

## **Definitions**

*This list is not meant to be exhaustive. Some prior record variables and offense variables are subject to definitions and instructions unique to those variables.*

**Adjudication:** An adjudication is a finding of responsibility in a juvenile matter. An adjudication includes an adjudication set aside under MCL 712.18e or one that has been expunged.

**Aircraft:** The term as defined in MCL 259.2. MCL 777.1(a).

**Cell:** The intersection of an offender's OV level and PRV level in a sentencing grid.

**Conviction:** A "conviction" is an adjudication of guilt in a criminal matter. A conviction includes assignment to MCL 762.11 (Holmes Youthful Trainee Act) and convictions set aside under MCL 780.621 - 780.624 (expunged).

**Prior conviction:** A conviction that was entered on the offender's criminal record before the commission date of the sentencing offense.

**Concurrent conviction:** A conviction arising from the same course of conduct as the sentencing offense.

**Subsequent conviction:** A conviction that was entered on the offender's criminal record after the commission date of the sentencing offense and is unrelated to the conduct from which the sentencing offense arose.

**Crime group:** All offenses to which the guidelines apply are categorized as belonging to one of six particular crime groups. The crime groups are: crimes against a person (person); crimes against property (property); crimes involving a controlled substance (CS); crimes against public order (pub ord); crimes against public safety (pub saf); and crimes against public trust (pub trst). MCL 777.5(a)-(f).

**Crime class:** All offenses to which the guidelines apply are classified as belonging to one of nine crime classes depending on crime type and seriousness. The crime classes are second-degree murder (M2) and classes A, B, C, D, E, F, G, and H.

**Departure:** A departure is defined by statute as a sentence imposed that is not within the appropriate minimum sentence range established under the sentencing guidelines. MCL 777.1(b); MCL 769.31(a). The appropriate minimum sentence range will sometimes be outside the indicated cell range. There are four statutorily correct or appropriate sentences outside of specific cell ranges that are not departures. They are: 1) when a mandatory minimum sentence is required, 2) when the cell exceeds the two-thirds limitation, 3) when a jail sentence is below a cell range in an intermediate sanction cell, and 4) when a jail sentence is below a cell range in a straddle cell.

**Felony:** A "felony" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by death or by imprisonment for more than one year, or an offense expressly designated by law to be a felony. Convictions under federal law or the law of states other than Michigan are to be considered felony convictions if the offense was punishable by more than one year of incarceration or, when the statutory penalty is not available, if the crime was designated as a felony in the convicting jurisdiction at the time of the prior conviction.

**Grid:** Each sentencing grid provides a recommended minimum sentence range for combinations of the OV and PRV levels for each crime classification.

**Guidelines sentence range:** The set of numbers (in months or LIFE) in each cell from which the judge is required to impose a minimum sentence, absent a departure or other statutorily required sentence.

**Homicide:** Any crime in which the death of a human being is an element of that crime. MCL 777.1(c).

**Intermediate sanction:** Any sanction, other than imprisonment in a state prison or state reformatory, which may lawfully be imposed. MCL 777.1(d); MCL 769.31(b). Intermediate sanctions include, but are not limited to, one or more of the following:

- 1) Inpatient or outpatient drug treatment or participation in a drug treatment court.
- 2) Probation with any probation conditions required or authorized by law.
- 3) Residential probation.
- 4) Probation with jail.
- 5) Probation with special alternative incarceration.
- 6) Mental health treatment.
- 7) Mental health or substance abuse counseling.
- 8) Jail.
- 9) Jail with work or school release.
- 10) Jail with or without authorization for day parole.
- 11) Participation in a community corrections program.
- 12) Community service.
- 13) Payment of a fine.
- 14) House arrest.
- 15) Electronic monitoring.

**Juvenile:** A person over whom the Juvenile Division of the Probate Court or the Family Division of the Circuit Court has or had jurisdiction at the time of adjudication.

**Misdemeanor:** A “misdemeanor” means a violation of a penal law of this state that is not a felony, or a violation of an order, rule, or regulation of a state agency that is punishable by imprisonment or by a fine that is not a civil fine. Convictions under federal law or the law of states other than Michigan are to be considered misdemeanor convictions if the offense was punishable by one year or less of incarceration or, when the statutory penalty is not available, if the crime was designated as a misdemeanor in the convicting jurisdiction at the time of the prior conviction.

**Off the road vehicle (ORV):** The term as defined in MCL 324.81101. MCL 777.1(e).

**Offense variables (OVs):** The factors that are used to evaluate the seriousness of the offense and to determine the offender’s OV score.

**OV level:** An offender's OV score determines the offender's OV level. Depending on the specific sentencing grid, the OV levels are designated by roman numerals from I to VI along the vertical axis of the grid. The OV level's numeric designation increases as the offender's OV point total increases. The severity of the corresponding penalty increases successively from OV levels I through VI.

**OV score:** The total number of points scored for all OVs applicable to the sentencing offense.

**Prior high severity felony conviction:** A prior high severity felony conviction is: (1) a conviction for a crime listed in class M2, A, B, C, or D or for a felony under federal law or the law of another state that corresponds to a crime listed in class M2, A, B, C, or D if the conviction was entered before the sentencing offense was committed; (2) a conviction (entered before the sentencing offense was committed) for a crime punishable by a maximum term of imprisonment of 10 years or more that is not listed in class M2, A, B, C, D, E, F, G, or H; or (3) a conviction (entered before the sentencing offense was committed) under federal law or the law of another state for a crime punishable by a maximum term of imprisonment of 10 years or more that does not correspond to a crime listed in class M2, A, B, C, D, E, F, G, or H. MCL 777.51(2).

**Prior high severity juvenile adjudication:** A prior high severity juvenile adjudication is: (1) a juvenile adjudication for conduct that would be a crime listed in class M2, A, B, C, or D if committed by an adult or for conduct that would be a felony under federal law or the law of another state that corresponds to a crime listed in class M2, A, B, C, or D if committed by an adult if the order of disposition was entered before the sentencing offense was committed; or (2) an adjudication (entered before the sentencing offense was committed) for conduct that if committed by an adult would be a crime punishable by a maximum term of imprisonment of 10 years or more that is not listed in class M2, A, B, C, D, E, F, G, or H; or (3) an adjudication (entered before the sentencing offense was committed) for conduct that if committed by an adult would be a crime under federal law or the law of another state punishable by a maximum term of imprisonment of 10 years or more that does not correspond to a crime listed in class M2, A, B, C, D, E, F, G, or H. MCL 777.53(2).

**Prior low severity felony conviction:** A prior low severity felony conviction is: (1) a conviction for a crime listed in class E, F, G, or H or for a felony under federal law or the law of another state that corresponds to a crime listed in class E, F, G, or H if the conviction was entered before the sentencing offense was committed; or (2) a conviction (entered before the sentencing offense was committed) for a crime punishable by a maximum term of imprisonment of less than 10 years that is not listed in class M2, A, B, C, D, E, F, G, or H; or (3) a conviction (entered before the sentencing offense was committed) under federal law or the law of another state for a crime punishable by a maximum term of imprisonment of less than 10 years that does not correspond to a crime listed in class M2, A, B, C, D, E, F, G, or H. MCL 777.52(2).

**Prior low severity juvenile adjudication:** A prior low severity juvenile adjudication is: (1) an adjudication for conduct that would be a crime listed in class E, F, G, or H if committed by an adult or for conduct that would be a felony under federal law or the law of another state that corresponds to a crime listed in class E, F, G, or H if committed by an adult if the order of disposition was entered before the sentencing offense was committed; (2) an adjudication (entered before the sentencing offense was committed) for conduct that if committed by an adult would be a crime punishable by a maximum term of imprisonment of less than 10 years that is not listed in class M2, A, B, C, D, E, F, G, or H; or (3) an adjudication (entered before the sentencing offense was committed) for conduct that if committed by an

adult would be a crime under federal law or the law of another state punishable by a maximum term of imprisonment of less than 10 years that does not correspond to a crime listed in class M2, A, B, C, D, E, F, G, or H. MCL 777.54(2).

**Prior misdemeanor conviction:** A conviction for a misdemeanor under a law of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States if the conviction was entered before the sentencing offense was committed. MCL 777.55(3)(a).

**Prior misdemeanor juvenile adjudication:** A juvenile adjudication for conduct that if committed by an adult would be a misdemeanor under a law of this state, a political subdivision of this state, another state, a political subdivision another state, or the United States if the order of disposition was entered before the sentencing offense was committed. MCL 777.55(3)(b).

**Prior record variables (PRVs):** The factors used to evaluate the offender's criminal history and determine the offender's PRV score.

**PRV level:** An offender's PRV score determines the offender's PRV level. An offender's PRV level is represented on the horizontal axis of each sentencing grid and is designated by capital letters from A to F according to the offender's PRV point total. PRV level A represents the column with the least number of points and PRV level F represents the column with the highest number of points. As with the OV level values, the severity of penalty increases with an offender's transit from PRV level A up to PRV level F. The point values corresponding with PRV levels A through F are the same for all nine sentencing grids so that an offender's criminal history is equally weighted no matter what the severity of the sentencing offense.

**PRV score:** The total number of points scored for all seven PRVs.

**Snowmobile:** The term as defined in MCL 324.82101. MCL 777.1(f).

**Truth in sentencing (TIS):** A designation of those felony offenses that are subject to disciplinary time if committed on or after December 15, 1998. Persons convicted of TIS offenses committed on or after 12-15-98 do not earn disciplinary credits and must serve at least the complete minimum sentence imposed by the court in a secure facility before becoming eligible for parole, with the exception of a few offenses for which there is Special Alternative Incarceration eligibility. Prisoners subject to TIS will be assessed "disciplinary time" for institutional misconduct, which is not added directly to the minimum sentence but is submitted to the parole board for its consideration in granting or denying parole. TIS is extended to all felony offenses committed on or after December 15, 2000.

**Vehicle:** The term as defined in MCL 257.79. MCL 777.1(g).

**Vessel:** The term as defined in MCL 324.80104. MCL 777.1(h).