

## Chapter SC 5

### GUIDELINE SCORING; COMPLETION OF THE GUIDELINE SCORING FORMS

#### SC 5.01 Guideline scoring

**SC 5.01 Guideline scoring. (1)** (a) The offender criminal history score (A scale) indicates an increase in the extent of the prior record from left to right on the matrix. Different points are assigned for each item in the criminal history scoring.

(b) The offender's legal status includes being on parole, probation for a prior felony, bail for a prior offense, Huber release, or being an escapee from a correctional institution at the time of the offense.

(c) Felony-type juvenile adjudications do not include juvenile status offenses.

(d) Prior felonies are felonies for which the offender has been convicted prior to the conviction for the offense being scored.

(e) A violent felony is one which involves the threat or use of force, such as robbery, sexual assault, or armed robbery.

**(2)** (a) The offense severity (B scale) indicates an increase in the severity of the offense or case from the top to the bottom of the matrix. Different points are assigned for each item in the criminal history scoring. All points are derived from the analysis of past sentencing.

(b) Offenses committed with a firearm include offenses committed with starter pistols and similar guns, loaded or unloaded, which are capable of producing death or great bodily harm.

(c) Concealing identity, read-in charges, sexual intercourse, and bodily harm are used as they are defined in the statutes and are scored as indicated.

(d) All calculations of seriousness are based on statutory designation of Class A, B, C, D, and E felonies.

**(3)** (a) The points assigned to the items in the criminal history score and the offense severity score as well as the selection of the scorable items were derived from the legal variables found to be

#### SC 5.02 Completion of the guideline scoring forms

statistically significant in research on sentencing practices in Wisconsin general jurisdiction courts.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.

#### SC 5.02 Completion of the guideline scoring forms.

**(1)** A record of the sentencing evaluation or scoring shall be kept on appropriate forms developed by the commission.

**(2)** In cases where a pre-sentence investigation is ordered, after the pre-sentence investigation is completed, the probation and parole agent shall complete the form required under sub. (1), and attach it to the pre-sentence investigation report.

**(3)** (a) In cases where no pre-sentence investigation is ordered, the prosecutor and the defense counsel, shall each complete a copy of the form required under sub. (1).

(b) Any information required on the sentencing guidelines form shall not be modified or omitted by negotiation between the prosecutor and the defense counsel.

(c) When 2 copies of the form required under sub. (1) are completed by the prosecutor and the defense counsel they shall submit both forms to the sentencing judge at the beginning of the sentencing hearing.

**(4)** When a dispute arises between the prosecutor and the defense counsel regarding the completion of the sentencing guidelines form or the correct sentencing guideline, the sentencing judge shall determine the facts and resolve the dispute at the beginning of the sentencing hearing.

**(5)** In all cases in which a sentencing guidelines form is used, the sentencing judge shall have the final responsibility as to the form's completeness and accuracy.

**(6)** The completed sentencing guidelines form shall be returned by the sentencing judge to the sentencing commission within 5 working days of the sentencing hearing.

History: Cr. Register, December, 1985, No. 360, eff. 1-1-86.