

SENTENCING GUIDELINES

The guidelines set forth below are maximum penalties. The actual sentencing will depend upon a number of considerations including the facts of your case, your prior criminal history, the assigned judge and prosecutor, your behavior on conditions of release, pre-sentencing reports and other considerations specific to your case and your situation.

31-18-15. Sentencing authority; noncapital felonies; basic sentences and fines				
1ST DEGREE FELONY	1. Standard	18 years	\$15,000	
	2. Resulting in death of a child	Life	\$17,500	
	3. Aggravated CSP	Life	\$17,500	
2ND DEGREE FELONY	1. Standard	9 years	\$10,000	
	2. Resulting in death	15 years	\$12,500	
	3. sexual offense against a child	15 years	\$12,500	
3RD DEGREE FELONY	1. Standard	3 years	\$5000	
	2. Resulting in Death	6 years	\$5000	
	3. Sex Offense Against a Child	6 years	\$5000	
4TH DEGREE FELONY		18 months	\$5000	
ENHANCEMENTS				
31-18-16. Use of firearm; alteration of basic sentence; suspension and deferral limited.				
	1. Use of firearm in noncapitaol felony	1 year	shall not be suspended or deferred	
	2. Use of firearm in 2d noncapitaol felony	3 years	shall not be suspended or deferred	
31-18-17. Habitual offenders; alteration of basic sentence.				
	1. 1 prior noncapitaol or drug	1 year	shall not be suspended or deferred, unless the court makes a specific finding that the prior felony conviction and the instant felony conviction are both for nonviolent felony offenses and that justice will not be served by imposing a mandatory sentence of imprisonment and that there are substantial and compelling reasons, stated on the record, for departing from the sentence imposed pursuant to this subsection.	
	2. 2 prior noncapital or drug	3 years	shall not be suspended or deferred	

	3. 3 prior noncapital or drug	8 years	shall not be suspended or deferred
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PRIOR FELONY CONVICTION = a conviction, when less than ten years have passed prior to the instant felony conviction since the person completed serving his sentence or period of probation or parole for the prior felony.

TRAFFICKING: if 2d conviction, goes from 2nd degree to 1st degree