

## American Sentencing Guidelines Systems as of June 1999

Jurisdiction	Effective Date	Features
<i>Minnesota</i>	May 1980	Presumptive guidelines for felonies; moderate appellate review; parole abolished; no guidelines for intermediate sanctions
<i>Pennsylvania</i>	July 1982	Presumptive guidelines for felonies and misdemeanors; minimal appellate review; parole retained; guidelines incorporate intermediate sanctions
<i>Maryland</i>	July 1983	Voluntary guidelines for felonies; no appellate review; parole retained; no guidelines for intermediate sanctions; legislature created permanent sentencing commission in 1998
<i>Florida</i>	October 1983	Guidelines repealed in 1997 and replaced with statutory presumptions for minimum sentences for felonies; appellate review for mitigated departures; parole abolished; no guidance re: intermediate sanctions; sentencing commission abolished effective 1998
<i>Washington</i>	July 1984	Presumptive guidelines for felonies; moderate appellate review; parole abolished; no guidelines for intermediate sanctions; juvenile guidelines in use
<i>Delaware</i>	October 1987	Voluntary guidelines for felonies and misdemeanors; no appellate review; parole abolished in 1990; guidelines incorporate intermediate sanctions
<i>Federal Courts</i>	November 1987	Presumptive guidelines for felonies and misdemeanors; intensive appellate review; parole abolished; no guidelines for intermediate sanctions
<i>Oregon</i>	November 1989	Presumptive guidelines for felonies; moderate appellate review; parole abolished; guidelines incorporate intermediate sanctions
<i>Tennessee</i>	November 1989	Presumptive guidelines for felonies; moderate appellate review; parole retained; no guidelines for intermediate sanctions; sentencing commission abolished effective 1995
<i>Kansas</i>	July 1993	Presumptive guidelines for felonies; moderate appellate review; parole abolished; no guidelines for intermediate sanctions
<i>North Carolina</i>	October 1994	Presumptive guidelines for felonies and misdemeanors; minimal appellate review; parole abolished; guidelines incorporate intermediate sanctions; dispositional grid for juvenile offenders to become effective July 1999
<i>Arkansas</i>	January 1994	Voluntary guidelines for felonies; no appellate review; parole retained; guidelines incorporate intermediate sanctions; preliminary discussion of guidelines for juvenile cases

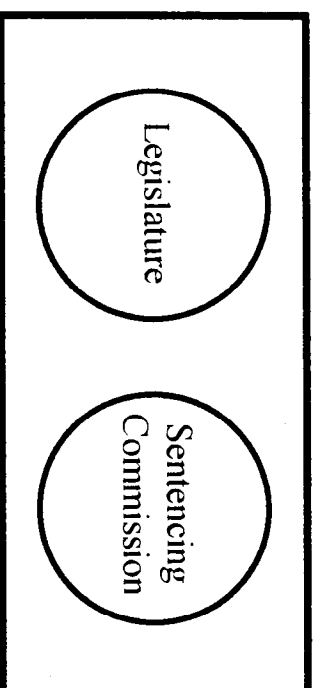
Please forward any corrections to Professor Kevin R. Reitz, University of Colorado Law School, Campus Box 401, Boulder CO, 80309; (303) 492-3085; email: reitz@spot.colorado.edu

<i>Virginia</i>	January 1995	Voluntary guidelines for felonies; no appellate review; parole abolished; no guidelines for intermediate sanctions; study of juvenile sentencing underway
<i>Ohio</i>	July 1996	Presumptive narrative guidelines (no grid) for felonies; limited appellate review; parole abolished and replaced with judicial release mechanism; no guidelines for intermediate sanctions; structured sentencing for juveniles under consideration by legislature
<i>Missouri</i>	March 1997	Voluntary guidelines for felonies; no appellate review; parole retained; guidelines incorporate intermediate sanctions
<i>Utah</i>	October 1998	Voluntary guidelines for felonies and selected misdemeanors (sex offenses); no appellate review; parole retained; no guidelines for intermediate sanctions; voluntary juvenile guidelines in use
<i>Michigan</i>	January 1999	Presumptive guidelines for felonies; appellate review authorized; parole restricted; guidelines incorporate intermediate sanctions
<i>Alaska</i>	Early 1980s	Judicially-created "benchmark" guidelines for felonies; moderate appellate review; parole abolished for most felonies (retained for about one-third of all felonies); benchmarks do not address intermediate sanctions; no active sentencing commission
<i>Massachusetts</i>	Proposal Pending	Presumptive guidelines for felonies and misdemeanors; appellate review contemplated; parole to be retained; guidelines would incorporate intermediate sanctions
<i>Oklahoma</i>	Proposal Pending	Presumptive guidelines for felonies; appellate review contemplated; parole to be limited; guidelines would not incorporate intermediate sanctions
<i>South Carolina</i>	Proposal Pending	Voluntary guidelines for felonies and misdemeanors with potential sentence of one year or more; no appellate review contemplated; parole to be abolished for all felonies; guidelines would incorporate intermediate sanctions
<i>Wisconsin</i>	Proposal Pending	Voluntary guidelines for felonies; no appellate review contemplated; parole to be eliminated; guidelines would not incorporate intermediate sanctions; new permanent sentencing commission to be created
<i>Washington, D.C.</i>	Under Study	Temporary sentencing commission, currently scheduled to report to City Council in April 2000
<i>Iowa</i>	Under Study	Legislative commission to study sentencing reform, currently scheduled to report in January 2000
<i>Alabama</i>	Under Study	Study committee has requested that Alabama Judicial Study Commission create a permanent sentencing commission in 2000

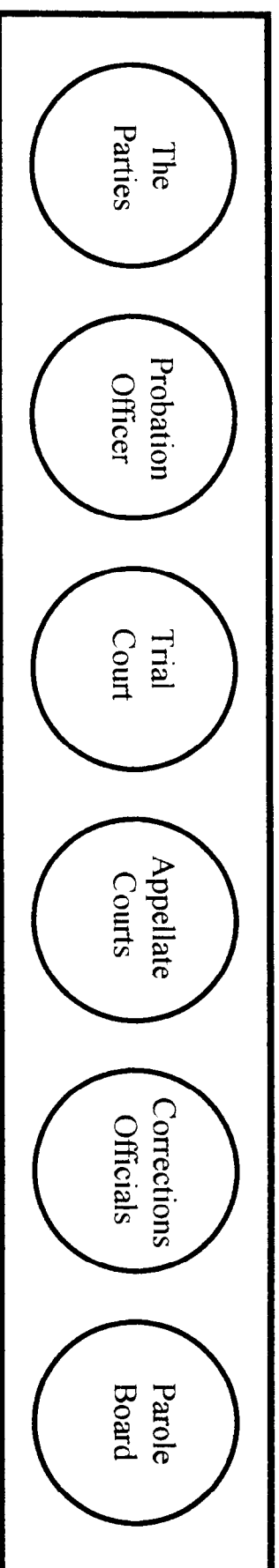
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# A Discretion Diagram for Sentencing Systems

## *Systemic Level*

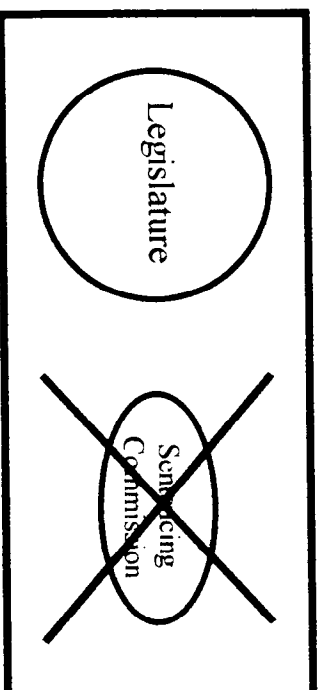


## *Case-Specific Level*

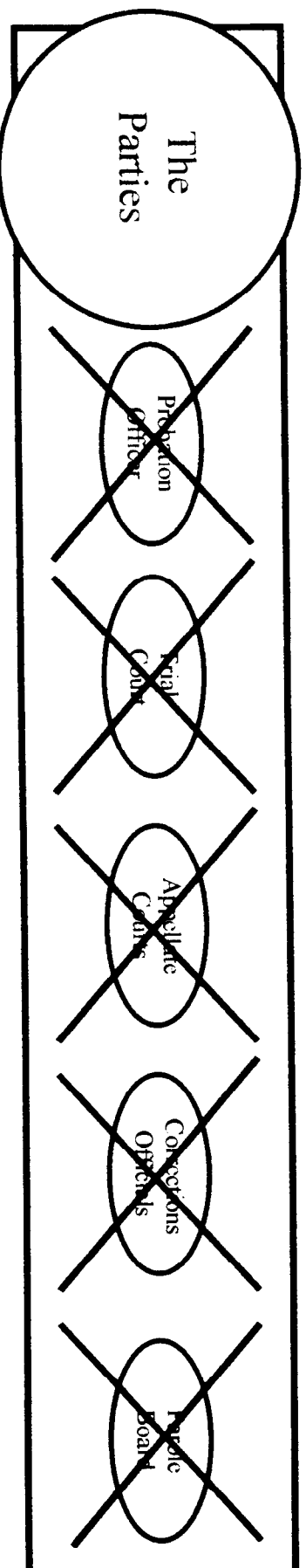


# Mandatory Penalties

*Systemic Level*

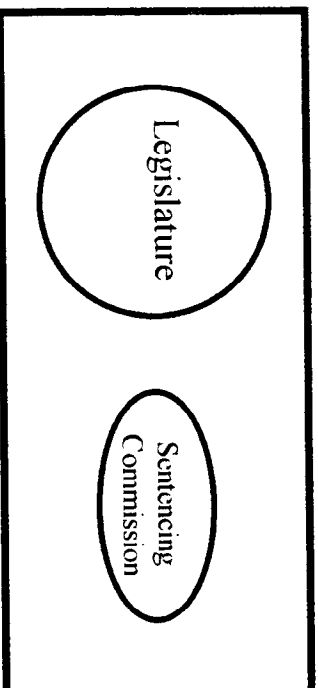


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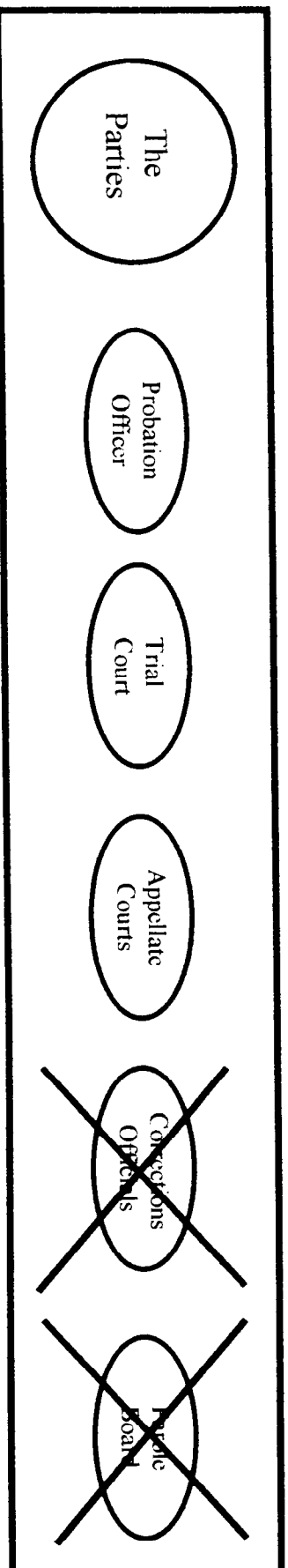


# Massachusetts Drug Mandatory Minimum Proposal

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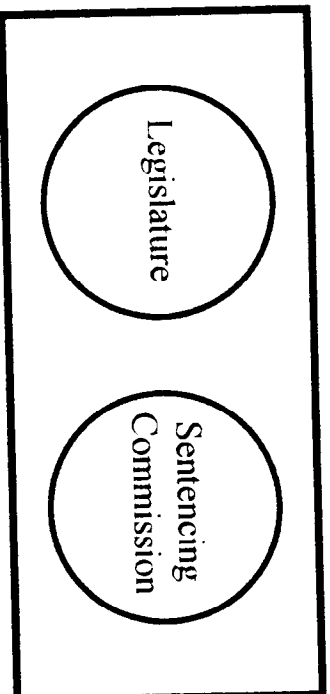


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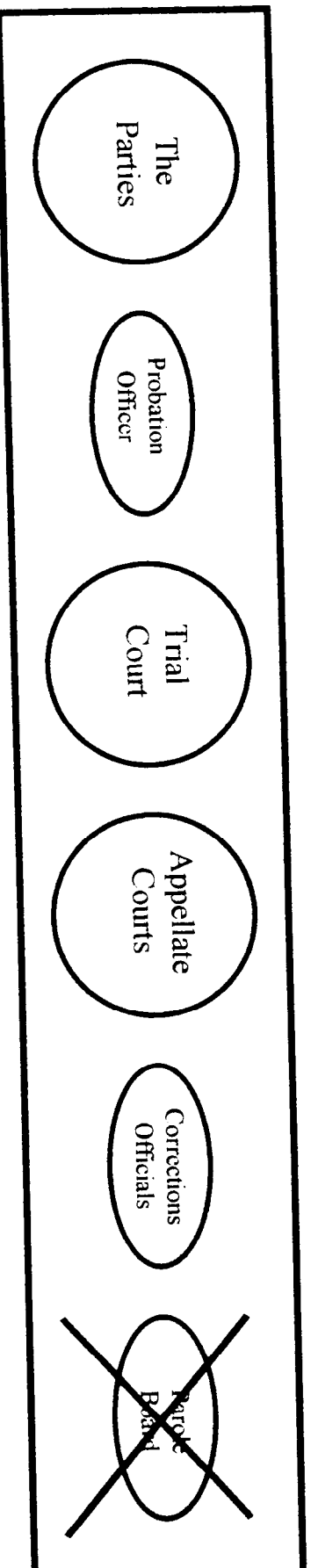


# The Minnesota System

## *Systemic Level*

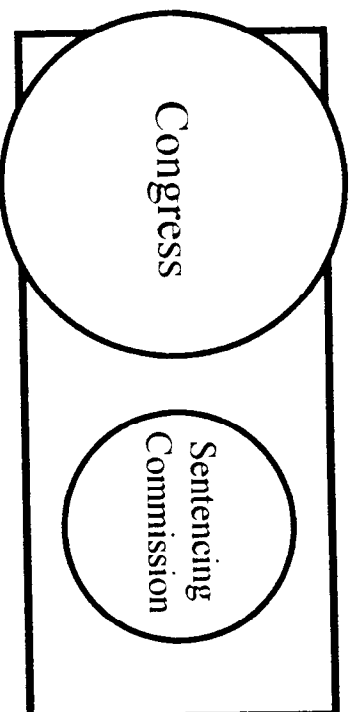


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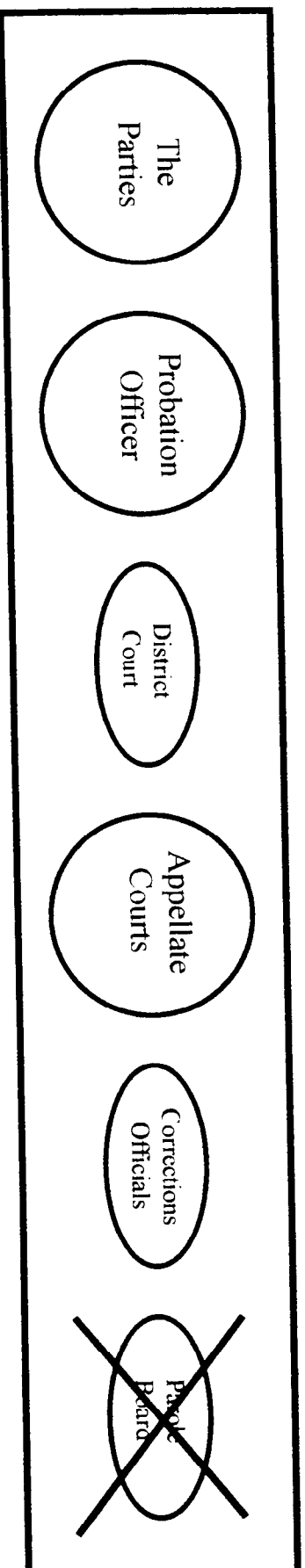


# The Federal System

*Systemic Level*

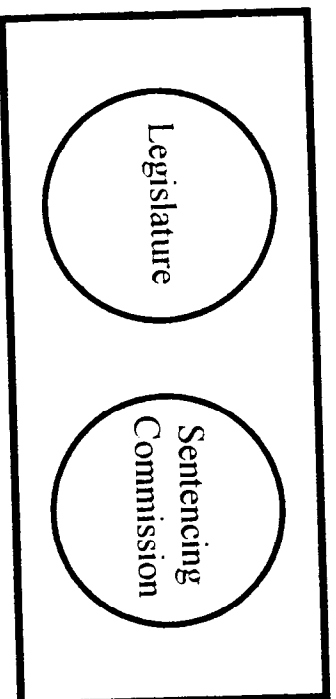


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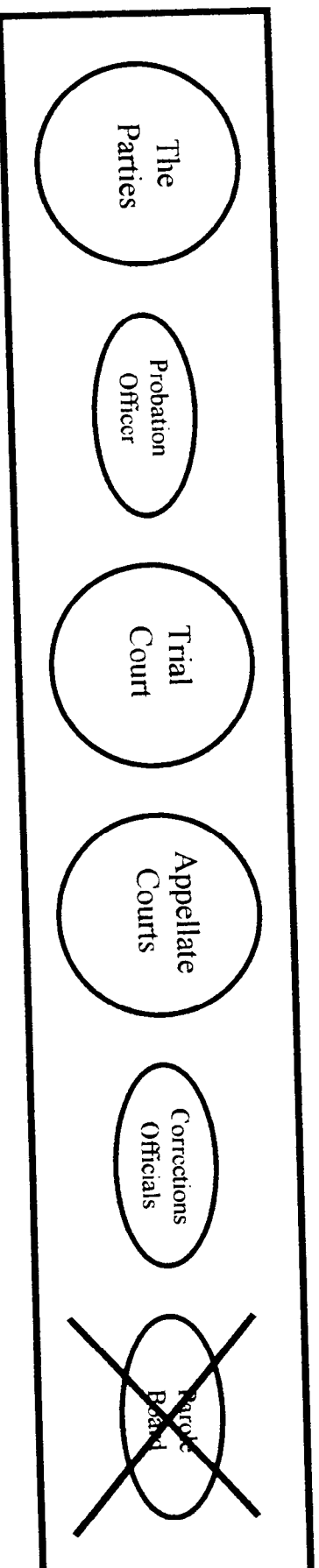


# Mandatory Penalties Under The Minnesota Olson Case

## *Systemic Level*



## *Case-Specific Level*





# Checklist of Research Methods Used for Guideline Development, Evaluation, and Refinement

*For Discussion at "Mechanics of Guideline Development" Panel, Tues. 9:00-10:30 am*

State/Jurisdiction \_\_\_\_\_

1. Which, if any, of these "prescriptive" approaches to guideline development were used in your jurisdiction?

Consideration of statutory penalties, e.g., mandatory minimums/maximums  
 Consideration of prison capacity  
 Other guideline systems...If so, did any provide a model? \_\_\_\_\_  
 Personal views of Commissioners/policymakers, e.g., that certain categories of crimes were under- or over-punished

Other \_\_\_\_\_

2. Which, if any, of these "descriptive" or empirical approaches to guideline development were used in your jurisdiction?

Statistical analysis of sentences imposed/time served in years prior to the guidelines, e.g. "past practice" studies  
 Seriousness-of-crime scales or public opinion data on seriousness of various crimes  
 "Risk Assessment" instruments or other data identifying offenders needing incapacitation  
 Deterrence research  
 "Amenability to Treatment" research, e.g. identifying offenders suitable for diversion, drug treatment  
 Economic analyses, e.g., cost of crime vs. cost of punishment

Other \_\_\_\_\_

3. Which, if any, of these approaches to guideline assessment and refinement have been used in your jurisdiction?

"Compliance studies" e.g. examination of departure or circumvention rates  
 Disparity studies, e.g. impact of guidelines on reducing unwarranted disparity  
 Prison impact assessment, e.g. effects of guidelines on matching sentences to correctional capacity  
 Examination of how judges use the available sentencing options or the range of imprisonment available under the guidelines for various types of crimes  
 Polls or focus groups gauging public satisfaction with the system  
 Crime impact assessment, e.g. changes in crime rates attributable to guidelines

Other \_\_\_\_\_

