

Sentencing: Report from Working Group on Classification
of Misdemeanors
September 1, 2011



- **Crimes that you can go to jail for:**

- 619 Felonies
- 1042 Misdemeanors
- 1663 Total.

- **Violations (fines only)**

- 527 (215 Infractions included in the total)

- **Misdemeanor classes: (291 classified misdemeanors, 751 unclassified)**

- Class A Misdemeanor: Maximum 1 Year
- Class B Misdemeanor: Maximum 6 Months
- Class C Misdemeanor: Maximum 3 Months
- (There is a difference between 365 days and 1 year, and between 30 days and 1 month for sentencing calculations.)

**Unclassified Misdemeanor Offenses sorted by
length of sentence to nearest Class**

Class A - Maximum 1 Year:

241 - 1 Year

4 – 12 Months

0– 365 Days

(4 misdemeanor penalties have to be changed from 12 months to 1 year to be Class A Misdemeanors.)

Class B - Maximum 6 Months :

177 – 6 Months

1 - 5 Months

2 – 4 Months

1 – 3 Months

(4 misdemeanor offenses have to have sentences lengthened to 6 months to be Class B Misdemeanors.)

Class C - Maximum 3 months:

52 – 3 Months

32 – 90 Days

52 – 60 Days

2 – 2 months

(86 misdemeanors have to have sentences lengthened to 3 months or shortened to 30 days to be Class C or D Misdemeanors.)

Class D (proposed) - Maximum 30 Days:

178 – 30 Days

1 – 1 Month

5 – 7 to 10 Days

(6 misdemeanors have to have sentences changed to 30 days to be Class D Misdemeanors. A new Class D misdemeanor must be created.)

A total of 100 misdemeanors have to have their maximum sentence changed to fit into any statutory class.

Actions to be taken.

1. Identify obsolete statutes to be repealed from a list of 187 misdemeanors for which no charges have been lodged in past 10 years.
2. Create new Class D Misdemeanor with maximum sentence of 30 days.
3. Identify Misdemeanors that could be reduced to Violations or Infractions to reduce cost to the system and the impact on individuals.
4. Amend language definition of misdemeanor classes so that any unclassified misdemeanor with a maximum sentence equal to the maximum sentence of any of the 4 classes will be defined as being included in that class of misdemeanors with the same maximum sentence.
5. Change length of sentences (or repeal) 100 misdemeanor statutes whose sentences currently do not fit within the stated class.