

Rule 3.988(b)
Category 2: Sexual Offenses

I. Primary Offense at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	262	314	340	366	_____
1st	216	259	281	302	_____
2nd	158	190	206	222	_____
3rd	149	179	193	209	_____

Primary offense counts in excess of four:

Add 26 for each additional life _____

Add 21 for each additional 1st _____

Add 16 for each additional 2nd _____

Add 16 for each additional 3rd _____

Total _____

II. Additional Offenses at Conviction

Degree	Counts				Points
	1	2	3	4	
Life	44	53	69	97	_____
1st pbl	40	48	62	88	_____
1st	36	43	56	78	_____
2nd	26	31	40	56	_____
3rd	25	30	39	55	_____
MM	5	6	8	11	_____

Additional offense counts in excess of four:

Add 28 for each additional life _____

Add 26 for each additional 1st pbl _____

Add 22 for each additional 1st _____

Add 16 for each additional 2nd _____

Add 16 for each additional 3rd _____

Add 3 for each additional MM _____

Total _____

III. Prior Record

Degree	Counts				Points
	1	2	3	4	
Life	264	530	810	1100	_____
1st pbl	211	424	648	880	_____
1st	158	318	486	660	_____
2nd	80	159	243	330	_____
3rd	26	53	81	110	_____
MM	5	10	15	20	_____

Prior convictions in excess of four:

Add 290 for each additional life _____

Add 232 for each additional 1st pbl _____

Add 174 for each additional 1st _____

Add 87 for each additional 2nd _____

Add 29 for each additional 3rd _____

Add 5 for each additional MM _____

Total _____

IV. Legal Status at Time of Offense

Status	Points
No restrictions	0
Legal constraint	30

Total _____

V. Victim Injury (physical)

Degree of Injury	x	Number	=	Points
No Contact	0	_____		_____
Contact but no penetration	20	_____		_____
Penetration or slight injury	40	_____		_____
Death or serious injury	85	_____		_____

Total _____

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Category 2: Sexual Offenses

Chapter 794 - Sexual Battery

Chapter 800 - Lewdness; Indecent Exposure

Section 826.04 - Incest

Section 491.0112 - Sexual Misconduct by a Psychotherapist

Section 775.22 - Sexual Predator Registration

GUIDELINE SENTENCE

Points	Recommended Range	Permitted Range
149 - 169	any nonstate prison sanction	any nonstate prison sanction
170 - 185	community control or 12 - 30 months incarceration	any nonstate prison sanction or community control or 1 - 3 1/2 years incarceration
186 - 207	3 (2 1/2 - 3 1/2)	community control or 1 - 4 1/2 years incarceration
208 - 229	4 (3 1/2 - 4 1/2)	2 1/2 - 5 1/2
230 - 250	5 (4 1/2 - 5 1/2)	3 1/2 - 7
251 - 278	6 (5 1/2 - 7)	4 1/2 - 9
279 - 312	8 (7 - 9)	5 1/2 - 12
313 - 354	10 (9 - 12)	7 - 17
355 - 422	15 (12 - 17)	9 - 22
423 - 486	20 (17 - 22)	12 - 27
487 - 546	25 (22 - 27)	17 - 40
547 - 582	30 (27 - 40)	22 - Life
583 +	Life	27 - Life

Note — Any person sentenced for a felony offense committed after October 1, 1988, whose presumptive sentence is any nonstate prison sanction may be sentenced to community control or to a term of incarceration not to exceed 22 months. Such sentence is not subject to appeal. However, before imposing such sentence, the court shall give due consideration to the criteria in s. 921.005(1), §921.001(5), Fla. Stat. (Supp. 1988).