

attempted aggravated child molestation, attempted armed robbery, attempted kidnapping, attempted aggravated sexual battery, attempted aggravated sodomy, pimping or pandering a child under the age of 18, RICO, probation revocation based in a Level VIII offense, or probation revocation based on a Serious Violent Felony.

(b) Crime Severity Level VII offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 60 to 102 months.

(c) Crime Severity Level VII offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 48 to 78 months.

(d) Crime Severity Level VII offenders with a Risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 40 to 60 months.

(11)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of VI: burglary of an unoccupied dwelling, VGCSA - Cocaine or Methamphetamine – 200 to 399 grams, VGCSA - Marijuana – 2,000 to 9,999 pounds, or VGCSA - Opiates - 0 to 27 grams.

(b) Crime Severity Level VI offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 52 to 78 months.

(c) Crime Severity Level VI offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 40 to 60 months.

(d) Crime Severity Level VI offenders with a Risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 36 to 52 months.

(12)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of V: aggravated assault (no injury or weapon), arson I, VGCSA - Cocaine or Methamphetamine - 28 to 199 grams, identity fraud, VGCSA - Marijuana - 10 to 1,999 pounds, manufacturing Methamphetamine – 2nd offense or child injured, VGCSA – Opiates – 4 to 0 grams, VGCSA – sale/distribution/intent to sell Schedule I or II drugs – 3rd offense, or VGCSA – Methamphetamine Trafficking – less than 200 grams.

(b) Crime Severity Level V offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 40 to 60 months.

(c) Crime Severity Level V offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 34 to 52 months.

(d) Crime Severity Level V offenders with a Risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 30 to 40 months.

(13)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of IV: arson II - \$2,000, burglary - non-dwelling, over \$5,000 or six or more counts, homicide by vehicle – not DUI/habitual violator, manufacturing Methamphetamine – near a child, serious injury by vehicle, theft of vehicle – four or more counts or 4th or more offense, theft – over \$10,000, VGCSA – sale/distribution/intent to sell Schedule I or II drugs – 2nd offense.

(b) Crime Severity Level IV offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 28 to 38 months.

(c) Crime Severity Level IV offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 24 to 34 months.

(d) Crime Severity Level IV offenders with a Risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 22 to 26 months.

(14)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of III: burglary – non-dwelling – two to five counts - \$2,001 to \$5,000, credit card fraud – more than 10 counts or \$1,000, criminal damage – life in danger or over \$2,000, destroying or injuring police dog or horse, forgery I – over 10 counts or \$1,000, manufacturing Methamphetamine – 1st offense, obstruction of officer, possession/theft of material to manufacture illegal drugs – 2nd offense, terroristic threat, theft - \$5,000 to \$10,000, theft of vehicle – for profit or 2nd and 3rd counts not for profit or 3rd offense, or VGCSA - sale or possession – 2nd and 3rd offense.

(b) Crime Severity Level III offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 26 to 32 months.

(c) Crime Severity Level III offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 22 to 28 months.

(d) Crime Severity Level III offenders with a risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 20 to 24 months.

(15)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of II: bad checks - \$2,000 or more, burglary - non-dwelling - \$300 to \$2,000 - one count, credit card fraud – 10 or less counts or less than \$1,000, criminal damage II - \$300 to \$2,000, forgery I – 10 or less counts or less than \$1,000, possession of illegal firearm or explosives, possession/theft of materials to manufacture illegal drugs - 1st offense, reckless conduct by HIV-infected person, theft - \$1,000 to \$4,999, theft of vehicle - not for profit - 2nd offense, VGCSA -possession - 2nd offense, or VGCSA - sale/intent to sell/distribution - 1st offense.

(b) Crime Severity Level II offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 24 to 28 months.

(c) Crime Severity Level II offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 20 to 24 months.

(d) Crime Severity Level II offenders with a Risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 18 to 22 months.

(16)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of I: bad checks - under \$2,000, burglary - non-dwelling, less than \$300 - one count, credit card theft, criminal interference with government property, escape - no weapon, aiding escape - no weapon, forgery II - 10 or less counts or less than \$1000, habitual violator, possession/passing forged prescriptions - 1st offense, possession of tools to commit a crime, theft – less than \$1,000, theft of vehicle - not for profit - one count - 1st offense, or VGCSA - possession - one count.

(b) Crime Severity Level I offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 20 to 26 months.

(c) Crime Severity Level I offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 17 to 22 months.

(d) Crime Severity Level I offenders with a Risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 15 to 19 months.

(17) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for an offense or offenses not otherwise specified in this rule will be assigned the Crime Severity Level of the specified offense most similar to their most serious offense.

(18) Inmates serving prison sentences for sex crimes and crimes against minors will receive a risk assessment evaluation prior to a final decision to grant parole to determine the likelihood that he or she will engage in another sex crime or a crime against a minor.

The State Board of Pardons and Paroles will receive views presented by interested parties and otherwise consider this amendment of its Agency Rules at its next monthly open meeting scheduled for 10:00 a.m. on Friday, December 7, 2007, in the Board's Hearing Room, 5th floor, 2 Martin Luther King, Jr., Dr., Atlanta, Georgia. Written comments regarding this matter should be forwarded to the Board's Legal Office at 2 M.L.K. Jr. Dr., Atlanta, Georgia 30334. If you have any questions, you should call the Board's Legal Office at 404.651.6671.

Citation of Applicable Authority: Ga.Const.1983 Art.4, § 2, ¶ 2; O.C.G.A. § 42-9-1; O.C.G.A. § 42-9-40; O.C.G.A. § 42-9-42; O.C.G.A. § 42-9-43 and O.C.G.A. § 42-9-45.

This 8th day of November 2007.

Tracy D. Masters
Secretary to the Board

Proposed Amendments to Board Rule 475-3-.05, Parole Consideration

Nov. 8, 2007

Director of Legal Services

Tracy D. Masters

SYNOPSIS

The Board finds that it is in the public's best interest and specifically in the best interest of the criminal justice community (Superior Court Judges, District Attorneys, defense attorneys and law enforcement) to know what to expect from the Board when a sentence is imposed upon a felony offender. A "certainty in sentencing" is established by the Board setting minimal time-to-serve guidelines that incorporate risk factors and are tied to the length of sentences imposed by a majority of Superior Court Judges. The following new Parole Decision Guidelines represent a three-year study and analysis of risk factors utilized in granting clemency to a particular offender, past clemency practices and the effects of the new guidelines on the prison capacity of the state. As a result of the study, the Board's new Parole Decision Guidelines represents its best effort to protect the public from harm by maximizing the utility of the state's prison system by ensuring that the most dangerous offenders are incarcerated for the longest period of time possible, given the State's available resources. Therefore, pursuant to its grant of authority under the Georgia Constitution and in accordance with O.C.G.A. §50-13-4, the Board hereby gives notice to the public of the Board's intent to amend its rules pertaining to Parole Consideration as it relates to Parole Decision Guidelines.

Proposed Amendments to Rule 475-3-.05 Parole Consideration

- Pursuant to the provisions of the Administrative Procedures Act, notice is hereby given to all interested persons that the State Board of Pardons and Paroles proposes to amend its Agency Rule 475-3-.05, relating to Parole Consideration, by renumbering paragraph seven as paragraph nine and amending said paragraph; and renumbering paragraph eight as paragraph 18; and adding new paragraphs seven, eight, ten, 11, 12, 13, 14, 15, 16 and 17 as follows:

475-3-.05 Parole Consideration.

- (7) The minimum mid-point Parole Decision Guidelines recommendation for each Crime Severity Level represents one-third, or more, of the Statewide-average prison sentence for all crimes assigned said Crime Severity Level.

475-3-.05 Parole Consideration.

- (8)(a) The Parole Board will use the following factors to compute a Risk to Re-Offend Score for each inmate it considers for parole using its Parole Guidelines System.
- (b) Number of Felony Convictions: (none = 0 pts.), (1-2 = 1 pt.), (3 = 2 pts.), (4-5 = 3 pts.), (6-7 = 4 pts.), (8 = 5 pts.), (9 or more = 6 pts.).
- (c) Number of Prior Prison Incarcerations: (none = 0 pts.), (1 = 1 pt.), (2 = 3 pts.), (3 = 4 pts.), (4 or more = 6 pts.).
- (d) Current Prison Sentenced Offenses (score is cumulative) includes: (offense(s) not listed = 0 pts.), (burglary = 1 pt.), (drug possession = 1 pt.), (forgery = 2 pts.), (felony obstruction of an officer = 3 pts.), (theft = 5 pts.).
- (e) Age at Current Prison Admission: (20 or less = 0 pts.), (more than 20 to 40 = minus 1 pt.), (more than 40 = minus 2 pts.).
- (f) History of drug or alcohol abuse: (no = 0 pts.), (yes = 2 pts.).
- (g) Employed at time of current arrest: (no = 0 pts.), (yes = minus 3 pts.).

475-3-.05 Parole Consideration.

old paragraph seven

- (9)(a) Offenders considered for parole using the Parole Decision Guidelines System who have been convicted of the following crimes shall be assigned a **Crime Severity Level of VIII**: voluntary manslaughter, statutory rape, homicide by vehicle while under the influence of alcohol/drugs or as a habitual traffic violator, aggravated battery on a police officer, aggravated assault on a police officer, attempted rape, involuntary manslaughter, hijacking a motor vehicle, criminal attempt to murder, aggravated assault (with injury or weapon), enticing a child for an indecent purpose, cruelty to children, child molestation, feticide by vehicle, incest, bus hijacking, robbery, aggravated stalking, aggravated battery, burglary of an occupied residence, VGCSA - Cocaine or Methamphetamine – 400 or more grams, VGCSA - Marijuana -10,000 or more pounds, or VGCSA - Opiates – 28 or more grams.
- (b) **Crime Severity Level VIII offenders with a Parole Success Score Risk to Re-Offend Score of 0 to 8 seven or more** shall receive a Parole Guidelines recommendation of **90%** of the prison sentence.
- (c) **Crime Severity Level VIII offenders with a Parole Success Score Risk to Re-Offend Score of 9 to 13 three to six** shall receive a Parole Guidelines recommendation of **75%** of the prison sentence.
- (d) **Crime Severity Level VIII offenders with a Parole Success Score Risk to Re-Offend Score of 14 to 20 two or less** shall receive a Parole Guidelines recommendation of **65%** of the prison sentence.

475-3-.05 Parole Consideration.

- (10)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of VII: attempted aggravated child molestation, attempted armed robbery, attempted kidnapping, attempted aggravated sexual battery, attempted aggravated sodomy, pimping or pandering a child under the age of 18, RICO, probation revocation based in a Level VIII offense, or probation revocation based on a Serious Violent Felony.
- (b) Crime Severity Level VII offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 60 to 102 months.
- (c) Crime Severity Level VII offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 48 to 78 months.
- (d) Crime Severity Level VII offenders with a Risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 40 to 60 months.

475-3-.05 Parole Consideration.

- (11)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of VI: burglary of an unoccupied dwelling, VGCSA - Cocaine or Methamphetamine – 200 to 399 grams, VGCSA - Marijuana – 2,000 to 9,999 pounds, or VGCSA - Opiates - 0 to 27 grams.
- (b) Crime Severity Level VI offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 52 to 78 months.
- (c) Crime Severity Level VI offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 40 to 60 months.
- (d) Crime Severity Level VI offenders with a Risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 36 to 52 months.

475-3-.05 Parole Consideration.

- (12)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of V: aggravated assault (no injury or weapon), arson I, VGCSA - Cocaine or Methamphetamine - 28 to 199 grams, identity fraud, VGCSA - Marijuana - 10 to 1,999 pounds, manufacturing Methamphetamine – 2nd offense or child injured, VGCSA – Opiates – 4 to 0 grams, VGCSA – sale/distribution/intent to sell Schedule I or II drugs – 3rd offense, or VGCSA – Methamphetamine Trafficking – less than 200 grams.
- (b) Crime Severity Level V offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 40 to 60 months.
- (c) Crime Severity Level V offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 34 to 52 months.
- (d) Crime Severity Level V offenders with a Risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 30 to 40 months.

475-3-.05 Parole Consideration

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- (b) Crime Severity Level IV offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 28 to 38 months.
- (c) Crime Severity Level IV offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 24 to 34 months.
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475-3-.05 Parole Consideration

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- (b) Crime Severity Level III offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 26 to 32 months.
- (c) Crime Severity Level III offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 22 to 28 months.
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475-3-.05 Parole Consideration

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- (b) Crime Severity Level II offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 24 to 28 months.
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- (d) Crime Severity Level II offenders with a Risk to Re-Offend Score of two or less shall receive a Parole Guidelines recommendation of 18 to 22 months.

475-3-.05 Parole Consideration

- (16)(a) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for the following offenses shall be assigned a Crime Severity Level of I: bad checks - under \$2,000, burglary - non-dwelling, less than \$300 - one count, credit card theft, criminal interference with government property, escape - no weapon, aiding escape - no weapon, forgery II - 10 or less counts or less than \$1000, habitual violator, possession/passing forged prescriptions - 1st offense, possession of tools to commit a crime, theft - less than \$1,000, theft of vehicle - not for profit - one count - 1st offense, or VGCSA - possession - one count.
- (b) Crime Severity Level I offenders with a Risk to Re-Offend Score of seven or more shall receive a Parole Guidelines recommendation of 20 to 26 months.
- (c) Crime Severity Level I offenders with a Risk to Re-Offend Score of three to six shall receive a Parole Guidelines recommendation of 17 to 22 months.
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475-3-.05 Parole Consideration

- (17) Offenders considered for parole using the Parole Decision Guidelines System who are incarcerated for an offense or offenses not otherwise specified in this rule will be assigned the Crime Severity Level of the specified offense most similar to their most serious offense.

Re numbering of Para 8

475-3-.05 Parole Consideration

- (18) Inmates serving prison sentences for sex crimes and crimes against minors will receive a risk assessment evaluation prior to a final decision to grant parole to determine the likelihood that he or she will engage in another sex crime or a crime against a minor.

STATE BOARD OF PARDONS AND PAROLES



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Member
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Member

MEMORANDUM

Date: December 7, 2007

To: Board Members

From: Tracy Masters 
Legal Services

Re: Public Opinion (Proposed amendment to Board Rule 475-3-.5: Parole Consideration)

Attached are two letters received by Legal Services regarding the Board's proposed amendments to Board Rule 475-3-.5: Parole Consideration.

**Kathryn S. Craft
323 Hogan Way
Evans, Georgia 30809**

December 1, 2007

Legal Office
State Board of Pardons and Paroles
2 MLK, Jr., Drive
Atlanta, Georgia 30334

Received
DEC 04 2007
Legal Services

Re: Proposed Parole Decision Guidelines

To the Board:

These guidelines seem to attempt to average out the disparate sentences given for the same crime and to give credit to those who are most likely to make a new life for themselves post-incarceration and become solid citizens.

I applaud your efforts to use good-sense methods of moving deserving folks out of the costly prison system while protecting citizens from those who are most dangerous and most likely to re-offend.

Your acceptance of these new guidelines on December 7 will be welcome news.
Thank you!

Very sincerely yours,

Kay Craft

12/6/07, Thursday, Dear Mr Masters:

I would like to reserve a spot on the "public comments" time for the new Parole Decision Guidelines time at the meeting which has been moved to Monday at 9:00 on the 5th floor - Monday, 12/10/07.

If my jury service notice does not become activated for that day (there is an "x" in the box for me to call on the Sunday night before, to see if I actually have to go to the courthouse) then I will plan to be here for your Monday open meeting.

The main thrust of my comments will be to try to remind the board that for all the tough talk of these changes, it is still legally only Guidelines, and as such still open to amendment or tweaking in many special cases. Or am I wrong about that?

I would remind them also of the "Warden's Dear Liek", or Special Parole Review, just discussed in the GDC Board meeting today; and I will inquire as to how friendly the Members see themselves being to that initiative.

Also I will probably try to speak against the idea of "mandatory minimums" at all levels, whether legislated by the legislature or self-imposed by this PPB agency on the back-end of the system.

Discretion to be lenient is at the heart of a parole system; or else it deserves not to be called that at all.

Received

DEC 06 2007

Legal Services

- Jim Ke Scott
10750 Pinewood Ave SE
Atlanta, Ga 30316
404-627-8054
12/6/07