%	17.9%	1.0%	100.0%	25.6%	5.4%	47.5%	20.3%	1.2%	100.0%
Other												
Attempt	12	6	42	24	1	85	21	4	42	22	0	89

	14.1%	7.1%	49.4%	28.2%	1.2%	100.0%	23.6%	4.5%	47.2%	24.7%	0.0%	100.0%
Complete	1,631	991	6,756	3,750	199	13,327	1,782	812	6,932	4,208	200	13,934
	12.2%	7.4%	50.7%	28.1%	1.5%	100.0%	12.8%	5.8%	49.7%	30.2%	1.4%	100.0%
Total	15,446	5,836	44,199	21,857	1,053	88,391	14,704	4,876	41,393	23,480	1,206	85,659

Note: County jail includes those sentenced to time served; prison includes those sentenced to life.

¹Offense dates on or after October 1, 2002.

²Offense dates on or after October 1, 2003.

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Part III Comparative Description

Table 5 Sanction Imposed by Offense Severity Level

Offense Severity Level	FY2003 - 2004 Sentence Dates ¹						FY2004 - 2005 Sentence Dates ²					
	State Prison*	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
1	985	811	7,347	3,992	227	13,362	962	683	6,810	4,136	211	12,802
	7.4%	6.1%	55.0%	29.9%	1.7%	100.0%	7.5%	5.3%	53.2%	32.3%	1.6%	100.0%
2	815	493	5,560	2,030	137	9,035	737	384	5,120	1,878	133	8,252
	9.0%	5.5%	61.5%	22.5%	1.5%	100.0%	8.9%	4.7%	62.0%	22.8%	1.6%	100.0%
3	2,118	1,405	13,172	8,967	333	25,995	2,258	1,228	12,685	10,187	408	26,766
	8.1%	5.4%	50.7%	34.5%	1.3%	100.0%	8.4%	4.6%	47.4%	38.1%	1.5%	100.0%
4	2,125	749	6,338	2,780	130	12,122	2,172	617	5,706	2,979	174	11,648
	17.5%	6.2%	52.3%	22.9%	1.1%	100.0%	18.6%	5.3%	49.0%	25.6%	1.5%	100.0%
5	3,329	919	5,532	2,805	113	12,698	3,116	757	5,144	3,026	137	12,180
	26.2%	7.2%	43.6%	22.1%	0.9%	100.0%	25.6%	6.2%	42.2%	24.8%	1.1%	100.0%
6	2,017	665	3,980	930	68	7,660	1,878	546	3,699	926	98	7,147
	26.3%	8.7%	52.0%	12.1%	0.9%	100.0%	26.3%	7.6%	51.8%	13.0%	1.4%	100.0%
7	2,561	555	1,861	280	36	5,293	2,289	463	1,806	316	42	4,916
	48.4%	10.5%	35.2%	5.3%	0.7%	100.0%	46.6%	9.4%	36.7%	6.4%	0.9%	100.0%
8	724	145	296	50	5	1,220	667	121	306	19	2	1,115
	59.3%	11.9%	24.3%	4.1%	0.4%	100.0%	59.8%	10.9%	27.4%	1.7%	0.2%	100.0%
9	668	90	105	19	4	886	523	74	102	10	1	710
	75.4%	10.2%	11.9%	2.1%	0.5%	100.0%	73.7%	10.4%	14.4%	1.4%	0.1%	100.0%
10	104	4	8	4	0	120	102	3	15	3	0	123
	86.7%	3.3%	6.7%	3.3%	0.0%	100.0%	82.9%	2.4%	12.2%	2.4%	0.0%	100.0%
Total	15,446	5,836	44,199	21,857	1,053	88,391	14,704	4,876	41,393	23,480	1,206	85,659
	17.5%	6.6%	50.0%	24.7%	1.2%	100.0%	17.2%	5.7%	48.3%	27.4%	1.4%	100.0%

Note: County jail includes those sentenced to time served; prison includes those sentenced to life.

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Table 6 State Prison Sentence Length by Offense Severity Level

Offense Severity Level	FY2003 - 2004 Sentence Dates ¹					FY2004 - 2005 Sentence Dates ²				
	LE 2*	GT 2-LE 4*	GT 4-LE 10*	GT 10*	Total	LE 2*	GT 2-LE 4*	GT 4-LE 10*	GT 10*	Total
1	620	109	43	6	778	805	111	56	5	977
	79.7%	14.0%	5.5%	0.8%	100.0%	82.4%	11.4%	5.7%	0.5%	100.0%

2	549	154	53	5	761	601	155	53	3	812
	72.1%	20.2%	7.0%	0.7%	100.0%	74.0%	19.1%	6.5%	0.4%	100.0%
3	1,421	356	107	17	1,901	1,641	348	112	13	2,114
	74.8%	18.7%	5.6%	0.9%	100.0%	77.6%	16.5%	5.3%	0.6%	100.0%
4	1,396	498	253	30	2,177	1,365	511	212	33	2,121
	64.1%	22.9%	11.6%	1.4%	100.0%	64.4%	24.1%	10.0%	1.6%	100.0%
5	1,918	955	415	105	3,393	1,897	933	414	74	3,318
	56.5%	28.1%	12.2%	3.1%	100.0%	57.2%	28.1%	12.5%	2.2%	100.0%
6	927	596	336	107	1,966	968	556	369	118	2,011
	47.2%	30.3%	17.1%	5.4%	100.0%	48.1%	27.6%	18.3%	5.9%	100.0%
7	651	1,049	709	250	2,659	612	1,060	647	227	2,546
	24.5%	39.5%	26.7%	9.4%	100.0%	24.0%	41.6%	25.4%	8.9%	100.0%
8	126	220	330	147	823	115	173	296	135	719
	15.3%	26.7%	40.1%	17.9%	100.0%	16.0%	24.1%	41.2%	18.8%	100.0%
9	128	127	315	187	757	120	96	281	169	666
	16.9%	16.8%	41.6%	24.7%	100.0%	18.0%	14.4%	42.2%	25.4%	100.0%
10	31	6	21	64	122	21	3	19	60	103
	25.4%	4.9%	17.2%	52.5%	100.0%	20.4%	2.9%	18.4%	58.3%	100.0%
Total	7,767	4,070	2,582	918	15,337	8,145	3,946	2,459	837	15,387
	50.6%	26.5%	16.8%	6.0%	100.0%	52.9%	25.6%	16.0%	5.4%	100.0%

* LE = Less than or equal to; GT = Greater than

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Part III Comparative Description

Table 7 Number of Prior Offenses*

Prior Offenses	FY2003 - 2004 Sentence Dates ¹		FY2004 - 2005 Sentence Dates ²	
	Number	Percent	Number	Percent
None	23,797	26.9%	22,037	25.7%
Misdemeanor Only	22,315	25.2%	21,599	25.2%
One Felony	16,641	18.8%	16,711	19.5%
Two Felonies	11,069	12.5%	11,102	13.0%
Three Felonies	6,942	7.9%	6,717	7.8%
Four Felonies	3,982	4.5%	3,857	4.5%
Five Felonies	2,034	2.3%	1,962	2.3%
Six Felonies	916	1.0%	971	1.1%
Seven or More Felonies	695	0.8%	703	0.8%
Total	88,391	100.0%	85,659	100.0%

* As indicated on the scoresheet.

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Table 8 Number of Additional Offenses*

Additional Offenses	FY2002 - 2003 Sentence Dates ¹		FY2003 - 2004 Sentence Dates ²	
	Number	Percent	Number	Percent
None	48,478	54.8%	46,630	54.4%
Misdemeanor Only	21,125	23.9%	20,607	24.1%
One Felony	13,084	14.8%	12,951	15.1%
Two Felonies	3,609	4.1%	3,501	4.1%
Three Felonies	1,212	1.4%	1,147	1.3%
Four Felonies	445	0.5%	421	0.5%
Five Felonies	235	0.3%	210	0.2%
Six Felonies	103	0.1%	92	0.1%
Seven or More Felonies	100	0.1%	100	0.1%
Total	88,391	100.0%	85,659	100.0%

* As indicated on the scoresheet.

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Table 9 Prior Felony Record* and Sanction Imposed

Number of Prior Felonies	FY2003 - 2004 Sentence Dates ¹						FY2004 - 2005 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
None	3,904	3,167	29,442	8,881	718	46,112	3,743	2,623	27,411	9,061	798	43,636
	8.5%	6.9%	63.8%	19.3%	1.6%	100.0%	8.6%	6.0%	62.8%	20.8%	1.8%	100.0%
One	2,848	1,220	7,292	5,108	173	16,641	2,765	1,047	7,010	5,675	214	16,711
	17.1%	7.3%	43.8%	30.7%	1.0%	100.0%	16.5%	6.3%	41.9%	34.0%	1.3%	100.0%
Two	2,739	701	3,928	3,610	91	11,069	2,743	603	3,736	3,918	102	11,102
	24.7%	6.3%	35.5%	32.6%	0.8%	100.0%	24.7%	5.4%	33.7%	35.3%	0.9%	100.0%
Three	2,388	402	2,029	2,075	48	6,942	2,217	348	1,758	2,334	60	6,717
	34.4%	5.8%	29.2%	29.9%	0.7%	100.0%	33.0%	5.2%	26.2%	34.7%	0.9%	100.0%
Four	1,717	194	893	1,159	19	3,982	1,534	155	856	1,293	19	3,857
	43.1%	4.9%	22.4%	29.1%	0.5%	100.0%	39.8%	4.0%	22.2%	33.5%	0.5%	100.0%
Five	991	96	380	563	4	2,034	889	59	356	652	6	1,962
	48.7%	4.7%	18.7%	27.7%	0.2%	100.0%	45.3%	3.0%	18.1%	33.2%	0.3%	100.0%
Six	487	28	140	261	0	916	480	25	163	300	3	971
	53.2%	3.1%	15.3%	28.5%	0.0%	100.0%	49.4%	2.6%	16.8%	30.9%	0.3%	100.0%
Seven or More	372	28	95	200	0	695	333	16	103	247	4	703
	53.5%	4.0%	13.7%	28.8%	0.0%	100.0%	47.4%	2.3%	14.7%	35.1%	0.6%	100.0%
Total	15,446	5,836	44,199	21,857	1,053	88,391	14,704	4,876	41,393	23,480	1,206	85,659
	17.5%	6.6%	50.0%	24.7%	1.2%	100.0%	17.2%	5.7%	48.3%	27.4%	1.4%	100.0%

* As indicated on the scoresheet

Note: County jail includes those sentenced to time served; prison includes those sentenced to life.

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Table 10 Additional Offenses* and Sanction Imposed

Number of Additional Felonies	FY2002 - 2003 Sentence Dates ¹						FY2003 - 2004 Sentence Dates ²					
	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total	State Prison	Comm. Control	Probation	County Jail	Other Sentence	Total
None	9,053	4,152	36,603	18,903	892	69,603	8,486	3,428	34,135	20,188	1,000	67,237
	13.0%	6.0%	52.6%	27.2%	1.3%	100.0%	12.6%	5.1%	50.8%	30.0%	1.5%	100.0%
One	3,608	1,124	5,880	2,351	121	13,084	3,598	983	5,600	2,626	144	12,951
	27.6%	8.6%	44.9%	18.0%	0.9%	100.0%	27.8%	7.6%	43.2%	20.3%	1.1%	100.0%
Two	1,533	337	1,223	487	29	3,609	1,440	294	1,195	523	49	3,501
	42.5%	9.3%	33.9%	13.5%	0.8%	100.0%	41.1%	8.4%	34.1%	14.9%	1.4%	100.0%
Three	660	124	335	87	6	1,212	610	97	327	104	9	1,147
	54.5%	10.2%	27.6%	7.2%	0.5%	100.0%	53.2%	8.5%	28.5%	9.1%	0.8%	100.0%
Four	278	62	81	21	3	445	279	44	67	28	3	421
	62.5%	13.9%	18.2%	4.7%	0.7%	100.0%	66.3%	10.5%	15.9%	6.7%	0.7%	100.0%
Five	164	25	41	5	0	235	148	16	40	5	1	210

	69.8%	10.6%	17.4%	2.1%	0.0%	100.0%	70.5%	7.6%	19.0%	2.4%	0.5%	100.0%
Six	71	10	19	1	2	103	62	10	16	4	0	92
	68.9%	9.7%	18.4%	1.0%	1.9%	100.0%	67.4%	10.9%	17.4%	4.3%	0.0%	100.0%
Seven or More	79	2	17	2	0	100	81	4	13	2	0	100
	79.0%	2.0%	17.0%	2.0%	0.0%	100.0%	81.0%	4.0%	13.0%	2.0%	0.0%	100.0%
Total	15,446	5,836	44,199	21,857	1,053	88,391	14,704	4,876	41,393	23,480	1,206	85,659
	17.5%	6.6%	50.0%	24.7%	1.2%	100.0%	17.2%	5.7%	48.3%	27.4%	1.4%	100.0%

* As indicated on the scoresheet.

Note: County jail includes those sentenced to time served; prison includes those sentenced to life.

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

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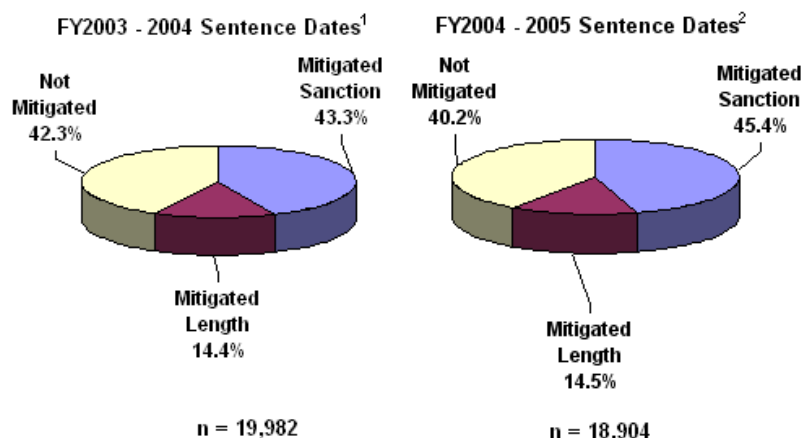
Part III Comparative Description

Table 11 Mitigation Rates* Among Offenders Scoring in Recommended State Prison Sanction Category

Category	FY2003 - 2004 Sentence Dates ¹		FY2004 - 2005 Sentence Dates ²	
	Number / Percent	Average Mitigated Length in Months	Number / Percent	Average Mitigated Length in Months
Mitigated Total	11,524 57.7%		11,306 59.8%	
Mitigated Sanction	8,648 43.3%		8,573 45.4%	
Mitigated Length	2,876 14.4%	25.0	2,733 14.5%	22.7
Not Mitigated	8,458 42.3%		7,598 40.2%	
Total	19,982 100.0%		18,904 100.0%	

* Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the Criminal Punishment Code. Mitigated length occurs when an offender receives a prison sentence below the 25% permissible discretion existing within the Criminal Punishment Code. This total rate includes both mitigated sanction and mitigated length sentences. Offenders scoring to state prison who receive a Drug Offender Probation sentence are not counted as mitigated.

Figure 2 Offenders Scoring in Recommended State Prison Sanction Category

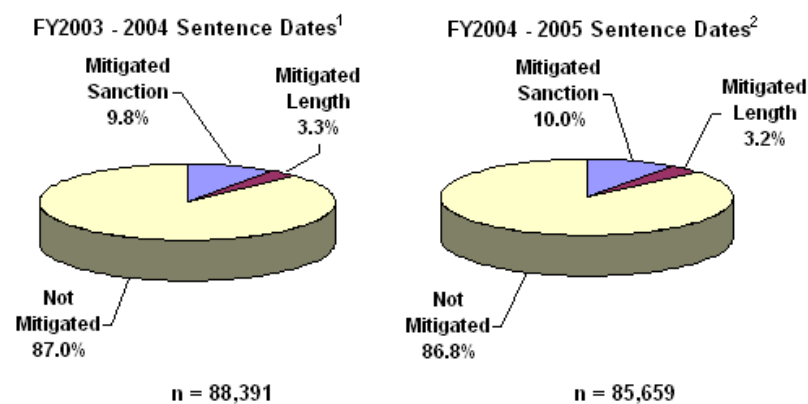


**Total points exceeding 44.0

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Figure 3 Deviation Rates Below Permitted Sentences Among All Offenders Sentenced



¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Table 12 Mitigated Sanction Rates* By Judicial Circuit

Judicial Circuit	FY2003 - 2004 Sentence Dates ¹			FY2004 - 2005 Sentence Dates ²		
	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate
01- Pensacola	695	227	32.7%	618	233	37.7%
02- Tallahassee	627	262	41.8%	697	301	43.2%
03- Lake City	179	80	44.7%	244	121	49.6%
04- Jacksonville	1,146	375	32.7%	1,113	316	28.4%
05- Tavares	777	255	32.8%	786	262	33.3%
06- Clearwater	1,953	685	35.1%	1,925	692	35.9%
07- Daytona	937	246	26.3%	782	248	31.7%
08- Gainesville	630	348	55.2%	437	174	39.8%
09- Orlando	677	222	32.8%	228	77	33.8%
10- Bartow	600	158	26.3%	624	133	21.3%
11- Miami	3,607	2,719	75.4%	3,832	2,974	77.6%
12- Sarasota	470	113	24.0%	408	93	22.8%
13- Tampa	2,449	1,060	43.3%	2,427	1,187	48.9%
14- Panama City	382	116	30.4%	396	157	39.6%
15- West Palm Beach	801	290	36.2%	745	261	35.0%
16- Key West	84	31	36.9%	90	38	42.2%
17- Ft. Lauderdale	1,957	791	40.4%	1,794	700	39.0%
18- Sanford	482	97	20.1%	461	104	22.6%
19- Ft. Pierce	544	110	20.2%	497	120	24.1%
20- Ft. Myers	985	463	47.0%	800	382	47.8%
Statewide	19,982	8,648	43.3%	18,904	8,573	45.4%

* Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the Criminal Punishment Code. Those receiving Drug Offender Probation are not included.

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Table 13 Mitigated Sanction Rates and Sentence Length Rates* By Judicial Circuit

Judicial Circuit	FY2003 - 2004 Sentence Dates ¹			FY2004 - 2005 Sentence Dates ²		
	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate	Scoresheets Exceeding 44.0 Total Points	Scoresheets Mitigated	Mitigation Rate
01- Pensacola	695	266	38.3%	618	268	43.4%
02- Tallahassee	627	435	69.4%	697	483	69.3%
03- Lake City	179	108	60.3%	244	165	67.6%
04- Jacksonville	1,146	631	55.1%	1,113	558	50.1%
05- Tavares	777	326	42.0%	786	353	44.9%
06- Clearwater	1,953	878	45.0%	1,925	896	46.5%
07- Daytona	937	484	51.7%	782	422	54.0%
08- Gainesville	630	505	80.2%	437	316	72.3%
09- Orlando	677	297	43.9%	228	105	46.1%
10- Bartow	600	252	42.0%	624	231	37.0%
11- Miami	3,607	3,258	90.3%	3,832	3,496	91.2%
12- Sarasota	470	148	31.5%	408	136	33.3%
13- Tampa	2,449	1,467	59.9%	2,427	1,620	66.7%
14- Panama City	382	160	41.9%	396	207	52.3%
15- West Palm Beach	801	378	47.2%	745	344	46.2%
16- Key West	84	46	54.8%	90	47	52.2%
17- Ft. Lauderdale	1,957	960	49.1%	1,794	855	47.7%
18- Sanford	482	123	25.5%	461	140	30.4%
19- Ft. Pierce	544	161	29.6%	497	167	33.6%
20- Ft. Myers	985	641	65.1%	800	497	62.1%
Statewide	19,982	11,524	57.7%	18,904	11,306	59.8%

* Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the Criminal Punishment Code. Those receiving Drug Offender Probation are not included. Mitigated length occurs when an offender receives a prison sentence below the 25% permissible discretion existing within the Criminal Punishment Code. This total rate includes both mitigated sanction and mitigated length sentences.

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Table 14 Mitigation Rates* Among Offenders Scoring in Recommended State Prison Sanction Category**

Offense Type	FY2001 -2002 Sentence Dates ¹				FY2003 - 2004 Sentence Dates ²					
	Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated	Total	Total Mitigated	Mitigated Sanction	Mitigated Length	Not Mitigated	Total
Murder/Manslaughter										
First Degree Murder										
Attempt	13	7	6	33	46	11	2	9	28	39
	28.3%	15.2%	13.0%	71.7%	100.0%	28.2%	5.1%	23.1%	71.8%	100.0%
Complete	0	0	0	0	0	0	0	0	1	1
						0.0%	0.0%	0.0%	100.0%	100.0%
2nd Degree Murder										
Attempt	6	2	4	20	26	6	5	1	15	21

		23.1%	7.7%	15.4%	76.9%	100.0%	28.6%	23.8%	4.8%	71.4%	100.0%
	Complete	14	1	13	32	46	11	0	11	36	47
		30.4%	2.2%	28.3%	69.6%	100.0%	23.4%	0.0%	23.4%	76.6%	100.0%
3rd Degree Murder											
	Attempt	0	0	0	1	1	0	0	0	0	0
		0.0%	0.0%	0.0%	100.0%	100.0%					
	Complete	4	0	4	2	6	0	0	0	1	1
		66.7%	0.0%	66.7%	33.3%	100.0%	0.0%	0.0%	0.0%	100.0%	100.0%
Homicide, Other											
	Attempt	0	0	0	0	0	0	0	0	0	0
	Complete	1	0	1	1	2	3	2	1	0	3
		50.0%	0.0%	50.0%	50.0%	100.0%	100.0%	66.7%	33.3%	0.0%	100.0%
Manslaughter											
	Attempt	0	0	0	1	1	1	1	0	3	4
		0.0%	0.0%	0.0%	100.0%	100.0%	25.0%	25.0%	0.0%	75.0%	100.0%
	Complete	26	8	18	25	51	29	15	14	17	46
		51.0%	15.7%	35.3%	49.0%	100.0%	63.0%	32.6%	30.4%	37.0%	100.0%
DUI Manslaughter											
	Complete	32	5	27	14	46	29	7	22	9	38
		69.6%	10.9%	58.7%	30.4%	100.0%	76.3%	18.4%	57.9%	23.7%	100.0%
Sexual/Lewd Behavior											
Capital Sexual Battery											
	Attempt	9	5	4	11	20	9	2	7	12	21
		45.0%	25.0%	20.0%	55.0%	100.0%	42.9%	9.5%	33.3%	57.1%	100.0%
Life Sexual Battery											
	Attempt	3	0	3	3	6	4	1	3	4	8
		50.0%	0.0%	50.0%	50.0%	100.0%	50.0%	12.5%	37.5%	50.0%	100.0%
	Complete	8	1	7	14	22	9	5	4	15	24
		36.4%	4.5%	31.8%	63.6%	100.0%	37.5%	20.8%	16.7%	62.5%	100.0%
1st Degree Sexual Battery											
	Attempt	1	0	1	3	4	0	0	0	0	0
		25.0%	0.0%	25.0%	75.0%	100.0%					
	Complete	17	6	11	17	34	18	7	11	14	32
		50.0%	17.6%	32.4%	50.0%	100.0%	56.3%	21.9%	34.4%	43.8%	100.0%
2nd Degree Sexual Battery											
	Attempt	10	7	3	7	17	6	4	2	8	14
		58.8%	41.2%	17.6%	41.2%	100.0%	42.9%	28.6%	14.3%	57.1%	100.0%
	Complete	65	41	24	31	96	50	31	19	30	80
		67.7%	42.7%	25.0%	32.3%	100.0%	62.5%	38.8%	23.8%	37.5%	100.0%
Sexual Assault, Other											
	Complete	6	5	1	1	7	1	1	0	0	1
		85.7%	71.4%	14.3%	14.3%	100.0%	100.0%	100.0%	0.0%	0.0%	100.0%
Lewd/Lascivious Behavior											

Attempt	4	4	0	5	9	7	5	2	13	20
	44.4%	44.4%	0.0%	55.6%	100.0%	35.0%	25.0%	10.0%	65.0%	100.0%
Complete	348	209	139	142	490	308	188	120	105	413
	71.0%	42.7%	28.4%	29.0%	100.0%	74.6%	45.5%	29.1%	25.4%	100.0%

Robbery

Robbery with Weapon

Attempt	33	18	15	32	65	40	29	11	29	69
	50.8%	27.7%	23.1%	49.2%	100.0%	58.0%	42.0%	15.9%	42.0%	100.0%
Complete	314	168	146	321	635	224	115	109	246	470
	49.4%	26.5%	23.0%	50.6%	100.0%	47.7%	24.5%	23.2%	52.3%	100.0%

Robbery without Weapon

Attempt	10	6	4	28	38	20	14	6	32	52
	26.3%	15.8%	10.5%	73.7%	100.0%	38.5%	26.9%	11.5%	61.5%	100.0%
Complete	198	140	58	336	534	174	130	44	294	468
	37.1%	26.2%	10.9%	62.9%	100.0%	37.2%	27.8%	9.4%	62.8%	100.0%

Home Invasion, Robbery

Attempt	3	1	2	3	6	2	2	0	0	2
	50.0%	16.7%	33.3%	50.0%	100.0%	100.0%	100.0%	0.0%	0.0%	100.0%
Complete	15	8	7	17	32	21	10	11	26	47
	46.9%	25.0%	21.9%	53.1%	100.0%	44.7%	21.3%	23.4%	55.3%	100.0%

Violent Personal Offenses

2,783	2,248	535	1,417	4,200	2,710	2,235	475	1,199	3,909
66.3%	53.5%	12.7%	33.7%	100.0%	69.3%	57.2%	12.2%	30.7%	100.0%

Burglary

2,242	1,667	575	1,473	3,715	2,059	1,535	524	1,325	3,384
60.3%	44.9%	15.5%	39.7%	100.0%	60.8%	45.4%	15.5%	39.2%	100.0%

Property Theft/Fraud/Damage

1,002	746	256	894	1,896	886	645	241	785	1,671
52.8%	39.3%	13.5%	47.2%	100.0%	53.0%	38.6%	14.4%	47.0%	100.0%

Drugs

Manufacture/Sale/Purchase

1,453	1,036	417	1,437	2,890	1,606	1,176	430	1,349	2,955
50.3%	35.8%	14.4%	49.7%	100.0%	54.3%	39.8%	14.6%	45.7%	100.0%

Drugs, Trafficking

430	257	173	425	855	377	214	163	369	746
50.3%	30.1%	20.2%	49.7%	100.0%	50.5%	28.7%	21.8%	49.5%	100.0%

Drugs, Possession/Other

1,369	1,178	191	762	2,131	1,456	1,248	208	655	2,111
64.2%	55.3%	9.0%	35.8%	100.0%	69.0%	59.1%	9.9%	31.0%	100.0%

Weapons

206	169	37	243	449	199	157	42	242	441
45.9%	37.6%	8.2%	54.1%	100.0%	45.1%	35.6%	9.5%	54.9%	100.0%

Other

	899	705	194	707	1,606	1,030	787	243	736	1,766
	56.0%	43.9%	12.1%	44.0%	100.0%	58.3%	44.6%	13.8%	41.7%	100.0%

Total	11,524	8,648	2,876	8,458	19,982	11,306	8,573	2,733	7,598	18,904
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* Mitigation of sanction occurs when an offender does not receive a prison sanction although a prison sanction is mandated by the Criminal Punishment Code. Those receiving Drug Offender Probation are not included. Mitigated length occurs when an offender receives a prison sentence below the 25% permissible discretion existing within the Criminal Punishment Code. This total rate includes both mitigated sanction and mitigated length sentences.

** Total Points Exceeding 44.0.

¹ Offense dates on or after October 1, 2002.

² Offense dates on or after October 1, 2003.

Florida's Criminal Punishment Code:
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Florida Criminal Punishment Code

Offense Severity Ranking Chart Section 921.0022, Florida Statutes

Florida Statute	Felony Degree	Description
LEVEL 1		
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
322.212(5)(a)	3rd	False application for driver's license or identification card.
370.13(3)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
372.663(1)	3rd	Poach any alligator or crocodilia.
414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).

817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
832.05(2)(b)& (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

LEVEL 2

370.12(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
370.12(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.
2590.28(1)	3rd	Willful, malicious, or intentional burning.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.

806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
817.52(3)	3rd	Failure to redeliver hired vehicle.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely impersonating an officer.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.

LEVEL 3

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate

		removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
[3]400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902(1)(a)&(b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property. Engages in scheme to defraud (Florida Communications Fraud Act), property

817.034(4)(a)3.	3rd	valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234(8)&(9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods as new.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15(3)	3rd	Overcharging for repairs or parts.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other

		person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47(1) (a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

LEVEL 4

316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
499.0051(2)	3rd	Failure to authenticate pedigree papers.
499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.

810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
LEVEL 5		
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
790.01(2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material facts or false statements regarding property values relating to the solvency of an insuring entity.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$75,000 or more.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency

		involving great bodily harm or death.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

LEVEL 6

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.

790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
827.03(1)	3rd	Abuse of a child.
827.03(3)(c)	3rd	Neglect of a child.
827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.1	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.4	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.

944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
LEVEL 7		
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000. Failure to report financial transactions exceeding \$300 but less than \$20,000 by

655.50(10)(b)1.	3rd	financial institution.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.

810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organization, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
817.2341(2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to public servant.
838.22	2nd	Bid tampering.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.

893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

LEVEL 8

316.193(3)(c)3.a.	2nd	DUI manslaughter.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
499.0051(7)	1st	Forgery or prescription or legend drug labels.
499.0052	1st	Trafficking in contraband legend drugs.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely

		to cause serious injury.
800.04(4)	2nd	Lewd or lascivious battery.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in the 1st degree.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)	1st	Home-invasion robbery.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.

893.135(1) (g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135(1) (h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
893.135(1) (j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135(1) (k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

LEVEL 9

316.193(3) (c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35(3) (c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
[4]499.0053	1st	Sale or purchase of contraband drugs resulting in great bodily harm.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
775.0844	1st	Aggravated white collar crime.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or

exhibition.

790.161	1st	Attempted capital destructive device offense.
790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
893.135(1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
893.135(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
893.135(1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

LEVEL 10

499.00545	1st	Sale or purchase of contraband legend drugs resulting in death.
782.04(2)	1st,PBL	Unlawful killing of human; act is homicide, unpremeditated.
787.01(1)(a)3.	1st,PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
787.01(3)(a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
782.07(3)	1st	Aggravated manslaughter of a child.
794.011(3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
812.135(2)(a)	1st,PBL	Home-invasion robbery with firearm or other deadly weapon
876.32	1st	Treason against the state.

Rule 3.992(a) Criminal Punishment Code Scoresheet

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**APPENDIX B - For Offenses committed under the Criminal Punishment Code (on or after 10-1-98)
 RULE 3.992(a) CRIMINAL PUNISHMENT CODE SCORESHEET**

1. DATE OF SENTENCE	2. PREPARER'S NAME <input type="checkbox"/> DC <input type="checkbox"/> SAO	3. COUNTY	4. SENTENCING JUDGE	
5. NAME (LAST, FIRST, M.I.)	6. DOB	8. RACE <input type="checkbox"/> B <input type="checkbox"/> W <input type="checkbox"/> OTHER	10. PRIMARY OFF. DATE	12. PLEA <input type="checkbox"/>
	7. DC #	9. GENDER <input type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET #	TRIAL <input type="checkbox"/>

I. **PRIMARY OFFENSE:** If Qualifier, please check ___A___S___C___R (A=Attempt, S=Solicitation, C=Conspiracy, R=Reclassification)

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
_____ / _____	_____ / _____	_____ / _____	_____ / _____	_____ / _____
(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)				

Prior capital felony triples Primary Offense points

I. _____

II. **ADDITIONAL OFFENSE(S):** Supplemental page attached

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY A S C R	COUNTS	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	x _____ = _____	
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	x _____ = _____	
DESCRIPTION _____							
_____ / _____	_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	x _____ = _____	

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

Prior capital felony triples Additional Offense points

Supplemental page points _____

II. _____

III. **VICTIM INJURY:**

	Number	Total		Number	Total
2nd Degree Murder	240 x _____	= _____	Slight	4 x _____	= _____
Death	120 x _____	= _____	Sex Penetration	80 x _____	= _____
Severe	40 x _____	= _____	Sex Contact	40 x _____	= _____
Moderate	18 x _____	= _____			

III. _____

IV. **PRIOR RECORD:** Supplemental page attached

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY: A S C R	DESCRIPTION	NUMBER	POINTS	TOTAL
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	
_____ / _____	_____ / _____	_____ / _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____	_____	X _____ = _____	

(Level = Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

Supplemental page points _____

IV. _____

—

Page 1 Subtotal: _____

Page 1 Subtotal: _____

- V. Legal Status violation = 4 Points
- VI. Community Sanction violation before the court for sentencing
6 points x each successive violation OR
New felony conviction = 12 points x each successive violation
- VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points
- VIII. Prior Serious Felony - 30 Points

- V. _____
- VI. _____
- VII. _____
- VIII. _____

Subtotal Sentence Points _____

IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enforcement Protection	Drug Trafficking	Grand Theft Motor Vehicle	Street Gang	Domestic Violence <small>(offenses committed on or after 10-1-97)</small>
____ x 1.5 ____ x 2.0 ____ x 2.5	____ x 1.5	____ x 1.5	____ x 1.5	____ x 1.5

Enhanced Subtotal Sentence Points **IX.** _____

TOTAL SENTENCE POINTS _____

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction.

If total sentence points are greater than 44:

_____ minus 28 = _____ x .75 = _____

total sentence points lowest permissible prison sentence in months

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082, F.S., unless the lowest permissible sentence under the Code exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.

maximum sentence
in years

TOTAL SENTENCE IMPOSED

	Years	Months	Days
<input type="checkbox"/> State Prison	_____	_____	_____
<input type="checkbox"/> County Jail	_____	_____	_____
<input type="checkbox"/> Community Control	_____	_____	_____
<input type="checkbox"/> Probation	_____	_____	_____

Please check if sentenced as habitual offender, habitual violent offender, violent career criminal, prison releasee reoffender, or a mandatory minimum applies.

Mitigated Departure Plea Bargain

Other Reason _____

JUDGE'S SIGNATURE

RULE 3.992(b) SUPPLEMENTAL CRIMINAL PUNISHMENT CODE SCORESHEET

NAME (LAST, FIRST, MI.) DOCKET # DATE OF SENTENCE

I. ADDITIONAL OFFENSES(S):

Table with columns: DOCKET#, FEL/MM DEGREE, F.S#, OFFENSE LEVEL, QUALIFY COUNTS (A, S, C, R), POINTS, and a calculation column (POINTS =).

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)

II. _____

V. PRIOR RECORD

Table with columns: FEL/MM DEGREE, F.S#, OFFENSE LEVEL, QUALIFY (A, S, C, R), DESCRIPTION, NUMBER, POINTS, and TOTAL.

(Level = Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)

IV. _____

REASONS FOR DEPARTURE - MITIGATING CIRCUMSTANCES (reasons may be checked here or written on the scoresheet)

- List of 10 reasons for departure, each preceded by a checkbox: Legitimate, uncoerced plea bargain; The defendant was an accomplice...; The capacity of the defendant...; The defendant requires specialized treatment...; The need for payment of restitution...; The victim was an initiator...; The defendant acted under extreme duress...; Before the identity of the defendant...; The defendant cooperated with the State...

- ☐ The offense was committed in an unsophisticated manner and was an isolated incident for which the defendant has shown remorse.
 - ☐ At the time of the offense the defendant was too young to appreciate the consequences of the offense.
 - ☐ The defendant is to be sentenced as a youthful offender.
- 'ursuant to 921.0026(3) the defendant's substance abuse or addiction does not justify a downward departure from the lowest permissible sentence.