

**PENALTIES**

**COUNT 1: 3rd Degree Felony:** Basic sentence of 3 years imprisonment and not more than \$5,000 fine.

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**4th Degree Felony:** Basic sentence of 18 months imprisonment and not more than \$5,000 fine.

**3rd Degree Felony:** Basic sentence of 3 years imprisonment and not more than \$5,000 fine.

**2nd Degree Felony:** Basic sentence of 9 years imprisonment and not more than \$10,000 fine.

**1st Degree Felony:** Basic sentence of 18 years imprisonment and not more than \$15,000 fine.

**USE OF FIREARM ALTERATION TO BASIC SENTENCE (FE):** Basic sentence of imprisonment increased by 1 year for first offense in which a firearm is used and 3 years for subsequent offenses in which a firearm is used.

**USE OF HATE CRIME ENHANCEMENT:** Basic sentence of imprisonment is increased by one (1) year, unless second offense, then the basic sentence is increased by two (2) years.

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**Misdemeanor:** Less than 1 year in the County Jail and/or not more than \$1,000 fine.

**Petty Misdemeanor:** Not more than 6 months in the County Jail and/or not more than \$500 fine.

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**Penalty for Driving While Under the Influence, Felony Offense:(4th or Subsequent Offense):** Basic sentence of 18 months and not more than \$5,000 fine, including a mandatory jail term of not less than 6 months.

**Penalty for Driving While Under the Influence - Misdemeanor:** If 1st Offense, basic sentence is maximum 90 days jail and \$500 fine, and if aggravated an additional 48 hours jail time; if 2nd Offense, basic sentence is mandatory 72 hours in jail and \$500 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional 96 hours jail time; if 3rd Offense, basic sentence is a mandatory 30 days in jail and \$750 fine to maximum of 364 days and \$1,000 fine, and if aggravated an additional mandatory 60 days jail time.

**Penalty for Driving While License Suspended or Revoked:** Traffic Code Misdemeanor, Special Penalty: not less than 4 days nor more than 364 days and fine up to \$1,000 (non-DWI related suspension/revocation); or not less than 7 consecutive days imprisonment and mandatory fine not less than \$300 nor more than \$1,000 (DWI revocation).

**Penalty for Reckless Driving:** Upon first conviction, basic sentence of 5 days to 90 days imprisonment, and/or \$25 to \$100 fine. Upon a second or subsequent conviction, basic sentence of 10 days to 6 months imprisonment, and/or \$50 to \$1,000 fine.

**Penalty for Traffic Code Misdemeanor:** fine of not more than \$300 or imprisonment for not more than 90 days or both.

**Penalty Assessment Misdemeanor:** See Schedule in Traffic Code, Section 66-8-116.

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**1st Degree Felony for Child Abuse (Intentionally Caused) (Resulting in Death) (Child Under 12):** Life imprisonment.

**2nd Degree Felony Resulting in the Death of a Human Being:** Basic sentence of 15 years but not less than 10 years nor more than 20 years imprisonment and not more than \$12,500 fine.

**3rd Degree Felony Resulting in the Death of a Human Being:** Basic sentence of 6 years but not less than 4 years nor more than 8 years imprisonment and not more than \$15,000 fine.

**2nd Degree Felony, Sexual Offense Against A Child:** Basic sentence of 15 years imprisonment and not more than \$12,500 fine.

**3rd Degree Felony, Sexual Offense Against A Child:** Basic sentence of 6 years imprisonment and not more than \$5,000 fine.

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**OPEN CHARGE OF MURDER**

**Penalty for FIRST DEGREE MURDER (Willful and Deliberate) or (Depraved Mind)**

**CAPITAL FELONY:** Life Imprisonment

**SECOND DEGREE MURDER:** Basic sentence of 15 years imprisonment and not more than \$12,500 fine.

**VOLUNTARY MANSLAUGHTER:** Basic sentence of 6 years imprisonment and not more than \$15,000 fine.

**INVOLUNTARY MANSLAUGHTER:** 4th Degree Felony: Basic sentence of 18 months imprisonment and not more than \$5,000 fine.

**Penalty for FIRST DEGREE MURDER (Felony Murder):**

**CAPITAL FELONY:** Life Imprisonment

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