

**SENATE . . . . . No. 1679**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to establish sentencing guidelines..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The General Laws are hereby amended by inserting after chapter 211F the  
2 following chapter:-

3 CHAPTER 211G

4 SENTENCING GUIDELINES

5 Section 1. Definitions. The following terms as used in this chapter shall have the  
6 following meanings:-

7 “Adjudication of delinquency,” a determination or finding pursuant to G.L. c. 119  
8 § 58 that a juvenile is a delinquent child.

9 “Conviction,” a finding or verdict of guilt for a criminal offense.

10 “Criminal history group,” the classification of an offender’s previous record of  
11 criminal convictions or adjudications of delinquency as set forth on the horizontal axis of the  
12 sentencing guidelines grid.

13                   “Departure from the guidelines,” a sentence imposed outside the sentencing range  
14 contained in the applicable grid cell for the particular offense.

15                   “Governing offense,” the offense having the highest offense seriousness level  
16 among multiple offenses arising out of the same criminal conduct.

17                   “Grid cell,” the intersection on the sentencing guidelines grid between the offense  
18 seriousness level and the criminal history group.

19                   “Intermediate sanction,” a non-incarcerative sentence, or portion thereof, which  
20 includes a level of restriction, such as standard probation, intensive supervision probation,  
21 community service, home confinement, and day reporting, and which may be coupled with  
22 components, such as residential programming, substance abuse treatment, restitution, continuing  
23 education, vocational training, special education, and psychological counseling.

24                   “Mandatory minimum sentence,” the provision of a criminal penalty for a  
25 particular offense which specifies the minimum term of incarceration and prohibits suspension of  
26 any sentence, placement on file, continuance without a finding, probation, and release on parole  
27 until the minimum term of imprisonment has been served.

28                   “Master crime list,” the list in which offenses in Massachusetts currently  
29 punishable by a term of imprisonment are ranked for purposes of the sentencing guidelines.

30                   “Offense seriousness levels,” the categories for ranking criminal offenses as set  
31 forth in the master crime list and on the vertical axis of the sentencing guidelines grid.

32                   “Same criminal conduct,” any two or more offenses committed during a single  
33 criminal incident.

34 “Sentencing Commission,” the Massachusetts Sentencing Commission as defined  
35 in G.L. c. 211E § 1.

36 “Sentencing event,” an appearance before a court of competent jurisdiction during  
37 which sentence is imposed for one or more convictions or adjudications of delinquency.

38 “Sentencing guidelines,” all provisions set forth in this chapter which direct or  
39 guide judges in sentencing.

40 “Sentencing guidelines grid,” the sentencing matrix, with offenses classified on a  
41 vertical axis and criminal history groups classified on a horizontal axis , and which contains a  
42 sentencing guidelines range within each grid cell.

43 “Sentencing guidelines range,” the range of any sentence, including the range of  
44 intermediate sanctions, which may be imposed in each grid cell without constituting a departure  
45 from the sentencing guidelines.

46 “Split sentence,” a sentence to a house of correction which is suspended in part  
47 and includes a specified period of incarceration followed by a specified period of probation or  
48 intermediate sanction or both.

49 “Staircased offense,” a criminal offense which is ranked in more than one offense  
50 seriousness level on the basis of the existence of a specified factor.

51 “Statutory minimum sentence,” the provision of a criminal penalty for a particular  
52 offense which does not require the imposition of incarceration, but specifies the minimum term  
53 of incarceration, when incarceration is imposed.

54                   Section 2. Sentencing Guidelines Grid. There are established, consistent with the  
55 provisions of G.L. c. 211E § 3, sentencing guidelines in the form of a sentencing guidelines grid  
56 with offenses classified on the vertical axis according to seriousness and criminal history  
57 classified on the horizontal axis according to severity. Within each grid cell there is a sentencing  
58 guidelines range, consistent with the provisions of G.L. c. 211E § 3 (a) (3) (C). The sentencing  
59 guidelines grid includes three sentencing guidelines zones:- (1) an incarceration zone, where  
60 only a sentence to incarceration is within the sentencing guidelines range and a sentence to an  
61 intermediate sanction constitutes a departure from the sentencing guidelines; (2) a discretionary  
62 zone, where either a sentence to incarceration or a sentence to an intermediate sanction are  
63 within the sentencing guidelines range; and, (3) an intermediate sanction zone, where only a  
64 sentence to an intermediate sanction is within the sentencing guidelines range and a sentence to  
65 incarceration constitutes a departure from the sentencing guidelines. The following sentencing  
66 guidelines grid shall be used as a basis for sentencing for convictions of all applicable offenses  
67 for which incarceration is a possible sanction under existing statutes, except for those offenses  
68 with mandatory minimum sentences listed in § 8 (a) and (b) of this chapter.

69                   Sentencing Guidelines Grid

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71                   Criminal History Group

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73                   Offense

74                   A

75	B
76	C
77	D
78	E
79	
80	Seriousness Level
81	No/Minor
82	Record
83	Moderate
84	Record
85	Serious
86	Record
87	Violent or
88	Repetitive
89	Serious
90	Violent
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99        9

100       Life

101       Life

102       Life

103       Life

104       Life

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127 8

128 96 - 144 Mos.

129 108 - 162 Mos.

130 120 - 180 Mos.

131 144 - 216 Mos.

132 204 - 306 Mos.

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155        7

156        60 - 90 Mos.

157        68 - 102 Mos.

158        84 - 126 Mos.

159        108 - 162 Mos.

160            160 - 240 Mos.

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183        6

184        40 - 60 Mos.

185        45 - 67 Mos.

186        50 - 75 Mos.

187        60 - 90 Mos.

188        80 - 120 Mos.

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204        5

205        12 - 36 Mos.

206        24 - 36 Mos.

207        36 - 54 Mos.

208        48 - 72 Mos.

209        60 - 90 Mos.

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211	
212	IS-IV
213	IS-IV
214	
215	
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219	IS-III
220	IS-III
221	
222	
223	
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225	
226	IS-II
227	IS-II

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231

232 4

233 0 - 24 Mos.

234 3 - 30 Mos.

235 6 - 30 Mos.

236 20 - 30 Mos.

237 24 - 36 Mos.

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240 IS-IV

241 IS-IV

242 IS-IV

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247 IS-III

248 IS-III

249 IS-III

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254 IS-II

255 IS-II

256 IS-II

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260 3

261 0 - 12 Mos.

262	0 - 15 Mos.
263	0 - 18 Mos.
264	0 - 24 Mos.
265	6 - 24 Mos.
266	
267	
268	IS-IV
269	IS-IV
270	IS-IV
271	IS-IV
272	IS-IV
273	
274	
275	IS-III
276	IS-III
277	IS-III
278	IS-III



279	IS-III
280	
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282	IS-II
283	IS-II
284	IS-II
285	IS-II
286	IS-II
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289	IS-I
290	IS-I
291	IS-I
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297 0 - 6 Mos.

298 0 - 6 Mos.

299 0 - 9 Mos.

300 0 - 12 Mos.

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306 IS-IV

307 IS-IV

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310 IS-III

311 IS-III

312 IS-III

313 IS-III

314 IS-III

315

316

317 IS-II

318 IS-II

319 IS-II

320 IS-II

321 IS-II

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324 IS-I

325 IS-I

326 IS-I

327 IS-I

328 IS-I

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333	
334	0 - 3 Mos.
335	0 - 6 Mos.
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341	IS-IV
342	IS-IV
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344	
345	
346	IS-III

347	IS-III
348	IS-III
349	IS-III
350	
351	
352	IS-II
353	IS-II
354	IS-II
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356	IS-II
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359	IS-I
360	IS-I
361	IS-I
362	IS-I
363	IS-I

364 Sentencing Guidelines Zones

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367 Intermediate Sanctions Levels

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376 Incarceration Zone

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379 IS-IV 24-Hour Restriction

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385           IS-III   Daily Accountability

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