



State of Tennessee
Department of Children's Services

Determinate Commitment Manual

Office of Juvenile Justice
9th Floor Cordell Hull Building

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I. Determinate Commitment to the Department of Children's Services

A. Youth eligible for determinate commitment

In accordance with *TCA §37-1-137*, youth may be committed to the Department of Children's Services for a determinate period of time if he/she is/has:

1. Within six (6) months of his/her eighteenth birthday at the time of the adjudication of delinquency, or
2. Been previously adjudicated delinquent in three (3) felony offenses arising out of separate criminal episodes at least one (1) of which has resulted in YDC Placement to the Department of Children's Services, or
3. Tried and adjudicated delinquent in juvenile court for the offense of first degree murder, second degree murder, aggravated rape, rape of a child, aggravated sexual battery, aggravated robbery, especially aggravated robbery, especially aggravated kidnapping, aggravated arson, attempt to commit first degree murder, or violations of *TCA § 39-17-417(b)*, *39-17-417(i)* or *39-17-417(j)*.

B. Appropriate length of determinate commitment

The length of a determinate commitment for any youth must never be greater than the Range I sentence for an adult convicted of the same offense, nor may such commitment extend past the youth's nineteenth birthday. In order to determine if the determinate commitment is valid, the offense and the length of commitment must be compared to the applicable sentence for an adult who commits the same offense. (Refer to Appendix A for a listing of Range I sentences of felonies and misdemeanors).

C. Procedure for Improper Determinate Commitment

Suspected improper commitments must be reported to the DCS Legal Division. Inappropriate determinate commitments will include, but not be limited to:

1. Inappropriate length of commitment (longer than adult range I sentence for same offense.),
2. Court fails to define length of determinate commitment,
3. Youth does not fit criteria for determinate commitment in *TCA § 37-1-137(a)(1)(B)*. The assigned staff attorney will determine the appropriate legal action.

II. Youth Commitment Reduction Credits (YCRCs).

Any youth who is placed in the care of the Department of Children's Services on a determinate commitment is immediately eligible to earn YCRCs toward reducing the determinate commitment imposed. YCRCs may be earned for good behavior and for satisfactory performance in facility programs. As provided in *TCA § 37-1-137 (h)(2)*, a youth does not have a right to YCRCs. They are a privilege.

A. Initial computation of commitment expiration date

Upon each youth's arrival at the facility/program, the records clerk/designee will compute his/her expiration date. The commitment expiration date will be computed and expressed in month, date and year from the date of commitment and will be forwarded to the Classification Coordinator/

Supervisor to be included in the initial classification summary. If the youth is placed in a contract agency, the Family Services Worker (FSW) or designee will perform this responsibility and the information will be included in the youth's master file.

B. Awarding youth commitment reduction credits

Youth may be awarded up to sixteen (16) credits per month during the commitment, which allows a youth the possibility of reducing his/her commitment by up to one-third (1/3) per year. The YCRCs are awarded in the following way, with a monthly range of one (1) to eight (8) credits available for good behavior, and a monthly range of one (1) to eight (8) credits available for satisfactory performance in facility programs. The total number of YCRCs to be awarded for satisfactory performance in specific facility programs will be determined by criteria set by each facility/program. Such criteria may be determined by progress on IPP objective, points earned, or other demonstrated efforts and progress toward rehabilitation as determined by the treatment team members. Please note, however, that when a youth is found guilty of a major disciplinary offense, he/she will be ineligible for both performance and behavior credits for the entire month during which the disciplinary offense occurred *TCA* § 37-1-137(h)(4).

C. Awarding of Youth Commitment Reduction Credits for Determinately Committed Youth

Youth are eligible to begin earning Youth Commitment Reduction Credits (YCRCs) immediately upon receiving determinate commitment. Credits may not be awarded for period less than one calendar month. Determinately committed youth are eligible to earn YCRCs while being held in detention, emergency shelters, primary treatment centers or any other temporary placement prior to their initial program placement.

The evaluation date for awarding YCRCs will be one month after a youth receives the determinate commitment, and each month thereafter until the commitment is completed. Youth who are found guilty of a major rule infraction during any evaluation period will not be eligible to receive YCRCs.

The FSW will be responsible for monitoring the behavior of youth and determining their eligibility to be awarded YCRCs during the time they are held in any temporary placement (detention, PTC, shelter, etc.) in the community.

When a youth transfers from a temporary placement to a youth development center the FSW will communicate in writing (or e-mail) to the Treatment Manager whether the youth's behavior has been such that he/she may be considered for receiving YCRCs. It will be the responsibility of the appropriate treatment team members to consider that information and make the final decision on the youth's evaluation date (one month after receiving the commitment).

When a youth transfers from a temporary placement to a non-DCS facility the FSW will determine whether the youth's behavior has been such that he/she may be considered for receiving YCRCs. If credits are awarded it is the responsibility of the FSW to document the awarding of credits in the youth's master file.

In rare cases youth may be held in a temporary placement for more than a month after receiving the determinate commitment. In such cases, the FSW will make the decision on the number of, if any, YCRCs are to be awarded

upon the youth's transfer to a program.

In the event a FSW does not provide the needed information by the initial program evaluation date, it will be the responsibility of the Treatment Manager, or designee to make contact with the FSW and request the information in writing.

1. **Absence from Program**—Absence from program participation due to injury, illness, pass or court appearance for any portion of a particular month does not automatically disqualify youths from being eligible to receive program credits for that month. However, inappropriate behavior demonstrated during the absence from program may cause a youth to be ineligible for both behavior and performance credits. During the absence, the program staffing team leader or FSW will continue to document all YCRCs earned and current commitment expiration date and quarterly staffing summary of youth's progress toward completion of goals
2. **Absent Without Leave** -- Any determinately committed youth who is absent from an assigned program without proper authorization will not be eligible for YCRCs. The period during which the youth is in such status will be considered "dead time" and will not be considered when awarding YCRCs. Upon the youth's return to an approved program, he/she will resume serving the time required by the determinate commitment. The commitment expiration date may be extended (by the removal of YCRCs) up to the original commitment expiration date, but cannot extend beyond the original determinate commitment or the youth's nineteenth (19th) birthday. Youth who are AWOL and whose Commitment Expiration Date is approaching may, under Section E.3, have their accumulated YCRCs suspended pending a return to the assigned program. At the time of the return of the youth to the assigned program, all proceedings under Section E.3 will begin with all appropriate due process and appeal rights afforded to the youth (Policy [25.3, Uniform Disciplinary and Appeal Process for Youth in Youth Development Centers – DOE](#)).
3. **Transfer From Program** ---Prior to the transfer of a youth from one placement to another during a particular month, the sending program staffing team will determine if he/she is eligible for YCRCs for that particular month. The results of the evaluation, along with the youth's record of cumulative YCRCs, will be included in the transfer summary.

**D. Adjusted
Commitment
Expiration
Date/Reporting**

The treatment manager will determine the number of YCRCs to be awarded or removed and forward the results through the superintendent for approval by the fifth day of the following month excluding weekends and holidays. When youth are placed in contract agencies, the FSW will be responsible for the completion of all functions relating to YCRCs, including training of contract agency staff with respect to YCRCs. Designated staff of the Special Services Unit will be responsible for YCRCs for DCS youth placed in Mental Health/Mental Retardation programs.

The records clerk in YDC's or FSW's will adjust each youth's commitment expiration date according to the YCRCs earned or removed and record the updates on form [CS-0006 Youth Commitment Reduction Credits](#) The records clerk, or FSW will initial each update to show authorization.

The Facility Release Dates for [Determinate Sentence: Individual Youth Commitment Reduction Credits Monthly Report \(CS-0955\)](#) will be completed by all programs that serve determinately committed youths and

submitted to the Office of the Commissioner/designee. All programs will submit the report to the Office of the Deputy Director of Juvenile Justice by the tenth (10th) day of the following month, excluding weekends and holidays.

E. Removal of previously earned youth commitment reduction credits

Previously earned YCRCs may be removed only for the refusal to participate in a program, or the commission of a major offense/infraction for which a youth is found guilty.

1. **Treatment Process** -- To remove a youth's credits for his/her failure to participate in a program, the treatment team will meet whenever deemed appropriate by the team leader and review the case considering removal of a range from 1-20 YCRCs. Removal of YCRCs will be documented in **TFACTS** and become a part of the youth's master file.
2. **Disciplinary Process** -- The removal of previously earned YCRCs for the commission of a major offense (or infraction per *TCA § 37-1-137(h)(5)*) may be imposed as a sanction through the normal disciplinary process. Serious offenses or infractions carry a maximum loss of twenty (20) YCRCs without the approval of the Deputy Commissioner of Juvenile Justice or designee. Exceptions beyond the removal of twenty (20) YCRCs may be granted by the Deputy Commissioner/designee upon receipt of written justification by the superintendent or contract agency administrator. The loss of previously earned YCRCs may not exceed the total previously earned credits.
3. **Offense Range** -- The following ranges (Refer to glossary for definition of offenses) will be used by the disciplinary committee when considering the removal of previously earned youth commitment reduction credits:

1.	Aggravated Battery	1-20
2.	Arson	1-20
3.	Assault	1-8
4.	Assault & Battery	1-12
5.	Attempted Escape	1-8
6.	Damaging/Destroying State Property	1-4
7.	Escape	1-20
8.	Extortion	1-8
9.	Participation in a Riot	1-20
10.	Possession of a Weapon	1-12
11.	Possession/Use of Drugs	1-12
12.	Possession/Use of Inhalants/Intoxicants	1-8
13.	Rape	1-20
14.	Repeated Minor Violations	1-4
15.	Selling Inhalants/Drugs/Intoxicants	1-20

4. **Suspension of YCRCs** – YCRCs of youth on AWOL status may be suspended and, thus, temporarily removed from consideration to reduce the youth's commitment expiration date. The suspension of credits must be noted on form [CS-0955 Determinate Sentence: Individual Youth Commitment Reduction Credits Monthly Report](#). Upon return to the

assigned program (from AWOL) the YDC may either reinstate the YCRCs or begin the process of removal of YCRCs under Section D,1, or D, 2. All due process and appeal rights must be afforded to the youth during the removal of YCRCs process.

III. Passes

A. Delinquent youth with determinate commitment placed in contract agencies Delinquent youth residing in contract agencies who received a determinate commitment will be eligible for consideration for passes upon completion of fifty percent (50%) of the commitment or 120 days, whichever is less, based upon the commitment expiration date calculated upon admission. (Refer to DCS Policy [12.5, Passes for Youth Adjudicated Delinquent](#)). The commitment expiration date will be adjusted by earned YCRCs and removed YCRCs. (**PLEASE NOTE:** This is separate from, and in addition to, any extensions of the projected release date based on the number of days actually on AWOL status).

B. Youth Development Centers Determinately committed youth placed in DCS Youth Development Centers (YDCs) must have court approval before taking a pass and in pre-release status and within forty-five (45) days of release to be considered by DCS for passes. (Refer to DCS Policy [12.5, Passes for Youth Adjudicated Delinquent \(c\)](#)). However, youth in YDCs with the following committing offenses (regardless of the specific YDC) will not be considered for passes unless ordered by the committing court:

1. First Degree Murder;
2. Conspiracy to Commit Murder;
3. Second Degree Murder;
4. Kidnapping;
5. Aggravated Kidnapping;
6. Aggravated Robbery;
7. Especially Aggravated Robbery;
8. Rape;
9. Aggravated Rape;
10. Aggravated Sexual Battery;
11. Especially Aggravated Kidnapping;
12. Aggravated Child Abuse;
13. Aggravated Arson;
14. Solicitation for First Degree Murder; or
15. The Attempt to Commit Any of the Above Offenses
16. Rape of a child

C. Notice to Juvenile Court Within thirty (30) days of minimum pass eligibility, the FSW will provide to the court a written request for a pass. Written documentation of court approval of the pass must be on file in the youth's master file before he/she is permitted to go on pass. The FSW will accept said approval documentation from the court

via facsimile (fax), mail or e-mail. If the court objects to the pass, no pass will be granted. However, discussions with Legal may take place regarding an appeal of the court's objection or a request for reconsideration. (Refer to DCS Policy [12.5, Passes for Youth Adjudicated Delinquent](#) for further information.)

IV. Step-down to Community Placements or Contract Agencies

Determinately committed youth are not automatically excluded from placement in an appropriate contracted community placement. The status of determinately committed youth must be reviewed for central office approval prior to step-down placement if the commitment resulted from one of the following offenses:

1. First Degree Murder
2. Second Degree Murder
3. Aggravated Rape
4. Rape of a Child
5. Aggravated Sexual Battery
6. Especially Aggravated Kidnapping
7. Aggravated Robbery
8. Especially Aggravated Robbery
9. Aggravated Arson
10. Attempt to Commit First Degree Murder

A three-person central office panel appointed by the Director of Treatment will review all step-down proposals. The residential case manager assigned to youths with the above-referenced charges will request a review by the panel prior to any Child and Family Team Meeting when step-down discussion is anticipated. A justification for step-down, not to exceed two (2) typed written pages, will be submitted to the review panel. If additional information is required, panel members will make a request for the information. Within three (3) days of receiving the request for step-down, the panel will respond to the residential case manager in writing.

It is not necessary to get approval of the Court to step a youth down to community placement from a Youth Development Center. If a court ordered that permission must be obtained before a youth steps down, the order should be taken to the Legal Division to request a "set aside" order. If the Court refuses to set aside such an order, DCS Regional General Counsel will be immediately consulted as to appeal, if any.

Youth may appeal placement recommendations as outlined in the Individual Program Plan Manual.

Review of Status -- The treatment team leader will prepare a quarterly progress report that will include an accounting of the meeting discussion, a summary of the youth's progress, a summary of any IPP revisions, and any recommendations and decisions. If a new placement has been determined, a justification will be written. All team members attending the meeting will sign and date the quarterly progress report.

V. Release

The release of a determinately committed youth will be initiated, or affirmed, by the Department of Children's Services. A determinately committed youth's release will be handled as follows:

- A. Release when term is flattened** Youth who flatten out their commitment either by serving the entire time or earning YCRCs in order to advance the release eligibility date, Form [CS-0004, Determinate Commitment Release Notification](#), and the **Release Summary** will be sent to the committing Court through the FSW. YCRC's will be tracked in

the determinate commitment section in **TFACTS**, however, the release may take place prior to notification to the court because it is not necessary to obtain court permission to release a determinately committed youth.

B. Early Release

Following every other quarterly review, e.g., second, fourth, sixth, etc., the team leader will send a copy of the most recent quarterly progress report, containing a recommendation for, or against, the release or discharge to the Commissioner of the Department of Children's Services (or designee) for his/her review. If early release, home placement, or early discharge is recommended pursuant to TCA § 37-1-137 (c) (2), the Commissioner will request a release through the legal division. If after a review of the record, the court and the district attorney have no objection, the judge may order the release without a hearing. If a hearing is scheduled, subpoenas may be issued and staff will coordinate with DCS Legal to be sure appropriate DCS personnel are at the hearing. The court will, based on information presented at the hearing, decide if the youth should be released or must serve the remainder of the determinate commitment. If release is denied, the youth must still be given appropriately earned Youth Commitment Reduction Credits. DCS staff working with the youth, in consultation with appropriate DCS legal staff, will make all decisions regarding an appeal of the court's findings. If, after the hearing the committing court consents to early release and continuing supervision, the Commissioner may release a youth under continuing supervision only until the youth's adjusted release date.

VI. Aftercare Supervision

A determinately committed youth is subject to aftercare supervision only when given an early release or when he/she is subject to an indeterminate commitment that has not been terminated. However, a youth who is subject to both an indeterminate commitment and a determinate commitment may be placed on aftercare supervision even though his/her determinate commitment has been completed or is flattened out by earned YCRCs. Such aftercare relates only to the youth's underlying indeterminate commitment.

VII. Principal Notification

The Department of Children's Services, "acting in any capacity", is required to report directly to school principals certain adjudications specifically listed by the state legislature. The types of adjudications which must be reported are listed in DCS Policy [21.18, Notification to School Principals of Certain Delinquency Adjudications](#) for the following youth:

1. Any child/youth in the legal custody of DCS, whether committed as dependent and neglected, unruly or delinquent,
2. Any youth on aftercare,
3. Any youth on state probation, and
4. Any youth being supervised under the Interstate Compact on Juveniles.

Use form [CS-0703 Adjudication Notification to Schools](#) to provide the required information to school principals. The form itself lists many specifics that must be used to comply with confidentiality statutes. No court order or proof of such adjudication will be included with the form itself since it is a violation of law to provide such documents without a court order. (Refer to Appendix C for an example of the adjudication notification to schools letter).

Glossary:	
Term	Definition
Agency Administrator:	The administrative officer appointed by the governing authority who is responsible for all operations of the agency and all related programs placed under control of the agency.
Aggravated Battery:	To attack or strike another person with a weapon or cause serious bodily injury.
Arson:	An act of willfully and maliciously setting fire to or burning, causing to be burned, or aiding, counseling, or procuring the unauthorized burning of any property, building, or any other structure, whether one's own property or that of another, and causing or having the potential to cause significant damage to person or property.
Assault:	An attempt (or the unequivocal appearance of an attempt) to do bodily injury with force or violence to another person, accompanied with the apparent present ability to do so.
Assault & Battery:	The execution of an attempt to hit or strike another person with the intent to cause bodily harm.
Attempted Escape:	To create by work and action a reasonable belief that an effort is being made to presently leave custody without authorization to do so.
Contract Agency:	A person or persons who contract with the Department of Children's Services to operate and manage a foster home, youth center or to provide other required services.
Damaging or destroying State property:	The intentional and malicious destruction of State owned property. This includes supplies, clothing, materials, and other items issued from State supplies for the personal use of students.
Dead time:	A period during which a determinately committed youth is absent from a program without proper authorization. During this period, the youth does not earn any YCRCs.
Determinately committed youth:	A delinquent youth committed by the Juvenile Court to the Department of Children's Services for specified offenses (Class A felonies) for a sentence not exceeding that of Range 1 for an adult offender and not to extend beyond youth's nineteenth (19th) birthday.

Escape:	Unauthorized departure from custody or failure to return to custody following temporary leave for a specific purpose of limited period, but does not include the violation of condition of probation or parole. 39-11-602 Criminal Offenses; Justification Excluding Criminal Responsibility
Expiration date:	The last day a youth is officially under the care, custody and supervision of the Department of Children's Services.
Extortion:	To either verbally or by written or printed communication maliciously threaten to accuse another of a crime, offense, or immoral act, or to do, or threaten to do, any injury to the person, reputation, or property of another, with intent thereby to obtain any money, property or monetary advantage whatever; or to compel the person so threatened to do any act against his/her will.
Facility/Facilities:	(1) DCS operated residential programs. (2) Any hospital as defined by T.C.A.. ~ 68-11-201(21), birthing center as defined by T.C.A. ~ 68-11-201(6), community health clinic, and any outpatient "walk-in" clinic
Individual Program Plan (IPP):	The method used by DCS to document the needs of its youth and the provision of meeting those needs with treatment modalities. The IPP process is the basis for determining progress toward desired goals and eventual discharge.
Participate in riot:	To incite others to riot or to organize, promote, encourage, or directly take part in a riot. DOE
Pass:	Any authorized absence by a delinquent youth from his/her placement without staff supervision.
Possession of a weapon:	To have without authorization, to gain or maintain control over without authorization any object likely to cause serious injury or death. Any such object found in a youth's room is presumed to be in the possession of the occupant(s) of that housing space.
Possession/Use of drugs:	To use, to have, to gain or maintain control over, and/or cause to be brought onto institution grounds any illegal drug or authorized medication, including narcotics, hallucinogens, opiates, barbiturates, stimulants, marijuana, or any medication not properly prescribed by a physician.
Possession/ Use of Inhalants/ Intoxicants:	To have, to gain or maintain control over, to cause to be brought onto institutional grounds, and/or to ingest, inject, or inhale any intoxicant or inhalant, including glue, paint, gasoline, and the like.
Program:	The plan or system through which a youth development agency works to meet its goals. Often this program requires a distinct physical setting, such as a youth development center, foster home or contract agency.

Rape:	Sexual penetration of another accompanied by the use of force or coercion to accomplish the act.
Refusal to Participate in Program:	Failure to earn performance credits for two consecutive months.
Repeated minor violations:	Seven (7) minor violations within a fourteen (14) day period.
Schedule I Controlled Substances:	Drugs or substances classified as opiates, opium, opium derivatives, hallucinogenics, depressants and stimulants.
Selling Inhalants/Drugs/Intoxicants:	To exchange illegal or unauthorized drugs for money or other items of value; the giving or loaning of illegal or unauthorized drugs to another will be included under this definition.
Youth Commitment Reduction Credit (YCRC):	Credits that reduce the length of a delinquent offender's determinate commitment; credits are awarded for both behavior and progress toward treatment goals.

APPENDIX A: Range of Sentences

In no event will a determinate commitment exceed the following Range I sentences:

- 1. For a Class A felony, not less than fifteen (15) nor more than twenty-five (25) years; the following are Class A Felonies:**
 - ◆ 39-11-117 Attempt – First degree murder
 - ◆ 39-11-117 Conspiracy – First degree murder
 - ◆ 39-13-210 Second-degree murder
 - ◆ 39-13-218 Aggravated vehicular homicide
 - ◆ 39-13-305 Especially aggravated kidnapping
 - ◆ 39-13-403 Especially aggravated robbery
 - ◆ 39-13-502 Aggravated rape
 - ◆ 39-13-522 Rape of a child
 - ◆ 39-13-531 Aggravated rape of a child
 - ◆ 39-13-805 Commission of act of terrorism
 - ◆ 39-13-808 Distribution or delivery of any substance as an act of terrorism
 - ◆ 39-14-302 Aggravated arson
 - ◆ 39-14-602(d) Violation of Tennessee Personal and Commercial Computer Act of 2003 in connection with an act of terrorism
 - ◆ 39-15-402 Aggravated child abuse and neglect (victim mentally defective or incapacitated or suffers from physical disability)
 - ◆ 39-17-417(j) Manufacture, delivery, sale, possession or conspiracy of certain amounts of drugs listed (fine not greater than \$500,000)

- 2. For a Class B felony, not less than eight (8) nor more than twelve (12) years; the following are Class B Felonies:**
 - ◆ 39-11-117 Solicitation – First degree murder
 - ◆ 39-12-205 R.I.C.O offense
 - ◆ 39-13-213(a)(2) Vehicular homicide by intoxication
 - ◆ 39-13-304 Aggravated kidnapping
 - ◆ 39-13-402 Aggravated robbery
 - ◆ 39-13-404 Carjacking
 - ◆ 39-13-503 Rape
 - ◆ 39-13-504 Aggravated sexual battery
 - ◆ 39-13-528(a)(2) Solicitation of minors involving offense of aggravated rape
 - ◆ 39-13-529(a) Solicitation sexual exploitation of a minor
 - ◆ 39-13-806 Weapons of mass destruction
 - ◆ 39-13-807 Provision of support or resources to persons committing or attempting an act of terrorism

- ◆ 39-14-103 Theft of property (\$60,000 or more)
- ◆ 39-14-104 Theft of services (\$60,000 or more)
- ◆ 39-14-114 Forgery (\$60,000 or more)
- ◆ 39-14-115 Criminal simulation (\$60,000 or more)
- ◆ 39-14-118 Illegal possession or fraudulent use of credit card or debit card (\$60,000 or more)
- ◆ 39-14-121 Worthless checks (\$60,000 or more)
- ◆ 39-14-130 Destruction of valuable papers (\$60,000 or more)
- ◆ 39-14-133 Fraudulent or false insurance claims (\$60,000 or more)
- ◆ 39-14-137(a) Fraudulent qualifying for set-aside contracts (\$60,000 or more)
- ◆ 39-14-138 Theft of trade secrets (\$60,000 or more)
- ◆ 39-14-139 Recorded devices (\$60,000 or more)
- ◆ 39-14-149 Telecommunications theft and concealment (\$60,000 or more)
- ◆ 39-14-152 Use of a counterfeit mark or logo (\$60,000 or more)
- ◆ 39-14-205 Intentional killing of animals (\$60,000 or more)
- ◆ 39-14-208 Intentional injuring guide dogs (60,000 or more)
- ◆ 39-14-301 Arson – Place of Worship
- ◆ 39-14-404 Especially aggravated burglary
- ◆ 39-14-408 Vandalism (\$60,000 or more)
- ◆ 39-14-411(b) Interference with or destruction of railroad property (\$60,000 or more)
- ◆ 39-14-602(a)(1) Accessing telephone, telecommunications or computer to obtain money, property or services by fraud (\$60,000 or more)
- ◆ 39-14-602(a)(2) Accessing telephone, telecommunications or computer to cause computer output to be false (\$60,000 or more)
- ◆ 39-14-602 (a)(3) Accessing telephone, telecommunications or computer to effect the creation of or alter a financial instrument or electronic funds transfer (\$60,000 or more)
- ◆ 39-14-602(b) (2) Altering, damaging, destroying or disrupting computer operations (\$60,000 or more)
- ◆ 39-14-602(b)(5) Unauthorized copying of computer data, program or software on computer network (\$60,000 or more)
- ◆ 39-14-602(c) Receiving, concealing or using proceeds from or material used in violation of §§ 39-14-602(a) or 39-14-602(b)(2) (\$60,000 or more)
- ◆ 39-14-603 Damage to property caused by unsolicited bulk electronic mail (\$60,000 or more)
- ◆ 39-14-903 Money laundering
- ◆ 39-15-402 Aggravated child abuse and neglect (child under age 8)
- ◆ 39-16-102 Bribery of public servant
- ◆ 39-17-107 Adulteration of food, liquids or pharmaceuticals (serious bodily injury or death)

- ◆ 39-17-417(b) Manufacture, deliver, sale possession, or conspiracy Schedule I drug (fine not greater than \$100,000)

- ◆ 39-17-417(c)(1) Manufacture, deliver, sale, possession, or conspiracy cocaine or methamphetamine or .5 grams or more (fine not greater than \$100,000)
 - ◆ 39-17-417(c)(2) Manufacture, deliver, sale, possession, or conspiracy cocaine or methamphetamine o less than .5 grams with deadly weapon, death or serious bodily injury involved
 - ◆ 39-17-417(i) Manufacture, deliver, sale, possession, or conspiracy of certain amounts of drugs listed (fine not greater than \$200,000)
 - ◆ 39-17-435 Initiate process to manufacture methamphetamine
 - ◆ 39-17-1003 Sexual exploitation of minor
 - ◆ 39-17-1004(a) Aggravated sexual exploitation of minor
 - ◆ 39-17-1005 Especially aggravated sexual exploitation of minor
 - ◆ 39-17-1302(a)(1) Prohibited weapons
- 3. For a Class C felony, not less than three (3) nor more than six (6) years; the following are Class C Felonies:**
- ◆ 39-13-102(a)(1)(b)(c) Aggravated assault
 - ◆ 39-13-109 Criminal exposure to HIV
 - ◆ 39-13-211 Voluntary manslaughter
 - ◆ 39-13-213(a)(1) Vehicular homicide
 - ◆ 39-13-213(a)(3) Vehicular homicide involving drag racing
 - ◆ 39-13-303 Kidnapping
 - ◆ 39-13-401 Robbery
 - ◆ 39-13-516 Aggravated prostitution
 - ◆ 39-13-527 Sexual battery by an authority figure
 - ◆ 39-13-528(a)(3) Solicitation of minors involving offense of rape
 - ◆ 39-13-528(a)(4) Solicitation of minors involving offense of aggravated sexual battery
 - ◆ 39-13-528(a)(8) Solicitation of minors involving offense of especially aggravated sexual exploitation of a minor
 - ◆ 39-13-528(a)(9) Solicitation of minors involving offense of sexual exploitation of a minor using electronic means
 - ◆ 39-13-529(b) Solicitation sexual exploitation of a minor using electronic means – minor less than thirteen (13) years of age
 - ◆ 39-13-530 Statutory rape by an authority figure
 - ◆ 39-13-808 Distribution or delivery of any substance as an act of terrorism or as a hoax
 - ◆ 39-14-103 Theft of property (\$10,000-\$59,999)
 - ◆ 39-14-104 Theft of services (\$10,000-\$59,999)
 - ◆ 39-14-114 Forgery (\$10,000-\$59,999)
 - ◆ 39-14-115 Criminal simulation (\$10,000-\$59,999)
 - ◆ 39-14-118 Illegal possession or fraudulent use of credit card or debit card (\$10,000-\$59,999)
 - ◆ 39-14-121 Worthless checks (\$10,000- \$59,999)

- ◆ 39-14-130 Destruction of valuable papers (\$10,000-\$59,999)
- ◆ 39-14-133 Fraudulent or false insurance claims (\$10,000-\$59,999)
- ◆ 39-14-137(a) Fraudulent qualifying for set-aside programs (\$10,000-\$59,000)
- ◆ 39-14-138 Theft of trade secrets (\$10,000-\$59,999)
- ◆ 39-14-139 Recorded devices (\$10,000-\$59,000)
- ◆ 39-14-149 Telecommunications theft and concealment (\$10,000- \$59,999)
- ◆ 39-14-150(c) Identity theft trafficking
- ◆ 39-14-152 Use of a counterfeit mark or logo (\$10,000-\$59,999)
- ◆ 39-14-205 Intentional killing of animals (\$10,000-\$59,999)
- ◆ 39-14-208 Intentional injuring of guide dogs (\$10,000-\$59,999)
- ◆ 39-14-301 Arson
- ◆ 39-14-403 Aggravated burglary
- ◆ 39-14-408 Vandalism (\$10,000-\$59,999)
- ◆ 39-14-411(b) Interference with or destruction of railroad property (\$10,000-\$59,999)
- ◆ 39-14-602(a)(1) Accessing telephone, telecommunications or computer to obtain money, property or services by fraud (\$10,000-\$59,999)
- ◆ 39-14602(a)(2) Accessing telephone, telecommunications or computer to cause computer output to be false (\$10,000-\$59,999)
- ◆ 39-14-602(a)(3) Accessing telephone, telecommunications or computer to effect the creation of or alter a financial instrument or electronic funds transfer (\$10,000-\$59,999)
- ◆ 39-14-602(b)(2) Altering, damaging, destroying or disrupting computer operations (\$10,000-\$59,999)
- ◆ 39-14-602(b)(5) Unauthorized copying of computer data, program or software on computer network (\$10,000-\$59,999)
- ◆ 39-14-602(c) Receiving, concealing or using proceeds from or material used in violation of §§ 39-14-602(a) or 39-14-602(b)(2) (\$10,000-\$59,999)
- ◆ 39-14-603 Damage to property caused by unsolicited bulk electronic mail (\$10,000-\$59,999)
- ◆ 39-14-803(a) Theft from animal facility
- ◆ 39-14-803(b) Damage or destruction of animal facility (more than \$500)
- ◆ 39-15-201(b)(1) Criminal abortion
- ◆ 39-15-201(d) Abortion performed on nonresident
- ◆ 39-15-209 Partial birth abortion
- ◆ 39-15-302 Incest
- ◆ 39-16-102 delete
- ◆ 39-16-105 Buying and selling in regard to public offices
- ◆ 39-16-107 Bribing a witness
- ◆ 39-16-108 Bribing a juror
- ◆ 39-16-201(a)(1)(2) Introduction of weapons, explosives, intoxicants or drugs into a state, county or municipal institution where prisoners are quartered

- ◆ 39-16-502(a)(3) Making false reports – bomb or fire
- ◆ 39-16-503 Tampering with or fabricating evidence
- ◆ 39-16-607 Permitting or facilitating escape (provisions of (c)(1), (2), (3) apply)
- ◆ 39-17-107 Adulteration of food, liquids, or pharmaceuticals (bodily injury)
- ◆ 39-17-315 Especially aggravated stalking
- ◆ 39-17-417(c)(2) Manufacture, deliver, sale, or possession of Schedule II drug including cocaine or methamphetamine less than .5 grams (fine not greater than \$100,000)
- ◆ 39-17-417(e)(1) Manufacture, deliver, sale, or possession of flunitrazepam
- ◆ 39-17-417(g)(3) Manufacture, deliver, sale, or possession of marijuana
- ◆ 39-17-607(b) Knowingly influence or attempt to influence prize winning through coercion, fraud, deception or tampering with lottery equipment/materials
- ◆ 39-17-1003 Sexual exploitation of a minor
- ◆ 39-17-1004(a) Aggravated sexual exploitation of a minor
- ◆ 39-17-1004(b) Aggravated sexual exploitation of a minor
- ◆ 39-17-1302(a)(6) Prohibited weapons

4. For a Class D felony, not less than two (2) nor more than four (4) years; the following are Class D Felonies:

- ◆ 39-13-102(a)(2) Aggravated assault (Reckless)
- ◆ 39-13-106 Vehicular assault
- ◆ 39-13-110 Female genital mutilation
- ◆ 39-13-215 Reckless homicide
- ◆ 39-13-216 Assisted suicide
- ◆ 39-13-506(c) Aggravated statutory rape
- ◆ 39-13-528(a)(5) Solicitation of minors involving offense of sexual battery by an authority figure
- ◆ 39-13-601(a) Wiretapping and electronic surveillance
- ◆ 39-14-103 Theft of property (\$1,000-\$9,999)
- ◆ 39-14-104 Theft of services (\$1,000-\$9,999)
- ◆ 39-14-112 Extortion
- ◆ 39-14-114 Forgery (\$1,000-\$9,999)
- ◆ 39-14-115 Criminal simulation (\$1,000-\$9,999)
- ◆ 39-14-118 Illegal possession or fraudulent use of credit card or debit card (\$1,000-\$9,999)
- ◆ 39-14-121 Worthless checks (\$1,000-\$9,000)
- ◆ 39-14-130 Destruction of valuable papers (\$1,000-\$9,999)
- ◆ 39-14-133 Fraudulent or false insurance claims (\$1,000-\$9,999)
- ◆ 39-14-137(a) Fraudulent qualifying for set-aside programs (\$1,000-\$9,999)
- ◆ 39-14-138 Theft of trade secrets (\$1,000-\$9,999)
- ◆ 39-14-139 Recorded devices (\$1,000-\$9,999)
- ◆ 39-14-147 Fraudulent transfer of motor vehicle (\$20,000 or more)

- ◆ 39-14-149 Telecommunications theft and concealment (\$1,000-\$9,999)
- ◆ 39-14-150(b) Identity theft
- ◆ 39-14-152 Use of a counterfeit mark or logo (\$1,000-\$9,999)
- ◆ 39-14-205 Intentional killing of animals (\$1,000-\$9,999)
- ◆ 39-14-208 Intentional injuring of guide dogs (\$1,000-\$9,999)
- ◆ 39-14-402 Burglary-other than habitation or motor vehicle
- ◆ 39-14-408 Vandalism (\$1,000-\$9,999)
- ◆ 39-14-411(b) Interference with or destruction of railroad property (\$1,000-\$9,999)
- ◆ 39-14-602(a)(1) Accessing telephone, telecommunications or computer to obtain money, property or services by fraud (\$1,000-\$9,999)
- ◆ 39-602(a)(2) Accessing telephone, telecommunications or computer to cause computer output to be false (\$1,000-\$9,999)
- ◆ 39-14-602(a)(3) Accessing telephone, telecommunications or computer to effect the creation of or alter a financial instrument or electronic funds transfer (\$1,000-\$9,999)
- ◆ 39-14-602(b)(2) Altering, damaging, destroying or disrupting computer operations (\$1,000-\$9,999)
- ◆ 39-14-602(b)(5) Unauthorized copying of computer data, program or software on computer network (\$1,000-\$9,999)
- ◆ 39-14-602(c) Receiving, concealing or using proceeds from or material used in violation of §§ 39-14-602(a) or 39-14-602(b)(2) (\$1,000-\$9,999)
- ◆ 39-14-603 Damage to property caused by unsolicited bulk electronic mail (\$1,000-\$9,999)
- ◆ 39-15-401(a) Intentional injury (child age 6 or less)
- ◆ 39-15-401(b) delete
- ◆ 39-16-502(a)(1)-(2) False reports
- ◆ 39-16-507 Coercion of a witness
- ◆ 39-16-603(b) Evading arrest while operating a motor vehicle (risk of death or injury to third parties)
- ◆ 39-16-608 Introduction of escape implements into penal institutions
- ◆ 39-16-703 Aggravated perjury
- ◆ 39-17-309(b) Civil rights intimidation
- ◆ 39-17-314 Training for civil disorder
- ◆ 39-17-417(d) Manufacture, deliver, sale, or possession of Schedule III drug (fine not greater than \$50,000)
- ◆ 39-17-417(e)(2) Manufacture, deliver, sale or possession of Schedule IV drug (fine not greater than \$50,000)
- ◆ 39-17-417(g)(2) Manufacture, deliver, sale, or possession of Schedule VI drug (fine not greater than \$50,000)
- ◆ 39-17-430 Anabolic steroids
- ◆ 39-17-433 Promote methamphetamine manufacture
- ◆ 39-17-607(a) Falsely make, alter, forge, pass or counterfeit state lottery ticket/share

- ◆ 39-17-608(1) False statement in lottery license application/proposal
- ◆ 39-17-608(2) False entry in book/record compiled, maintained or submitted to lottery corporation
- ◆ 39-17-654(c) Annual event pretense – gambling promotion
- ◆ 39-17-1003 Sexual exploitation of a minor
- ◆ 39-17-1304(a) Restrictions on firearms ammunition
- ◆ 39-17-1320 Parent or guardian providing handgun to juvenile or permitting handgun possession

5. For a Class E felony, not less than one (1) nor more than two (2) years; the following are Class E Felonies:

- ◆ 39-11-411 Accessory after the fact
- ◆ 39-13-103 Reckless endangerment (deadly weapon involved)
- ◆ 39-13-108 Escape from HIV quarantine facility
- ◆ 39-13-212 Criminally negligent homicide
- ◆ 39-13-306 Custodial interference
- ◆ 39-13-505 Sexual battery
- ◆ 39-13-506(a) Mitigated statutory rape
- ◆ 39-13-506(b) Statutory rape
- ◆ 39-13-511 Public indecency – indecent exposure (defendant over 18 year of age, victim under 13 years of age)
- ◆ 39-13-515 Promoting prostitution
- ◆ 39-13-526(b)(3) Violation of condition of community supervision (felony offense)
- ◆ 39-13-529(c) Solicitation sexual exploitation of a minor using electronic means
- ◆ 39-13-604(b) Dissemination of cellular or cordless telephone transmission
- ◆ 39-13-605 Unlawful photographing in violation of privacy, dissemination
- ◆ 39-14-103 Theft of property (\$501-\$999)
- ◆ 39-14-104 Theft of services (\$501-\$999)
- ◆ 39-14-114 Forgery (up to \$1,000)
- ◆ 39-14-115 Criminal simulation (up to \$1,000)
- ◆ 39-14-116 Hindering secured creditors
- ◆ 39-14-117 Fraud in insolvency
- ◆ 39-14-118 Fraudulent use of credit card or debit card (\$501-999)
- ◆ 39-14-121 Worthless checks (\$501-\$999)
- ◆ 39-14-130 Destruction of valuable papers
- ◆ 39-14-131 Destruction or concealment of will
- ◆ 39-14-133 Fraudulent or false insurance claim (\$501-\$999)
- ◆ 39-14-137(a) Fraudulent qualifying for set-aside programs (\$501-\$999)
- ◆ 39-14-138 Theft of trade secrets (\$501-\$999)
- ◆ 39-14-139 Recorded devices (\$501-\$999)

- ◆ 39-14-143 Unauthorized solicitation for police, judicial or safety associations
- ◆ 39-14-147 Fraudulent transfer of motor vehicle (less than \$20,000)
- ◆ 39-14-149 Telecommunications theft and concealment (\$501-\$999)
- ◆ 39-14-152 Use of a counterfeit mark or logo (\$501-\$999)
- ◆ 39-14-202 Cruelty to animals (2nd and subsequent offenses)
- ◆ 39-14-203(c)(1) Animal fighting (other than cock)
- ◆ 39-14-205 Intentional killing of animals (\$501-\$999)
- ◆ 39-14-208 Intentional injuring of guide dogs (\$501-\$999)
- ◆ 39-14-212 Aggravated cruelty to animals
- ◆ 39-14-303 Setting fire to personal property or land
- ◆ 39-14-402 Burglary of a motor vehicle
- ◆ 39-14-408 Vandalism (\$501-\$999)
- ◆ 39-14-411(a) Utility service interruption or property damage
- ◆ 39-14-411(b) Interference with or destruction of railroad property (\$501-\$999) or reckless endangerment with a deadly weapon as a result of interference with railroad service
- ◆ 39-14-602(a)(1) Accessing telephone, telecommunications or computer to obtain money, property or services by fraud \$501-\$999)
- ◆ 39-14-602(a)(2) Accessing telephone, telecommunications or computer output to be false (\$501-\$999)
- ◆ 39-14-602(a)(3) Accessing telephone, telecommunications or computer to effect the creation of or alter a financial instrument or electronic funds transfer (\$501-\$999)
- ◆ 39-14-602(b)(2) Altering, damaging, destroying or disrupting computer operations (\$501-\$999)
- ◆ 39-14-602(b)(5) Unauthorized copying of computer data, program or software on computer network (\$501-\$999)
- ◆ 39-14-602(c) Receiving, concealing or using proceeds from or material used in violation of §§ 39-14-602(a) or 39-14-602 (b)(2) (\$501-\$999)
- ◆ 39-14-603 Damage to property caused by unsolicited bulk electronic mail (\$501-\$999)
- ◆ 39-15-101(d) Flagrant nonsupport
- ◆ 39-15-201(b)(2) Attempt to procure criminal miscarriage
- ◆ 39-15-202(d) Failure to observe waiting period before giving consent to abortion
- ◆ 39-15-206 Failure or refusal of physician or hospital to preserve the life of an infant delivered during an abortion
- ◆ 39-15-208 Unlawful use of aborted fetus
- ◆ 39-15-401(b) Child abuse and neglect (child age 6 or less)
- ◆ 39-16-104 Public servant soliciting unlawful compensation
- ◆ 39-16-201(a)(3) Introduction of telecommunication device into a state, county or municipal institution where prisoners are quartered
- ◆ 39-16-302 Impersonation of licensed professional
- ◆ 39-16-402 Official misconduct

- ◆ 39-16-403 Official oppression
- ◆ 39-16-408 Sexual contact or sexual penetration with prisoners or inmates
- ◆ 39-16-508 Coercion of juror
- ◆ 39-16-510 Retaliation for past action
- ◆ 39-16-603(b) Evading arrest while operating a motor vehicle
- ◆ 39-16-604 Compounding a felony
- ◆ 39-16-605(b)(2) Escape (felony)
- ◆ 39-16-607 Permitting or facilitating escape
- ◆ 39-16-609(e) Failure to appear (Class A misdemeanor or felony)
- ◆ 39-16-702(b)(2) Perjury (handgun permit)
- ◆ 39-16-702(b)(3) Perjury (TBI sex offender registration form)
- ◆ 39-16-705 Subornation of aggravated perjury
- ◆ 39-17-106 Gifts of adulterated candy or food
- ◆ 39-17-109 Violation of airport security intent to commit a felony
- ◆ 39-17-303 Aggravated riot
- ◆ 39-17-308(b) Harassment
- ◆ 39-17-312 Abuse of corpse
- ◆ 39-17-312(b) Unlawful purchase or sale of previously buried human remains
- ◆ 39-17-315 Aggravated stalking
- ◆ 39-17-417(f) Manufacture, delivery, sale or possession of Schedule V drug (fine not greater than \$5,000)
- ◆ 39-17-417(g)(1) Manufacture, deliver, sale or possession of not less than ½ ounce and not more than 10 pounds of Schedule VI drug (fine not greater than \$1,000)
- ◆ 39-17-417(h) Manufacture, delivery, sale or possession of Schedule VII drug (fine not greater than \$1,000)
- ◆ 39-17-418(e) Simple possession or casual exchange (3rd offense)
- ◆ 39-17-422(c) Selling glue for unlawful purpose
- ◆ 39-17-423(a)(b) Counterfeit controlled substance
- ◆ 39-17-425(b)(1) Unlawful drug paraphernalia uses and activities
- ◆ 39-17-504 Aggravated gambling promotion
- ◆ 39-17-506(c)(4) Lotteries, chain letters, and pyramid clubs (\$10,000+)
- ◆ 39-17-654(a) Annual event pretense – gambling promotion
- ◆ 39-17-656(b) Knowingly influence or attempt to influence prize winning through coercion, fraud, deception or tampering with annual event equipment/materials
- ◆ 39-17-657 Annual event – unauthorized agreements
- ◆ 39-17-902(a) Importing, preparing, distributing, processing or appearing in obscene material or exhibition (second or subsequent offense)
- ◆ 39-17-902(b) Employment of minors in distribution of obscene material (fine \$10,000-\$100,000)

- ◆ 39-17-1302(a)(2)-(5) Prohibited weapons
- ◆ 39-17-1304(a)(b) Firearm ammunition violation
- ◆ 39-17-1306 Carrying weapons during judicial proceedings
- ◆ 39-17-1307(b)(1) Unlawful possession of a weapon (by convicted felon)
- ◆ 39-17-1307(c)(1) Unlawful possession of a weapon (with intent to use in commission of or escape from offense)
- ◆ 39-17-1309 Carrying weapons on school property (intent to go armed)
- ◆ 39-17-1323 Commission of certain offenses while wearing a body vest

6. For a Class A Misdemeanor, not greater than eleven (11) months twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500.00), or both, unless otherwise provided by statute. The following is a list a Class A Misdemeanors:

- ◆ 39-12-207(f)(2) Failure of trustee to notify investigative agency of RICO lien
- ◆ 39-13-101(a)(1)(2) Assault
- ◆ 39-13-103 Reckless endangerment (no weapon involved)
- ◆ 39-13-111 Domestic Assault
- ◆ 39-13-302 False imprisonment
- ◆ 39-13-306 Custodial interference (person released voluntarily by the offender)
- ◆ 39-13-511(a) Public indecency (3rd or subsequent offense)
- ◆ 39-13-511(b) Indecent exposure (victim under 13)
- ◆ 39-13-513 Prostitution (near church or school)
- ◆ 39-13-514 Patronizing prostitute (near church or school)
- ◆ 39-13-526(b)(1) Violation of condition of community supervision
- ◆ 39-13-526(b)(2) Violation of condition of community supervision (misdemeanor offense)
- ◆ 39-13-528(6) Solicitation of minors involving offense of sexual battery
- ◆ 39-13-528(7) Solicitation of minors involving offense of statutory rape
- ◆ 39-13-604(b) Recording or disseminating cordless or cellular phone communication
- ◆ 39-13-605 Unlawful photographing in violation of privacy, dissemination
- ◆ 39-13-607 Observation without consent
- ◆ 39-14-103 Theft of property (up to \$500)
- ◆ 39-14-104 Theft of services (up to \$500)
- ◆ 39-14-106 Unauthorized use of automobiles and other vehicles
- ◆ 39-14-110 Unauthorized recording of theatrical motion picture
- ◆ 39-14-118 Fraudulent use of credit/debit card (up to \$500)
- ◆ 39-14-121 Worthless checks (up to \$500)
- ◆ 39-14-128 Creating false impression of death
- ◆ 39-14-130 Destruction of valuable papers with intent to defraud (value not ascertainable)
- ◆ 39-14-132 Misrepresentation of mileage on used motor vehicle odometer
- ◆ 39-14-133 Fraudulent or false insurance claims (up to \$500)

- ◆ 39-14-134 Alteration of item's permanent distinguishing numbers—selling or possession of such items
- ◆ 39-14-135 Manufacture, sale or possession of farm implement without serial number
- ◆ 39-14-136 Falsifying educational and academic records
- ◆ 39-14-137(a) Fraudulent qualifying for set-aside programs (up to \$500)
- ◆ 39-14-138 Theft of trade secrets (up to \$500)
- ◆ 39-14-139 Recorded devices (up to \$500)
- ◆ 39-14-143 Unauthorized solicitation for police, judicial or safety associations
- ◆ 39-14-148 False statement to obtain surety bond
- ◆ 39-14-149 Telecommunications theft and concealment (up to \$500)
- ◆ 39-14-152 Use of a counterfeit mark or logo (up to \$500)
- ◆ 39-14-202 Cruelty to animals
- ◆ 39-14-203 Cock fighting
- ◆ 39-14-205 Intentional killing of animal (up to \$500)
- ◆ 39-14-208 Intentional injuring of guide dogs (up to \$500)
- ◆ 39-14-304 Reckless burning
- ◆ 39-14-406(c) Aggravated criminal trespass of a habitation, hospital, or on the campus of any public or private school
- ◆ 39-14-406(d) Aggravated criminal trespass on railroad property
- ◆ 39-14-408 Vandalism (up to \$500)
- ◆ 39-14-410 Failure to obtain bill of sale in purchase of timber
- ◆ 39-14-411(b) Interference with or destruction of railroad property (up to \$500) or reckless endangerment of person as a result of inference with railroad property
- ◆ 39-14-502 Criminal littering
- ◆ 39-14-602(a)(1) Accessing telephone, telecommunications or computer to obtain money, property or services by fraud (up to \$500)
- ◆ 39-14-602(a)(2) Accessing telephone, telecommunications or computer to cause computer output to be false (up to \$500)
- ◆ 39-14-602(a)(3) Accessing telephone, telecommunications or computer to effect the creation of or alter a financial instrument or electronic funds transfer (up to \$500)
- ◆ 39-14-602(b)(2) Altering, damaging, destroying or disrupting computer operations (up to \$500)
- ◆ 39-14-602(b)(4) Accessing computer operation for purpose of tampering with security device or system hacking
- ◆ 39-14-602(b)(5) Unauthorized copying of computer data, program or software on computer network (up to \$500)
- ◆ 39-14-602(c) Receiving, concealing or using proceeds from or material used in violation of §§ 39-14-602(a) or 39-14-602(b)(2) (up to \$500)
- ◆ 39-14-603 Damage to property caused by unsolicited bulk electronic mail (up to \$500)
- ◆ 39-14-701 Possession of burglary tools
- ◆ 39-14-702 Possession of explosive components

- ◆ 39-15-101(a) Nonsupport
- ◆ 39-15-201(b)(3) Coercion – abortion
- ◆ 39-15-210 Child Rape Protection Act (3rd and subsequent violation)
- ◆ 39-15-301 Bigamy
- ◆ 39-15-401(a) Intentional injury (child under age 18)
- ◆ 39-15-401(b) Child abuse and neglect (child under age 13)
- ◆ 39-15-403 Tattooing of minors
- ◆ 39-15-404 Enticing a child to purchase intoxicating liquor -
Purchasing alcoholic beverage for child
- ◆ 39-16-504 Destruction and tampering with governmental records
- ◆ 39-16-509 Improper influence of juror
- ◆ 39-16-511 Compensation for past action
- ◆ 39-16-512 Receipt of compensation for past action
- ◆ 39-16-514 Dismissal of employee because of jury service
- ◆ 39-15-515 Pointing a laser at a law enforcement officer
- ◆ 39-16-602 Resisting stop, frisk, halt, arrest, or search (weapon involved)
- ◆ 39-16-603(a) Evading arrest
- ◆ 39-16-604 Compounding a misdemeanor
- ◆ 39-16-605(b)(1) Escape (misdemeanor)
- ◆ 39-16-609(d) Failure to appear (misdemeanor)
- ◆ 39-16-702 Perjury
- ◆ 39-16-705 Subornation of perjury
- ◆ 39-17-104 Safety devices on refrigerators required
- ◆ 39-17-108 Tampering with construction signs and barricades and travel on closed roads
- ◆ 39-17-109 Violation airport security
- ◆ 39-17-111 Removal, disconnection or alteration of warning, guard or other safety devices from
any machine, tool, or other implement
- ◆ 39-17-112(a) Issuance, sale or manufacture of false academic degree
- ◆ 39-17-302 Riot
- ◆ 39-17-304 Inciting to riot
- ◆ 39-17-308 Harassment
- ◆ 39-17-309(c) Wearing disguise with intent to intimidate
- ◆ 39-17-311 Desecration of venerated object
- ◆ 39-17-313 delete
- ◆ 39-17-315 Stalking
- ◆ 39-17-418 Casual exchange (fine not greater than \$500)
- ◆ 39-17-422(a)(b)(d) Inhaling, selling, or possessing of glue for unlawful purposes

- ◆ 39-17-423(d) Counterfeit controlled substances (recipient)
- ◆ 39-17-425(a)(c) Unlawful drug paraphernalia uses and activities
- ◆ 39-17-426 Delivery, sale or possession of jimsonweed
- ◆ 39-17-430 delete
- ◆ 39-17-431 Illegal dispensation and display of methamphetamine precursor
- ◆ 39-17-437 Use of substance to falsify drug test results
- ◆ 39-17-452 Promote, manufacture, distribute or possess hallucinogenic plant *Salvia divinorum* A
- ◆ 39-17-506(c)(3) Lotteries, chain letters and pyramid clubs (\$250-\$10,000)
- ◆ 39-17-602 Prohibits sale, play or redemption of lottery ticket/share to minor (2nd or subsequent offense)
- ◆ 39-17-604 Unauthorized lottery ticket sale
- ◆ 39-17-652 Conducting more than one annual event
- ◆ 39-17-654(b) Annual event pretense – gambling promotion
- ◆ 39-17-655(a)(3) False statement in annual event application, affidavit or statement
- ◆ 39-17-655(a)(4) False statement/entry in financial accounting compiled for annual event or submitted to the Secretary of State
- ◆ 39-17-656(a) Falsely make, alter, forge, pass or counterfeit an annual event ticket, share or chance
- ◆ 39-17-703 Receiving, possessing and transporting alcoholic beverages
- ◆ 39-17-704 Transportation of alcoholic beverages by common carriers
- ◆ 39-17-706 Manufacture of alcoholic beverages
- ◆ 39-17-713 Unauthorized storage of liquor for sale
- ◆ 39-17-902(a) Importing, preparing, distributing, processing, or appearing in obscene material or exhibition
- ◆ 39-17-907 Unlawful exhibition of obscene material
- ◆ 39-17-911 Sales, loans, or exhibition of material to minors
- ◆ 39-17-918 Massage or exposure of erogenous areas
- ◆ 39-17-1104 Sports bribery
- ◆ 39-17-1302(a)(7)-(8) Prohibited weapons
- ◆ 39-17-1303 Unlawful sale, loan or gift of firearm
- ◆ 39-17-1305 Unlawful possession of firearm – alcoholic beverages
- ◆ 39-17-1307(a)(2) Certain unlawful possession of weapon
- ◆ 39-17-1311 Carrying weapon on public parks, playgrounds, civic centers and recreational areas
- ◆ 39-17-1312 Failure to prevent or report possession of weapon by minor on school property or public recreation area
- ◆ 39-17-1320 Providing or permitting juvenile to possess a handgun
- ◆ 39-17-1321 Possession of a handgun while under the influence
- ◆ 39-17-1352 Suspension or revocation of license

7. For a Class B Misdemeanor, not greater than six (6) months or a fine not to exceed five hundred dollars (\$500.00), or both, unless otherwise provided by statute. The following is a list of Class B Misdemeanors:
- ◆ 39-13-101(a)(3) Assault
 - ◆ 39-13-111 Domestic assault
 - ◆ 39-13-511(a) Public indecency (1st or 2nd offense)
 - ◆ 39-13-511(b) Indecent exposure (victim 13 years old or older)
 - ◆ 39-13-513 Prostitution
 - ◆ 39-13-514 Patronizing prostitution
 - ◆ 39-14-118 Illegal possession or fraudulent use of credit card or debit card (no loss)
 - ◆ 39-14-119 Reporting of credit card or debit card lost, stolen, or mislaid
 - ◆ 39-14-120 Issuing false financial statement
 - ◆ 39-14-127 Deceptive business practices
 - ◆ 39-14-147 (b)(4) Failure to disclose location of motor vehicle
 - ◆ 39-14-202 Interference with agricultural practices
 - ◆ 39-14-305 Leaving fire near woodland unattended
 - ◆ 39-14-406 Aggravated criminal trespass (other than habitation, hospital or school)
 - ◆ 39-14-412 Mailbox vandalism
 - ◆ 39-14-413 Intentional throwing or shooting at passenger of freight carrier
 - ◆ 39-14-502 delete
 - ◆ 39-14-503 Hauling litter illegally
 - ◆ 39-14-602(b)(3) Malicious input of computer contaminant
 - ◆ 39-14-803(c) Trespass or damage of animal facility (\$500 or less)
 - ◆ 39-15-412 Multiple violations of §§ 39-15-408 through 39-15-411
 - ◆ 39-16-301(b) Criminal impersonation
 - ◆ 39-16-404 Misuse of official information
 - ◆ 39-16-602 Resisting stop, frisk, halt arrest, or search (no weapon)
 - ◆ 39-16-610 Use radar jamming device to interfere with radar signals or lasers to measure motor vehicle speed
 - ◆ 39-17-103 Abandonment of airtight containers
 - ◆ 39-17-113 Unlawful payment of traffic citation for use of detection and interference device or mechanism
 - ◆ 39-17-306 Disrupting meeting or procession
 - ◆ 39-17-503 Gambling promotion
 - ◆ 39-17-505 Possession of gambling device or record
 - ◆ 39-17-506(c)(2) Lotteries, chain letters and pyramid clubs (\$50-\$250)
 - ◆ 39-17-602 Prohibits sale, play or redemption of lottery ticket/share to minor
 - ◆ 39-17-655(a)(1) Failure to file financial accounting for annual event

- ◆ 39-17-702 Unlawful sale of alcoholic beverages
- ◆ 39-17-707 Possession of still
- ◆ 39-17-1309(c) Carrying firearm on school property (no intent to go armed)
- ◆ 39-17-1317 Confiscation and disposition of confiscated weapons
- ◆ 39-17-1358 Handgun permit violations
- ◆ 39-17-1402 Sale or conveyance of dangerous materials to metals recycling facility
- ◆ 39-17-1403 Failure of metals recycling facility to post notice
- ◆ 39-17-1606 Violations of Children's Act for Clean Indoor Air

8. For a Class C Misdemeanor, not greater than thirty (30) days or a fine not to exceed fifty dollars (\$50.00), or both, unless otherwise provided by statute. The following is a list of Class C Misdemeanors:

- ◆ 39-13-113 Violation of protective order
- ◆ 39-13-510 Homosexual acts
- ◆ 39-13-606 Installation of electronic tracking device – motor vehicles
- ◆ 39-14-129 Failure to put name of grower or packer on produce container
- ◆ 39-14-203(a)(4) Cock and animal fighting (spectator)
- ◆ 39-14-204 Sell, offer for sale, barter or bring or transport dyed baby fowl and rabbits
- ◆ 39-14-206 Taking fish caught by another
- ◆ 39-14-209 Failure to disqualify horse during horse show
- ◆ 39-14-210 Interference with agent of Society for the Prevention of Cruelty to Animals
- ◆ 39-14-306 Setting fire at certain time without permit
- ◆ 39-14-405 Criminal trespass
- ◆ 39-14-407 Motor vehicle trespass (no incarceration)
- ◆ 39-14-602(b)(1) Accessing computer without authorization
- ◆ 39-15-408 Dissemination of smoking material, smoking paraphernalia or smokeless tobacco products to minors
- ◆ 39-15-410 Identification containing proof of age
- ◆ 39-15-411 Warning sign or decal
- ◆ 39-16-303 Using a false identification
- ◆ 39-16-405 Unlawful purchase -- court sale no incarceration
- ◆ 39-16-407 Misrepresenting information to state auditor
- ◆ 39-16-610 Possess, operate motor vehicle equipped with or sale radar jamming device
- ◆ 39-17-101 Handling snakes so as to endanger life
- ◆ 39-17-102 Unlawful disposal of raw sewage
- ◆ 39-17-105 Charge for use of public toilet facility
- ◆ 39-17-110 Sign on fence along interstate highway
- ◆ 39-17-112(b) Use or claim to have false academic degree for advancement
- ◆ 39-17-305 Disorderly conduct

- ◆ 39-17-307 Obstructing highway or other passageway
- ◆ 39-17-310 Public intoxication
- ◆ 39-17-317 Disorderly conduct at funeral or memorial service
- ◆ 39-17-421 Substitution of drugs in filling prescriptions
- ◆ 39-17-502 Gambling
- ◆ 39-17-506(c)(1) Lotteries, chain letters, and pyramid clubs (\$50 or less)
- ◆ 39-17-507 Customer referral rebates unlawful
- ◆ 39-17-605 Failure to display certificate of authorization
- ◆ 39-17-606 Failure to display required lottery retailer posting
- ◆ 39-17-651 Illegal annual event sales
- ◆ 39-17-653 Unauthorized annual event location or date
- ◆ 39-17-655(a)(2) Failure to file timely financial accounting for annual
- ◆ 39-17-715 Consuming alcoholic beverages on school premises
- ◆ 39-17-914 Display for sale or rental of material harmful to minors
- ◆ 39-17-1102 Unlawful brutal sports
- ◆ 39-17-1307(a)(1) Possession of a weapon with the intent to go armed
- ◆ 39-17-1315 delete
- ◆ 39-17-1350(f) Failure to return firearm identification card
- ◆ 39-17-1504 Sales to minors of tobacco product
- ◆ 39-17-1506 Failure to post warning sign
- ◆ 39-17-1507 Violation of cigarette vending machine prohibition or failure to demand proof of age
- ◆ 39-17-1509 Enforcement, inspections, reporting for establishments selling tobacco products
- ◆ 39-17-1702 Child curfew violation

APPENDIX B: Examples

Illustration #1: Computation of Credits and Avoidance of Excessive Sentences

On January 1, 2006, the Juvenile Court finds John Doe, born January 1, 1994, guilty of aggravated assault and imposes a determinate commitment to the Department of Children's Services. Pursuant to TCA 37-1-137(a)(1)(B), the length of a determinate commitment for any youth cannot be greater than the Range I sentence for an adult convicted of the same crime. Aggravated assault is a Class C felony carrying an adult Range I sentence of not less than three (3) nor more than six (6) years. (Refer to Appendix A of this manual).

Because the Juvenile Court Order imposed a determinate commitment but failed to specify the length of time of the commitment, the inference under the law would be to the youth's 19th birthday because under TCA 37-1-137(a)(1)(B) a commitment may not extend past the youth's 19th birthday. With this inference, the youth would be facing a determinate commitment of 7 years (84 months or 2555 days), which exceeds the Range I sentence and violates the law. Thus, DCS Legal Division will be notified for legal action. A Petition to Modify the Order would likely be filed pursuant to T.C.A 37-1-139, requesting that the court clarify the commitment time.

In this instance, now assume that, based on the Petition filed by DCS, the Juvenile Court entered an Order Modifying Commitment and directed that John Doe be committed to the Department of Children's Services for a period of six years (72 months or 2190 days).

The maximum number of youth commitment reduction credits (YCRCs) available to John Doe is 16 per month. He faces a commitment of 72 months. Thus, John Doe can receive YCRCs for 72 months. If he receives 16 credits during those 72 months, his sentence of 2190 days will be reduced by 1152 days, leaving 1038 days to serve. As of January 1, 2006 when John Doe is sentenced, there are 2555 days until his nineteenth birthday; thus, John Doe will be released prior to his nineteenth birthday.

Illustration #2: When Youth Must Be Released on 19th Birthday

Same facts as in Illustration #1, above except John Doe's DOB is January 1, 1990 and he is not as well behaved and receives only 8 YCRCs per month. If he receives 8 YCRCs per month for 72 months, his sentence of 1825 days will be reduced by 576 days, leaving 1249 days to serve. There are only 1095 days until his 19th birthday, so John Doe will be released in 1095 days as opposed to 1249 days.

Illustration #3: When Youth Must Be Released before 19th Birthday

Same facts as Illustration #1, above except the delinquent offense is second degree murder and the Juvenile Court finds the youth delinquent and imposes a determinate commitment of 15 years. Second-degree murder is a Class A felony and the Range I Sentence is 15 to 25 years. (Refer to Appendix A of this manual.) The court has not exceeded the Range I sentence, however, pursuant to TCA 37-1-137(a), (1)(B), the determinate commitment cannot extend past the youth's 19th birthday. The youth is 12 years of age on the date of the commitment and, under the determinate commitment, would be released at age 27. The inference under the law would be that the YCRCs would be calculated from an expiration date of the youth's 19th birthday as the commitment, by law, cannot exceed past the 19th birthday. The DCS Legal Division will be notified so that a Petition to Modify the Order can be filed pursuant to T.C.A 37-1-139, requesting that the court modify the commitment time pursuant to the law. Because the expiration date must be calculated from the 19th birthday, the youth will be released prior to the 19th birthday.

Illustration #4: When Youth Must Be Released before 19th Birthday

Same facts as Illustration 1, except the Court writes on the order, "This youth will not be eligible to receive sentence credits or to be released before his 19th birthday". Pursuant to TCA 37-1-137(h)(1), every juvenile offender given a determinate commitment will be eligible to earn sentence credits. The DCS Legal Division will be notified to file an appeal (or petition to reconsider) to overturn the order. Once the order is either stayed or overturned, credits will be restored to the youth. Please note, the order will be followed until overturned – therefore credits will not be applied to reduce the youth's

commitment. However, the potential earned credits will be tracked so that once the order is overturned; the youth can receive all appropriate credits under the corrected order.

Appendix C



STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES

Local Address
Local City, State and Zip

ADJUDICATION NOTIFICATION TO SCHOOLS
CONFIDENTIAL - TO BE OPENED BY PRINCIPAL ONLY
(Pursuant to TCA Section 49-6-3051)

Current Date

School Principal's Name
Name of School
City, State Zip

From: Name of FSW and Title
Region/Office/Facility
Address
City, State Zip
Telephone Number

Re: Child/Youth's Name

Date of Birth: Birth date

This is to inform you that the above named child/youth, along with parents/guardians appeared before the Court of County, Tennessee regarding a charge(s) as follows:

List Charge(s): _____ Adjudication Date(s): _____
List Charge(s): _____ Adjudication Date(s): _____

The Court has made an adjudicative finding regarding this/these charges(s). TCA Section 49-6-3051 provides that an abstract or notification shall be provided to the school principal. This document shall serve as notice of the nature of the offense(s) before the child/youth resumes school attendance.

Such notification in writing of the nature of the offense committed by the child/youth shall NOT become a part of such child's/youth's student record. A violation of the confidentiality provisions of the preceding sentence is a Class C misdemeanor.

Signatures:

Principal: _____ Date Received by Principal: _____
DCS FSW/HCCM: _____ Date Provided: _____
DCS Supervisor: _____ Date: _____

TENNESSEE LAW REQUIRES THE REPORTING OF ADJUDICATIONS ON THE FOLLOWING ENUMERATED OFFENSES: An offense involving first degree murder, second degree murder, rape, aggravated rape, rape of a child; aggravated rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, especially aggravated kidnapping, aggravated assault, felony reckless endangerment, and aggravated sexual battery.

This form must not be sent via facsimile but delivered personally to school principal for signature. The information should be taped closed inside an envelope, marked "CONFIDENTIAL: TO BE OPENED BY PRINCIPAL ONLY" and, if possible, a principal's signature should be obtained that the notice was received into his/her hands and on what date. This notice should be provided each time the child/youth changes schools because the notification is not supposed to be a part of cumulative or other school records.

Check the "Forms" Webpage for the current version and disregard previous versions. This form may not be altered without prior approval.
Distribution: Copies: Copy of Signed Form Filed in Education Section of Case File
CS-0703 Rev 07/08