

VIRGINIA SENTENCING GUIDELINES

Sentencing Revocation Report and Probation Violation Guidelines

Effective July 1, 2021
1st Edition



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Preface - Phase 1

The enclosed sentencing revocation report and probation violation guidelines achieve three purposes. The worksheets reflect the requirements of § 19.2-303 for first, second and subsequent violations of probation. Second, the worksheets and procedures require that judges are supplied consistent information in every violation case including both probation and suspended sentence violations. Finally, the instruments are designed to allow the Commission to refine probation violation guidelines to better reflect historical sentencing patterns.

Phase 1 is necessary because criminal justice policies are rapidly changing. The Commission wants to be able to quickly respond to important changes in policies, laws and behaviors. By designing instruments that help identify important factors in sentencing, the Commission will be able to make adjustments to better reflect current sentencing patterns.

Sentencing Revocation and Felony Probation Violation Guidelines – Phase I Check List:

The purpose of the revised probation violation guidelines is, in part, to provide every judge with consistent and reliable information before a decision is made and a sentence is imposed. Phase 1 is necessary because criminal justice policies are rapidly changing. Below are some of the requirements.

- Complete Probation Violation Guidelines for Condition 1 (new convictions), Technical Violations (Conditions 2-11), and Special Conditions.
- Probation Officers Must Complete the Probation Violation Guidelines Because of Their Comprehensive Knowledge of the Case (Unless the Commonwealth is provided with all the details.)
- Identify Violations that Do Not Utilize Information Provided by the Department of Corrections' Probation Officers (e.g., Major Violation Report). Classify These Violations as Good Behavior Violations. Probation Violation Guidelines Do Not Apply for Good Behavior Violations.
- Complete Only the Sentencing Revocation Report (SRR) for Good Behavior Violations, Other Types of Suspended Sentence Violations and Local Felony Probation Violations.
- Update the Criminal Record Check for Every Defendant and Advise the Court in Writing or Verbally of Any New Convictions During the Current Supervision Period. (Provide information on new convictions based on an updated criminal record check, even if Condition 1 is not cited).
- Identify on the SRR All Treatment, Sanctions, Education Programs and Alternatives Utilized or Attempted During the Entire Course of the Supervision Period.
(This is for judicial review only and may be used to find resources that may be an effective alternative and to eliminate options that have not been successful. This may be self-reported information provided by the defendant or defense counsel.)
- Identify Time Incarcerated for this Probation Violation Hearing/Sentencing.
(This is pretrial incarceration prior to the hearing).
- Calculate the Amount of Revocable Time for All Offenses in the Current Event Before the Hearing on the Violation(s).



Sentencing Revocation and Felony Probation Violation Guidelines – History

Phase I Development of Probation Violation Guidelines

In 2016, the Commission approved a new study to provide the foundation needed to revise the Probation Violation Guidelines and improve the utility of the guidelines for Virginia's judges. The large-scale multi-year study included surveys of judges and other court stakeholders, data from multiple criminal justice data systems, supplemental data collection by Commission staff, and rigorous statistical analysis of the most comprehensive dataset on probation violations and revocation sentences ever compiled in Virginia. Based on the results of this large-scale multi-year project, the Commission has developed a revised Probation Violation Guidelines instrument for use in the state's circuit courts for Probation violations.

First implemented in 1997 with assistance from the Department of Corrections (DOC), the Sentencing Revocation Report (SRR) is a simple form designed to capture the reasons for, and the outcomes of, violation hearings in Virginia's circuit courts. It is completed for all violations of supervised probation, DOC's Community Corrections Alternative Programs (CCAP), good behavior or suspended sentence conditions, or local probation or community-based program requirements imposed as a result of a felony conviction. A Probation Officer (or Commonwealth's attorney) completes the first part of the form, which includes the offender's identifying information and check boxes indicating the reasons why a show cause or revocation hearing has been requested. The check boxes are based on the list of eleven conditions for community supervision established for every offender, but special supervision conditions imposed by the court can also be recorded.

As a critical first step in revising the guidelines, the Commission sought input and guidance from circuit court judges through a survey. The majority of responding judges felt that the Probation Violation Guidelines should cover violations stemming from technical violations, as well as new felony and new misdemeanor convictions. While the current guidelines only cover technical violations of supervised probation, 70.7% of responding judges indicated that the guidelines should apply to violations arising from a new felony conviction and 66.2% felt that the guidelines should apply to violations arising from a new misdemeanor conviction.

Through the survey, the judges provided insight into factors that, on average, are weighed most heavily when they sanction probation violators. The Commission also sought input from other criminal justice

stakeholders (probation officers, Commonwealth's attorneys, and defense attorneys) through a second survey. Most stakeholders agreed with judges that the Probation Violation Guidelines should cover violations arising from new felony and/or misdemeanor convictions in addition to technical violations. Surveys of judges and stakeholders also identified concerns regarding problematic factors or factors not captured on the current guidelines.

The Commission analyzed a large sample of more than 3,400 probation violation sentencing events from FY2014 through FY2018. Once all available data from multiple sources were compiled, Commission staff conducted detailed statistical analysis. The Commission had two main objectives for the analysis:

- 1) identify factors that judges use consistently when making sentencing decisions in revocation cases, and
- 2) as suggested by the survey's responses, explore the feasibility of expanding the Probation Violation Guidelines to cover probation violations arising from new convictions (i.e., Condition 1 violations).

Through this process, the Commission concluded that the Probation Violation Guidelines could be expanded to cover violations stemming from new felony and misdemeanor convictions. Moreover, the Probation Violation Guidelines could be improved by replacing the current instrument with instruments, one applicable to violators with new felony or misdemeanor convictions and the other specific to violators with technical violations. (See the 2020 Annual Report for more detailed information on the analysis.) The Commission's recommendation was accepted by the 2021 General Assembly.

The Commission will closely monitor judicial response to the new Probation Violation Guidelines and will recommend further adjustments, if necessary, based on judicial practice after the changes take effect. Any recommendations for adjustments will be submitted in the Commission's 2022 Annual Report.

Legislative Directive

In 2003, the General Assembly directed the Commission to develop, with due regard for public safety, discretionary sentencing guidelines for application in cases involving felony offenders who are determined by the court to be in violation of probation for reasons other than a new criminal conviction. Often these offenders are referred to as “technical violators.” In determining the guidelines, the Commission was to examine historical judicial sanctioning patterns in revocation hearings for such cases.

In 2012 and every year since, the General Assembly included the requirement to complete and review the Sentencing Revocation Report in all suspended sentence, good behavior and probation violation cases and to review applicable Probation Violation Guidelines before sentencing. Included in this section are the requirements authorized in the budget language.

In 2021, modifications passed by the General Assembly specified limits for probation terms and supervised probation, as well as sentences for technical violations. Under the legislation:

- The court may fix the period of probation only up to the statutory maximum of the offense;
- The period of supervised probation may not exceed 5 years from the release of the defendant from any active period of incarceration (the limitation does not apply to the extent that an additional period of probation is necessary for the defendant to participate in a court-ordered program);
- The limits do not apply to defendants convicted of certain sex offenses (House Bill 2038 leaves current requirements for sex offenders in place);
- In any case where a court suspends the imposition or execution of a sentence, it may fix the period of suspension only up to the statutory maximum of the offense.
- The court may not conduct a revocation hearing unless the court issues process to notify the accused or to compel his appearance before the court within 90 days of receiving notice of the alleged violation or within one year after the expiration of the period of probation or the period of suspension, whichever is sooner, or, in the case of a failure to pay restitution, within three years after such expiration;
- If neither a probation period nor a period of suspension was fixed by the court, then the court must issue process within six months (rather than one year) after the expiration of the maximum period for which the defendant might originally have been sentenced.

Code of Virginia § 19.2-306.1 defines “technical violation.” A technical violation means a failure to:

- Report an arrest within 3 days.
- Maintain regular employment or notify of job changes.
- Report within 3 days of release from incarceration.
- Permit a probation officer to visit home or employment.
- Follow instructions of the probation officer, be truthful/cooperative.
- Refrain from the use of alcoholic beverages to excess.
- Refrain from the use, possession, or distribution of drugs.
- Refrain from the use, ownership, or possession, of a firearm.
- Gain permission to change residence.
- Maintain contact with the probation officer such that the person’s whereabouts are no longer known (absconding).

The amended statute's definition of technical violation does not include violations of special conditions set by the court, such as sex offender restrictions, special conditions for gang members, restitution, etc. Violations arising because of new offense convictions are not affected by the revised statute. Under the statute multiple technical violations arising from a single course of conduct or considered at the same revocation hearing are not considered separate technical violations for the purposes of sentencing or sentencing guidelines.

Limits to the amount of active incarceration a court can impose for a technical violation of probation supervision are as follows (as specified in § 19.2-306.1):

- **1st technical violation** not related to firearm or absconding: No active incarceration.
- **2nd technical violation or 1st technical violation related to firearm or absconding:** Presumption against incarceration or, if the defendant cannot be safely diverted, up to 14 days incarceration.
- **3rd or subsequent technical violation or 2nd or subsequent technical violation related to firearm or absconding:** Whatever sentence may have been originally imposed.

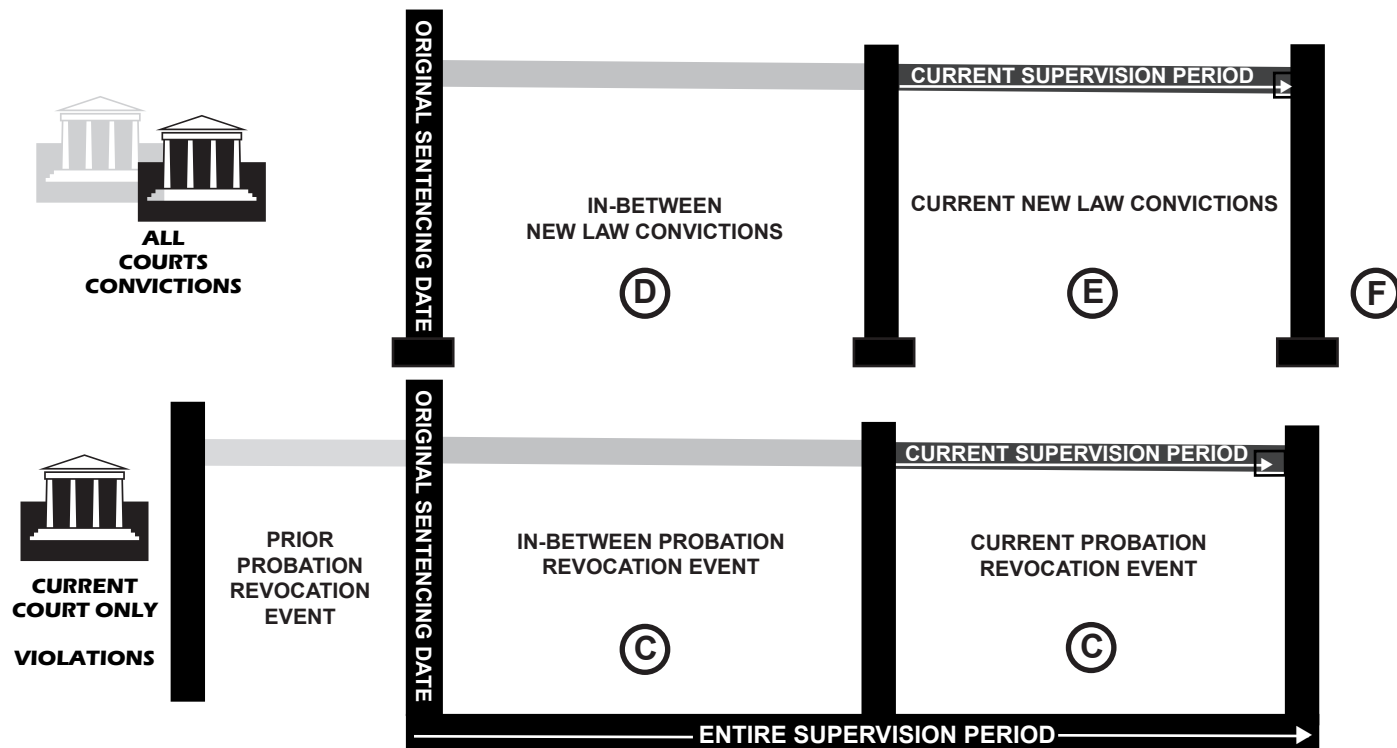
The limitations on sentencing do not apply to the extent that an additional term of incarceration is necessary to allow a defendant to be evaluated for or to participate in a court-ordered drug, alcohol, or mental health treatment program.

With the revisions to §§ 19.2-303, 19.2-303.1 and 19.2-306 and the addition of § 19.2-306.1 to the *Code of Virginia*, the Sentencing Commission has adjusted the enclosed Probation Violation Guidelines to ensure they are compatible with the requirements of the new law. The Probation Violation Guidelines have been adjusted to reflect the caps on sentences for technical violations as specified in § 19.2-306.1.

Limits to the amount of active incarceration a court can impose for a technical violation of probation supervision are as follows (as specified in § 19.2-306.1):

Technical Violation	Amount of Incarceration
1 st technical violation	No active incarceration.
1 st technical violation related to firearm or absconding	Presumption against incarceration, up to 14 days incarceration.
2 nd technical violation	Presumption against incarceration, up to 14 days incarceration.
2 nd or subsequent technical violation related to firearm or absconding	Sentence originally imposed
3 rd or subsequent technical violation	Sentence originally imposed

Probation Violation Time Based Factors



Date Sentenced	Court	Charged Offense	Convicted Offense	Sentence Imposed, Suspended, or Effective	State Supervised Probation Period
August 15, 1999	Juvenile				
Jan 2, 2005	Wise	Unlawful Wounding 7/1/2004 (O)	Same	5 Years Imposed 7 Months to Serve	2 Years
July 3, 2006	Wise	Forgery 12/20/2005 (O)	Same	5 Years Imposed All Suspended	2 Years
July 12, 2006 (B)	Wise	Probation Violation (Unlawful Wounding)	Same	4 Years, 5 Months Imposed, 6 Months to Serve	Continue Supervised Probation
February 26, 2009 (A)	Suffolk	Forcible Rape 5/31/2008 (O)	Same	25 Years Imposed 10 Years to Serve	10 Years Probation
November 1, 2017	Released from Prison – Probation Starts				
April 2, 2020	Suffolk	Grand Larceny Auto (\$15,000) 12/31/2019 (O) (D)	Same	2 Years Imposed 12 Months to Serve	2 Years Probation
April 15, 2020	Suffolk	Probation Violation (Rape) (C)	Same	15 Years Imposed, 1 Year to serve	Continue Supervised Probation
October 1, 2021	Released from Jail – Probation Continues				
May 1, 2022	Suffolk	Burglary 2/14/2022 (O) (E)	Same	5 Years Imposed 1 Year to Serve	5 Years Probation
May 22, 2022	Wise	Weapon Possession 02/01/2022 (O) (E)	Same	5 Years Imposed 5 Years to Serve	5 Years Good Behavior
July 1, 2022	Suffolk	Probation Violation (Rape & Grand Larceny) (C)		Current Violation	
Pending July 3, 2022	Alleghany	Grand Larceny Auto		(F)	

Timeline Case Example

The Facts:

The defendant has a juvenile record that cannot be verified. Based on the criminal history, the defendant has several felony convictions from Wise Circuit Court and Suffolk Circuit Court. In addition to the convictions for felony offenses, both courts have revoked the defendant's probation. Currently the defendant is on probation in Suffolk after serving about nine years for forcible rape. The defendant is now before the Suffolk Circuit Court for a second probation violation.

The defendant has a probation violation hearing scheduled for July 1, 2022.

The current alleged violations detailed in the major violation report:

- Condition 1: new convictions in Suffolk for Burglary and a possession of a weapon by a convicted felon in Wise.
- Condition 11: abscond from supervision
- Special Condition: fail to complete sex offender treatment program

Scoring the Guidelines Factors

- A.** Determine the earliest original sentencing date and the start date of the current supervision period. In this Suffolk case the defendant was sentenced for forcible rape on February 26, 2009, and eventually released on probation on November 1, 2017.
- B.** Prior to the original sentencing date of February 26, 2009, the defendant has one prior probation revocation in Wise County Circuit Court. However, the factors related to Prior Felony Revocation(s) can only be scored for the current court. In the current court, Suffolk Circuit Court, there are no prior probation revocations before February 26, 2009. The prior probation revocation in Suffolk occurred after February 26, 2009.
- C.** The number of Felony Revocation Events in the current court, Suffolk Circuit Court, is two. The current pending probation violation scheduled for July 1, 2022, and the revocation on April 15, 2020 that resulted in a one-year sentence.
- D.** Between the release date (November 1, 2017) and the start of the current supervision period (October 1, 2021) the defendant has one felony conviction during this period for grand larceny auto (April 2, 2020). Convictions for any court is scored for this factor, but in this case the conviction occurred only in the current court.
- E.** New Law Convictions includes all convictions in every court for felonies or misdemeanors. It is alleged in the major violation report that the defendant was in violation of Condition 1 based on convictions for two new offenses. On May 1, 2022, in the Suffolk Circuit Court the defendant was sentenced for burglary and on May 22, 2022, sentenced in Wise County Circuit Court for possession of a weapon by a convicted felon.
- F.** The defendant was arrested in Allegheny County for grand larceny auto during the current supervision period. However, the defendant was not convicted of the offense by the date of the current probation violation sentencing. Arrests are not scored. Had the defendant been convicted of the offense, but not sentenced, then the grand larceny auto would have been scored under the New Law Convictions factor.

Sentencing Revocation and Felony Probation Violation Guidelines – Phase I

Completion Responsibility

Required Forms, Worksheets and Documents for Violations of Circuit Court Felony Sentences

The Sentencing Revocation Report (SRR) is prepared for every capias, show cause or revocation request submitted to the court for an offender who has violated the conditions of a suspended sentence for a felony offense. This includes violations of probation, good behavior terms, community-based programs and other forms of suspended sentences.

- The Sentencing Revocation Report (SRR) is completed for every capias, show cause or revocation request submitted to the court.
- Probation Violation Guidelines Worksheets are attached to the Sentencing Revocation Report (cover page) for supervised probation violations initiated by the Department of Corrections' Probation and Parole officers.
- An updated record check is required to be completed before the hearing for the violation(s). The judge must be informed of any convictions that occurred while the defendant was on supervised probation. This may be attached in writing or presented orally to the court.
- Defense counsel must receive copies of the SRR and probation violation guidelines. Local procedures will dictate when the guidelines are distributed to defense counsel. The recommendation is the same distribution time frame for Pre-Sentence Investigation Reports (5 days before the hearing).

Required Forms, Decision on New Law Conviction Scheduled for the Same Day as the Violation

If a new law conviction hearing is scheduled on the same day as a revocation hearing for other violations (Technical, Special or Condition 1), preparers should have alternative guidelines prepared to include both scenarios on whether the offender is convicted of new offenses that day. Note that unless any new conviction is reached, the appropriate guidelines for official use would be the ones which do not include a Condition 1, new conviction violation.

Two Official Preparers

As with sentencing guidelines, there are two official preparers: the attorney for the Commonwealth and probation officers (state or local).

- If the attorney for the **Commonwealth** initiates the capias or revocation request for a felony violation, without the probation officer providing a Major Violation Report and supervision details, only the Sentencing Revocation Report (SRR) is completed. For guidelines purposes this would be identified on the SRR as a good behavior violation.
- If the **probation officer** completes a Major Violation Report and initiates a PB-15 or capias request for a felony violation, both the Sentencing Revocation Report or SRR (cover page) and the appropriate worksheet will be completed.
- **Local probation** officers may only complete the SRR. Sentencing guidelines are not completed for violations for which the defendant was being supervised by local probation. In these cases, only the SRR is submitted to the court.
- Any preparer may complete the SRR for a felony **good behavior violation** (a suspended sentence without a supervised probation condition).

Procedural Rules

One Guidelines Per Probation Violation Event

One Sentencing Revocation Report (SRR) is prepared for each good behavior violation hearing event or sentencing event. Both the Sentencing Revocation Report (SRR) and one probation violation guidelines worksheet are completed for each felony probation violation event. An event consists of all probation or suspended sentence violations before the same judge in the same court at the same time. One event may cover multiple violations for an offender in the current court. Do not complete multiple SRRs or probation violation guidelines worksheets, if all the cases are before the same judge on the same day and time.

Not to be Completed in Advance (Must Be Within 30 Days of Hearing/Sentencing)

The Sentencing Revocation Report (SRR) and, when required, probation violation guidelines worksheets should be prepared and submitted to the court, through locally established procedures, no more than thirty (30) days prior to the violation hearing. The SRR and probation violation guidelines cannot be prepared outside the 30 days. Any forms prepared in advance are invalid and must be updated and completed within the established time frames before being submitted to the court. As the Commission's SWIFT (Sentencing Worksheets and Interactive File Transfer) system is implemented across the state, finalizing a guidelines will place the case on the judge's docket. Finalizing guidelines in advance will not only be inaccurate, it will cause undue burden on the court and its staff.

If a new law conviction hearing is scheduled on the same day as a revocation hearing for other violations (Technical, Special or Condition 1), preparers should have alternative guidelines prepared to include both scenarios on whether the offender is convicted of new offenses that day. Note that unless any new conviction is reached, the appropriate guidelines for official use would be the ones which do not include a Condition 1, new conviction violation.

Preparation Errors

If a scoring error is detected prior to sentencing, the Commission requests that the error be corrected, new guidelines be prepared and circulated to all parties prior to the sentencing event. SWIFT will allow for guidelines to be corrected and until advised otherwise, preparers will need to provide a paper copy or send a PDF copy by email.

Changes at Sentencing

If a preparation error is detected at sentencing or additional conditions are cited, the Commission requests that the worksheet be rescored in order to incorporate the changes. If a worksheet is rescored, the final worksheet presented to the judge for consideration is the version to be submitted to the Commission. The ultimate responsibility for ensuring that the worksheets are completed accurately rests with the judge. SWIFT will allow for guidelines to be corrected and resubmitted to the court.

In the case of pending charges before the same court and judge, preparers must anticipate possible outcomes and prepare for each outcome. If a new law conviction hearing is scheduled on the same day as a revocation hearing for other violations (Technical, Special or Condition 1), preparers should have alternative guidelines prepared to include both scenarios on whether the offender is convicted of new offenses that day. Note that unless any new conviction is reached, the appropriate guidelines for official use would be the ones which do not include a Condition 1, new conviction violation.

Condition 1 Cited After Release from Probation or Before the Start of a New Current Supervision Period

If there is an alleged violation that is not addressed before the defendant is released from supervised probation or before the start of a new supervision period, the guidelines do not apply and the Sentencing Revocation Report (SRR) must be completed. Mark procedural for the type of revocation on the SRR.

Judicial Disagreement with Worksheet Scoring Rules

Guidelines worksheets must be scored according to the rules contained in the manual. It is not appropriate to adjust the guidelines scores to reflect judicial discretion. If a judge disagrees with the recommendation because of the inclusion of, or the weights assigned to, a factor on a particular worksheet, the Commission suggests that the judge depart from the recommended sentence and state the reason(s) for departure on the reverse side of the Sentencing Revocation Report (SRR). The explanation should identify the specific factor and the reason the factor is being questioned. This process will allow the Commission to adjust the guidelines to better reflect the decisions and philosophy of the judiciary. This information is very crucial during the initial implementation of probation violation guidelines (Phase I).

Recording the Departure Reasons

When the court imposes a sentence greater or less than the guidelines recommendation, the judge is required by budget language to provide a written departure explanation with the record of the case. Space is provided on the back of the Sentencing Revocation Report (SRR) for entering reasons for departure. Reasons for departure should be specific. Specific departure reasons provide useful feedback to the Commission and will alert the Commission to concerns of the users. Departure reasons will allow the Commission to refine the guidelines to better reflect judicial sentencing patterns.

Mailing Responsibility

The Circuit Court Clerk is to forward the completed Sentencing Revocation Report (SRR) and a copy of the court order to the Virginia Criminal Sentencing Commission within five days following the entry of the final order of conviction and sentence. When the Probation Violation Guidelines are completed, the guidelines forms must be attached to the completed (SRR).

Submitting Forms to the Virginia Criminal Sentencing Commission,

Mailing address: 100 North Ninth Street, 5th Floor,
Richmond, VA 23219.

Email address: vguidelines@vacourts.gov. Contact the Commission for further details on submitting forms by email.

SWIFT: When a court is fully automated and using the SWIFT (Sentencing Worksheets and Interactive File Transfer) application, worksheets and court orders will be transferred electronically. SWIFT is currently operational in several courts. Your court will notify guidelines users when paper forms are no longer required and the submittal of forms to the judge, the clerk and the Commission is fully automated. Until advised otherwise, continue with the paper submission process.

Location of Sentencing Revocation Report and Probation Violation Worksheets

Users may obtain a SWIFT account to access, prepare and submit sentencing guidelines worksheets. (Please email swift@vacourts.gov with your name, bar number if an attorney, email address, primary court and a private account will be established for you.) Other electronic versions of the worksheets are available at www.vcsc.virginia.gov or mobile.vcsc.virginia.gov, for use in emergencies or if access to SWIFT is not available. Users are encouraged to use SWIFT.

Worksheets

For every felony state-supervised probation violation event, the Sentencing Revocation Report is completed along with the appropriate probation violation guidelines for each court. Only complete one worksheet per sentencing event based on: first technical violation, second technical violation, third technical violation, special condition violation, new misdemeanor law violation (conviction) or new felony law violation (conviction).

If the defendant has multiple obligations to different courts, the Sentencing Revocation Report is completed along with the proper probation violation guidelines for each separate court. Probation violations are specific to each court. Prior probation violations in other jurisdictions and courts are not scored on the probation violation guidelines.

Worksheet TV 1/2

Prepare Worksheet TV 1/2 when the alleged violation is technical in nature (Conditions 2-11). Decide if the current violation is the first or second technical violation and if one of the conditions cited is Condition 9 (possession, etc., firearm) or Condition (absconding). Prior violations must also be technical in nature and not for any new law conviction (Condition 1). Condition 1 violations are not used to identify subsequent technical violations.

Worksheet TV 3/Special Conditions Violations (SCV)

Prepare Worksheet TV 3 when the alleged violation is technical in nature (Conditions 2-11) or a special condition violation. The current violation must be the third or subsequent technical violation. Prior violations must also be technical in nature and not for any new law conviction (Condition 1). Condition 1 violations are not used to identify subsequent technical violations. Prior revocations that include both new law and technical violations are included when counting the number of previous technical violations.

New Law M

Prepare Worksheet New Law M when the alleged violation is Condition 1 and the new conviction is for a misdemeanor offense in Virginia or any other jurisdiction. If Condition 1 is cited based on a traffic infraction, complete the New Law M worksheet.

If there is a combination of technical/special condition violations and new misdemeanor convictions during the current supervision period, prepare Worksheet New Law M based on the new misdemeanor.

New Law F

Prepare Worksheet New Law F when the alleged violation is Condition 1 and the new conviction is for a felony offense in Virginia or any other jurisdiction.

If there is a combination of technical/special violations and new felony and misdemeanor convictions during the current supervision period, prepare Worksheet New Law F based on the new felony.

Hierarchy for selecting the appropriate worksheets

The type of violation determines the worksheet that is completed for the court. This is different from selecting the most serious offense in the revocation event. Select the worksheet based on this ordered list:

1. New Law Felony (Condition 1)
2. New Law Misdemeanor (Condition 1)
3. Special Conditions Violation (Alleged in the Major Violation Report)
4. Violation of Conditions 9(firearms) or 11(abscond) (1st, 2nd or 3rd/sub)
5. Third Technical Violation of Conditions 2,3,4,5,6,7,8 or 10
6. Second Technical Violation of Conditions 2,3,4,5,6,7,8 or 10
7. First Technical Violation of Conditions 2,3,4,5,6,7,8 or 10

General Rules

Probation Violation Not Scored as an Additional Offense

Probation violations are not to be scored as additional offenses on the felony sentencing guidelines for new offenses. The judge must receive guidelines for the new felony offense(s), if covered by the sentencing guidelines, and a copy of the Sentencing Revocation Report (SRR) and the appropriate probation violation guidelines worksheet. Sentencing for new law violations and probation violations may occur on the same day in the same court. If so, the following two guidelines forms are submitted to the court:

1. Sentencing Guidelines for the new felony conviction and
2. SRR to identify the reasons for the probation, good behavior or suspended sentence violation and, if applicable, probation violation guidelines based on a first technical violation, second technical violation, third technical violation, special condition violation, new misdemeanor law violation or new felony law violation (unless the Commonwealth's attorney is proceeding with a good behavior violation, then only the SRR is completed).

Probation Violation Guidelines Apply to Violations of State Supervised Felony Probation

Probation violation guidelines apply to new law violations (Condition 1), technical violations (Conditions 2-11) and special conditions.

Condition 1 is cited, "Fail to obey all Federal, State and local laws and ordinance," when there is a new conviction during the current supervision period that violates the conditions of the suspended sentence/probation (**new law conviction**). In some jurisdictions the court may determine that a deferred finding satisfies the requirements for a new law conviction (a Condition 1 violation) and probation violation guidelines based on the new law violation(s) apply instead of the probation violation guidelines for technical violations.

Technical violations include any state supervised probation conditions other than Condition 1 (e.g., Conditions 2-11). The amended statute's definition of technical violation does not include violations of special conditions set by the court, such as sex offender restrictions, special conditions for gang members, restitution, etc. For guidelines purposes, violations arising because of new offense convictions are not affected by the revised statute. Under the statute multiple technical violations arising from a single course of conduct or considered at the same revocation hearing are not considered separate technical violations for the purposes of sentencing or sentencing guidelines.

The conditions cited on the Sentencing Revocation Report determine if and what factors are scored on the probation violation worksheets. Failure to include the violation details in the Major Violation Report or other report to court would require that the factor not be scored on the worksheet.

A copy of the Conditions of Probation used by the Department of the Corrections can be found in Appendix 1.

Felony Probation Violation Guidelines

Do Not Apply Under the Following Circumstances:

Probation violation guidelines apply to new law violations (Condition 1), technical violations (Conditions 2-11) and special conditions.

- A. The offender is on local probation for felonies or misdemeanor offenses (for a felony submit the Sentencing Revocation Report).
- B. The offender is revoked for something other than state probation (i.e. good behavior, suspended sentence) (for a felony submit the SRR).
- C. The offender is removed from CCAP for causes (disciplinary reasons) or for administrative or medical reasons. Only the Sentencing Revocation Report is required.
- D. The offender is in violation of §§ 18.2-251 or 18.258.1, (first offender status) or §§ 19.2-303.6 or 19.2-298.02 or any other deferred finding/sentence. For first offender violation cases or any deferred cases, please prepare the proper sentencing guidelines worksheet.
- E. Sentencing Revocation Report (SRR) and probation violation guidelines are not required when a case is being resentenced, not revoked. If the offender is resentenced because of failure to qualify for an alternative (i.e. CCAP, substance abuse program, etc., because of health issues or record), the court must communicate the new sentence to the Commission and a departure reason if not in concurrence with the guidelines recommendation.

Decision of the Court

Disposition- The sentencing judge or his designee is responsible for completing the back page of the Sentencing Revocation Report (SRR). The back page of the (SRR) specifies the actual conditions violated, the decision of the court, and the sentence or other sanction imposed if the offender is found in violation. The back page of the SRR is completed even if the decision is to take the case under advisement or defer any action for a specific amount of time.

Preparation Errors - If a preparation error is detected at sentencing, the Commission requests that the form be revised to incorporate the changes. The ultimate responsibility for ensuring that the form is completed accurately rests with the judge.

Probation Violation Not Scored as an Additional Offense

Probation violations are not to be scored as additional offenses on the felony sentencing guidelines for new offenses. The judge must receive guidelines for the new felony offense(s), if covered by the sentencing guidelines, and a copy of the Sentencing Revocation Report (SRR). The SRR must identify the alleged conditions of probation violated and, when appropriate, include the VCC for the new law violation. A new law violation must be for a conviction, not for an arrest only. Sentencing for new law violations and probation violations may occur on the same day in the same court. If so, the following two guidelines forms are submitted to the court:

1. Sentencing Guidelines for the new felony conviction and
2. SRR to identify the reasons for the probation, good behavior or suspended sentence violation and, if applicable, probation violation guidelines based on a first technical violation, second technical violation, third technical violation, special condition violation, new misdemeanor law violation or new felony law violation (unless the Commonwealth's attorney is proceeding with a good behavior violation, then only the SRR is completed).

GLOSSARY: 10 KEY Terms

General

When scoring the probation violation guidelines, several factors are specific to the order in which the convictions and revocations occurred:

1. Before the original sentencing date
2. after the original sentencing date and
3. before the start of the current supervision period and
4. during the current supervision period

Prior probation violations are scored for the current court only, even if the defendant has probation obligations to other courts. Prior convictions are scored for any court, local, state, federal or international. Below are key terms needed to correctly score the probation violation guidelines.

1 Original Sentencing Date: This is the date the defendant was originally sentenced for any offense in the Probation Violation Event. Among the offenses in the probation violation event, if the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date. The original sentencing date will never change if the same offenses are in future violations or revocations. This is the first date the defendant was sentenced and placed on probation for any offense in the Current Probation Violation Event.

2 Primary Offense: Selecting the most serious offense in the revocation event is different from selecting the appropriate worksheet.

Use the following hierarchy to determine the most serious original felony offense for the Probation Violation Guidelines:

1. Highest Statutory Maximum
2. Person Crimes
3. Property Crimes
4. Victimless/Other Crimes
5. Drug Crimes
- 6- Highest Recommendation

The type of violation determines the worksheet that is completed for the court not the primary offense. The correct worksheet is selected based on this hierarchical list:

1. New Law Felony (Condition 1)
2. New Law Misdemeanor (Condition 1)
3. Special Conditions Violation (Alleged in the Major Violation Report)
4. Violation of Conditions 9(firearms) or 11(abscond) (1st, 2nd or 3rd.sub)
5. Third Technical Violation of Conditions 2,3,4,5,6,7,8 or 10
6. Second Technical Violation of Conditions 2,3,4,5,6,7,8 or 10
7. First Technical Violation of Conditions 2,3,4,5,6,7,8 or 10

3 Entire Supervision Period: This period is from the earliest date the defendant was placed on probation in this court for any of the offenses in the Current Probation Violation Event, up to the current hearing/sentencing date.

Note: the Treatment, Sanctions, Educational Programs & Alternatives Utilized factor on the cover sheet is for any program during the entire supervision period and not just for the current supervision period.

4 Current Supervision Period: For defendants with no prior probation violations for any of the offenses subject to revocation, the current supervision period begins on the date the court places the defendant on probation up to the current hearing/sentencing date.

For defendants with prior violations for any of the offenses subject to revocation, the current supervision period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date.

The start date for the Current Supervision Period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation. For example, if the court finds the defendant in violation of probation on January 2, 2022, but continues the defendant on probation, the start date for the Current Supervision Period is January 2, 2022.

If the court takes a probation revocation under advisement, without finding the defendant in violation, there is no new start date. The current supervision start date stays the same and any specific violations alleged during this period will be scored on future guidelines.

Example: On January 4, 2021, the defendant is placed on probation. In December 2021 a revocation hearing is held, and the court took findings under advisement. The defendant is now being brought back before the court for another violation hearing. Since the court did not find the defendant in violation in December 2021, the current supervision start date still is January 4, 2021.

5 Current Probation Violation Event: This identifies violations since the last court action to place the defendant on probation, revoke or continue probation up to the date of the scheduled revocation hearing in the current court. It includes violations for all underlying offenses and their associated counts from the same court. Probation violations before the same judge, same court on the same day are one violation event, regardless of the number of previous sentencing events or underlying offenses. The current probation violation event is focused on the current court and no other court.

6 In-between Probation Violation/Revocation Event: This factor scores probation violations for the current offense(s) that occurred between the original sentencing date and start of the current supervision period. It includes violations for all underlying offenses and their associated counts from the current court. Probation violations before the same judge, same court on the same day are one violation event, regardless of the number of previous sentencing events or underlying offenses.

7 Prior Probation Violation/Revocation Event: This factor scores probation violations in the current court for offense(s) that occurred prior to the original sentencing date. It includes violations for all underlying offenses and their associated counts from the current court. Probation violations before the same judge, same court on the same day are one violation event, regardless of the number of previous sentencing events or underlying offenses.

A prior revocation is any revocation for an offense that occurred before the current original offense date. The revocation is scored as a prior revocation even if the court revoked the probation during the current supervision period. In other words, the prior revocation is from a different supervision period and not the current.

8 Current New Law Conviction(s): Convictions for offenses that occurred during the current supervision period (after the start date of the current supervision period) would, in most cases, result in a condition 1 citation.

9 In-between New Law Conviction(s): This factor scores new convictions in any court while the defendant was on probation supervision for any of the current offense(s). Only convictions where both the offense and conviction dates occurred between the original sentencing date and start of the current supervision period are scored. Convictions prior to the original sentencing date are not scored. Arrests are not scored.

10 Good Behavior Violation/Suspended Sentence Violation: A defendant may be on both good behavior (§ 19.2-306) or suspended sentence (unsupervised probation) and supervised probation. If the decision is to move forward with a Good Behavior or Suspended Sentence Violation only the Sentencing Revocation Report (SRR) cover page is completed (the Commonwealth's attorney may complete the SRR.) There is no recommendation for good behavior or suspended sentence violations. Good Behavior or Suspended Sentence Violations are not scored as prior probation violations.

◆ Completing the Sentencing Revocation Report

SRR Cover Page

◆ Offender

Enter the offender's first, middle, last name, suffix.

Fill in the offender's date of birth. If unknown, leave blank.

Fill in the offender's social security number. If unknown, leave blank.

Fill in the offender's Central Criminal Records Exchange (CCRE) number. If no Virginia number has been assigned, leave blank.

Enter the CORIS Offender ID generated by DOC.

◆ Court

Enter the circuit number of the sentencing court.

Enter the name of the city or county that the court serves.

Enter a docket number that identifies the current probation violation sentencing event. If there are multiple numbers, enter all the docket numbers. SWIFT will capture the related docket number in most courts.

Enter the FIPS Code that corresponds to the city or county where the sentencing court is located. For a FIPS code listing, refer to Appendix 5 of the Sentencing Guidelines Manual.

◆ Type of Revocation

Complete Sentencing Revocation Report (SRR) Cover Sheet and Guidelines Worksheets for State Supervised Probation Violations associated with felony offenses.

Guidelines do not apply for local probation, good behavior, or suspended sentence violations. Guidelines do not apply for removal from CCAP for cause or administratively for health or other reasons. Mark procedural for the type of revocation on the SRR if there is an alleged violation that is not addressed before the defendant is released from supervised probation or before the start of a new supervision period. Guidelines do not apply and the Sentencing Revocation Report (SRR) must be completed. Complete the Sentencing Revocation Report (SRR) Cover Sheet only.

NOTE: Neither the Sentencing Revocation Report (SRR) Cover Sheet nor probation violation guidelines are completed for First Offender cases (§18.2-251 or §18.2-258.1), any deferred finding cases (§§ 19.2-298.02, 19.2-303.6), post-release or parole violations. If the defendant is found in violation of the conditions of the deferral, the felony sentencing guidelines for that offense must be completed.

Mark all boxes that apply for the current violation for the alleged violation is a technical violation (Conditions 2-11), a violation of special conditions or a violation based on a new law conviction.

- Conditions 2-8 or 10: If Conditions 2-8 and 10 are the only violations cited, mark the appropriate boxes for all of the probation obligations in the event. There may be cases when the current probation violation event includes probation obligations that have previously been revoked. In other words, it may be appropriate to mark first, second, and third or subsequent state probation violation. *(For example, the defendant may be on probation in the same court for three separate periods of supervision: a 2019 period of supervision that was previously revoked twice, once in 2020 and 2021, a 2020 period of supervision that was previously revoked in 2021 and the current 2022 period of supervision that is being revoked for the first time. In this example all the boxes would be marked).*
- Conditions 9 or 11: If Conditions 9 or 11 are cited, also mark the appropriate boxes for all of the probation obligations in the event. Mark second or subsequent state probation violation if the defendant previously violated Conditions 9 or 11 during the supervision period for offenses in the current sentencing event
- The special condition box is marked if the defendant is in violation of any special conditions imposed by the court or are detailed in the major violation report. Some of the common special conditions that may be cited are special sex offender conditions, conditions specific to gang members or financial obligations to name a few.
- If Condition 1 is cited as one of the reasons for the probation violation, mark new law violation and identify if the new law violation(s) is for a new felony or misdemeanor conviction or both.

◆ Conditions Cited in Violation by Probation/Parole Officer (check all that apply)

Check the appropriate boxes indicating the conditions of state probation that were allegedly violated by the defendant. The conditions violated must be the same that are named in the capias, warrant, revocation request or Major Violation Report and related amendments. If at the hearing the court finds the defendant in violation of other conditions, the judge can record the conditions violated on the Sentencing Revocation Report (SRR) Disposition Sheet.

If special conditions are violated (other than sex offender and validated gang member conditions), enter a brief title or description of the most serious special condition violated.

If special sex offender conditions are violated, enter the letter associated with the most serious sex offender condition violated. Sex offender conditions and their associated letters are included in Appendix 1.

If validated gang member conditions are violated, enter the letter associated with the most serious gang offender condition violated. Serious gang offender conditions and their associated letters are included in Appendix 1.

◆ **Treatment, Sanctions, Educational Programs and Alternatives Utilized:**

The purpose of this section is to provide the probation officer or Commonwealth's Attorney a standardized way, in every case, to inform the judge about programs that have been tried, programs that were successful or not, and new options that are available. Identifying any treatment, sanctions, or alternative has no impact on the guidelines recommendation. This section is solely for the use of the judge in sentencing and determining what alternatives may be utilized.

Check the appropriate box for every treatment, sanction, or program (hereinafter referred to as "alternative program") the defendant has participated in, been enrolled in, or ordered to complete during the entire supervision history for the current offense(s). Indicate whether the defendant has been enrolled/ordered to complete, completed, not completed or was ineligible for any of the listed programs. During the entire course of supervision for the offenses in the Current Probation Event, the defendant may have completed or not completed several treatments and may still be enrolled in a program. In that case, three boxes would be checked. If the defendant is no longer eligible to participate in the program, all boxes would be checked.

Check all that apply (Not mutually exclusive):

Enrolled/Ordered: Check this box if at the time of the current probation violation hearing/sentencing the defendant was still enrolled in an alternative program or was ordered into an alternative program, but never had a chance to complete the program (e.g., on a waiting list).

Check the box for any alternative program the defendant voluntarily entered or was ordered to complete by a court, the probation officer or authorizing authority. Please include all alternative programs identified by court order, capias, warrant, revocation request, major violation report and amended reports, the probation officer's log, or other official reports.

Completed: Check this box if the defendant has successfully completed the specific alternative program or has been released from the program, excluding those who voluntarily leave a program before completion and those removed from a program for cause.

Not Completed: Check this box if the defendant was not successful in completing the specific Alternative Program. This includes defendants who voluntarily leave a program before completion and those removed from a program for cause.

Ineligible: Check this box if the defendant does not meet the appropriate qualifications or criteria to participate in a specific Alternative Program.

Alternative Programs Definitions:

- **Anger Management** – Any counseling designed to address anger management issues. This includes Domestic Violence Counseling.
- **CCAP** – Department of Corrections Community Corrections Alternative Program.
- **Community Service** – Performance of work in the community at the direction of the court, probation officer or law enforcement. It may be in exchange for a complete or partial reduction of fines and/or incarceration or punitive in nature. This would also include community service at the direction of the Probation Officer as a sanction or for rehabilitation purposes.
- **Drug Screens Increased/Ordered** – Drug testing ordered by the Court, at the discretion of the Probation Officer, or an increase in the frequency/number of drug screens.
- **Employment Skills Program** – Any program designed to assist the defendant in developing or improving job skills.
- **Gang Supervision** – The defendant is required to abide by additional restrictions/conditions as a result of suspected gang related activity or participation. Refer to Appendix 1.
- **Incarceration – Jail or Prison** – Defendant has been sentenced to serve an active sentence of at least one night in jail, prison, Home Electronic Incarceration (HEM) or sentenced to time served for any offense in the current probation violation event. (This includes any active time to serve as the result of any violations of probation for any of the offenses in the current probation violation event.)
- **Increase in Supervision Level** – The defendant's supervision is increased from a lower level to a higher level of supervision that requires more extensive contact between the probation officer and the defendant in the community.
- **Mental Health Counseling** – Counseling by a licensed professional to address mental health issues. This includes inpatient counseling, outpatient counseling and mental health commitment.
- **Parenting Classes** – Any program designed to assist the defendant in developing or improving parenting skills.

◆ Completing the Sentencing Revocation Report Cover Page

- **Recidivist Prevention Program** - Programs specifically designed to address criminal behavior and reduce recidivism. Examples include, but are not limited to, Shoplifting/Larceny Prevention Class, Embezzlement counseling, Stop Thief Program, special programs for Solicitation of Prostitution/Prostitution.
- **Reprimand** – The defendant was given a verbal/written reprimand or warning by the Probation Officer to address non-compliant behavior.
- **Salvation Army Program** – Salvation Army Adult Rehabilitation Center or programs offered by or affiliated with this group.
- **Sex Offender Treatment** – Any treatment/counseling specifically designed to address sex offending behavior. This includes polygraph and plethysmograph testing.
- **Specialty Court – Specialized Court Dockets.** This includes, but is not limited to, Drug Court and Veteran's Track, Mental Health Court, and Re-Entry Court.
- **Substance Abuse Program, Jail/DOC** – Any jail or prison-based substance/alcohol abuse program that the defendant participated in since first being incarcerated for current offenses. This includes defendants who participated in substance abuse programs while incarcerated, but before being placed on probation (i.e., defendant completed a jail-based program while awaiting trial or awaiting sentencing).
- **Substance Abuse Treatment Program, Inpatient** – Residential substance/alcohol abuse treatment programs where the defendant is required to reside at the facility.
- **Substance Abuse Treatment, Outpatient** – Any substance/alcohol abuse treatment program where the defendant is not required to reside at the facility. Examples include, but are not limited to, VASAP, methadone clinics and Intensive Outpatient Treatment programs.
- **Substance Abuse Treatment, AA or NA** – Alcoholics Anonymous and Narcotics Anonymous.
- **Thinking for a Change** – The Department of Corrections Thinking for a Change cognitive program.
- **Voice Verification Biometrics Monitoring** – The defendant is being monitored through the Department of Corrections Biometric Unit, i.e. Shadow Track.
- **Other** – Any other alternative program not listed above. Enter a short title or description of the program.

◆ Date Arrested for this Violation

Enter the date the defendant was arrested for the current probation violation, good behavior violation or other type of suspended sentence violation. This will be the most recent date the defendant was arrested on a capias or PB-15 for the current offense(s).

The date entered is the arrest for the current court only. Do not enter an arrest date for probation violations in other jurisdictions during the current supervision period.

Enter the arrest date even if the defendant is arrested and released.

◆ Pretrial Confinement for this Violation

Pretrial confinement lengths are provided to the court for informational purposes only. There is no suggestion that the dates provided will be used to determine time served or used to calculate release dates. The dates are provided to inform the court of the defendant's location after arrest and before sentencing for the current probation violation.

1. Mark **No** if the defendant was not incarcerated at any time after the arrest and prior to the sentencing for the current probation violation. If yes, identify the confinement dates.
2. Check **Confined Since Arrest for Violation** if the defendant was incarcerated in a jail, prison or secured juvenile facility and never released between the arrest for the probation violation and the sentencing for the probation violation. Enter the date of arrest for this court's violation (i.e., the date arrested for a PB-15 or capias issued by the current sentencing court).
3. Check **Dates Confined** and enter dates if the defendant was incarcerated pretrial but was released on bond, etc., or was at liberty between the date of arrest for the probation violation and the sentencing for the probation violation. Two periods of incarceration may be entered. Enter the first date the defendant was incarcerated in jail, prison or a secured juvenile facility up to and including the date of conviction or the date released from incarceration. If there are more than two periods of pretrial incarceration, enter the two longest periods of pretrial confinement.

These dates cannot precede the date of arrest nor exceed the date of conviction.

Pretrial confinement ordered by the presiding judge in a mental health facility or other treatment facility is considered jail incarceration for this form.

No dates are entered for defendants arrested and released on the same day.

◆ Pretrial Release Status

If the defendant was released after being arrested for the current probation violation event for this court, identify the type or types of pretrial release.

Bond: A defendant arrested by law enforcement is taken into custody pending trial. Frequently, the defendant does not remain in custody until the court date – instead, the defendant satisfies the conditions of bail for release. This amount of bond is a guarantee that the offender will appear before the court for trial. There are two types of bail bonds – secured bond and unsecured bond.

Secured Bond refers to the release of the defendant after either the defendant pays the amount of the bond or a surety posts a written promise to pay a specific sum. This can include a deposit of cash or a solvent surety (such as a bail bondsman, family member, or friend) who agrees to accept the obligation for the bond amount.

Unsecured Bond refers to the release of the defendant after the defendant makes a written promise to pay a specified monetary amount, without actually paying such specific sum; however, if the defendant fails to appear before the court, the defendant may be liable for the monetary amount of the bond.

Own Recognizance: When a defendant is arrested and granted release on their “own recognizance”, the defendant is released after making a written promise to appear before the court and abide by any terms of release. No monetary terms are specified.

Third Party Release: This is where someone other than the defendant signs for the defendant, and usually pays bail (or a portion thereof) for the defendant. Also, a third-party release includes a defendant’s release from jail into the care of a non-jail party. In general, when this occurs, the third party is responsible for monitoring the defendant and ensuring the defendant’s appearance in court and reporting any violations of the release agreement.

N/A: Information on pretrial release is not available or not applicable.

◆ Violation Guidelines Recommendation

SWIFT, the official guidelines application will populate the recommendation. In the event that SWIFT is not available, check the appropriate box indicating time served or the probation violation guidelines recommended range.

If only the Sentencing Revocation Report (SRR) is required, there will be no recommendation for violation of local probation, good behavior, suspended sentence or CCAP since probation violation guidelines do not apply in these cases.

◆ Rehabilitation Potential Cited by Judge

Note to Judge: If you find the defendant has good rehabilitation potential, mark the box on the disposition page. The low end of the recommendation will then be time served or zero additional days.

A note is printed on the SRR Cover Sheet to remind the sentencing judge that the low end of the recommendation may be reduced to time already served or to no time when the judge determines positive rehabilitation potential. The judge will identify defendants with good rehabilitation potential on the disposition page.

This is solely the decision of the presiding judge. Attorneys can present their case to the court, but the judge must make the decision. There is no risk assessment instrument that is used to make this judgement call. This factor is part of the guidelines because, historically, judges departed from the guidelines when the judge identified some actions, attitude or commitment that made the defendant a good candidate to continue on probation, participate in another program without serving any additional time, or be released from supervision.

Final Decision/Disposition Page

◆ **Decision of the Court**

The judge or the judge's designee completes this section.

Found in Violation of Conditions as Cited – The court determines that the defendant violated all conditions cited in the Major Violation Report and amended reports, capias, warrant or revocation request.

Found in Violation of Conditions as Modified by the Judge - The court determines that the defendant either was not in violation of all the conditions cited or that the defendant violated other conditions that were not cited in the Major Violation Report and amended reports, capias, warrant or revocation request. The court enters the condition number(s) for the alleged conditions that were violated by the defendant.

Found in Violation of Good Behavior, Suspended Sentence or Felony Local Probation – Check the box if the court determines that the defendant violated good behavior, suspended sentence or felony local probation.

Taken Under Advisement – The court determines that no decision will be made at this point on the alleged violation. If the court takes the decision under advisement or defers the case on the condition that the defendant complete a program or follow instructions and that a subsequent violation would require another request for capias or revocation, submit the Sentencing Revocation Report (and guidelines when applicable) to the Commission. If the court takes the decision under advisement or defers the case until appropriate counsel can be selected or appointed, or for other court procedural issues, do not submit the Sentencing Revocation Report (or guidelines) until after a decision is made.

Not in Violation - The court finds that the defendant did not violate any of the conditions cited in the capias or revocation request. See the "Sentence for Revocation" section to record if the defendant is continued under the same conditions or released from all supervision or restrictions.

◆ **Sentence for Revocation**

Rehabilitation Potential

Court Finds that the Defendant is a Good Candidate for Rehabilitation - This box is checked if the judge determines that the defendant has good rehabilitation potential. The low end of the guidelines recommendation is set to time already served or no time. If the box is checked, effectively the low end is zero and the high end remains the same.

This is solely the decision of the presiding judge. Attorneys can present their case to the court, but the judge makes the decision. There is no risk assessment instrument that is available to determine good rehabilitation potential.

Note: This factor is part of the guidelines because, historically, judges departed from the guidelines when the judge identified some actions, attitude or commitment that made the defendant a good candidate to continue on probation, participate in another program without serving any additional time, or be released from supervision.

Treatment Exception

Sentenced to time required to participate in a court ordered program/ restitution review - This box is checked if the limitations to the length of supervision as defined by § 19.2-306.1 (D) do not apply. Limitations to the length of supervision do not apply when an additional period of probation is necessary for the defendant to participate in a court ordered program or when subject to a restitution compliance review hearing under § 19.2-305.1.

Otherwise the court may fix the period of probation only up to the statutory maximum of the offense. The period of supervised probation may not exceed 5 years from the release of the defendant from any active period of incarceration. However, the limits do not apply to defendants convicted of certain sex and kidnapping offenses.

Revocable Time for this Sentencing Event

When SWIFT is used to complete the guidelines, the amount of revocable time will be populated based on the amount of time identified by the preparer on the worksheet. The amount of revocable time may be adjusted as needed by the judge.

The time reported must show the total amount of revocable time that this court could impose for this sentencing event. This is the sum of all suspended time for any offense that this court could revoke in the Current Probation Violation Event hearing. (This is the amount of revocable time for this court and this probation violation event only.)

Sentence Details

Amount of Time Imposed – Enter the years, months and days imposed for the entire sentencing event. If the sentence imposed includes a life sentence, check the life box.

Amount of Time to Serve for this Violation (total effective sentence) - Enter the length of active incarceration the defendant is to serve for the violation(s) (i.e., the imposed sentence less any suspended time).

New/Revised Probation/Supervised Period

Continued on Same Period of Probation - If the defendant is continued on the same period of supervision, do not enter the number of years, months, or days in the box, but check the box for Continued on Same Period of Supervision (not extended).

Placed on a Probation Supervision for a New Period - If the period of supervised probation has changed, enter the amount of time the defendant will be under supervision from the date of the revocation sentencing. If the supervision period is indefinite, check the "Indefinite" box.

Released from Probation Supervision – If the court releases the defendant from supervision, check the Released from Supervision box.

Conditions

New Conditions of Probation – If the court imposes new conditions of probation, please specify the type(s) of conditions.

Continued on Same Conditions of Probation – If the court finds the defendant in violation and elects to continue the defendant under the same conditions, check the box to indicate this.

Other Sentencing Programs (*Check all that apply*) – Check the appropriate boxes indicating all other sanctions applicable in the sentencing event. If "Other" or "Community-Based Program" is checked, please specify the type and name of program.

Day Reporting - A "day-reporting center" is an intermediate sanction that requires the offender to be supervised by a probation officer and assigned to a "facility to which offenders are required to report on a daily or other regular basis at specified times for a specified length of time to participate in activities such as counseling, treatment, social skill training, or employment training".

Electronic Monitoring - Electronic monitoring of some type normally utilized to enforce the requirements of house arrest or the conditions of probation.

Intensive Probation - Level of supervision that requires more frequent, extensive contact between the officer and the assigned offender in the office and in the community.

Substance Abuse Treatment – This includes any substance/alcohol abuse treatment program. Examples include, but are not limited to, residential substance/alcohol abuse treatment programs, VASAP, methadone clinics and intensive outpatient treatment programs, AA or NA (Alcoholics Anonymous and Narcotics Anonymous).

§ 18.2-251/§ 18.2-258.1- First offender is a statutorily provided program that allows a defendant charged with possession of an illegal drug for the first time or prescription fraud the opportunity to have that charge dismissed. Virginia Code Sections §§ 18.2-251 and 18.2-258.1 require the defendant to successfully complete a number of tasks before the charge is dismissed.

Drug Court - Specialized court docket for certain drug offenders.

Community Based Program – This includes any local services or programs not identified under another category. If this box is checked, enter the type of program or service.

◆ Completing the Sentencing Revocation Report Cover Page

CCAP - Department of Corrections Community Corrections Alternative Program.

Youthful Offender § 19.2-311 - Indeterminate commitment to Department of Corrections

DJJ Commitment - Convicted as an adult, but sentenced to commitment with the Department of Juvenile Justice

Indeterminate – Length of commitment to be determined by DJJ.
Determinate – Length of commitment is determined by the court.

§ 19.2-298.02/ § 19.2-303.6 - Deferred disposition

Other – Enter the name or type of the sentencing program not identified under another category.

Updated Criminal History Provided

In all cases, (technical, special condition and new law violations) an updated criminal history must be provided to the court. The updated criminal history, since the last hearing, may be provided orally or in writing.

◆ Reason for Departure from Guidelines

If the probation violation guidelines apply and the judge sentences above or below the recommendation, the judge is required by budget language to provide a reason for departing. The judge can also use this space for judicial comments about the case (such as the defendant's potential for rehabilitation).

◆ Date of Revocation Decision

Revocation Date - Enter the month, day and year of the revocation decision. This is the date the decision is made to continue the defendant on probation, to release the defendant from probation, or to defer the decision for a period of time. If the decision or sentence is deferred for an evaluation to a specific program, enter the date the decision is made to sentence the defendant to the specific program or not.

◆ Technical Violation 1 or 2 Worksheet (TV1/2)

This worksheet is completed when....

In all cases, (technical, special condition and new law violations) an updated criminal history must be provided to the court. The updated criminal history, since the last hearing, may be provided orally or in writing.

A. Primary Offense

The primary offense is the most serious offense in the Probation Violation Event. Most serious is determined by the statutory maximum. The offense with the highest statutory maximum is the primary offense. If the statutory maximums tie, then select the primary offense based on this hierarchy (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Recommendation

B. Original Sentence was Incarceration/CCAP

This factor is marked if the defendant was sentenced to an active incarceration period in jail, prison or a juvenile institution (including post-dispositional confinement in secure detention following adjudication of delinquency) for the primary offense in the current probation violation event. The incarceration period must be the result of a sentence. Time spent in jail or a juvenile facility awaiting arraignment, trial or sentencing is not identified unless the defendant is sentenced to time served. Do not identify as incarceration a jail work program used as an alternative to an active sentence.

Note that CCAP, Detention and Diversion Center programs are scored as periods of incarceration.

C. ICOTS Case

The Interstate Compact Offender Tracking System (ICOTS) is a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another. Only mark the ICOTS box if the case has been accepted by the receiving state. Do not mark this box for any other type of travel permit granted or any other form of permission to leave the sentencing state. Enter the abbreviation for the state that agreed to accept transfer of supervision for the primary offense.

D. Amount of Revocable Time at Sentencing

Enter the years, months and days for the total amount of revocable time that this court could impose in this court only. This is the sum of all suspended time for any offense that this court could revoke in the Current Probation Violation Event hearing. (This is the amount of revocable time for this court and this probation violation event only.)

◆ Dates (Used to score factors Three and Four)

Earliest Original Sentencing Date – Enter the date the defendant was originally sentenced for the current offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date.

Example: The defendant was sentenced in this court for Credit Card Theft on November 1, 2021, and placed on supervised probation, then convicted in this court for Grand Larceny on February 2, 2022, and placed on supervised probation. The defendant is still on supervision for both offenses and is now being brought before this court for a violation relating to both offenses. The Original Sentence Date would be November 1, 2021.

Start of Current Supervision Period – The current supervision period begins on the most recent date the defendant was placed, or continued, on probation for any offense in the current probation violation event. If there are multiple start dates for the offenses in the violation event, enter the earliest start probation date.

For example, a defendant is on probation for Offense A when convicted of a new felony (Offense B). The defendant is now being supervised for both convictions from the same court. Currently, the defendant is before one judge for violation of both periods of supervision. In this example the earliest start date is for Offense A, the date the defendant was first placed on probation.

The current supervision period ends on the date the court renders its decision for the current alleged violation (the current hearing/sentencing). If the defendant was previously found in violation of probation, the current supervision period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date. The start date for the current supervision period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation.

Example: The defendant was sentenced and placed on probation on June 1, 2021. The defendant was later found in violation of probation on February 1, 2022, but was continued on probation. Sentencing for a second probation violation based on violation of special conditions is set for October 1, 2022. The current supervision start date is February 1, 2022 (not the original start date of June 1, 2021) and the second violation end date is October 1, 2022 (the date the defendant is scheduled to be sentenced for the second violation.)

Worksheet TV 1/2 is split based on the conditions cited. Score the left-hand factors if the alleged violations are of Conditions 2,3,4,5,6,7,8 or 10 of the Conditions of Probation (see Appendix1). Score the right-hand factors if at least one of the alleged conditions violated is 9 or 11. This worksheet is not for use if the violation is of Condition 1 or special conditions .

◆ Completing the Probation Violation Worksheets

2. Number of Felony Revocation Events for Current Offenses(s) (THIS COURT ONLY)

This factor includes both the current probation violation/revocation event and the in-between probation violation revocation event.

This factor scores the current probation violation event and previous probation violation events for any of the offenses in the current probation violation sentencing event. This factor is focused on the current court only.

Revoked Defined

A probation is considered revoked for guidelines purposes when the court either revokes probation or finds the defendant in violation of probation. The sentence does not determine if the revocation is scored or not. Found in violation and continued on probation is a revocation event. However, taking the revocation under advisement or if the defendant is found not in violation of probation are not scored as a revocation.

Event Defined

An event includes violations for all underlying offenses and associated counts being handled before the same judge, on the same day and in the same court. An event may include multiple offenses or several different periods of supervised probation, but only one revocation is scored. Do not score a separate revocation for each count or each period of probation if the court is conducting one violation hearing for multiple offenses.

Good Behavior Violations

Do not score good behavior violations, local probation violations or suspended sentence violations.

Assigning Points

Use the scores in the left-hand columns for Conditions 2,3,4,5,6,7,8 or 10 and the scores in the right-hand column if one condition violated either 9 or 11.

Current Revocation Event Only: If there are no previous revocations for the offenses in the current event, the case will be assigned points for Current Revocation Event Only.

Prior Revocation Event Prior to the Current Revocation Event:

This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked. Do not add the points together for current and prior revocations.

3. Felony Offense Conviction(s) between Original Sentencing Date and Start of Current Supervision (ALL COURTS)

This factor is defined as the in-between new law conviction(s) factor.

Assign points if the defendant commits a felony offense between the original sentencing date and the start date for the current supervision period that results in a felony conviction during that time. Both the offense date and the conviction date must be between the **earliest** original sentencing date and the start date for the current supervision period.

This factor is not scored for violations of Conditions 2,3,4,5,6,7,8 or 10. Assign points based on the right-hand column scores if one condition violated either 9 or 11.

A felony conviction is any offense, for which the offender has pled guilty or been found guilty by the court. Offenses that are currently pending sentencing in another court are considered convictions.

The current supervision period begins on the most recent date the defendant was placed or continued on probation and ends on the date for the current probation violation hearing/sentencing. Points are assigned if the defendant has any felony convictions in any court. This factor is not limited to the current court.

Out-of-state, federal, military and international offenses are scored based on Virginia's current penalty structure. If the behavior in another state or jurisdiction is similar to a felony here in Virginia, the conviction must be scored as a felony. In other words, a misdemeanor in another state may be scored as a felony for this factor if the behavior is punishable as a felony in Virginia. The reverse is true, as well. If a felony conviction in another state or jurisdiction is punishable as a misdemeanor in Virginia, that conviction is not scored.

Do not score:

- 1. Convictions During the Current Supervision Period:** Offenses and convictions that occur during the current supervision period are not scored. (This factor is looking for offenses and convictions that occur between the earliest original sentencing date and the start date of the current supervision period.)
- 2. Probation Violations/Revocations:** For this factor probation violations are not scored as new convictions. (The felony scored must be a conviction for a new law violation.)
- 3. Deferred Finding Dispositions:** Not scored are First Offender cases (§18.2-251 or §18.2-258.1) or any deferred finding cases (§ 19.2-298.02). In these cases, the defendant has not yet been convicted of any offense. (If the court finds the defendant violated the conditions of a deferred sentence and convicts the defendant of a felony, the felony conviction is scored.)
- 4. Misdemeanor, Criminal Traffic, Traffic infractions:** Convictions for misdemeanors, infractions and offenses with civil penalties are not scored.
- 5. Certain Out-of-state Convictions:** Out-of-state felony convictions that are only punishable as misdemeanors in Virginia. (If the out-of-state is similar to a Virginia felony, then the factor is scored).
- 6. Overturned** or successfully appealed convictions.

4. Prior Felony Revocation(s) before Earliest Original Sentencing (THIS COURT ONLY)

Use the scores in the left-hand columns for Conditions 2,3,4,5,6,7,8 or 10 and the scores in the right-hand column if one condition violated either 9 or 11.

Assign points if the defendant has any prior probation violation/revocation events before the earliest original sentencing date. The original sentencing date is the date entered for Factor 1. Only score prior felony revocations that occurred in the current court.

A prior revocation is any revocation for an offense that occurred before the current original offense date. The revocation is scored as a prior revocation even if the court revoked the probation during the current supervision period. In other words, the prior revocation is from a different supervision period and not the current.

5. CONDITION 8 Violation: Drug Violation

For this factor, points are assigned if the defendant was cited for a violation of Condition 8 (Use, possess, distribute controlled substances or paraphernalia). The violation must be cited in the capias, warrant, revocation request or Major Violation Report and amended reports. If Condition 8 is not cited in the capias, warrant, revocation request or Major Violation Report, points are assigned if the defendant is found in violation of Condition 8 by the court.

This factor is not scored for violations of Conditions 2,3,4,5,6,7,8 or 10. Assign points based on the right-hand column scores if one condition violated either 9 or 11.

◆ Completing the Probation Violation Worksheets

6. CONDITION 11 Violation: Abscond

Assign points if the defendant was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation Supervision. If the defendant signed conditions of probation prior to the enactment of Condition 11, the defendant may still be scored for this factor as long as the *capias*/revocation request informs the judge that the defendant did abscond from supervision.

This factor is not scored for violations of Conditions 2,3,4,5,6,7,8 or 10. Assign points based on the right-hand column scores if one condition violated either 9 or 11.

Score defendants who never reported to sign their conditions of probation as absconding from supervision for probation violation guidelines purposes.

Last Date Whereabouts Were Known – This is the date the probation officer last had contact with the defendant at which time the officer knew the whereabouts of the defendant. Contact may include verbal, written, or face-to-face communication with the probation officer or court official at which time the officer/official knew the whereabouts of the defendant. A phone call to the probation officer is not sufficient to verify a defendant's location. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts, and the most recent date the defendant's whereabouts were subsequently verified.

Date Whereabouts Verified – The location is verified when the defendant is in jail or prison, arrested on a *capias* or PB-15, found living at a different address and the location is verified by the probation officer. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts, and the most recent date the defendant's whereabouts were subsequently verified.

Additional Information for Establishing Dates for Absconding

Arrest on PB-15: Enter the most recent date the defendant was arrested for the violation (the date the defendant was served with the Probation Violation *Capias*). If the defendant was first arrested on a PB-15 for the alleged violations of supervision and later served with a Probation Violation *Capias* enter the date the defendant was arrested on the PB-15.

DOC Establishes Policies for Identifying Absconders

If the probation officer cites Condition 11 and the court agrees that the defendant is an absconder, points must be assigned. In general, Condition 11 is cited when a reasonable effort has been made to locate an offender and their whereabouts are unknown. Reasonable effort includes follow-up inquiry at the approved residence and employment, as well as at local jails and hospitals, and the questioning of family members and close friends. Current DOC policy may be different than what was in effect at the time this manual was printed.

Never Signed Conditions of Probation: For defendants who never report to sign their conditions of probation, use the most recent date the defendant was ordered to report for supervision (e.g., sentencing date) as the date of last contact.

Voluntarily Reports to Probation Officer: If a defendant is not arrested but returns and advises the probation officer of his or her whereabouts, enter the date the return location was verified. The location must be verified by the probation officer or other court official. A phone call to the probation officer is not sufficient to verify a defendant's location.

7. Primary Offense VCC Prefix of SEX, RAP, OBS

Based on the VCC (Virginia Crime Code) Prefix for the Primary Offense: This factor is focused on the primary offense, which is the most serious original offense in the current probation violation sentencing event. If the primary offense has a SEX (Sex Offenses), RAP (Sexual Assault), or OBS (Obscenity) VCC (Virginia Crime Code) prefix, points are assigned for this factor. There may be other offenses in this probation violation event with the required VCC prefixes, but points are only assigned based on the primary offense.

This factor is not scored for violations of Conditions 2,3,4,5,6,7,8 or 10. Assign points based on the right-hand column scores if one condition violated either 9 or 11.

Violations of sex offender special conditions are scored on Worksheet TV 3.

The Commission will monitor the impact of nonprimary offenses that meet the sex offender criteria for this factor and their impact on judicial sentencing patterns. Adjustments, if needed, will be made in Phase II.

8. Recommendation Score

The score is totaled, and the preparer should refer to the sentence length Recommendation Table at the bottom of this worksheet. The first column contains the score ranges and the second column presents the recommended sentence range associated with each score. Check the appropriate box corresponding to the total score. On the SRR Cover Sheet, record the guidelines sentence recommendation.

◆ Technical Violation 3 Worksheet (TV 3/SCV)

This worksheet is completed when....

In all cases, (technical, special condition and new law violations), an updated criminal history must be provided to the court. The updated criminal history, since the last hearing, may be provided orally or in writing.

A. Primary Offense

The primary offense is the most serious offense in the Probation Violation Event. Most serious is determined by the statutory maximum. The offense with the highest statutory maximum is the primary offense. If the statutory maximums tie, then select the primary offense based on this hierarchy (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Recommendation

B. Original Sentence was Incarceration/CCAP

This factor is marked if the defendant was sentenced to an active incarceration period in jail, prison or a juvenile institution (including post-dispositional confinement in secure detention following adjudication of delinquency) for the primary offense in the current probation violation event. The incarceration period must be the result of a sentence. Time spent in jail or a juvenile facility awaiting arraignment, trial or sentencing is not identified unless the defendant is sentenced to time served. Do identify as incarceration a jail work program used as an alternative to an active sentence.

Note that CCAP, Detention and Diversion Center programs are scored as periods of incarceration.

C. ICOTS Case

The Interstate Compact Offender Tracking System (ICOTS) is a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another. Only mark the ICOTS box if the case has been accepted by the receiving state. Do not mark this box for any other type of travel permit granted or any other form of permission to leave the sentencing state. Enter the abbreviation for the state that agreed to accept transfer of supervision for the primary offense.

D. Amount of Revocable Time at Sentencing

Enter the years, months and days for the total amount of revocable time that this court could impose in this court only. This is the sum of all suspended time for any offense that this court could revoke in the Current Probation Violation Event hearing. (This is the amount of revocable time for this court and this probation violation event only.)

◆ 1 Dates (Used to score factors Three and Four)

Earliest Original Sentencing Date – Enter the date the defendant was originally sentenced for the current offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date.

Example: The defendant was sentenced in this court for Credit Card Theft on November 1, 2021, and placed on supervised probation, then convicted in this court for Grand Larceny on February 2, 2022, and placed on supervised probation. The defendant is still on supervision for both offenses and is now being brought before this court for a violation relating to both offenses. The Original Sentence Date would be November 1, 2021.

Start of Current Supervision Period – The current supervision period begins on the most recent date the defendant was placed, or continued, on probation for any offense in the current probation violation event. If there are multiple start dates for the offenses in the violation event, enter the earliest start probation date.

For example, a defendant is on probation for Offense A when convicted of a new felony (Offense B). The defendant is now being supervised for both convictions from the same court. Currently, the defendant is before one judge for violation of both periods of supervision. In this example the earliest start date is for Offense A, the date the defendant was first placed on probation.

The current supervision period ends on the date the court renders its decision for the current alleged violation (the current hearing/sentencing). If the defendant was previously found in violation of probation, the current supervision period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date. The start date for the current supervision period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation.

Example: The defendant was sentenced and placed on probation on June 1, 2021. The defendant was later found in violation of probation on February 1, 2022, but was continued on probation. Sentencing for a second probation violation based on violation of special conditions is set for October 1, 2022. The current supervision start date is February 1, 2022 (not the original start date of June 1, 2021) and the second violation end date is October 1, 2022 (the date the defendant is scheduled to be sentenced for the second violation.)

◆ Completing the Probation Violation Worksheets

◆ 2. Number of Felony Revocation Events for Current Offenses(s) (THIS COURT ONLY)

This factor includes both the current probation violation/revocation event and the in-between probation violation revocation event.

This factor scores the current probation violation event and previous probation violation events for any of the offenses in the current probation violation sentencing event. This factor is focused on the current court only.

Revoked Defined

A probation is considered revoked for guidelines purposes when the court either revokes probation or finds the defendant in violation of probation. The sentence does not determine if the revocation is scored or not. Found in violation and continued on probation is a revocation event. However, taking the revocation under advisement or if the defendant is found not in violation of probation are not scored as a revocation.

Event Defined

An event includes violations for all underlying offenses and associated counts being handled before the same judge, on the same day and in the same court. An event may include multiple offenses or several different periods of supervised probation, but only one revocation is scored. Do not score a separate revocation for each count or each period of probation if the court is conducting one violation hearing for multiple offenses.

Good Behavior Violations

Do not score good behavior violations, local probation violations or suspended sentence violations.

Assigning Points

Current Revocation Event Only: If there are no previous revocations for the offenses in the current event, the case will be assigned points for Current Revocation Event Only.

One Revocation Event Prior to the Current Revocation Event:

This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked. Do not count the current revocation and do not add the points together.

Two or More Revocation Events Prior to the Current Revocation

Event: This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked two or more times. Do not count the current revocation and do not add the points together.

◆ 3. Prior Felony Revocation(s) before Earliest Original Sentencing Date (THIS COURT ONLY)

Assign points if the defendant has any prior probation violation/revocations events before the earliest original sentencing date. The original sentencing date is the date entered for Factor 1. Only score prior felony revocations that occurred in the current court.

A prior revocation is any revocation for an offense that occurred before the current original offense date. The revocation is scored as a prior revocation even if the court revoked the probation during the current supervision period. In other words, the prior revocation is from a different supervision period and not the current.

◆ 4. Felony Offense Conviction(s) between Earliest Original Sentencing Date and Start of Current Supervision (ALL COURTS)

This factor is defined as the in-between new law conviction(s) factor.

Assign points if the defendant commits a felony offense between the earliest original sentencing date and the start date for the current supervision period that results in a felony conviction during that time. Both the offense date and the conviction date must be between the original sentencing date and the start date for the current supervision period.

A felony conviction is any offense, for which the offender has pled guilty or been found guilty by the court. Offenses that are currently pending sentencing in another court are considered convictions.

The current supervision period begins on the most recent date the defendant was placed or continued on probation and ends on the date for the current probation violation hearing/sentencing. Points are assigned if the defendant has any felony convictions in any court. This factor is not limited to the current court.

Out-of-state, federal, military and international offenses are scored based on Virginia's current penalty structure. If the behavior in another state or jurisdiction is similar to a felony here in Virginia, the conviction must be scored as a felony. In other words, a misdemeanor in another state may be scored as a felony for this factor if the behavior is punishable as a felony in Virginia. The reverse is true, as well. If a felony conviction in another state or jurisdiction is punishable as a misdemeanor in Virginia, that conviction is not scored.

Do not score:

1. Convictions During the Current Supervision Period: Offenses and convictions that occur during the current supervision period are not scored. (This factor is looking for offenses and convictions that occur between the earliest original sentencing date and the start date of the current supervision period.)

2. Probation Violations/Revocations: For this factor probation violations are not scored as new convictions. (The felony scored must be a conviction for a new law violation.)

3. Deferred Finding Dispositions: Not scored are First Offender cases (§18.2-251 or §18.2-258.1) or any deferred finding cases (§ 19.2-298.02 or § 19.2-303.6). In these cases, the defendant has not yet been convicted of any offense. (If the court finds the defendant violated the conditions of a deferred sentence and convicts the defendant of a felony, the felony conviction is scored.)

4. Misdemeanor, Criminal Traffic, Traffic infractions: Convictions for misdemeanors, infractions and offenses with civil penalties are not scored.

5. Certain Out-of-state Convictions: Out-of-state felony convictions that are only punishable as misdemeanors in Virginia. (If the out-of-state is similar to a Virginia felony, then the factor is scored).

6. Overturned or successfully appealed convictions.

5. CONDITION 8 Violation: Drug Violation

For this factor, points are assigned if the defendant was cited for a violation of Condition 8 (Use, possess, distribute controlled substances or paraphernalia). The violation must be cited in the capias, warrant, revocation request or Major Violation Report and amended reports. If Condition 8 is not cited in the capias, warrant, revocation request or Major Violation Report, points are assigned if the defendant is found in violation of Condition 8 by the court.

◆ Completing the Probation Violation Worksheets

6. CONDITION 11 Violation: Abscond

Assign points if the defendant was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation Supervision. If the defendant signed conditions of probation prior to the enactment of Condition 11, the defendant may still be scored for this factor as long as the capias/revocation request informs the judge that the defendant did abscond from supervision.

Score defendants who never reported to sign their conditions of probation as absconding from supervision for probation violation guidelines purposes.

Last Date Whereabouts Were Known – This is the date the probation officer last had contact with the defendant at which time the officer knew the whereabouts of the defendant. Contact may include verbal, written, or face-to-face communication with the probation officer or court official at which time the officer/official knew the whereabouts of the defendant. A phone call to the probation officer is not sufficient to verify a defendant's location. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts, and the most recent date the defendant's whereabouts were subsequently verified.

Date Whereabouts Verified – The location is verified when the defendant is in jail or prison, arrested on a capias or PB-15, found living at a different address and the location is verified by the probation officer. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts, and the most recent date the defendant's whereabouts were subsequently verified.

Additional Information for Establishing Dates for Absconding

Arrest on PB-15: Enter the most recent date the defendant was arrested for the violation (the date the defendant was served with the Probation Violation Capias). If the defendant was first arrested on a PB-15 for the alleged violations of supervision and later served with a Probation Violation Capias enter the date the defendant was arrested on the PB-15.

DOC Establishes Policies for Identifying Absconders

If the probation officer cites Condition 11 and the court agrees that the defendant is an absconder, points must be assigned. In general, Condition 11 is cited when a reasonable effort has been made to locate an offender and their whereabouts are unknown. Reasonable effort includes follow-up inquiry at the approved residence and employment, as well as at local jails and hospitals, and the questioning of family members and close friends. Current DOC policy may be different than what was in effect at the time this manual was printed.

Never Signed Conditions of Probation: For defendants who never report to sign their conditions of probation, use the most recent date the defendant was ordered to report for supervision (e.g., sentencing date) as the date of last contact.

Voluntarily Reports to Probation Officer: If a defendant is not arrested but returns and advises the probation officer of his or her whereabouts, enter the date the return location was verified. The location must be verified by the probation officer or other court official. A phone call to the probation officer is not sufficient to verify a defendant's location.

7. Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC)

There are two possibilities for assigning points for this factor:

1. Based on the VCC Prefix for the Primary Offense: This factor is focused on the primary offense, which is the most serious original offense in the current probation violation sentencing event. If the primary offense has a SEX (Sex Offenses), RAP (Sexual Assault), or OBS (Obscenity) VCC (Virginia Crime Code) prefix, points are assigned for this factor. There may be other offenses in this probation violation event with the required VCC prefixes, but points are only assigned based on the primary offense.

2. Cited for Violation of Sex Offender Special Conditions in the Major Violation Report: Points are assigned if the primary offense does not have a prefix of SEX, RAP, or OBS, but the defendant was required by court or the probation officer to comply with any special sex offender conditions. The alleged violations must be detailed in the major violation report for points to be assigned.

The Commission will monitor the impact of nonprimary offenses that meet the sex offender criteria for this factor and their impact on judicial sentencing patterns. Adjustments, if needed, will be made in Phase II.

8. Recommendation Score

The score is totaled, and the preparer should refer to the sentence length Recommendation Table at the bottom of this worksheet. The first column contains the score ranges and the second column presents the recommended sentence range associated with each score. Check the appropriate box corresponding to the total score. On the SRR Cover Sheet, record the guidelines sentence recommendation.

◆ **New Law Misdemeanor Worksheet (New Law M)**

This worksheet is completed when....

In all cases, (technical, special condition and new law violations) an updated criminal history must be provided to the court. The updated criminal history, since the last hearing, may be provided orally or in writing.

A. Primary Offense

The primary offense is the most serious offense in the Probation Violation Event. Most serious is determined by the statutory maximum. The offense with the highest statutory maximum is the primary offense. If the statutory maximums tie, then select the primary offense based on this hierarchy (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Recommendation

B. Original Sentence was Incarceration/CCAP

This factor is marked if the defendant was sentenced to an active incarceration period in jail, prison or a juvenile institution (including post-dispositional confinement in secure detention following adjudication of delinquency) for the primary offense in the current probation violation event. The incarceration period must be the result of a sentence. Time spent in jail or a juvenile facility awaiting arraignment, trial or sentencing is not identified unless the defendant is sentenced to time served. Do not identify as incarceration a jail work program used as an alternative to an active sentence.

Note that CCAP, Detention and Diversion Center programs are scored as periods of incarceration.

C. ICOTS Case

The Interstate Compact Offender Tracking System (ICOTS) is a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another. Only mark the ICOTS box if the case has been accepted by the receiving state. Do not mark this box for any other type of travel permit granted or any other form of permission to leave the sentencing state. Enter the abbreviation for the state that agreed to accept transfer of supervision for the primary offense.

D. Amount of Revocable Time at Sentencing

Enter the years, months and days for the total amount of revocable time that this court could impose in this court only. This is the sum of all suspended time for any offense that this court could revoke in the Current Probation Violation Event hearing. (This is the amount of revocable time for this court and this probation violation event only.)

◆ **1 Dates (Used to score factors Three and Four)**

Earliest Original Sentencing Date – Enter the date the defendant was originally sentenced for the current offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date.

Example: The defendant was sentenced in this court for Credit Card Theft on November 1, 2021, and placed on supervised probation, then convicted in this court for Grand Larceny on February 2, 2022, and placed on supervised probation. The defendant is still on supervision for both offenses and is now being brought before this court for a violation relating to both offenses. The Original Sentence Date would be November 1, 2021.

Start of Current Supervision Period – The current supervision period begins on the most recent date the defendant was placed, or continued, on probation for any offense in the current probation violation event. If there are multiple start dates for the offenses in the violation event, enter the earliest start probation date.

For example, a defendant is on probation for Offense A when convicted of a new felony (Offense B). The defendant is now being supervised for both convictions from the same court. Currently, the defendant is before one judge for violation of both periods of supervision. In this example the earliest start date is for Offense A, the date the defendant was first placed on probation.

The current supervision period ends on the date the court renders its decision for the current alleged violation (the current hearing/sentencing). If the defendant was previously found in violation of probation, the current supervision period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date. The start date for the current supervision period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation.

Example: The defendant was sentenced and placed on probation on June 1, 2021. The defendant was later found in violation of probation on February 1, 2022, but was continued on probation. Sentencing for a second probation violation based on violation of special conditions is set for October 1, 2022. The current supervision start date is February 1, 2022 (not the original start date of June 1, 2021) and the second violation end date is October 1, 2022 (the date the defendant is scheduled to be sentenced for the second violation.)

◆ Completing the Probation Violation Worksheets

◆ 2. Number of Felony Revocation Events for Current Offenses(s) (THIS COURT ONLY)

This factor includes both the current probation violation/revocation event and the in-between probation violation revocation event.

This factor scores the current probation violation event and previous probation violation events for any of the offenses in the current probation violation sentencing event. This factor is focused on the current court only.

Revoked Defined

A probation is considered revoked for guidelines purposes when the court either revokes probation or finds the defendant in violation of probation. The sentence does not determine if the revocation is scored or not. Found in violation and continued on probation is a revocation event. However, taking the revocation under advisement or if the defendant is found not in violation of probation are not scored as a revocation.

Event Defined

An event includes violations for all underlying offenses and associated counts being handled before the same judge, on the same day and in the same court. An event may include multiple offenses or several different periods of supervised probation, but only one revocation is scored. Do not score a separate revocation for each count or each period of probation if the court is conducting one violation hearing for multiple offenses.

Good Behavior Violations

Do not score good behavior violations, local probation violations or suspended sentence violations.

Assigning Points

Current Revocation Event Only: If there are no previous revocations for the offenses in the current event, the case will be assigned points for Current Revocation Event Only.

One Revocation Event Prior to the Current Revocation Event: This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked. Do not count the current revocation and do not add the points together.

Two or More Revocation Events Prior to the Current Revocation Event: This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked two or more times. Do not count the current revocation and do not add the points together.

◆ 3. Prior Felony Revocation(s) before Earliest Original Sentencing Date (THIS COURT ONLY)

Assign points if the defendant has any prior probation violation/revocations events before the earliest original sentencing date. The original sentencing date is the date entered for Factor 1. Only score prior felony revocations that occurred in the current court.

A prior revocation is any revocation for an offense that occurred before the current original offense date. The revocation is scored as a prior revocation even if the court revoked the probation during the current supervision period. In other words, the prior revocation is from a different supervision period and not the current.

◆ 4. Felony Offense Conviction(s) between Earliest Original Sentencing Date and Start of Current Supervision (ALL COURTS)

This factor is defined as the in-between new law conviction(s) factor.

Assign points if the defendant commits a felony offense between the earliest original sentencing date and the start date for the current supervision period that results in a felony conviction during that time. Both the offense date and the conviction date must be between the original sentencing date and the start date for the current supervision period.

A felony conviction is any offense, for which the offender has pled guilty or been found guilty by the court. Offenses that are currently pending sentencing in another court are considered convictions.

The current supervision period begins on the most recent date the defendant was placed or continued on probation and ends on the date for the current probation violation hearing/sentencing. Points are assigned if the defendant has any felony convictions in any court. This factor is not limited to the current court.

Out-of-state, federal, military and international offenses are scored based on Virginia's current penalty structure. If the behavior in another state or jurisdiction is similar to a felony here in Virginia, the conviction must be scored as a felony. In other words, a misdemeanor in another state may be scored as a felony for this factor if the behavior is punishable as a felony in Virginia. The reverse is true, as well. If a felony conviction in another state or jurisdiction is punishable as a misdemeanor in Virginia, that conviction is not scored.

Do not score:

1. Convictions During the Current Supervision Period: Offenses and convictions that occur during the current supervision period are not scored. (This factor is looking for offenses and convictions that occur between the earliest original sentencing date and the start date of the current supervision period.)

2. Probation Violations/Revocations: For this factor probation violations are not scored as new convictions. (The felony scored must be a conviction for a new law violation.)

3. Deferred Finding Dispositions: Not scored are First Offender cases (§18.2-251 or §18.2-258.1) or any deferred finding cases (§ 19.2-298.02). In these cases, the defendant has not yet been convicted of any offense. (If the court finds the defendant violated the conditions of a deferred sentence and convicts the defendant of a felony, the felony conviction is scored.)

4. Misdemeanor, Criminal Traffic, Traffic infractions: Convictions for misdemeanors, infractions and offenses with civil penalties are not scored.

5. Certain Out-of-state Convictions: Out-of-state felony convictions that are only punishable as misdemeanors in Virginia. (If the out-of-state is similar to a Virginia felony, then the factor is scored.)

6. Overturned or successfully appealed convictions.

5. Condition 1 Violation: New Misdemeanor Conviction(s) for Offenses Committed During The Current Supervision Period (ALL COURTS)

Score this factor if Condition 1 has been cited for a new misdemeanor or conviction with an **offense date** and a **conviction date** during the Current Supervision Period. If there are new felony convictions, Worksheet New Law F must be completed. This factor is scored after a conviction for a new offense and is not scored for a new arrest or a pending case without at least a conviction.

Enter points if any new misdemeanor conviction is similar in behavior to the current primary offense. Similar behavior is determined by using Appendix 4. Appendix 4 lists the Virginia Crime Code (VCC) prefix for the primary offense and identifies the VCC prefix for any similar offense or behavior. If the new misdemeanor has the same prefix as the primary offense or a VCC prefix identified in Appendix 4 as similar, points are assigned. This factor is scored based on the VCC prefix and not the elements of the offense.

Points are not assigned if the new misdemeanor conviction is similar behavior to any offense other than the primary offense in the Current Probation Violation Event. This factor is limited to the offense and VCC listed as the current most serious primary offense at the top of Worksheet One.

Assign the appropriate points if no new misdemeanor conviction is similar in behavior to the current most serious primary offense. No points are assigned for this factor if points were already assigned for the factor New Misdemeanor Conviction is Similar Behavior to Current Primary Offense. **Do not total the points.**

Enter the new conviction information (New Conviction Box) – Details are provided so the court will have consistent information on the type of convictions that, in part, initiated the violation hearing and the effective sentence for the new law violations.

If there are more than two new misdemeanor convictions (i.e., more than two different VCCs), then select the two most serious convictions.

Use the following hierarchy to determine the most serious misdemeanor or convictions (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Recommendation

In the New Conviction box enter the number of counts, VCC, sentencing date (or Conviction date if sentencing is pending), FIPS code (refer to Appendix #), and the effective sentence (the amount of active time to serve after suspension). If the defendant has been convicted, but not yet sentenced, be sure to check the pending sentencing box, enter the conviction date and leave effective sentence blank.

Sum of Total Effective Sentence for All New Convictions – Sum the total active time the defendant must serve for all new convictions in all courts. If there are more than two new convictions be sure to include any active time the defendant must serve for new convictions not included in the new conviction box.

6. CONDITION 8 Violation: Drug Violation

For this factor, points are assigned if the defendant was cited for a violation of Condition 8 (Use, possess, distribute controlled substances or paraphernalia). The violation must be cited in the capias, warrant, revocation request or Major Violation Report and amended reports. If Condition 8 is not cited in the capias, warrant, revocation request or Major Violation Report, points are assigned if the defendant is found in violation of Condition 8 by the court.

◆ Completing the Probation Violation Worksheets

7. CONDITION 11 Violation: Abscond

Assign points if the defendant was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation Supervision. If the defendant signed conditions of probation prior to the enactment of Condition 11, the defendant may still be scored for this factor as long as the capias/revocation request informs the judge that the defendant did abscond from supervision.

Score defendants who never reported to sign their conditions of probation as absconding from supervision for probation violation guidelines purposes.

Last Date Whereabouts Were Known – This is the date the probation officer last had contact with the defendant at which time the officer knew the whereabouts of the defendant. Contact may include verbal, written, or face-to-face communication with the probation officer or court official at which time the officer/official knew the whereabouts of the defendant. A phone call to the probation officer is not sufficient to verify a defendant's location. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts, and the most recent date the defendant's whereabouts were subsequently verified.

Date Whereabouts Verified – The location is verified when the defendant is in jail or prison, arrested on a capias or PB-15, found living at a different address and the location is verified by the probation officer. If there are multiple periods of absconding, use the most recent date the probation officer last knew the defendant's whereabouts, and the most recent date the defendant's whereabouts were subsequently verified.

Additional Information for Establishing Dates for Absconding

Arrest on PB-15: Enter the most recent date the defendant was arrested for the violation (the date the defendant was served with the Probation Violation Capias). If the defendant was first arrested on a PB-15 for the alleged violations of supervision and later served with a Probation Violation Capias enter the date the defendant was arrested on the PB-15.

DOC Establishes Policies for Identifying Absconders

If the probation officer cites Condition 11 and the court agrees that the defendant is an absconder, points must be assigned. In general, Condition 11 is cited when a reasonable effort has been made to locate an offender and their whereabouts are unknown. Reasonable effort includes follow-up inquiry at the approved residence and employment, as well as at local jails and hospitals, and the questioning of family members and close friends. Current DOC policy may be different than what was in effect at the time this manual was printed.

Never Signed Conditions of Probation: For defendants who never report to sign their conditions of probation, use the most recent date the defendant was ordered to report for supervision (e.g., sentencing date) as the date of last contact.

Voluntarily Reports to Probation Officer: If a defendant is not arrested but returns and advises the probation officer of his or her whereabouts, enter the date the return location was verified. The location must be verified by the probation officer or other court official. A phone call to the probation officer is not sufficient to verify a defendant's location.

8. Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC)

There are two possibilities for assigning points for this factor:

1. Based on the VCC Prefix for the Primary Offense: This factor is focused on the primary offense, which is the most serious original offense in the current probation violation sentencing event. If the primary offense has a SEX (Sex Offenses), RAP (Sexual Assault), or OBS (Obscenity) VCC (Virginia Crime Code) prefix, points are assigned for this factor. There may be other offenses in this probation violation event with the required VCC prefixes, but points are only assigned based on the primary offense.

2. Cited for Violation of Sex Offender Special Conditions in the Major Violation Report: Points are assigned if the primary offense does not have a prefix of SEX, RAP, or OBS, but the defendant was required by court or the probation officer to comply with any special sex offender conditions. The alleged violations must be detailed in the major violation report for points to be assigned.

The Commission will monitor the impact of nonprimary offenses that meet the sex offender criteria for this factor and their impact on judicial sentencing patterns. Adjustments, if needed, will be made in Phase II.

9. Recommendation Score

The score is totaled, and the preparer should refer to the sentence length Recommendation Table at the bottom of this worksheet. The first column contains the score ranges and the second column presents the recommended sentence range associated with each score. Check the appropriate box corresponding to the total score. On the SRR Cover Sheet, record the guidelines sentence recommendation.

◆ New Law Felony Worksheet (New Law F)

This worksheet is completed when....

In all cases, (technical, special condition and new law violations) an updated criminal history must be provided to the court. The updated criminal history, since the last hearing, may be provided orally or in writing.

A. Primary Offense

The primary offense is the most serious offense in the Probation Violation Event. Most serious is determined by the statutory maximum. The offense with the highest statutory maximum is the primary offense. If the statutory maximums tie, then select the primary offense based on this hierarchy (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Recommendation

B. Original Sentence was Incarceration/CCAP

This factor is marked if the defendant was sentenced to an active incarceration period in jail, prison or a juvenile institution (including post-dispositional confinement in secure detention following adjudication of delinquency) for the primary offense in the current probation violation event. The incarceration period must be the result of a sentence. Time spent in jail or a juvenile facility awaiting arraignment, trial or sentencing is not identified unless the defendant is sentenced to time served. Do identify as incarceration a jail work program used as an alternative to an active sentence.

Note that CCAP, Detention and Diversion Center programs are scored as periods of incarceration.

C. ICOTS Case

The Interstate Compact Offender Tracking System (ICOTS) is a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another. Only mark the ICOTS box if the case has been accepted by the receiving state. Do not mark this box for any other type of travel permit granted or any other form of permission to leave the sentencing state. Enter the abbreviation for the state that agreed to accept transfer of supervision for the primary offense.

D. Amount of Revocable Time at Sentencing

Enter the years, months and days for the total amount of revocable time that this court could impose in this court only. This is the sum of all suspended time for any offense that this court could revoke in the Current Probation Violation Event hearing. (This is the amount of revocable time for this court and this probation violation event only.)

◆ 1 Dates (Used to score factors Three and Four)

Earliest Original Sentencing Date – Enter the date the defendant was originally sentenced for the current offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date.

Example: The defendant was sentenced in this court for Credit Card Theft on November 1, 2021, and placed on supervised probation, then convicted in this court for Grand Larceny on February 2, 2022, and placed on supervised probation. The defendant is still on supervision for both offenses and is now being brought before this court for a violation relating to both offenses. The Original Sentence Date would be November 1, 2021.

Start of Current Supervision Period – The current supervision period begins on the most recent date the defendant was placed, or continued, on probation for any offense in the current probation violation event. If there are multiple start dates for the offenses in the violation event, enter the earliest start probation date.

For example, a defendant is on probation for Offense A when convicted of a new felony (Offense B). The defendant is now being supervised for both convictions from the same court. Currently, the defendant is before one judge for violation of both periods of supervision. In this example the earliest start date is for Offense A, the date the defendant was first placed on probation.

The current supervision period ends on the date the court renders its decision for the current alleged violation (the current hearing/sentencing). If the defendant was previously found in violation of probation, the current supervision period begins on the date of the last time the defendant was found in violation of probation in this court (or if incarcerated, the date that probation was resumed after being found in violation) up to the current hearing/sentencing date. The start date for the current supervision period is reset each time the court finds the defendant in violation of probation or revokes the defendant's probation.

Example: The defendant was sentenced and placed on probation on June 1, 2021. The defendant was later found in violation of probation on February 1, 2022, but was continued on probation. Sentencing for a second probation violation based on violation of special conditions is set for October 1, 2022. The current supervision start date is February 1, 2022 (not the original start date of June 1, 2021) and the second violation end date is October 1, 2022 (the date the defendant is scheduled to be sentenced for the second violation.)

◆ Completing the Probation Violation Worksheets

2. Number of Felony Revocation Events for Current Offenses(s) (THIS COURT ONLY)

This factor includes both the current probation violation/revocation event and the in-between probation violation revocation event.

This factor scores the current probation violation event and previous probation violation events for any of the offenses in the current probation violation sentencing event. This factor is focused on the current court only.

Revoked Defined

A probation is considered revoked for guidelines purposes when the court either revokes probation or finds the defendant in violation of probation. The sentence does not determine if the revocation is scored or not. Found in violation and continued on probation is a revocation event. However, taking the revocation under advisement or if the defendant is found not in violation of probation are not scored as a revocation.

Event Defined

An event includes violations for all underlying offenses and associated counts being handled before the same judge, on the same day and in the same court. An event may include multiple offenses or several different periods of supervised probation, but only one revocation is scored. Do not score a separate revocation for each count or each period of probation if the court is conducting one violation hearing for multiple offenses.

Good Behavior Violations

Do not score good behavior violations, local probation violations or suspended sentence violations.

Assigning Points

Current Revocation Event Only: If there are no previous revocations for the offenses in the current event, the case will be assigned zero points for Current Revocation Event Only.

One or More Prior Revocation Events for Any Offense in the Current Revocation Event: This factor is scored if the defendant's probation for any of the offenses in the current sentencing event (in this court only) was previously revoked. Do not count the current revocation.

3. Condition 1 Violation: New Felony Conviction(s) for Offenses Committed During The Current Supervision Period (ALL COURTS)

Score this factor if Condition 1 has been cited for a new felony conviction with an **offense date** and a **conviction date** during the Current Supervision Period. If there are both new misdemeanor and new felony convictions, complete Worksheet New Law F. This factor is scored after a conviction for a new felony offense and is not scored for a new arrest or a pending case without at least a conviction.

Identify the number of new person felony convictions and the number of counts. Refer to Appendix 3 to identify person crimes. Enter the total number of counts. Multiply the number of counts by 20 and enter the total score.

Identify all other felony convictions (other than person crimes) and enter the total number of counts. Multiply the number of counts by 2 and enter the total score.

Out-of-state, federal, military and international offenses are scored based on Virginia's current penalty structure. If the behavior in another state or jurisdiction is similar to a felony here in Virginia, the conviction must be scored as a felony. In other words, a misdemeanor in another state may be scored as a felony for this factor if the behavior is punishable as a felony in Virginia. The reverse is true, as well. If a felony conviction in another state or jurisdiction is punishable as a misdemeanor in Virginia, that conviction is treated as a misdemeanor (not scored for this factor).

Enter the new conviction information (New Conviction Box) –

Details are provided so the court will have consistent information on the type of convictions that, in part, initiated the violation hearing and the effective sentence for the new law violations.

If there are more than two new felony and misdemeanor convictions (i.e., more than two different VCCs), then select the two most serious convictions.

Use the following hierarchy to determine the most serious misdemeanor convictions (see Appendix 3 for the type of offense):

- 1- Statutory Maximums
- 2- Person Crimes
- 3- Property Crimes
- 4- Other Crimes (e.g., Weapons, Traffic, Fail to Appear)
- 5- Drug Crimes
- 6- Highest Recommendation

In the New Conviction box enter the number of counts, VCC, sentencing date (or conviction date if sentencing is pending), FIPS code (refer to Appendix 5), and the effective sentence (the amount of active time to serve after suspension). If the defendant has been convicted, but not yet sentenced, be sure to check the pending sentencing box, enter the conviction date and leave effective sentence blank.

Sum of Total Effective Sentence for All New Convictions – Sum the total active time the defendant must serve for all new convictions in all courts. If there are more than two new convictions be sure to include any active time the defendant must serve for new convictions not included in the new conviction box.

4. New Felony or Misdemeanor Conviction is Similar Behavior To The Most Serious Current Primary Offense

Score this factor if Condition 1 has been cited for a new felony conviction with an **offense date** and a **conviction date** during the Current Supervision Period. There may also be new misdemeanor convictions during the same period that will be scored for this factor. This factor is scored after a conviction for a new offense and is not scored for a new arrest or a pending case without at least a conviction.

Enter points if a new felony or misdemeanor conviction is similar in behavior to the current primary offense. Similar behavior is determined by using Appendix 4. Appendix 4 lists the Virginia Crime Code (VCC) prefix for the primary offense and identifies the VCC prefix for any similar offense or behavior. If the new felony or misdemeanor has the same prefix as the primary offense or a VCC prefix identified in Appendix 4 as similar, points are assigned. This factor is scored based on the VCC prefix and not the elements of the offense.

Points are not assigned if the new felony or misdemeanor conviction is similar behavior to any offense other than the primary offense in the Current Probation Violation Event. This factor is limited to the offense and VCC listed as the current most serious primary offense at the top of Worksheet Two.

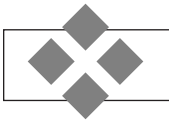
Out-of-state, federal, military and international offenses are scored based on Virginia's current penalty structure. If the behavior in another state or jurisdiction is similar to a felony here in Virginia, the conviction must be scored as a felony. In other words, a misdemeanor in another state may be scored as a felony for this factor if the behavior is punishable as a felony in Virginia. The reverse is true, as well. If a felony conviction in another state or jurisdiction is punishable as a misdemeanor in Virginia, that conviction is scored as a misdemeanor.

5. Recommendation Score

The score is totaled, and the preparer should refer to the sentence length Recommendation Table at the bottom of this worksheet. The first column contains the score ranges and the second column presents the recommended sentence range associated with each score. Check the appropriate box corresponding to the total score. On the SRR Cover Sheet, record the guidelines sentence recommendation.

◆ Completing the Sentencing Revocation Report

- 1 Enter the offender's first, middle and last name.
- 2 Fill in the offender's date of birth. If unknown, leave blank. If there are multiple birthdates reported, attempt to identify the "true" birthdate and enter only one.
- 3 Fill in the offender's social security number. If unknown, leave blank. If there are multiple social security numbers, attempt to identify the "true" number and enter only one.
- 4 Fill in the offender's Central Criminal Records Exchange (CCRE) number. If no Virginia number has been assigned by the State Police, leave blank.
- 5 Fill in the offender's CORIS offender number.
- 6 Enter the circuit number of the sentencing court.
- 7 Enter the name of the city or county that the court serves.
- 8 Enter the Docket number. (If multiple docket numbers, enter the docket number that corresponds with the revocation for the most serious offense.)
- 9 Enter the FIPS Code that corresponds to the city or county where the sentencing court is located. For a FIPS code listing, refer to Appendix 5 of the Sentencing Guidelines Manual.
- 10 Check the appropriate boxes indicating what types of revocations are being considered by the court.
- 11 Check the appropriate box indicating the type of Technical, New Law or Special Conditions violation. (Check all that apply.)
- 12 Check the appropriate boxes indicating the conditions of state probation that the offender is accused of violating. (Local probation, good behavior and other suspended sentence violations may not have the same conditions.)
- 13 Check the appropriate boxes for every treatment, sanction or program utilized during the entire supervision history for the current offense(s). (Multiple boxes may be checked for the same program.)
- 14 Enter the date the defendant was arrested for the current violation.
- 15 Check the appropriate box for the defendant's confinement prior to the revocation hearing. Enter the dates the defendant was confined.
- 16 Check the appropriate box indicating the defendant's pretrial status.
- 17 Check the appropriate box indicating the Probation Violation Guidelines recommendation and enter the recommended range, if applicable in the case.



Sentencing Revocation Report (SRR) - Felony Supervision/Good Behavior/Suspended Sentence Violations

◆ OFFENDER _____

① First: _____ Middle: _____ Last: _____ Suffix: _____
 ② Date of Birth: _____ ③ SSN: _____ ④ SID/CCRE: _____ ⑤ CORIS Offender ID: _____

◆ COURT _____

⑥ Judicial Circuit: _____ ⑦ City/County: _____ ⑧ Docket Number: _____ ⑨ FIPS Code: _____

◆ TYPE OF REVOCATION _____

⑩ (Complete SRR and Guidelines): State Supervised Probation for Felony
 (Complete SRR only, guidelines do not apply): Local Probation Good Behavior /Suspend Sentence CCAP Procedural
 (NOTE: This form is not completed for First Offender Violations, Deferred Finding Violations or Parole Violations)

⑪ Technical Violation 2-8 or 10: 1st 2nd 3rd or sub
 Technical Violation 9 or 11: 1st 2nd 3rd or sub
 Special Conditions: Yes
 New Law Violation: Felony Misdemeanor

◆ TREATMENT, SANCTIONS, ⑬ EDUCATIONAL PROGRAMS & ALTERNATIVES UTILIZED

(For Judicial Review)

	Enrolled, Ordered	Completed	Not Completed	Ineligible
Anger management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CCAP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug Screens increased/ordered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment Skills Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gang Supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incarceration - jail or prison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase in supervision level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parenting class	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recidivist Prevention Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Salvation Army Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex offender treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialty Court _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse Program, Jail/DOC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, inpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment, outpatient	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Substance Abuse treatment: AA or NA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thinking for a Change	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Voice Verification Biometrics Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⑫ CONDITIONS CITED IN VIOLATION BY PROBATION/PAROLE OFFICER (check all that apply)

- 1. Fail to obey all Federal, State, and local laws.
- 2. Fail to report any arrests within 3 days to PO.
- 3. Fail to maintain employment or to report changes.
- 4. Fail to report as instructed
- 5. Fail to allow probation officer to visit home or job.
- 6. Fail to follow instructions, be truthful, and cooperative.
- 7. Use alcoholic beverages
- 8. Use, possess, distribute controlled substances or paraphernalia
- 9. Use, own, possess, transport or carry firearm
- 10. Change residence or leave Virginia without permission
- 11. Abscond from supervision
- Fail to follow special conditions/instructions (specify) _____

Special Sex Offender Conditions/Instructions
 (Enter Letter for Condition(s) Violated):

Special Gang Member Conditions/Instructions
 (Enter Letter for Condition(s) Violated):

⑭ ◆ DATE ARRESTED FOR THIS VIOLATION: ____/____/____

⑮ ◆ PRETRIAL CONFINEMENT FOR THIS VIOLATION No

Confined Since Arrest for Violation Dates Confined ____/____/____ to ____/____/____ Dates Confined ____/____/____ to ____/____/____
 (For Judicial Review. There is no indication that the times served will be applied to this case)

⑯ ◆ PRETRIAL STATUS RELEASE :

Bond: ___Secured ___Unsecured Own Recognizance Third Party Release N/A

◆ RECOMMENDATION RANGE:

⑰ No Time Time Served to

Years Months Days to Years Months Days

(Note to Judge: If you find the defendant has good rehabilitation potential, mark the box on the disposition page. The low end of the recommendation will be time served or zero additional days.)

◆ Final Decision/Disposition **Fill In After Sentence Has Been Pronounced**

This section of the SRR should be completed by the sentencing judge or the judge's designee. All information should be completed prior to being mailed to the Virginia Criminal Sentencing Commission.

- 18 Check the appropriate box indicating the decision of the court.

Found in Violation of Conditions Cited – The court determines that the defendant violated all conditions cited in the capias, warrant or revocation request.

Found in Violation of the Following Conditions Cited - If the court determines that the defendant violated selected conditions of probation supervision, the court is asked to identify which conditions were violated (check all that apply).

Found in Violation of Good Behavior, Suspended Sentence, Felony Local Probation – The court determines that the defendant violated good behavior, suspended sentence or felony local probation.

Taken Under Advisement/Deferred – The court determines that no decision will be made at this point on the alleged violation. If the court takes the decision under advisement or defers the case on the condition that the defendant complete a program or follow instructions and that a subsequent violation would require another request for capias or revocation, then submit the Sentencing Revocation Report (and guidelines when appropriate) to the Commission. If the court takes the decision under advisement or defers the case until appropriate counsel can be selected or appointed, or for other court procedural issues, do not submit the Sentencing Revocation Report (with guidelines when appropriate) until after a decision is made.

Not in Violation - The court finds that the defendant did not violate any of the conditions cited in the capias or revocation request. See the "Sentence for Revocation" section to record if the defendant is continued under the same conditions or released from all supervision or restrictions.

- 19 Check the appropriate box indicating the sentence for the revocation.

Rehabilitation Potential – Check this box if the court finds the defendant is a good candidate for rehabilitation. If this box is checked, effectively the low end is zero and the high end remains the same. (This is solely the decision of the presiding judge.)

Treatment Exception – Check this box if the defendant is sentenced to time required to participate in a court ordered program/restitution review.

- 20 **Revocable Time for Event** – Enter the years, months and days for the amount of revocable time that the court could have imposed. This is the sum of all suspended time for the original offense(s) that the court could revoke in the current hearing.

- 21 Enter the years, months and days imposed for the entire sentencing event. If the sentence imposed includes a life sentence, check the life box.

- 22 Enter the length of active incarceration the defendant is to serve for the violation(s) (i.e., the imposed sentence less any suspended time).

- 23 Check the appropriate box indicating whether the defendant was continued on the same period of supervised probation (not extended), placed on a new period of probation supervision or released from supervised probation. If placed on a new period of probation supervision enter the new amount of time the defendant will be on probation supervision.

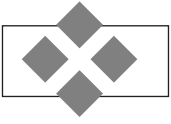
Check the appropriate box indicating whether good behavior, new conditions of probation were imposed, or if the defendant was continued under the same conditions of probation. Specify any new conditions imposed.

- 24 Check this box if the court received an updated criminal history since the last hearing. (This may be provided orally or in writing.)

- 25 If the judge sentences above or below the recommendation, the judge is required by budget language to provide a reason for departing. The judge can also use this space for judicial comments about the case.

- 26 Enter the month, date and year of the revocation decision.

- 27 The judge must sign each report after the decision has been completed. Electronic signatures are acceptable.



Final Decision/Disposition

To be completed by the sentencing judge or judge's designee.

◆ DECISION OF THE COURT

- 18 Found in Violation of Conditions as Cited
 Found in Violation of Conditions as Modified by the judge: Conditions Violated: _____
 Found in Violation of good behavior, suspended sentence, felony local probation
 Taken Under Advisement
 Not in Violation

◆ SENTENCE FOR REVOCATION

19 Rehabilitation Potential

Court Finds that the defendant is a good candidate for rehabilitation (The low end of the guidelines is set to time served or zero)

Treatment Exception

Sentenced to time required to participate in court ordered program/restitution review (§ 19.2-306.1 (D))

20 Revocable Time for Event

Life +

Revocation Details

- 21 Amount of Time Imposed..... Life + Sentenced to Time Served
- 22 Amount of Time to Serve for this Violation (total effective sentence).. Life +

23 New/Revised Probation/Supervised Period

- Continued on same period of probation supervision (not extended)
 Placed on a probation supervision for a new period of..... Indefinite +
- Released from supervised probation

Conditions

- Good behavior Life +
- New conditions of probation _____
- Continued on same conditions

Other Sentencing Programs (check all that apply)

- Day Reporting Community-Based Program _____
 Electronic Monitoring CCAP
 Intensive Probation Youthful Offender
 Substance Abuse Treatment DJJ Commitment Indeterminate Determinate
 § 18.2-251/§ 18.2-258.1 (First Offender) § 19.2-298.02, § 19.2-303.6 (Deferred Disposition)
- Drug Court Other _____

24 Criminal History

Updated Criminal History Provided

◆ REASON FOR DEPARTURE FROM GUIDELINES

25 _____

◆ DATE OF REVOCATION DECISION

/ /
Month Day Year

27

Judge's Signature _____

For Office Use Only

First or Second Technical Violation

Primary offense- Enter the Virginia Crime Code for the most serious primary offense in the probation violation event. Determine the most serious felony offense. The most serious offense is the conviction that has the highest statutory maximum penalty. If two or more offenses in a sentencing event carry the same statutory maximum penalty, select the most serious offense based on the following order of importance: person crime, property crime, victimless/other crime, drug crime, and then the offense that results in the highest recommendation.

Original Sentence Was incarceration/CCAP- check the box if the defendant was sentenced to an active period of incarceration period in jail, prison, juvenile institution, or CCAP

ICOTS Case- check the box if the defendant was accepted by another state for transfer of supervision. Do not mark this box for any other type of travel permits granted or any other form of permission to leave the sentencing state

Amount of Total Revocable Time at Hearing Sentencing- Enter the years, months, and days for the total amount of revocable time that the jurisdiction revoking probation has established. Do not record the revocable time for any other offense or court.

1 Dates

Earliest Original Sentencing Date- Enter the earliest date the defendant was originally sentenced for the current offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date.

Start of Current Supervision Period- Enter the most recent date the defendant was placed on or continued supervised probation for any offense in the current probation violation event.

2 Number of Felony Revocation Events for Current Offense(s) (This court only)

This factor includes both the current probation violation/revocation event and the in-between probation violation revocation event

Select the appropriate block based on condition cited.

Enter the appropriate points based on the number of felony revocations in the current court in which the defendant is being supervised for probation.

Enter the corresponding score if there are no previous revocations for the offenses in the current event, the case will be assigned points for Current Revocation Event Only.

Enter the corresponding score if the defendant has previous revocations for the offenses in the current event.

For Condition 9 and 11 violations, enter 4 points if there are no previous revocations for the offenses in the current event in which the defendant was in violation of Conditions 9 or 11.

For Condition 9 and 11 violations, enter 12 points if there were any previous revocations for offenses in the current event in which the defendant was in violation of Conditions 9 or 11.

3 Felony Offense Convictions between Original Sentencing Date and Start of Current Supervision Period (ALL COURTS)

This factor is defined as the in-between new law conviction(s) factor.

Select the appropriate block based on condition cited.

Assign points if the defendant committed a felony offense between the original sentencing date and the start date for the current supervision period that results in a felony conviction during that time. Both the offense date and conviction date must be between the original sentencing date and start date for the current supervision period.

Do not score if the current violation is Conditions 2- 8 or 10.

If this is the first violation for the underlying offense(s) in which the defendant was in violation of Conditions 9 or 11 no points are assigned, second violation assign 13 points.

4 Prior Felony Revocation(s) Before Original Sentencing Date (this court only)

Select the appropriate block based on condition cited.

Assign points if this defendant has a prior felony revocation(s) before the original sentencing date for the current most serious primary offense.

For Conditions 9 and 11 violations, points are assigned for this factor based on the number of prior felony revocation events for the underlying offense(s) in which the defendant was in violation of Conditions 9 or 11. (i.e., This is the defendant's first violation of condition 9 or 11 for any underlying offense in the current revocation, and there are revocation events that occurred in the same court prior to the earliest original sentencing date, the defendant would only be assigned 1 point.)

Factor is only scored for felony revocations.

5 Condition 8 Violation: Drug Violation

Select the appropriate block based on condition cited.

Assign points if the defendant was cited for violation of Condition 8 (Use, possess, distribute controlled substances or paraphernalia) of the Conditions of Probation Supervision. The violation must be cited in the capias, warrant revocation request or Major

Violation Report and amended reposts.

If this is the first violation for the underlying offense(s) in which the defendant was in violation of Conditions 9 or 11 assign 1 point, second violation assign 7 points.

6 Condition 11 Violation: Abscond

Select the appropriate block based on condition cited.

Assign points if the defendant was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation Supervision. If the defendant signed the conditions of probation prior to the enactment of Condition 11, the defendant may still be scored for this factor if the capias/revocation request informs the judge that the defendant did abscond from supervision.

If this is the first violation for the underlying offense(s) in which the defendant was in violation of Conditions 9 or 11 assign 3 points, second violation assign 10 points.

Last date whereabouts were known

Enter the date that the probation officer last had contact with the defendant at which time the officer knew the whereabouts of the defendant. Contact may include verbal, written, face-to-face communication with the probation officer or court official at which time the officer/official knew the whereabouts of the defendant.

Date whereabouts verified

Enter the date in which the location of the defendant is verified by the probation officer. This will include the date the probation officer verified the defendant's location in jail/prison, arrested on a capias or PB-15, or found living at a different address., or etc.

7 Primary Offense VCC Prefix of SEX, RAP, OBS

Select the appropriate block based on condition cited.

Assign the corresponding score if the defendant's most serious original offense in the current violation sentencing event has a SEX (Sex Offense), RAP (Rape) or OBS (Obscenity) VCC prefix. There may be other offenses in the probation violation event with the required prefixes, but points are only assigned based on the primary offense.

For Conditions 9 and 11 violations, points are assigned for this factor based on the number of prior felony revocation events for the underlying offense(s) in which the defendant was found in violation of Conditions 9 or 11.

8 Recommendation Score

Check the appropriate box corresponding to the total score. On the SRR Cover Sheet, record the guidelines sentencing recommendation.

Probation Violation Guidelines Worksheet TV1/2

First or Second Technical Violation

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: - - Original Sentencing was Incarceration/CCAP

ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing/Sentencing: Life +

(This Court Only) Years Months Days

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10 Current Revocation Event Only 2 Prior Revocation Event.....11	Conditions 9 or 11 Current Revocation Event Only 4 Prior Revocation Event..... 12	↓ <input style="width: 40px; height: 20px;" type="text"/>
Points	Points	

3 Felony Offense Convictions Between Original Sentencing Date and Start of Current Supervision Period (ALL Courts)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10 Do Not Score	Conditions 9 or 11 If 1st Violation of Condition 9 or 11 0 If 2nd Violation of Condition 9 or 11 13	↓ <input style="width: 40px; height: 20px;" type="text"/>
	Points	

4 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

Conditions 2, 3, 4, 5, 6, 7, 8 or 10 One or More Prior Felony Revocation Events 1	Conditions 9 or 11 If 1st Violation One or More Prior Felony Revocation Events 1 If 2nd Violation One Prior Felony Revocation Events 18 Two or More Prior Felony Revocations Events 19	↓ <input style="width: 40px; height: 20px;" type="text"/>
	Points	

5 Condition 8 Violation: Drug Violation

Conditions 2, 3, 4, 5, 6, 7, 8 or 10 Do Not Score	Conditions 9 or 11 If 1st Violation of Condition 9 or 11 1 If 2nd Violation of Condition 9 or 11 7	↓ <input style="width: 40px; height: 20px; text-align: center;" type="text" value="0"/>
	Points	

6 Condition 11 Violation: Abscond

Conditions 2, 3, 4, 5, 6, 7, 8 or 10 Do Not Score	Conditions 9 or 11 If 1st Violation of Condition 9 or 11 3 If 2nd Violation of Condition 9 or 11 10	↓ <input style="width: 40px; height: 20px;" type="text"/>
	Points	

Last Date whereabouts were known ___/___/___ Date whereabouts verified ___/___/___

7 Primary Offense VCC Prefix of SEX, RAP, OBS

Conditions 2, 3, 4, 5, 6, 7, 8 or 10 Do Not Score	Conditions 9 or 11 If 1st Violation of Condition 9 or 11 1 If 2nd Violation of Condition 9 or 11 22	↓ <input style="width: 40px; height: 20px;" type="text"/>
	Points	

Recommendation Score

Recommendation Table

Go to SRR Cover sheet and fill out the violation guidelines recommendation range.

Score	Guidelines Sentence	Score	Guidelines Sentence
<input type="checkbox"/> 0-3.....	No Time (Statutory Requirement)	<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 4-12.....	0 to 14 days (Statutory Requirement)	<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 13-18.....	Time Served to 6 months	<input type="checkbox"/> 44 or more.....	1 year to 4 years

TV3 Third or Subsequent Technical or any Special Conditions Violations (SCV)

Primary offense- Enter the Virginia Crime Code for the most serious primary offense in the probation violation event. Determine the most serious felony offense. The most serious offense is the conviction that has the highest statutory maximum penalty. If two or more offenses in a sentencing event carry the same statutory maximum penalty, select the most serious offense based on the following order of importance: person crime, property crime, victimless/other crime, drug crime, and then the offense that results in the highest recommendation.

Original Sentence Was incarceration/CCAP- check the box if the defendant was sentenced to an active period of incarceration period in jail, prison, juvenile institution, or CCAP.

ICOTS Case- check the box if the defendant was accepted by another state for transfer of supervision. Do not mark this box for any other type of travel permits granted or any other form of permission to leave the sentencing state.

Amount of Total revocable Time at Hearing Sentencing- Enter the years, months, and days for the total amount of revocable time that the jurisdiction revoking probation has established. Do not record the revocable time for any other offense or court.

1 Dates

Earliest Original Sentencing Date- Enter the earliest date the defendant was originally sentenced for the current offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date.

Start of Current Supervision Period- Enter the most recent date the defendant was placed on or continued supervised probation for any offense in the current probation violation event.

2 Number of Felony Revocation Events for Current Offense(s) (This court only)

This factor includes both the current probation violation/revocation event and the in-between probation violation revocation event

Enter the corresponding score if there are no previous revocations for the offenses in the current event, the case will be assigned points for Current Revocation Event Only.

Enter the corresponding score if the defendant has one previous revocation for the offenses in the current event

Enter the corresponding score if the defendant has two or more previous revocations for the offenses in the current event

3 Prior Felony Revocation(s) Before Original Sentencing Date (this court only)

Assign points if this defendant has prior felony revocation(s) before the original sentencing date.

Factor is only scored for felony revocations

4 Felony Offense Convictions between Original Sentencing Date and Start of Current Supervision Period (ALL COURTS)

This factor is defined as the in-between new law conviction(s) factor.

Assign points if the defendant committed a felony offense between the original sentencing date and the start date for the current supervision period that results in a felony conviction during that time. Both the offense date and conviction date must be between the original sentencing date and start date for the current supervision period.

5 Condition 8 Violation: Drug Violation

Assign points if the defendant was cited for violation of Condition 8 (Use, possess, distribute controlled substances or paraphernalia) of the Conditions of Probation Supervision. The violation must be cited in the capias, warrant revocation request or Major Violation Report and amended reposts.

6 Condition 11 Violation: Abscond

Assign points if the defendant was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation Supervision. If the defendant signed the conditions of probation prior to the enactment of Condition 11, the defendant may still be scored for this factor if the capias/revocation request informs the judge that the defendant did abscond from supervision.

Last date whereabouts were known

Enter the date that the probation officer last had contact with the defendant at which time the officer knew the whereabouts of the defendant. Contact may include verbal, written, face-to-face communication with the probation officer or court official at which time the officer/official knew the whereabouts of the defendant.

Date whereabouts verified

Enter the date in which the location of the defendant is verified by the probation officer. This will include the date the probation officer verified the defendant's location in jail/prison, arrested on a capias or PB-15, or found living at a different address., or etc.

7 Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC)

Assign the corresponding score if the defendant's most serious original offense in the current violation sentencing event has a SEX (Sex Offense), RAP (Rape) or OBS (Obscenity) VCC prefix. There may be other offenses in the probation violation event with the required prefixes, but points are only assigned based on the primary offense.

Assign points if the primary offense does not have a prefix of SEX, RAP, or OBS, but the defendant was required by the court or the probation officer to comply with any special sex offender conditions.

8 Recommendation Score

Check the appropriate box corresponding the total score. On the SRR Cover Sheet, record the guidelines sentencing recommendation.

Probation Violation Guidelines Worksheet ~~TV 3/SCV~~ **TV 3/SCV**

Third or Subsequent Technical Violation or **Any Special Condition Violations**

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: - Original Sentencing was Incarceration/CCAP

ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing/Sentencing: Life +

(This Court Only) Years Months Days

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only) → 0

Current Revocation Event Only2
 One Revocation Event Prior to Current Revocation Event.....12
 Two or More Revocation Events Prior to Current Revocation Event.....24

3 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

One Prior Felony Revocation18
 Two or More Prior Felony Revocations19

↓

0

4 Felony Offense Conviction(s) Between Original Sentencing Date and Start of Current Supervision (ALL Courts) — If YES, add 13 → 0

5 Condition 8 Violation: Drug Violation — If YES, add 7 → 0 0

6 Condition 11 Violation: Abscond — If YES, add 10 → 0

Last date whereabouts were known ___/___/___ Date whereabouts verified ___/___/___

7 Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions/Instructions (Court or DOC) – If YES, add 22 → 0

Recommendation Score →

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

Score	Guidelines Sentence
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

Probation Violation Guidelines New Law Misdemeanor

New Law Misdemeanor

Primary offense- Enter the Virginia Crime Code for the most serious primary offense in the probation violation event. Determine the most serious felony offense. The most serious offense is the conviction that has the highest statutory maximum penalty. If two or more offenses in a sentencing event carry the same statutory maximum penalty, select the most serious offense based on the following order of importance: person crime, property crime, victimless/other crime, drug crime, and then the offense that results in the highest recommendation.

Original Sentence Was incarceration/CCAP- check the box if the defendant was sentenced to an active period of incarceration period in jail, prison, juvenile institution, or CCAP

ICOTS Case- check the box if the defendant was accepted by another state for transfer of supervision. Do not mark this box for any other type of travel permits granted or any other form of permission to leave the sentencing state

Amount of Total revocable Time at Hearing Sentencing- Enter the years, months, and days for the total amount of revocable time that the jurisdiction revoking probation has established. Do not record the revocable time for any other offense or court.

Dates

Earliest Original Sentencing Date- Enter the earliest date the defendant was originally sentenced for the current offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date.

Start of Current Supervision Period- Enter the most recent date the defendant was placed on or continued supervised probation for any offense in the current probation violation event.

Number of Felony Revocation Events for Current Offense(s) (This court only)

This factor includes both the current probation violation/revocation event and the in-between probation violation revocation event.

Enter the appropriate points based on the number of felony revocations in the current court in which the defendant is being supervised for probation.

Enter the corresponding score if there are no previous revocations for the offenses in the current event, the case will be assigned points for Current Revocation Event Only.

Enter the corresponding score if the defendant has one previous revocation for the offenses in the current event.

Enter the corresponding score if the defendant has two or more previous revocations for the offenses in the current event

Prior Felony Revocation(s) Before Original Sentencing Date (this court only)

Assign points if this defendant has prior felony revocation before the original sentencing date.

Factor is only scored for felony revocations

Felony Offense Convictions between Original Sentencing Date and Start of Current Supervision Period (ALL COURTS)

This factor is defined as the in-between new law conviction(s) factor.

Assign points if the defendant committed a felony offense between the original sentencing date and the start date for the current supervision period that results in a felony conviction during that time. Both the offense date and conviction date must be between the original sentencing date and start date for the current supervision period.

Condition 1 Violation: New Misdemeanor Conviction(s) for Offenses Committed During Current Supervision Period (ALL COURTS)

Assign points if the defendant has been cited for a new misdemeanor conviction with the offense date and conviction date during the Current Supervision Period. Enter points for any new misdemeanor conviction that is similar in behavior to the current most serious primary offense. (See Appendix 4 to determine similar behavior).

Assign points if the new misdemeanor conviction is any other misdemeanor not similar in behavior to the current most serious primary offense.

If the condition one violation is based only on a non-misdemeanor conviction, (i.e., traffic infraction), no points are assigned for this factor.

In the box below, for the two most serious new convictions, enter the number of counts, VCC code, sentencing date(or conviction date if sentence is pending), FIPS code,(refer to Appendix 4), and the effective sentence (the amount of active time to serve after suspension). If the defendant has been convicted, but not yet sentenced, check the box indicating that the sentence is pending.

Sum of Total Effective Sentence for all New Convictions- enter the total sum of all active time the defendant must serve for all new convictions, including felonies and misdemeanors, in all courts. If there are more than two new convictions be sure to include

any active time the defendant must serve for new convictions not included in the new conviction box.

Condition 8 Violation: Drug Violation

Assign points if the defendant was cited for violation of Condition 8 (Use, possess, distribute controlled substances or paraphernalia) of the Conditions of Probation Supervision. The violation must be cited in the capias, warrant revocation request or Major Violation Report and amended reposts.

Condition 11 Violation: Abscond

Assign "10"points if the defendant was cited for absconding from supervision in violation of Condition 11 of the Conditions of Probation Supervision. If the defendant signed the conditions of probation prior to the enactment of Condition 11, the defendant may still be scored for this factor if the capias/revocation request informs the judge that the defendant did abscond from supervision.

Last date whereabouts were known

Enter the date that the probation officer last had contact with the defendant at which time the officer knew the whereabouts of the defendant. Contact may include verbal, written, face-to-face communication with the probation officer or court official at which time the officer/official knew the whereabouts of the defendant.

Date whereabouts verified

Enter the date in which the location of the defendant is verified by the probation officer. This will include the date the probation officer verified the defendant's location in jail/prison, arrested on a capias or PB-15, or found living at a different address., or etc.

Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions (Court or DOC)

Assign the corresponding score if the defendant's most serious original offense in the current violation sentencing event has a SEX (Sex Offense), RAP (Rape) or OBS (Obscenity) VCC prefix. There may be other offenses in the probation violation event with the required prefixes, but points are only assigned based on the primary offense.

Assign points if the primary offense does not have a prefix of SEX, RAP, or OBS, but the defendant was required by the court or the probation officer to comply with any special sex offender conditions.

Recommendation Score

Check the appropriate box corresponding the total score. On the SRR Cover Sheet, record the guidelines sentencing recommendation.

Probation Violation Guidelines Worksheet New Law M

New Misdemeanor or Lesser Conviction

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: . . Original Sentencing was Incarceration/CCAP

ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing/Sentencing: Life +

(This Court Only) Years Months Days

1 Dates (use to score factors three and four)

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

2 Number of Felony Revocation Events for Current Offense(s) (This Court Only)

Current Revocation Event Only 2
 One Revocation Event Prior to Current Revocation Event 12
 Two or More Revocation Events Prior to Current Revocation Event 24

0

3 Prior Felony Revocation(s) Before Original Sentencing Date (This Court Only)

One Prior Felony Revocation 18
 Two or More Prior Felony Revocations 19

0

4 Felony Offense Conviction(s) Between Original Sentencing Date and Start of Current Supervision (ALL Courts) — If YES, add 13

0

5 Condition 1 Violation: New Misdemeanor Conviction(s) for Offenses Committed During Current Supervision Period (ALL Courts)

New Misdemeanor Conviction is Similar Behavior to Current Primary Offense (Refer to Appendix 4) 9
 Any Other New Misdemeanor Convictions 1

0 0

New Conviction(s)									
Counts	Most Serious VCC	Offense Date	Sent./Conv. Date	FIPS	State	Years	Months	Days	Pending Sentence
_____	_____ - _____ - _____	____/____/____	____/____/____	_____	_____	_____	_____	_____	<input type="checkbox"/>
_____	_____ - _____ - _____	____/____/____	____/____/____	_____	_____	_____	_____	_____	<input type="checkbox"/>
Sum of Total Effective (Active) Sentence for All New Convictions (including counts not listed above): _____									

6 Condition 8 Violation: Drug Violation — If YES, add 7

0 0

7 Condition 11 Violation: Abscond — If YES, add 10

0

Last date whereabouts were known ____/____/____ Date whereabouts verified ____/____/____

8 Primary Offense VCC Prefix of SEX, RAP, OBS or Violation of Sex Offender Special Conditions/Instructions (Court or DOC) — If YES, add 22

0

Recommendation Score

Go to SRR Cover Sheet and fill out the violation guidelines recommendation range.

Recommendation Table

Score	Guidelines Sentence
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

Probation Violation Guidelines New Law Felony

New Law Felony

Primary offense- Enter the Virginia Crime Code for the most serious primary offense in the probation violation event. Determine the most serious felony offense. The most serious offense is the conviction that has the highest statutory maximum penalty. If two or more offenses in a sentencing event carry the same statutory maximum penalty, select the most serious offense based on the following order of importance: person crime, property crime, victimless/other crime, drug crime, and then the offense that results in the highest recommendation.

Original Sentence Was incarceration/CCAP- check the box if the defendant was sentenced to an active period of incarceration period in jail, prison, juvenile institution, or CCAP

ICOTS Case- check the box if the defendant was accepted by another state for transfer of supervision. Do not mark this box for any other type of travel permits granted or any other form of permission to leave the sentencing state

Amount of Total revocable Time at Hearing Sentencing- Enter the years, months, and days for the total amount of revocable time that the jurisdiction revoking probation has established. Do not record the revocable time for any other offense or court.

Dates

Earliest Original Sentencing Date- Enter the earliest date the defendant was originally sentenced for the current offense(s). If the defendant currently has multiple obligations in this court with different original sentencing dates, enter the earliest original sentencing date.

Start of Current Supervision Period- Enter the most recent date the defendant was placed on or continued supervised probation for any offense in the current probation violation event

Number of Felony Revocation Events for Current Offense(s) (This court only)

Enter the appropriate points based on the number of felony revocations in the current court in which the defendant is being supervised for probation.

Enter the corresponding score if there are no previous revocations for the offenses in the current event, the case will be assigned points for Current Revocation Event Only.

Enter the corresponding score if the defendant has previous revocations for the offenses in the current event

Revocations will only be scored for offense in the current court for the most serious primary offense.

Condition 1 Violation: New Felony Conviction(s) for Offenses Committed During Current Supervision Period (ALL COURTS)

Enter the number of counts for and new person felony convictions that occurred during the defendant's current supervision period. Multiply the number of counts by 20 and enter the total in the box

Enter the number of counts for and new non-person felony convictions that occurred during the defendant's current supervision period. Multiply the number of counts by 2 and enter the total in the box

In the box below, for the two most serious new convictions, enter the number of counts, VCC code, sentencing date(or conviction date if sentence is pending), FIPS code,(refer to Appendix 4), and the effective sentence (the amount of active time to serve after suspension). If the defendant has been convicted, but not yet sentenced, check the box indicating that the sentence is pending. This info

Sum of Total Effective Sentence for all New Convictions- enter the total sum of all active time the defendant must serve for all new convictions, including felonies and misdemeanors, in all courts. If there are more than two new convictions be sure to include any active time the defendant must serve for new convictions not included in the new conviction box.

New Felony or Misdemeanor Conviction is Similar Behavior to the Most Serious Current Primary Offense Listed Above (Refer to Appendix 4)

Assign points if the defendant has been convicted of a new felony or misdemeanor and the offense is similar in behavior to the current primary offense. (See Appendix 4 to determine similar behavior). The offense data and conviction date must be during the Current Supervision Period.

Recommendation Score

Check the appropriate box corresponding the total score. On the SRR Cover Sheet, record the guidelines sentencing recommendation.

Probation Violation Guidelines Worksheet ~~✦~~ New Law F New Felony Conviction

Offender Name: _____

Base Guidelines on the Current Most Serious Primary Offense: . . Original Sentencing was Incarceration/CCAP

ICOTS Case for Supervision of Current Primary Transferred to: State Abv: _____

Amount of Total Revocable Time at Hearing Sentencing: Life +

(This Court Only) Years Months Days

◆ Dates

Earliest Original Sentencing Date _____ Start of Current Supervision Period _____

◆ **Number of Felony Revocation Events for Current Offense(s) (This Court Only)** →

Current Revocation Event Only.....0
One or More Revocation Events Prior to Current Revocation Event.....10

◆ **Condition 1 Violation: New Felony Conviction(s) for Offenses Committed During Current Supervision Period (ALL Courts)**

A. Number of New Person Felony Convictions (Counts) X 20 →

B. Number of New Non-Person Felony Convictions (Counts) X 2 →

New Conviction (s)								Effective Sentence			Pending Sentence
Counts	Most Serious VCC	Offense Date	Sent./Conv. Date	FIPS	State	Years	Months	Days			
_____	_____ - _____ - _____	____/____/____	____/____/____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	
_____	_____ - _____ - _____	____/____/____	____/____/____	_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	
Sum of Total Effective (Active) Sentence for All New Convictions (including counts not listed above): _____											

◆ **New Felony or Misdemeanor Conviction is Similar Behavior to the Most Serious Current Primary Offense Listed Above (Refer to Appendix 4)** — If YES, add 7 →

Recommendation Score →

Recommendation Table

- | Score | Guidelines Sentence |
|--|-----------------------------|
| <input type="checkbox"/> 1 to 7..... | Time served to 1 year |
| <input type="checkbox"/> 8 to 15..... | 6 months to 1 year 6 months |
| <input type="checkbox"/> 16 to 22..... | 8 months to 2 years |
| <input type="checkbox"/> 23 or more..... | 1 year 3 months to 4 years |

Go to Cover sheet and fill out the violation guidelines recommendation range.

❖ Recommendation Table for TV 1/2

Score	Guidelines Sentence Range
<input type="checkbox"/> 0-3.....	No Time
<input type="checkbox"/> 4-12.....	0 to 14 days
<input type="checkbox"/> 13-18.....	Time Served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

❖ Recommendation Table for TV 3/Special Conditions Violation

Score	Guidelines Sentence Range
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

❖ Recommendation Table for New Law Misdemeanor

Score	Guidelines Sentence Range
<input type="checkbox"/> Under 19.....	Time served to 6 months
<input type="checkbox"/> 19 to 33.....	3 months to 1 year
<input type="checkbox"/> 34 to 43.....	1 year to 1 year 6 months
<input type="checkbox"/> 44 or more.....	1 year to 4 years

❖ Recommendation Table for New Law Felony

Score	Guidelines Sentence Range
<input type="checkbox"/> 1 to 7.....	Time served to 1 year
<input type="checkbox"/> 8 to 15.....	6 months to 1 year 6 months
<input type="checkbox"/> 16 to 22.....	8 months to 2 years
<input type="checkbox"/> 23 or more.....	1 year 3 months to 4 years



APPENDIX 1

**Conditions of
Probation/Post-Release Supervision**



VIRGINIA DEPARTMENT OF CORRECTIONS

Conditions of Probation Supervision

To: _____ DOC # _____
Under the provisions of the Code of Virginia, the Court has placed you on probation supervision this date
for a period of 0 years 0 months 0 days by the Honorable _____ Judge, presiding
in the _____ Circuit Court at _____ Virginia.
Special conditions ordered by the Court are:

Offense & Sentence:

You are being placed on probation supervision subject to the conditions listed below. The Court may revoke or extend your probation supervision and you are subject to arrest upon cause shown by the Court and/or by the Probation Officer.

Probation Supervision conditions are as follows:

01. I will obey all Federal, State and local laws and ordinances.
02. I will report any arrest, including traffic tickets, within 3 days to the Probation and Parole Officer.
03. I will maintain regular employment and I will notify the Probation and Parole Officer promptly of any changes in my employment.
04. I will report in person or by telephone to the Probation and Parole office listed below within three working days of my release from incarceration, and as otherwise instructed thereafter.
05. I will permit the Probation and Parole Officer to visit my home and place of employment.
06. I will follow the Probation and Parole Officer's instructions and will be truthful, cooperative, and report as instructed.
07. I will not use alcoholic beverages to the extent that it disrupts or interferes with my employment or orderly conduct.
08. I will not unlawfully use, possess or distribute controlled substances or related paraphernalia.
09. I will not use, own, possess, transport or carry a firearm.
10. I will not change my residence without the permission of the Probation and Parole Officer. I will not leave the State of Virginia or travel outside of a designated area without permission of the Probation and Parole Officer.
11. I will not abscond from supervision. I understand I will be considered an absconder when my whereabouts are no longer known to my supervising officer. I freely, voluntarily and intelligently waive any right I may have to extradition if arrested outside of Virginia.

Your minimum date of release from supervision is _____ but you will remain under supervision until you receive a final release.

You will report as follows: as per the Probation Officer

I have read the above, and/or had the above read and explained to me, and by my signature or mark below, acknowledge receipt of these Conditions and agree to the Conditions set forth.

Signed: _____ Probation Officer

Date: _____ Date: _____



Sex Offender Special Instructions (Parole, Probation, and Post-Release Supervision)

To: _____

You have been placed on Supervision by the Virginia Parole Board and/or the Circuit Court. Pursuant to Condition #6 of your Conditions of Supervision, you are instructed to comply with the following checked special instructions.

Special Instructions: (check those which apply)

MONITORING

- Reside at _____. You will not relocate, or spend the night at an address other than listed above unless a home plan is investigated and approved by your supervising Officer.
- Do not have contact with your victim or victim's guardian. Contact includes but is not limited to face-to-face meetings, letters, phone calls, any electronic means or through a third party.
- Do not purchase, consume or possess alcohol, marijuana and/or illegal substances. You may not take a controlled medication unless it has been prescribed for you by your physician.
- You will not have any contact with anyone under the age of 18. Contact is defined as physical, verbal, written, or third party.
- If supervised contact with minors is allowed, the supervisor of this contact must know of your offending behavior and must be approved by your supervising Officer.
- You will not use any form of social networking, including but not limited to Facebook, MySpace, etc.
- You must obtain prior approval from your supervising Officer in order to utilize internet services. If approval is obtained, you must install monitoring software and you will be responsible for the cost of this software service. Supervising Officer must be listed as an accountability partner.
- Employment must be approved by your supervising Officer.
- You may not frequent places where children congregate, such as parks, playgrounds, and schools.
- If mandated by code section, Department of Corrections procedure, or instructed to do so by your supervising Officer, you will comply with electronic monitoring to include, but not limited to Global Positioning (GPS), AnyTrax, or other means.





TREATMENT

11. Attend and successfully complete a Sex Offender Treatment Program approved by your supervising Officer and assume the costs of your treatment as directed by your supervising Officer.
12. You will allow your sex offender treatment provider unrestricted communication with the probation and parole department, to include your supervising Officer regarding your attendance, level of participation, and any other information deemed necessary to protect the community from your sexually abusive behavior.
13. Do not own or have in your possession any sexually explicit materials. Do not view visual images or printed materials that act as a stimulus for your abusive cycle or that act as a stimulus to arouse you in an abusive fashion.
14. You will inform persons with whom you have a significant relationship of your sexual offending behavior as directed by your supervising Officer and/or treatment provider.
15. You may not participate in friendships and/or relationships with other adults who have children.
16. You will submit to any polygraph and/or plethysmograph testing deemed appropriate by your supervising Officer and assume the costs of the examination. These examinations will be periodic upon the therapist's or supervising Officer's request.

GENERAL

17. If you have photographed your victims in the past, you may not possess a camera or video recorder.
18. You will attend and successfully complete an alcohol and/or drug treatment program approved by your supervising Officer.
19. You must submit to alcosensor and any other drug testing at the direction of your supervising Officer.
20. You must observe curfew restrictions as directed by your supervising Officer. Your curfew is: _____.
21. If mandated by Virginia Code Section 18.2-370.3, you may not live within 500 feet of a child day care center, primary, secondary or high school.
22. If mandated by Virginia Code Section 18.2-370.5, you understand that you may not enter school property during school hours or during the hours of school related/school sponsored activities.





23. If required to register with the Virginia State Police Sex Offense and Crimes Against Minors Registry you must report any changes in home, employment, school, and vehicles within three days to the Virginia State Police.

24. If you are allowed internet access, you understand that you must register any electronic address, screen name and webpage with the Virginia State Police and within 30 minutes of any change in electronic address, screen name, or webpage.

25. Other:

26. Other:

27. Other:

Probationer/Parolee Name Printed Signature Date

P&P Officer Name Printed Signature Date



APPENDIX 2

Substance Abuse Admission



COMMONWEALTH of VIRGINIA

PROBATION AND PAROLE
District Address

TELEPHONE

Department of Corrections

SUBSTANCE ABUSE ADMISSION FORM

Any admission recorded below was given voluntarily and without duress. I understand that this admission may be used in violation proceedings. Either or both Sections I and II may be completed whenever applicable.

I, _____ VACCIS # _____,
Name on Conditions/Agreements

voluntarily admit to using the substances checked below within the last 30 days:

- Cocaine, including Crack
Marijuana
Alcohol
Amphetamines, including Ice
Barbiturates
Heroin
Phencyclidine (PCP)

By: _____ Signature of Client
Witnessed by: _____ Signature of Staff

Date: _____ District/Unit: _____

II. I, _____ VACCIS # _____,
Name on Conditions/Agreements

voluntarily confirm that the positive (dirty) on-site test findings for the substances checked below are based on test samples provided by me:

- Cocaine, including Crack
Marijuana
Alcohol
Amphetamines, including Ice
Barbiturates
Heroin
Phencyclidine (PCP)

By: _____ Signature of Client
Witnessed by: _____ Signature of Staff

Date: _____ District/Unit: _____

CCOP PPS-15



APPENDIX 3
(See Appendix E in the
Guidelines Manual for
the most recent version)

Offense Types



Offense Types

This is NOT intended to be an exhaustive list of all crimes. This list is to be used as a starting reference only. Please call the Commission for classification of crimes not listed.

General Definitions:

Person Crime: generally defined as a crime where the victim is harassed, abducted, injured, killed, sexually assaulted, or is the subject of a sex offense. Threats, conspiracies, attempts, and the intent to do the above are included. Offenses in which the offender takes property directly from a victim (in person) or entices a minor to participate in sexually explicit material are categorized as person offenses.

Property Crime: where the crime involves property attainment, destruction, etc., and the elements of a person or traffic crime (see definitions) are not involved.

Drug Crime: where the crime involves narcotics.

Traffic Crime: where the crime involves traffic offenses that are not person crimes. Hit and run with property damage counts as a traffic crime, not a person crime.

Other Crime: where the crime does not meet the definitions above.

Person Crimes

This is NOT intended to be an exhaustive list of all person crimes. This list is to be used as a starting reference only.

Offenses with the following VCC prefixes:

- ABU • Abusive & Insulting Language
- ASL..... • Assault (Except Use of firearm in comm. of felony)
- ENT • Entice for specific felonies
- EXT..... • Extortion
- FAM • Family Offenses
- KID..... • Kidnapping
- MUR • Murder/Homicide
- PRT • Protective Orders
- RAP • Rape/Sexual Assault
- ROB..... • Robbery
- SEX • Sex Offenses (Except: Adultery, Bestiality, Bigamy, Cohabitation, Proximity to Children Restrictions, and Prostitution between adults without a force element defined in the statute.)
- STK..... • Stalking
- TER • Terrorism
- VIO • Violent Activities (Except VIO5340M3)

Specific VCCs for Crimes Against Persons

** Indicates offense MAY be a person crime if facts of case meet general definition standards*

- ACC0900F6..... Accessory after the fact to homicide
- AGR3490F9..... Assault on employee of Board of Agriculture
- ARS2015F5*..... Enticement to bomb
- ARS2025F6*..... Hoax firebomb, construct, use or send
- ARS2022M2..... Smoke bomb in public building
- ARS2004F9..... Arson of occupied dwelling/church, aid burning
- ARS2003F9..... Arson of occupied dwelling/church, burn
- ARS2001F3..... Arson of occupied building, other
- ARS2008F3..... Arson of occupied building, public
- ARS2023F5..... Arson/bomb threat/false comm., offender 15+
- ARS2024M1..... Arson/bomb threat or false comm., offender <15
- BOT6218F6..... Fail to stop and assist, serious injury or death (boating)
- BURXXXXXX..... Any burglary with an intent to murder, rape, rob, assault and battery, other felony person crime or misdemeanor person crime
- COM2997M1..... Coerce, intimidate or harass person by computer
- COM2965F3..... Malicious computer use—intent to physically injure
- COM2966F6..... Unlawful computer use—intent to physically injure
- CON3281S9..... Insulting language about judge
- CON3280S9..... Violence or threats to judge, witness, etc.
- CONXXXXXX..... Any disobedience directed towards a person
- DOG4588F6..... Vicious dog violation, results in serious human injury
- DOG3537M1..... Declared dangerous dog, injures/bites human
- DNG3216M1..... Fail to secure medical attention for a child
- ESC4910F4*..... Escape or attempt to escape by setting fire to jail
- ESC4908F6*..... Escape by force or violence from jail
- ESC4927F6*..... Escape from juvenile facility/detention with force
- ESC4911F6*..... Escape from jail by force or violence, not convicted
- HIT6608F5..... Hit & run, victim injured, driver fails to stop
- HIT6614F6..... Hit & run, victim injured, passenger fails to report
- JUS4820F5..... Resisting arrest by force, etc. in drug/gang/violent offenses
- JUS4828M1..... Resisting arrest, obstructing justice by threats or force
- JUS4832F5..... Resisting arrest, obstructing justice by threats or force
- LAB7482F4..... Receive money, etc., for procuring person for forced labor/services
- LAB7485F3..... Receive money, etc., for procuring < age 18 for forced labor/services
- LAR2361F9..... Grand larceny from person
- LAR2367M1..... Petit larceny from person
- LAR2369F6*..... Larceny, etc. third or subsequent conviction (If underlying offense is a person crime)
- LIC6832F9..... Operator license revoked – endangerment

continued

Specific VCCs for Crimes Against Persons,*continued*

** Indicates offense MAY be a person crime if facts of case meet general definition standards*

MOBXXXXXX.....Any gang participation with an intent to murder, rape, rob, assault and battery, other felony person crime or misdemeanor person crime

MOB1284F5Use force/threats to encourage membership in gang-school zone

MOB1285F5Use force/threats to encourage continued membership in gang-school zone

MOB1286F5Use force/threats to encourage person to commit felony-school zone

MOB1294F6Use force/threats to encourage membership in gang

MOB1295F6Use force/threats to encourage continued membership in gang

MOB1296F6Use force/threats to encourage person to commit felony

OBSXXXXXAll obscenity charges involving minors

OBS3713M1Indecent exposure

OBS3733M1Unlawful filming of another

OBS3704F6Unlawful filming of another, 3rd/subsequent

RACXXXXXXOnly if offense involves coercing or intimidating another person

REC6655M1Aggressive driving with intent to injure

REC6640F4Law-enforcement officer killed as result of pursuit

REC6624F6Disregard police command to stop, endangerment

REC6626F6Drive recklessly w/o license causes death of another

REC6633F9Racing, cause death of another

REC6635F6Racing, causes serious bodily injury

REC6625M1Reckless driving, endanger life or limb

REC6630M1Reckless driving, parking lot, endanger life or limb

RUA5318F6*Injury to another (not damage to property)

SEX3663F4Sex trafficking by force

SOL7200F6*Solicitation to commit a felony person crime

SOL7201F5*Solicitation to commit a felony person crime, adult solicits juvenile

SOL7202F9Solicitation to commit murder (any solicitation to commit a person crime under § 18.2-29)

TEL3245M1Abusive, profane, threatening calls on phone

TRS5700M1Use peephole to view nonconsenting person

TRS5707F6Trespass w/ intent to abduct from school property

TRS5718M1*Peep or spy into dwelling place

TRS5747M1*Peep or spy into dwelling by electronic device

VAN2939F4Shoot/throw missile at train/car w/ malice

VAN2940F6Shoot/throw missile at train/car w/o malice

VAN2905F4Shoot/throw missile at law enf/emerg vehicle w/ malice

VAN2906F6Shoot/throw missile at law enf, etc., vehicle w/o malice

WPN5210M1Brandish machete or knife

WPN5287F6Brandish machete or knife on school property

WPN5251M1*Brandish or point firearm

WPN5274F6*Brandish or point firearm, 3rd conviction

WPN5242F6Discharge firearm, etc., at occupied bldg, unlawfully

WPN5229F4Discharge firearm, etc., at occupied bldg, malicious

WPN5221M1*Discharge firearm in public place, no injury

WPN5301F6Discharge firearm in public place, results in injury

WPN5273F6*Discharge firearm in public place, 3rd conviction

WPN5249M3Reckless/leave loaded firearm, endanger child<14

WPN5258F6*Brandish or point firearm on school property

WPN5255F4Discharge firearm in/at occupied school

WPN5239F3Malicious release of dangerous gas resulting in injury

WPN5240F6Unlawful release of dangerous gas resulting in injury

WPN5248F5*Discharge firearm from motor vehicle

WPN5201F4*Discharge firearm on public prop w/in 1,000 ft of school

WPN5200F4*Discharge firearm upon buildings/grounds

Property Crime Examples

Offenses that may have the following VCC prefixes:

- Arson..... ARS (when not listed as a person crime.)
- Burglary w/ intent to commit larceny BUR (not w/intent to murder, rape, A & B, etc.)
- Computer Crime..... COM (not w/intent to injure or harass)
- Embezzlement LAR
- Fraud FRD (including forging public document)
- Larceny LAR (not larceny from a person)
- Lottery LOT
- Money Laundering MON
- Racketeering RAC (No coercing or intimidating a person)
- Solicitation to commit a property offense . SOL
- Tax Crimes TAX
- Trespass..... TRS
- Vandalism..... VAN (not shoot/throw missile at train, etc.)

Drug Crimes

- All Offenses with 'NAR' VCC prefix.
- Also, drug crimes involving prisoners with 'PRI' prefix.
- Drug paraphernalia crimes with 'PHA' prefix.
- Solicitation to commit a drug offense.

Traffic Crime Examples

Offenses that may have the following VCC prefixes:

- Buses & Trucks BUS
- DMV Documents..... DMV
- Driver Improvement Program..... DVP
- Drive While Intoxicated DWI
- Equipment Violations EQU
- Highways..... HWY
- Hit & Run w/ property damage..... HIT (not with personal injury)
- Motorcycles & Bicycles CYC
- Moving Violations MOV
- Operator's License LIC (No endangerment)
- Parking PRK
- Passenger Carriers PAS
- Reckless Driving REC
- Registration, Plates, etc..... REG
- Signs & Signals SIG
- Size & Weight Violations..... SIZ
- Traffic Schools..... CDT
- Traffic - Smoking near gas pumps SMK
- Trailer Dealers TRL

Weapon Crimes

- All Offenses with 'WPN' VCC prefix (when not listed as person crime.)
- Use of a firearm in the commission of a felony (ASL1319F9 and ASL1323F9)

Other Crime Examples

Offenses that may have the following VCC prefixes:

- Alcohol Violations..... ALC (including drunk in public)
- Animals ANM
- Bribery..... BRI
- Disorderly Conduct..... DIS
- Dangerous Conduct..... DNG (not for fail to secure medical attention for child)
- Escape ESC (not with personal injury)
- Gambling GAM
- Perjury PER
- Pornography/Obscenity OBS excluding those involving minors)
- Prison Offenses..... PRI (not involving drugs)
- Prostitution between adults without a force element defined in statute/Adultery/Bestiality/ Bigamy/Proximity to Children Restrictions** SEX
- Sex Offender Registry..... SOR
- Trade and Commerce TRC
- Unlawful Assembly/Riot RUA
- Election and Voting Offenses VOT

**The code sections for proximity, if needed, are: §§ 18.2-370.2, 18.2-370.3, 18.2-370.4 & 18.2-370.5.

NOTES: Accessory after the fact to a felony (ACC3202M1), etc. is categorized based on the underlying felony offense. (i.e. Accessory after the fact to murder (ACC-0900-F6) is a person crime).

An ordinance violation is categorized based on the comparable offense under Virginia law. Ordinances with only civil penalties are not scored.



APPENDIX 4

Similar Offense Types

Similar Offense Types

If a new felony or misdemeanor conviction is similar in behavior to the current most serious primary offense. Similar behavior is determined by using the list below. This lists the Virginia Crime Code (VCC) prefix for the primary offense and identifies the VCC prefix for any similar offense or behavior. If the new felony or misdemeanor has the same prefix as the primary offense or a VCC prefix identified below as similar, points are assigned.

If the new felony or misdemeanor conviction is similar behavior to any offense other than the primary offense in the Current Probation Violation Event, then the similar behavior factor is not scored. This factor is limited to the offense and VCC listed as the current most serious primary offense at the top of Worksheet.

QUICK REFERENCE TABLE

Prefix for the Primary Offense	Similar/Related Offenses
ARS (Arson)	ARS, VAN, FIR
ASL (Assault)	ASL, MUR, RAP, SEX, TEL, STK, KID, PRT
BUR (Burglary)	BUR, TRS
DWI (Driving While Intoxicated)	DWI, ALC, LIC, REC, HIT
ESC (Escape)	ESC, PRI
EXT (Extortion)	EXT
FAM (Family Offenses)	FAM, LAB
FRD (Fraud)	FRD, LAR, CHK, COM, EMP, LOT
FTA (Failure to Appear)	FTA
HIT (Hit and Run)	HIT, DWI, ALC, LIC, REC
KID (Kidnapping)	KID
LAR (Larceny)	LAR, FRD, CHK, COM, EMP, LOT
LIC (License Offenses)	LIC, DWI, ALC, REC, HIT
MOB (Mob)	MOB
MUR (Homicide/Murder)	MUR, ASL
NAR (Drugs)	NAR, PHA
OBS (Obscenity)	OBS (not drunk in public), SEX, RAP, SOR
PER (Perjury)	PER
PRI (Prisoner Offenses)	PRI, ESC
RAP (Rape)	RAP, SEX, OBS (not drunk in public), SOR
REC (Reckless Driving)	REC, LIC, DWI, ALC, HIT
ROB (Robbery)	ROB, LAR2361F9
SEX (Sexual Assault Offenses)	SEX, RAP, SOR, OBS
SOR (Sex Offender Registry)	SOR, SEX, RAP, OBS
TEL (Telephone)	TEL
VAN (Vandalism)	VAN, ARS
WPN (Weapon)	WPN, ASL1319F9, ASL1323F9



APPENDIX 5

FIPS Codes

Locality	Circuit	FIPS Code	Prob. District
ACCOMACK	2A	001	4
ALBEMARLE	16	003	9
ALEXANDRIA	18	510	36
ALLEGHANY	25	005	40
AMELIA	11	007	7
AMHERST	24	009	13
APPOMATTOX	10	011	24
ARLINGTON	17	013	10
AUGUSTA	25	015	12
BATH	25	017	12
BEDFORD CITY	24	515	20
BEDFORD COUNTY	24	019	20
BLAND	27	021	16
BOTETOURT	25	023	40
BRISTOL	28	520	17
BRUNSWICK	6	025	38
BUCHANAN	29	027	18
BUCKINGHAM	10	029	24
BUENA VISTA	25	530	12
CAMPBELL	24	031	13
CAROLINE	15	033	41
CARROLL	27	035	16
CHARLES CITY	9	036	34
CHARLOTTE	10	037	24
CHARLOTTESVILLE	16	540	9
CHESAPEAKE	1	550	31
CHESTERFIELD	12	041	27
CLARKE	26	043	11
CLIFTON FORGE	25	560	40
COLONIAL HEIGHTS	12	570	27
COVINGTON	25	580	40
CRAIG	25	045	40
CULPEPER	16	047	26
CUMBERLAND	10	049	24

Locality	Circuit	FIPS Code	Prob. District
DANVILLE	22	590	14
DICKENSON	29	051	18
DINWIDDIE	11	053	7
EMPORIA	6	595	38
ESSEX	15	057	33
FAIRFAX CITY	19	600	29
FAIRFAX COUNTY	19	059	29
FALLS CHURCH	17	610	29
FAUQUIER	20	061	25
FLOYD	27	063	28
FLUVANNA	16	065	9
FRANKLIN CITY	5	620	42
FRANKLIN COUNTY	22	067	37
FREDERICK	26	069	11
FREDERICKSBURG	15	630	21
GALAX	27	640	16
GILES	27	071	16
GLOUCESTER	9	073	5
GOOCHLAND	16	075	9
GRAYSON	27	077	16
GREENE	16	079	26
GREENSVILLE	6	081	38
HALIFAX	10	083	8
HAMPTON	8	650	30
HANOVER	15	085	41
HARRISONBURG	26	660	39
HENRICO	14	087	32
HENRY	21	089	22
HIGHLAND	25	091	12
HOPEWELL	6	670	38
ISLE OF WIGHT	5	093	6
JAMES CITY	9	095	34
KING AND QUEEN	9	097	5
KING GEORGE	15	099	21
KING WILLIAM	9	101	5

Locality	Circuit	FIPS Code	Prob. District
LANCASTER	15	103	33
LEE	30	105	18
LEXINGTON	25	678	12
LOUDOUN	20	107	25
LOUISA	16	109	9
LUNENBURG	10	111	8
LYNCHBURG	24	680	13
MADISON	16	113	26
MANASSAS	31	683	35
MARTINSVILLE	21	690	22
MATHEWS	9	115	5
MECKLENBURG	10	117	8
MIDDLESEX	9	119	5
MONTGOMERY	27	121	28
NELSON	24	125	13
NEW KENT	9	127	34
NEWPORT NEWS	7	700	19
NORFOLK	4	710	2
NORTHAMPTON	2A	131	4
NORTHUMBERLAND	15	133	33
NORTON	30	720	18
NOTTOWAY	11	135	7
ORANGE	16	137	26
PAGE	26	139	39
PATRICK	21	141	22
PETERSBURG	11	730	7
PITTSYLVANIA	22	143	14
POQUOSON	9	735	34
PORTSMOUTH	3	740	3
POWHATAN	11	145	7
PRINCE EDWARD	10	147	24
PRINCE GEORGE	6	149	38
PRINCE WILLIAM	31	153	35
PULASKI	27	155	28

Locality	Circuit	FIPS Code	Prob. District
RADFORD	27	750	28
RAPPAHANNOCK	20	157	25
RICHMOND CITY	13	760	1
RICHMOND COUNTY	15	159	33
ROANOKE CITY	23	770	15
ROANOKE COUNTY	23	161	15
ROCKBRIDGE	25	163	12
ROCKINGHAM	26	165	39
RUSSELL	29	167	17
SALEM	23	775	15
SCOTT	30	169	18
SHENANDOAH	26	171	11
SMYTH	28	173	17
SOUTHAMPTON	5	175	42
SPOTSYLVANIA	15	177	21
STAFFORD	15	179	21
STAUNTON	25	790	12
SUFFOLK	5	800	6
SURRY	6	181	38
SUSSEX	6	183	38
TAZEWELL	29	185	16
VIRGINIA BEACH	2	810	23
WARREN	26	187	11
WASHINGTON	28	191	17
WAYNESBORO	25	820	12
WESTMORELAND	15	193	33
WILLIAMSBURG	9	830	34
WINCHESTER	26	840	11
WISE	30	195	18
WYTHE	27	197	16
YORK	9	199	34



APPENDIX 6

US States and Territory Abbreviations

STATE **ABBREVIATION**

Alabama.....	AL
Alaska.....	AK
Arizona	AZ
Arkansas.....	AR
California.....	CA
Colorado.....	CO
Connecticut.....	CT
Delaware.....	DE
District of Columbia.....	DC
Florida.....	FL
Georgia.....	GA
Hawaii.....	HI
Idaho.....	ID
Illinois.....	IL
Indiana.....	IN
Iowa.....	IA
Kansas	KS
Kentucky	KY
Louisiana	LA
Maine.....	ME
Maryland.....	MD
Massachusetts.....	MA
Michigan.....	MI
Minnesota.....	MN
Mississippi.....	MS
Missouri.....	MO
Montana.....	MT
Nebraska.....	NE
Nevada	NV
New Hampshire	NH
New Jersey	NJ
New Mexico	NM

STATE **ABBREVIATION**

New York.....	NY
North Carolina.....	NC
North Dakota.....	ND
Ohio.....	OH
Oklahoma.....	OK
Oregon	OR
Pennsylvania.....	PA
Puerto Rico.....	PR
Rhode Island.....	RI
South Carolina.....	SC
South Dakota.....	SD
Tennessee.....	TN
Texas.....	TX
Utah.....	UT
Vermont.....	VT
Virginia.....	VA
Washington.....	WA
West Virginia.....	WV
Wisconsin.....	WI
Wyoming.....	WY
American Samoa.....	AS
Fed. States of Micronesia.....	FM
Guam.....	GU
Marshall Islands.....	MH
Northern Mariana Islands.....	MP
Palau.....	PW
Virgin Islands.....	VI

