

PRV 1

Prior High Severity Felony Convictions

(All “prior convictions” must satisfy the 10-year gap requirements of MCL 777.50.)

Pts	The offender has:	Instructions
75	3 or more prior high severity convictions.	<p>A “prior high severity felony conviction” is a conviction for any of the following crimes if the conviction was entered before the commission date of the sentencing offense:</p> <ul style="list-style-type: none"> • a crime listed in class M2, A, B, C, or D (or 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), or • (effective January 9, 2007)* a felony that is not listed in <i>any</i> crime class (or a felony under federal law or the law of another state that does not correspond to a crime listed in <i>any</i> class) that is punishable by a maximum term of imprisonment of 10 years or more. MCL 777.51(2). <p>*2006 PA 655.</p>
50	2 prior high severity convictions.	
25	1 prior high severity conviction.	
0	No prior high severity convictions.	

PRV 2

Prior Low Severity Felony Convictions

(All “prior convictions” must satisfy the 10-year gap requirements of MCL 777.50.)

Pts	The offender has:	Instructions
30	4 or more prior low severity convictions.	<p>A “prior low severity felony conviction” is a conviction for any of the following crimes if the conviction was entered before the commission date of the sentencing offense:</p> <ul style="list-style-type: none"> • a crime listed in class E, F, G, or H (or a felony under federal law or the law of another state that corresponds to a crime listed in class E, F, G, or H), or • (effective January 9, 2007)* a felony that is not listed in <i>any</i> crime class (or a felony under federal law or the law of another state that does not correspond to a crime listed in <i>any</i> class) that is punishable by a maximum term of imprisonment of less than 10 years. MCL 777.52(2). <p>*2006 PA 655.</p>
20	3 prior low severity convictions.	
10	2 prior low severity convictions.	
5	1 prior low severity conviction.	
0	No prior low severity convictions.	

PRV 3

Prior High Severity Juvenile Adjudications

(All “prior convictions” must satisfy the 10-year gap requirements of MCL 777.50.)

Pts	The offender has:	Instructions
50	3 or more prior high severity juvenile adjudications.	<p>A “prior high severity juvenile adjudication” is an adjudication for conduct that would be any of the following if committed by an adult, if the order of disposition was entered before the commission date of the sentencing offense:</p> <ul style="list-style-type: none"> • a crime listed in class M2, A, B, C, or D (or 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), or • (effective January 9, 2007)* a felony that is not listed in <i>any</i> crime class (or a felony under federal law or the law of another state that does not correspond to a crime listed in <i>any</i> class) that is punishable by a maximum term of imprisonment of 10 years or more. MCL 777.53(2). <p>*2006 PA 655.</p>
25	2 prior high severity juvenile adjudications.	
10	1 prior high severity juvenile adjudication.	
0	No prior high severity juvenile adjudications.	

PRV 4

Prior Low Severity Juvenile Adjudications

(All “prior convictions” must satisfy the 10-year gap requirements of MCL 777.50.)

Pts	The offender has:	Instructions
20	6 or more prior low severity juvenile adjudications.	<p>A “prior low severity juvenile adjudication” is an adjudication for conduct that would be any of the following if committed by an adult, if the order of disposition was entered before the commission date of the sentencing offense:</p> <ul style="list-style-type: none"> • a crime listed in class E, F, G, or H (or a felony under federal law or the law of another state that corresponds to a crime listed in class E, F, G, or H), or • (effective January 9, 2007)* a felony that is not listed in <i>any</i> crime class (or a felony under federal law or the law of another state that does not correspond to a crime listed in <i>any</i> class) that is punishable by a maximum term of imprisonment of less than 10 years. MCL 777.54(2). <p>*2006 PA 655.</p>
15	5 prior low severity juvenile adjudications.	
10	3 or 4 prior low severity juvenile adjudications.	
5	2 prior low severity juvenile adjudications.	
2	1 prior low severity juvenile adjudication.	
0	No prior low severity juvenile adjudications.	

PRV 5

Prior Misdemeanor Convictions and Prior Misdemeanor Juvenile Adjudications

(All “prior convictions” must satisfy the 10-year gap requirements of MCL 777.50.)

Pts	The offender has:	Instructions
20	7 or more prior misdemeanor convictions or prior misdemeanor juvenile adjudications.	<p>A “prior misdemeanor conviction” is a conviction:</p> <ul style="list-style-type: none"> • for a misdemeanor offense under Michigan law or the law of a political subdivision of Michigan, or under the law of another state or a political subdivision of another state, or under the law of the United States, • if the conviction was entered before the commission date of the sentencing offense. MCL 777.55(3)(a). <p>A “prior misdemeanor juvenile adjudication” is a juvenile adjudication:</p> <ul style="list-style-type: none"> • for conduct that, if committed by an adult, would be a misdemeanor under Michigan law or the law of a political subdivision of Michigan, or under the law of another state or a political subdivision of another state, or under the law of the United States, • if the order of disposition for the juvenile adjudication was entered before the commission date of the sentencing offense. MCL 777.55(3)(b).
15	5 or 6 prior misdemeanor convictions or prior misdemeanor juvenile adjudications.	
10	3 or 4 prior misdemeanor convictions or prior misdemeanor juvenile adjudications.	
5	2 prior misdemeanor convictions or prior misdemeanor juvenile adjudications.	
2	1 prior misdemeanor conviction or prior misdemeanor juvenile adjudication.	
0	No prior misdemeanor convictions or prior misdemeanor juvenile adjudications.	

Special Instructions for PRV 5:

- A prior conviction used to enhance the sentencing offense to a felony may not be counted under PRV 5. MCL 777.55(2)(b).
- Only prior convictions and adjudications for offenses expressly listed in PRV 5 may be counted as “prior misdemeanor convictions” or “prior misdemeanor juvenile adjudications” for purposes of scoring PRV 5:
 - only those prior misdemeanor convictions or prior misdemeanor juvenile adjudications that are offenses against a person or property, weapons offenses, or offenses involving controlled substances, and
 - all prior misdemeanor convictions and juvenile adjudications for operating or attempting to operate a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive while under the influence of or impaired by alcohol, a controlled substance, or a combination of alcohol and a controlled substance. MCL 777.55(2)(a)–(b).

**PRV 6
Offender’s Relationship to the Criminal Justice System**

Pts		Instructions
20	Offender is a prisoner of the department of corrections or serving a sentence in jail (includes an offender who is an escapee from jail or prison). MCL 777.56(3)(b).	PRV 6 assesses points based on an offender’s relationship to the criminal justice system at the time the sentencing offense was committed. MCL 777.56.
15	Offender is incarcerated in jail awaiting adjudication or sentencing on a conviction or probation violation.	The scope of PRV 6 includes consideration of an offender’s relationship with a criminal justice system outside the state of Michigan. The point values indicated by applicable statements in PRV 6 should be assessed against an offender who is involved with the criminal justice system of another state or the federal criminal justice system. “Delayed sentence status” includes (but is not limited to) an offender assigned or deferred under MCL 333.7411 (deferral for certain controlled substance offenses), MCL 750.350a (deferral under limited circumstances for parental kidnapping), MCL 762.11 to 762.15 (assignment to youthful trainee status), MCL 769.4a (deferral under limited circumstances for domestic assault), MCL 600.1076 (deferral involving drug treatment courts), and MCL 750.430 (deferral for impaired healthcare professionals).
10	Offender is on parole, probation, or delayed sentence status or on bond awaiting adjudication or sentencing for a felony.	
5	Offender is on probation or delayed sentence status or on bond awaiting adjudication or sentencing for a misdemeanor.	
0	Offender has no relationship to the criminal justice system.	

**PRV 7
Subsequent or Concurrent Felony Convictions**

Pts	The offender has:	Instructions
20	2 or more subsequent or concurrent felony convictions.	<ul style="list-style-type: none"> • A conviction for felony-firearm may not be counted under PRV 7. MCL 777.57(2)(b). • A concurrent felony conviction that will result in a mandatory consecutive sentence may not be counted under PRV 7. MCL 777.57(2)(c). • A concurrent felony conviction that will result in a consecutive sentence under MCL 333.7401(3)* may not be counted under PRV 7. MCL 777.57(2)(c). <p>*Effective March 1, 2003, 2002 PA 666. Does not apply to offenses committed before March 1, 2003.</p>
10	1 subsequent or concurrent felony conviction.	
0	No subsequent or concurrent felony convictions.	

OV 1		
Aggravated Use of a Weapon		
Pts		Instructions
25	A firearm was discharged at or toward a human being or a victim was cut or stabbed with a knife or other cutting or stabbing weapon. MCL 777.31(1)(a).	<ul style="list-style-type: none"> • Each person in danger of injury or loss of life is counted as a victim for purposes of scoring OV 1. MCL 777.31(2)(a). • In cases involving multiple offenders, if one offender is assigned points for the use or the presence of a weapon, all offenders must be assigned the same number of points. MCL 777.31(2)(b). • Do not score five points if the sentencing offense is a conviction of MCL 750.82 (felonious assault) or MCL 750.529 (armed robbery). MCL 777.31(2)(e). • Score five points if an offender used an object to suggest that he or she had a weapon. MCL 777.31(2)(c). • Score five points if an offender used a chemical irritant, a chemical irritant or smoke device, or an imitation harmful substance or device. MCL 777.31(2)(d). • “Harmful biological substance,” “harmful biological device,” “harmful chemical substance,” “harmful chemical device,” “harmful radioactive material,” “harmful radioactive device,” and “imitation harmful substance or device” are defined in MCL 750.200h. MCL 777.31(3)(a). • “Incendiary device” includes gasoline or any other flammable substance, a blowtorch, fire bomb, Molotov cocktail, or other similar device. MCL 777.31(3)(b).
20	The victim was subjected or exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, incendiary device, or explosive device. MCL 777.31(1)(b).	
15	A firearm was pointed at or toward a victim or the victim had a reasonable apprehension of an immediate battery when threatened with a knife or other cutting or stabbing weapon. MCL 777.31(1)(c).	
10	The victim was touched by any other type of weapon. MCL 777.31(1)(d).	
5	A weapon was displayed or implied. MCL 777.31(1)(e).	
0	No aggravated use of a weapon occurred. MCL 777.31(1)(f).	

OV 2

Lethal Potential of Weapon Possessed or Used

Pts		Instructions
15	The offender possessed or used a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, or harmful radioactive device. MCL 777.32(1)(a).	<ul style="list-style-type: none"> • In cases involving multiple offenders, if one offender is assessed points for possessing a weapon, all offenders must be assessed the same number of points. MCL 777.32(2). • “Harmful biological substance,” “harmful biological device,” “harmful chemical substance,” “harmful chemical device,” “harmful radioactive material,” and “harmful radioactive device” are defined in MCL 750.200h. MCL 777.32(3)(a). • A “fully automatic weapon” is a firearm that ejects an empty cartridge and loads a live cartridge from the magazine for the next shot without requiring renewed pressure on the trigger for each successive shot. MCL 777.32(3)(b). • A “pistol,” “rifle,” or “shotgun” includes a revolver, semi-automatic pistol, rifle, shotgun, combination rifle and shotgun, or other firearm made in or after 1898 that fires fixed ammunition. A “pistol,” “rifle,” or “shotgun” does not include a fully automatic weapon or short-barreled shotgun or short-barreled rifle. MCL 777.32(3)(c). • An “incendiary device” includes gasoline or any other flammable substance, a blowtorch, fire bomb, Molotov cocktail, or other similar device. MCL 777.32(3)(d).
15	The offender possessed or used an incendiary device, an explosive device, or a fully automatic weapon. MCL 777.32(1)(b).	
10	The offender possessed or used a short-barreled rifle or a short-barreled shotgun. MCL 777.32(1)(c).	
5	The offender possessed or used a pistol, rifle, shotgun, or knife or other cutting or stabbing weapon. MCL 777.32(1)(d).	
1	The offender possessed or used any other potentially lethal weapon. MCL 777.32(1)(e).	
0	The offender possessed or used no weapon. MCL 777.32(1)(f).	

OV 3 Degree of Physical Injury to a Victim		
Pts		Instructions
100	A victim was killed. MCL 777.33(1)(a).	<ul style="list-style-type: none"> • In cases involving multiple offenders, if one offender is assessed points for death or physical injury, all offenders must be assessed the same number of points. MCL 777.33(3)(a). • Score 100 points if death results from the commission of the offense and homicide is not the sentencing offense. MCL 777.33(2)(b). Any crime in which the death of a person is an element of the crime is a “homicide.” MCL 777.1(c). • Score 50 points under this variable if death results from an offense or attempted offense that involves the operation of a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive and any of the following apply: <ul style="list-style-type: none"> – the offender was under the influence of or visibly impaired by the use of alcohol, a controlled substance, or a combination of alcohol and a controlled substance, MCL 777.33(2)(c)(i); – the offender had an alcohol content of 0.08 grams* or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, MCL 777.33(2)(c)(ii); or – the offender’s body contained any amount of a controlled substance listed in schedule 1 under MCL 333.7212 or a rule promulgated under that section, or a controlled substance described in MCL 333.7214(a)(iv), MCL 777.33(2)(c)(iii). • Do not score five points if “bodily injury” is an element of the sentencing offense. MCL 777.33(2)(d). • “Requiring medical treatment” refers to an injury’s need for treatment not whether a victim was successful in obtaining treatment. MCL 777.33(3). <p><i>*Effective October 1, 2013, the alcohol content level increases to 0.10 grams or more.</i></p>
50	A victim was killed. MCL 777.33(1)(b). <i>(35 points for offenses committed before September 30, 2003. 2003 PA 134.)</i>	
25	Life threatening or permanent incapacitating injury occurred to a victim. MCL 777.33(1)(c).	
10	Bodily injury requiring medical treatment occurred to a victim. MCL 777.33(1)(d).	
5	Bodily injury not requiring medical treatment occurred to a victim. MCL 777.33(1)(e).	
0	No physical injury occurred to a victim. MCL 777.33(1)(f).	

OV 4 Degree of Psychological Injury to a Victim		
Pts		Instructions
10	Serious psychological injury requiring professional treatment occurred to a victim. MCL 777.34(1)(a).	<p>Ten points may be scored if the victim’s serious psychological injury may require professional treatment. Whether the victim has sought treatment for the injury is not conclusive. MCL 777.34(2).</p>
0	No serious psychological injury requiring professional treatment occurred to a victim. MCL 777.34(1)(b).	

OV 5

Psychological Injury Sustained by a Member of a Victim’s Family

Score for crime in “Person” crime group **only** if the sentencing offense is homicide, attempted homicide, conspiracy or solicitation to commit a homicide, or assault with intent to commit murder.

Pts		Instructions
15	Serious psychological injury requiring professional treatment occurred to a victim’s family member. MCL 777.35(1)(a).	<ul style="list-style-type: none"> Assess 15 points if the family member’s serious psychological injury may require professional treatment. The fact that treatment has not been sought is not determinative. MCL 777.35(2). Any crime in which the death of a person is an element of the crime is a “homicide.” MCL 777.1(c).
0	No serious psychological injury requiring professional treatment occurred to a victim’s family member. MCL 777.35(1)(b).	

OV 6

Intent to Kill or Injure Another Individual

Score for crime in “Person” crime group **only** if the sentencing offense is homicide, attempted homicide, conspiracy or solicitation to commit a homicide, or assault with intent to commit murder.

Pts		Instructions
50	The offender had premeditated intent to kill or the killing was committed while committing or attempting to commit arson, criminal sexual conduct in the first or third degree, child abuse in the first degree, a major controlled substance offense, robbery, breaking and entering of a dwelling, home invasion in the first or second degree, larceny of any kind, extortion, or kidnapping or the killing was the murder of a peace officer or a corrections officer. MCL 777.36(1)(a).	<ul style="list-style-type: none"> Unless the sentencing court has information that was not presented to the jury, an offender’s OV 6 score must be consistent with the jury’s verdict. MCL 777.36(2)(a). Ten points must be scored if a killing is intentional within the definition of second-degree murder or voluntary manslaughter but the death took place in a combative situation or in response to the decedent’s victimization of the offender. MCL 777.36(2)(b). Any crime in which a person’s death in an element of the crime is a “homicide.” MCL 777.1(c).
25	The offender had unpremeditated intent to kill, the intent to do great bodily harm, or created a very high risk of death or great bodily harm knowing that death or great bodily harm was the probable result. MCL 777.36(1)(b).	
10	The offender had intent to injure or the killing was committed in an extreme emotional state caused by an adequate provocation and before a reasonable amount of time elapsed for the offender to calm or there was gross negligence amounting to an unreasonable disregard for life. MCL 777.36(1)(c).	
0	The offender had no intent to kill or injure. MCL 777.36(1)(d).	

OV 7 Aggravated Physical Abuse		
Pts		Instructions
50	A victim was treated with sadism, torture, or excessive brutality or conduct designed to substantially increase the fear and anxiety a victim suffered during the offense. MCL 777.37(1)(a).	<ul style="list-style-type: none"> • Each person placed in danger of injury or loss of life is a victim for purposes of scoring OV 7. MCL 777.37(2). • “Sadism” is “conduct that subjects a victim to extreme or prolonged pain or humiliation and is inflicted to produce suffering or for the offender’s gratification.” MCL 777.37(3). • Effective April 22, 2002, 2002 PA 137 deleted “terrorism”[*] from OV 7’s list of behaviors meriting points. Although “terrorism” was eliminated from consideration under OV 7, the conduct previously defined as “terrorism” remains in OV 7’s statutory language as “conduct designed to substantially increase the fear and anxiety a victim suffered during the offense.” MCL 777.37(1)(a). <p><i>*“Terrorism” is now addressed by OV 20. MCL 777.49a.</i></p>
0	No victim was treated with sadism, torture, or excessive brutality or conduct designed to substantially increase the fear and anxiety a victim suffered during the offense. MCL 777.37(1)(b).	

OV 8 Victim Asportation or Captivity		
Pts		Instructions
15	A victim was asported to another place of greater danger or to a situation of greater danger or was held captive beyond the time necessary to commit the offense. MCL 777.38(1)(a).	<ul style="list-style-type: none"> • Each person in danger of injury or loss of life is a victim for purposes of scoring OV 8. MCL 777.38(2)(a). • Zero points must be scored if the sentencing offense is kidnapping. MCL 777.38(2)(b).
0	No victim was asported or held captive. MCL 777.38(1)(b).	

OV 9 Number of Victims		
Pts		Instructions
100	Multiple deaths occurred. MCL 777.39(1)(a).	<ul style="list-style-type: none"> • A “victim” for purposes of scoring OV 9 is each person placed in danger of injury or loss of life or (effective March 30, 2007)* loss of property. MCL 777.39(2)(a). • 100 points are scored only in homicide cases. MCL 777.39(2)(b). Any crime in which a person’s death is an element of the crime is a “homicide.” MCL 777.1(c). <p>*2006 PA 548.</p>
25	10 or more victims were placed in danger of physical injury or death. 20 or more victims were placed in danger of property loss (effective March 30, 2007). MCL 777.39(1)(b).	
10	2 to 9 victims were placed in danger of physical injury or death. 4 to 19 victims were placed in danger of property loss (effective March 30, 2007). MCL 777.39(1)(c).	
0	Fewer than 2 victims were placed in danger of physical injury or death. Fewer than 4 victims were placed in danger of property loss (effective March 30, 2007). MCL 777.39(1)(d).	

OV 10 Exploitation of a Victim’s Vulnerability		
Pts		Instructions
15	Predatory conduct was involved. MCL 777.40(1)(a).	<ul style="list-style-type: none"> • Do not automatically score points for victim vulnerability just because one or more of the factors addressed by OV 10 are present in the circumstances surrounding the sentencing offense. MCL 777.40(2). • “Predatory conduct” is an offender’s preoffense conduct directed at a victim for the primary purpose of victimization. MCL 777.40(3)(a). • To “exploit” a victim is to manipulate a victim for the offender’s selfish or unethical purposes. MCL 777.40(3)(b). • A victim’s “vulnerability” is the victim’s readily apparent susceptibility to injury, physical restraint, persuasion, or temptation. MCL 777.40(3)(c). • “Abuse of authority status” means the offender used a victim’s fear of or deference to an authority figure to exploit the victim. Examples of an authority figure include, but are not limited to, a teacher, parent, or physician. MCL 777.40(3)(d).
10	The offender exploited a victim’s physical disability, mental disability, youth or agedness, or a domestic relationship or the offender abused his or her authority status. MCL 777.40(1)(b).	
5	The offender exploited a victim by his or her difference in size or strength, or both, or exploited a victim who was intoxicated, under the influence of drugs, asleep, or unconscious. MCL 777.40(1)(c).	
0	The offender did not exploit a victim’s vulnerability. MCL 777.40(1)(d).	

OV 11 Criminal Sexual Penetration		
Pts		Instructions
50	Two or more criminal sexual penetrations occurred. MCL 777.41(1)(a).	<ul style="list-style-type: none"> All sexual penetrations of the victim by the offender arising out of the sentencing offense must be counted in scoring OV 11. MCL 777.41(2)(a). Multiple sexual penetrations of the victim by the offender occurring beyond the sentencing offense may be scored in OVs 12 or 13.* MCL 777.41(2)(b). However, if any conduct is scored under this variable, that conduct must not be scored under OV 12 and may only be scored under OV 13 if the conduct is related to the offender’s membership in an organized criminal group. MCL 777.42(2)(c); MCL 777.43(2)(c). The one penetration on which a first- or third-degree criminal sexual conduct offense is based must not be counted for purposes of scoring OV 11. MCL 777.41(2)(c). <p><i>*OV 12 addresses criminal acts that occur within 24 hours of the sentencing offense and will not result in a separate conviction. OV 13 accounts for an offender’s pattern of criminal conduct over a period of five years regardless of outcome.</i></p>
25	One criminal sexual penetration occurred. MCL 777.41(1)(b).	
0	No criminal sexual penetrations occurred. MCL 777.41(1)(c).	

OV 12 Number of Contemporaneous Felonious Criminal Acts		
Pts		Instructions
25	Three or more contemporaneous felonious criminal acts involving crimes against a person were committed. MCL 777.42(1)(a).	<ul style="list-style-type: none"> A felonious criminal act is contemporaneous if both of the following circumstances exist: <ul style="list-style-type: none"> the criminal act occurred within 24 hours of the sentencing offense, MCL 777.42(2)(a)(i), and the criminal act has not and will not result in a separate conviction, MCL 777.42(2)(a)(ii). Conduct scored in OV 11 must not be scored under this variable. MCL 777.42(2)(c). Violations of MCL 750.227b (possession of a firearm during the commission of a felony) should not be counted when scoring this variable. MCL 777.42(2)(b).
10	Two contemporaneous felonious criminal acts involving crimes against a person were committed. MCL 777.42(1)(b).	
10	Three or more contemporaneous felonious criminal acts involving other crimes were committed. MCL 777.42(1)(c).	
5	One contemporaneous felonious criminal act involving a crime against a person was committed. MCL 777.42(1)(d).	
5	Two contemporaneous felonious criminal acts involving other crimes were committed. MCL 777.42(1)(e).	
1	One contemporaneous felonious criminal act involving any other crime was committed. MCL 777.42(1)(f).	
0	No contemporaneous felonious criminal acts were committed. MCL 777.42(1)(g).	

OV 13 Continuing Pattern of Criminal Behavior		
Pts		Instructions
50	The offense was part of a pattern of felonious criminal activity involving 3 or more sexual penetrations against a person or persons less than 13 years of age. MCL 777.43(1)(a).	<ul style="list-style-type: none"> • To score this variable, all crimes within a period of five years, including the sentencing offense, must be counted without regard to whether the offense resulted in a conviction. MCL 777.43(2)(a). • The existence of an organized criminal group may be inferred from the facts surrounding the sentencing offense, and the group’s existence is more important than the presence or absence of multiple offenders, the age of the offenders, or the degree of sophistication demonstrated by the criminal group. MCL 777.43(2)(b). • Do not consider conduct scored in OVs 11 or 12 unless the offense was related to membership in an organized criminal group. MCL 777.43(2)(c). • Do not consider conduct scored in OVs 11 or 12 unless the offense was related to membership in an organized criminal group or that are gang-related (effective January 16, 2009).* MCL 777.43(2)(c). • Score 50 points only if the sentencing offense is first-degree criminal sexual conduct. MCL 777.43(2)(d). • Only one controlled substance offense arising from the criminal episode for which the offender is being sentenced may be counted when scoring this variable.* MCL 777.43(2)(e). • Only one crime involving the same controlled substance may be counted under this variable. For example, conspiracy and a substantive offense involving the same amount of controlled substances cannot both be counted under OV 13. Similarly, possession and delivery of the same amount of controlled substances may not be counted as two crimes under OV 13. MCL 777.43(2)(f). <p>*2008 PA 562.</p> <p>continued on next page</p>
25	The offense was part of a pattern of felonious criminal activity directly related to causing, encouraging, recruiting, soliciting, or coercing membership in a gang or communicating a threat with intent to deter, punish, or retaliate against another for withdrawing from a gang (effective January 16, 2009). MCL 777.43(1)(b).	
25	The offense was part of a pattern of felonious criminal activity involving 3 or more crimes against a person. MCL 777.43(1)(c) [MCL 777.43(1)(b) before January 16, 2009].	
10	The offense was part of a pattern of felonious criminal activity involving a combination of 3 or more crimes against a person or property (effective until February 28, 2003) MCL 777.43(1)(c).	
10	The offense was part of a pattern of felonious criminal activity involving a combination of 3 or more crimes against a person or property or a violation of MCL 333.7401(2)(a)(i) to (iii) or 333.7403(2)(a)(i) to (iii) (effective March 1, 2003, through January 15, 2009). MCL 777.43(1)(c).	
10	The offense was part of a pattern of felonious criminal activity involving a combination of 3 or more crimes against a person or property or a violation of MCL 333.7401(2)(a)(i) to (iii) or 333.7403(2)(a)(i) to (iii) of the Public Health Code, 1978 PA 368, MCL 333.7401 and 333.7403 (effective January 16, 2009). MCL 777.43(1)(d).	
10	The offense was part of a pattern of felonious criminal activity directly related to membership in an organized criminal group (effective until January 15, 2009). MCL 777.43(1)(d).	
10	The offense was part of a pattern of felonious criminal activity involving a combination of 3 or more violations of MCL 333.7401(2)(a)(i) to (iii) or 333.7403(2)(a)(i) to (iii) (effective March 1, 2003, through January 15, 2009). MCL 777.43(1)(e).	

OV 13 Continuing Pattern of Criminal Behavior		
Pts		Instructions
10	The offense was part of a pattern of felonious criminal activity involving a combination of 3 or more violations of MCL 333.7401(2)(a)(i) to (iii) or 333.7403(2)(a)(i) to (iii) of the Public Health Code , 1978 PA 368, MCL 333.7401 and 333.7403 (effective January 16, 2009). MCL 777.43(1)(e).	
5	The offense was part of a pattern of felonious criminal activity involving 3 or more crimes against property. MCL 777.43(1)(f).	
0	No pattern of felonious criminal activity existed. MCL 777.43(1)(g).	

OV 14 Offender's Role		
Pts		Instructions
10	The offender was a leader in a multiple offender situation. MCL 777.44(1)(a).	<ul style="list-style-type: none"> • Consider the entire criminal transaction in which the sentencing offense occurred when determining the offender's role. MCL 777.44(2)(a). • In cases involving three or more offenders, more than one offender may be considered a leader. MCL 777.44(2)(b).
0	The offender was not a leader in a multiple offender situation. MCL 777.44(1)(b).	

OV 16

Degree of Property Damage

Score for crime in “Person” crime group **only** if the sentencing offense is a violation or attempted violation of MCL 750.110a (home invasion).

Pts		Instructions
10	Wanton or malicious damage occurred beyond that necessary to commit the crime for which the offender is not charged and will not be charged. MCL 777.46(1)(a).	<ul style="list-style-type: none"> In cases involving multiple offenders or multiple victims, the appropriate point total may be determined by aggregating the value of property involved in the offense, including property involved in uncharged offenses or property involved in charges dismissed under a plea agreement. MCL 777.46(2)(a). Use the value of the property to score this variable in cases where the property was unlawfully obtained, lost to the lawful owner, or destroyed. If the property was damaged, use the amount of money necessary to restore the property to its pre-offense condition. MCL 777.46(2)(b). Money or property involved in admitted but uncharged offenses or in charges dismissed under a plea agreement may be considered in scoring this variable. MCL 777.46(2)(c).
10	The property had a value of more than \$20,000.00 or had significant historical, social, or sentimental value. MCL 777.46(1)(b).	
5	The property had a value of \$1,000.00 or more but not more than \$20,000.00. MCL 777.46(1)(c).	
1	The property had a value of \$200.00 or more but not more than \$1,000.00. MCL 777.46(1)(d).	
0	No property was obtained, damaged, lost, or destroyed or the property had a value of less than \$200.00. MCL 777.46(1)(e).	

OV 17

Degree of Negligence Exhibited

Score for crime in “Person” crime group **only** if the offense or attempted offense involves the operation of a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive.

Pts		Instructions
10	The offender showed a wanton or reckless disregard for the life or property of another person. MCL 777.47(1)(a).	<ul style="list-style-type: none"> If points are assessed against the offender for OV 6, ten points may not be scored under this variable. MCL 777.47(2). Definitions for “aircraft,” “ORV,” “snowmobile,” “vehicle,” and “vessel” are referenced in MCL 777.1.
5	The offender failed to show the degree of care that a person of ordinary prudence in a similar situation would have shown. MCL 777.47(1)(b).	
0	The offender was not negligent. MCL 777.47(1)(c).	

OV 18

Degree to Which Alcohol or Drugs Affected the Offender

Score for crime in “Person” crime group **only** if the offense or attempted offense involves the operation of a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive.

Effective September 30, 2003, 2003 PA 134 amended the statute governing point allocations for OV 18. Language appearing in the shaded areas of the chart below represents the variable as it applies to offenses that occurred before September 30, 2003. Unshaded areas contain the instructions for scoring OV 18 for offenses occurring on or after September 30, 2003, the amendment’s effective date.

Pts		Instructions
20	The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive when his or her bodily alcohol content was 0.20 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. MCL 777.48(1)(a).	<ul style="list-style-type: none"> • For purposes of scoring OV 18, “any bodily alcohol content” is either of the following: <ul style="list-style-type: none"> – an alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine,* MCL 777.48(2)(a), or – any presence of alcohol within a person’s body from the consumption of alcohol except for alcohol consumption as part of a generally recognized religious service or ceremony, MCL 777.48(2)(b). • Definitions for “aircraft,” “ORV,” “snowmobile,” “vehicle,” and “vessel” are referenced in MCL 777.1. <p>continued on next page</p>
20	The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive when his or her bodily alcohol content was 0.20 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.	
15	The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive when his or her bodily alcohol content was 0.15 grams or more but less than 0.20 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. MCL 777.48(1)(b).	
15	The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive when his or her bodily alcohol content was 0.15 grams or more but less than 0.20 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.	
10	The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive while the offender was under the influence of alcoholic or intoxicating liquor, a controlled substance, or a combination of alcoholic or intoxicating liquor and a controlled substance; or while the offender’s body contained any amount of a controlled substance listed in schedule 1 under MCL 333.7212, or a rule promulgated under that section, or a controlled substance described in MCL 333.7214(a)(iv); or while the offender had an alcohol content of 0.08 grams or more but less than 0.15 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2013, the offender had an alcohol content of 0.10 grams or more but less than 0.15 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. MCL 777.48(1)(c).	
10	The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive when his or her bodily alcohol content was 0.10 grams or more but less than 0.15 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or while he or she was under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.	
5	The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive while he or she was visibly impaired by the use of alcoholic or intoxicating liquor or a controlled substance, or a combination of alcoholic or intoxicating liquor and a controlled substance, or was less than 21 years of age and had any bodily alcohol content. MCL 777.48(1)(d).	

OV 18

Degree to Which Alcohol or Drugs Affected the Offender

Score for crime in “Person” crime group **only** if the offense or attempted offense involves the operation of a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive.

Effective September 30, 2003, 2003 PA 134 amended the statute governing point allocations for OV 18. Language appearing in the shaded areas of the chart below represents the variable as it applies to offenses that occurred before September 30, 2003. Unshaded areas contain the instructions for scoring OV 18 for offenses occurring on or after September 30, 2003, the amendment’s effective date.

Pts		Instructions
5	The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive when his or her bodily alcohol content was 0.07 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or while he or she was visibly impaired by the use of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or was less than 21 years of age and had any bodily alcohol content.	*Beginning October 1, 2013, an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
0	The offender’s ability to operate a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive was not affected by an alcoholic or intoxicating liquor or a controlled substance or a combination of alcoholic or intoxicating liquor and a controlled substance. MCL 777.48(1)(e).	
0	The offender’s ability to operate a vehicle was not affected by an intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance.	

OV 19

Threat to Security or Interference With the Administration of Justice

Pts		Instructions
25	The offender by his or her conduct threatened the security of a penal institution or court. MCL 777.49(a).	
15	The offender used force or the threat of force against another person or the property of another person to interfere with, attempt to interfere with, or that results in the interference with the administration of justice or the rendering of emergency services. MCL 777.49(b).	
10	The offender otherwise interfered with or attempted to interfere with the administration of justice. MCL 777.49(c).	
0	The offender did not threaten the security of a penal institution or court or interfere with or attempt to interfere with the administration of justice or the rendering of emergency services by force or the threat of force. MCL 777.49(d).	

OV 20 Terrorism		
Pts		Instructions
100	The offender committed an act of terrorism by using or threatening to use a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, incendiary device, or explosive device. MCL 777.49a(1)(a).	<ul style="list-style-type: none"> • For purposes of scoring this variable, the terms “act of terrorism” and “terrorist” are defined in MCL 750.543b. MCL 777.49a(2)(a). • “Harmful biological substance,” “harmful biological device,” “harmful chemical substance,” “harmful chemical device,” “harmful radioactive material,” and “harmful radioactive device” are defined in MCL 750.200h. MCL 777.49a(2)(b). • “Incendiary device” includes gasoline or any other flammable substance, a blowtorch, fire bomb, Molotov cocktail, or other similar device. MCL 777.49a(2)(c). • For purposes of OV 20, “terrorist organization” is defined in MCL 750.543c. MCL 777.49a(2)(d).
50	The offender committed an act of terrorism without using or threatening to use a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, incendiary device, or explosive device. MCL 777.49a(1)(b).	
25	The offender supported an act of terrorism, a terrorist, or a terrorist organization. MCL 777.49a(1)(c).	
0	The offender did not commit an act of terrorism or support an act of terrorism, a terrorist, or a terrorist organization. MCL 777.49a(1)(d).	

