American Sentencing Guidelines Systems as of June 1999

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Florida	October 1983	Guidelines repealed in 1997 and replaced with statutory presumptions for minimum sentences for felonies; appellate review for mitigated departures; parole abolished; no guidance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

Virginia	January 1995	Voluntary guidelines for felonies; no appellate review; parole abolished; no guidelines for intermediate sanctions; study of juvenile sentencing underway
Ohio	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
Missouri	March 1997	Voluntary guidelines for felonies; no appellate review; parole retained; guidelines incorporate intermediate sanctions
Utah	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
Michigan	January 1999	Presumptive guidelines for felonies; appellate review authorized; parole restricted; guidelines incorporate intermediate sanctions
Alaska	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
Massachusetts	Proposal Pending	Presumptive guidelines for felonies and misdemeanors; appellate review contemplated; parole to be retained; guidelines would incorporate intermediate sanctions
Oklahoma	Proposal Pending	Presumptive guidelines for felonies; appellate review contemplated; parole to be limited; guidelines would not incorporate intermediate sanctions
South Carolina	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
Wisconsin	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
Washington, D.C.	Under Study	Temporary sentencing commission, currently scheduled to report to City Council in April 2000
Iowa	Under Study	Legislative commission to study sentencing reform, currently scheduled to report in January 2000
Alabama	Under Study	Study committee has requested that Alabama Judicial Study Commission create a permanent sentencing commission in 2000

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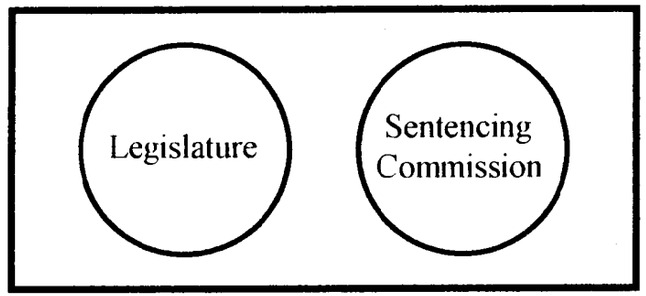
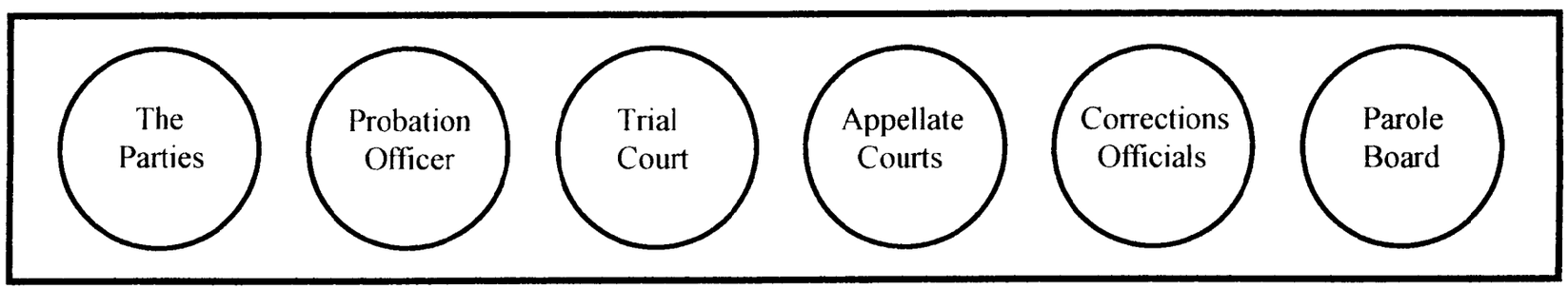
A Discretion Diagram for Sentencing Systems

Systemic Level



Case-Specific Level



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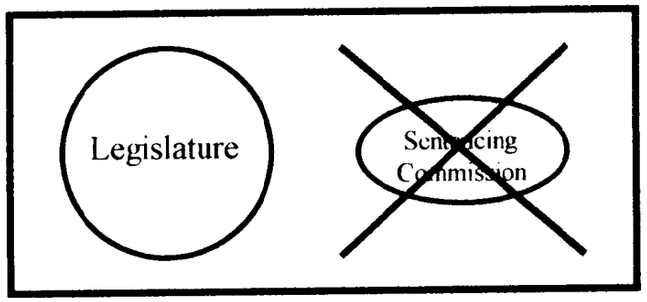
Mandatory Penalties

Systemic Level



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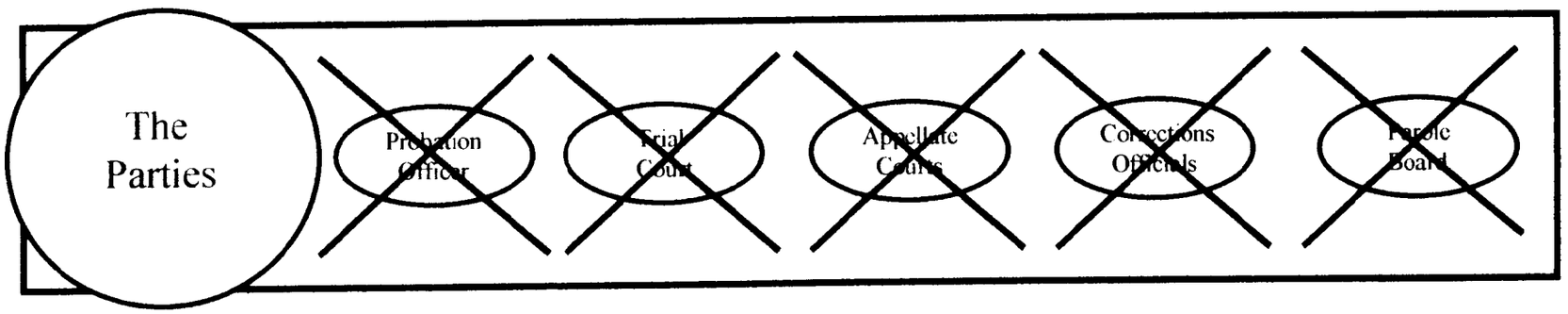

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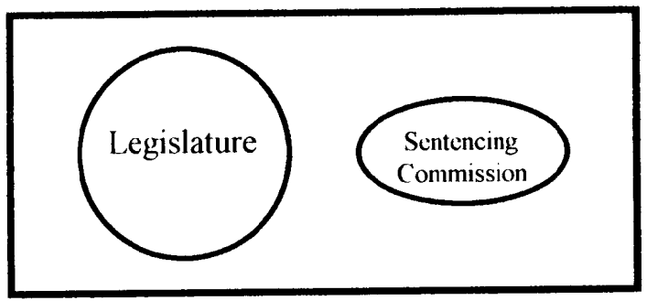
Massachusetts Drug Mandatory Minimum Proposal

Systemic Level



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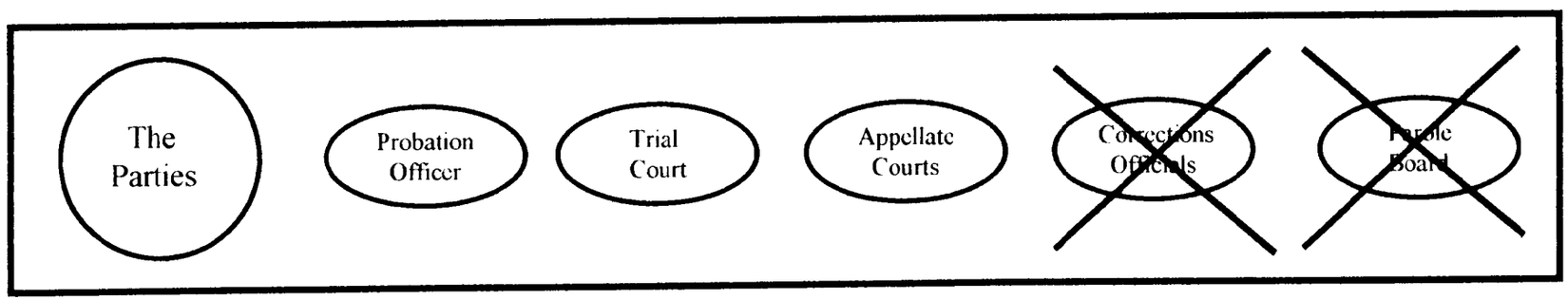

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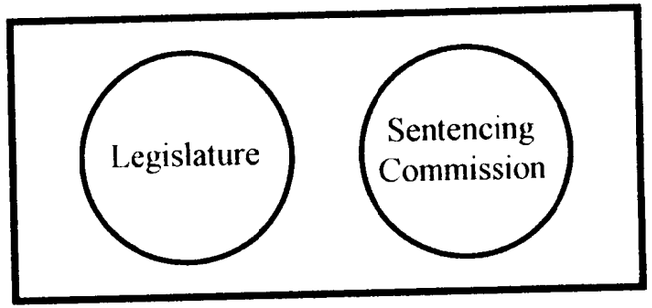
The Minnesota System

Systemic Level



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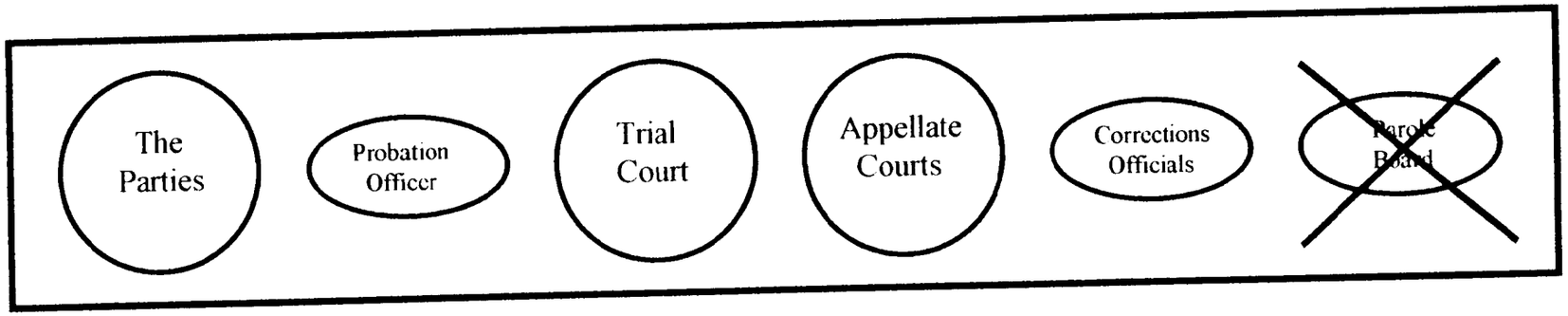
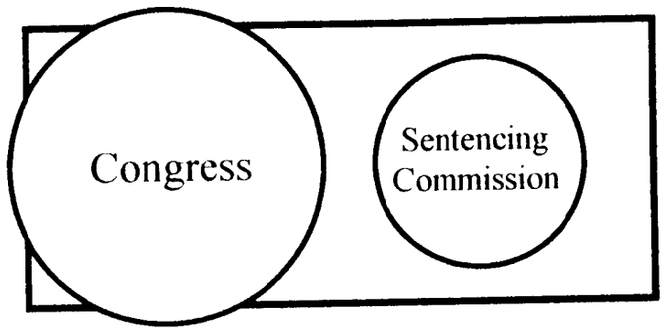


DiagramMinn

The Federal System

Systemic Level



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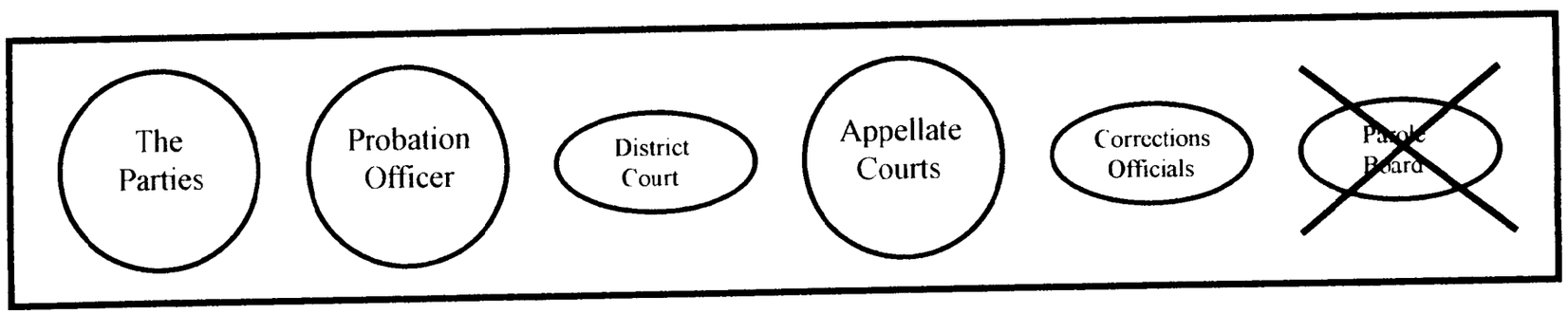
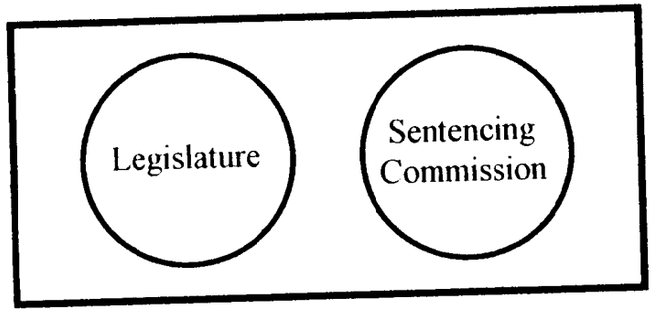


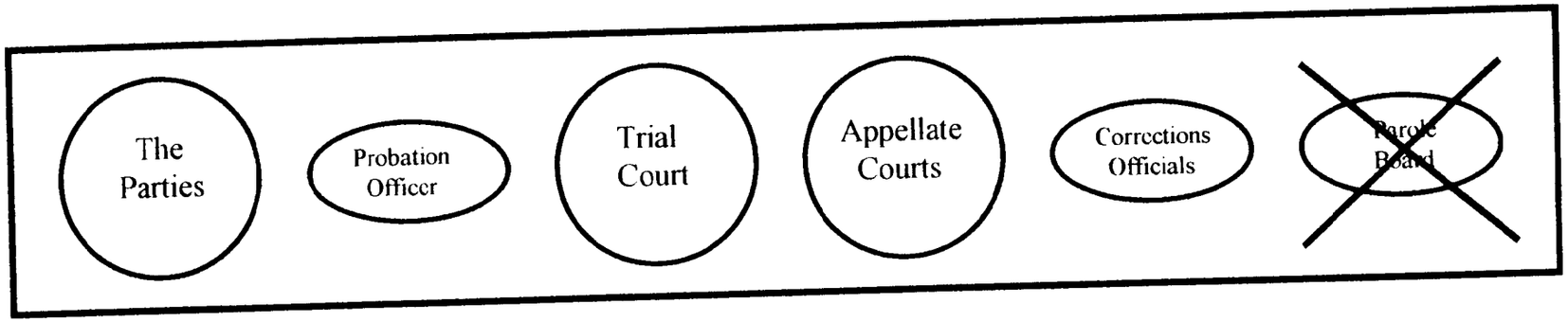
DiagramFed

Mandatory Penalties Under The Minnesota *Olson* Case

Systemic Level



Case-Specific Level



DiagramOlson

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_____

_____