| **Parole Eligibility** | MODEL ONE (H.3302 and S.219)  
Sentencing Commission Guidelines | MODEL TWO (H.2750)  
Rep. Tobin, et. al  
(so-called “compromise bill”) | MODEL THREE (H.2749)  
Rep. Tobin, et. al with  
Marini Amendments |
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<tbody>
<tr>
<td></td>
<td>No earlier than 2/3 of imposed sentence.</td>
<td>Same as Model One.</td>
<td>Same as Model One.</td>
</tr>
</tbody>
</table>

| **Sentence Ranges** | MODEL ONE (H.3302 and S.219)  
Sentencing Commission Guidelines | MODEL TWO (H.2750)  
Rep. Tobin, et. al  
(so-called “compromise bill”) | MODEL THREE (H.2749)  
Rep. Tobin, et. al with  
Marini Amendments |
|---------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
|                     | Less punitive than other bills. Example:  
sentences range of 96 to 306 months for most  
serious offenses (Level 8), other than murder. | Sentences range of 120 to 413 months for most  
serious offenses (Level 8), other than murder. | Same as Model Two. |

| **Departure from**  
**Sentence Ranges** | MODEL ONE (H.3302 and S.219)  
Sentencing Commission Guidelines | MODEL TWO (H.2750)  
Rep. Tobin, et. al  
(so-called “compromise bill”) | MODEL THREE (H.2749)  
Rep. Tobin, et. al with  
Marini Amendments |
|---------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
|                     | Departure allowed up or down from guidelines  
range in light of mitigating/aggravating  
circumstances; judge must provide written  
justification. Sentences can be appealed by  
defendants if higher or by prosecution if lower.  
**Non-exclusive list** of mitigating and aggravating  
circumstances provided as guidance.  
No evidentiary hearing required. Finding can be  
based on any evidence received during  
proceedings, as deemed credible by judge. | Same Model One but employs **exclusive list**  
of mitigating and aggravating circumstances.  
No evidentiary hearing required. Finding can be  
based on any evidence received during  
proceedings, as deemed credible by judge. | Same Model Two, but and adds one mitigating  
circumstance not found in Model Two: defendant  
provides prosecution all information defendant  
has about the crime.  
**Evidentiary hearing required.** Finding can be  
based on any evidence received during  
proceedings, as deemed credible by judge. |

| **Classifying Criminal**  
**Histories** | MODEL ONE (H.3302 and S.219)  
Sentencing Commission Guidelines | MODEL TWO (H.2750)  
Rep. Tobin, et. al  
(so-called “compromise bill”) | MODEL THREE (H.2749)  
Rep. Tobin, et. al with  
Marini Amendments |
|----------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
|                   | Less punitive than other bills. Example: fewer  
juvenile adjudications treated as convictions  
(only Levels 7 – 9). Lower level adjudications  
can be considered as aggravating circumstances  
to increase sentences above guidelines range. | More punitive than Model One – more juvenile  
(Levels 5 – 9) adjudications counted as  
convictions. | Same Model Two. |

| **Offense Levels** | MODEL ONE (H.3302 and S.219)  
Sentencing Commission Guidelines | MODEL TWO (H.2750)  
Rep. Tobin, et. al  
(so-called “compromise bill”) | MODEL THREE (H.2749)  
Rep. Tobin, et. al with  
Marini Amendments |
|-------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
|                   | Offense seriousness levels lower than other bills  
for most crimes. For example, armed carjacking  
Level 7, larceny of a firearm Level 3. | Seriousness levels higher than Model One.  
Example: armed carjacking Level 8; larceny of  
firearm Level 4. Differences significant at Level  
7 and up where sentences increase greatly in  
Models Two and Three. | Same as Model Two. |

| **Consecutive**  
**Sentences** | MODEL ONE (H.3302 and S.219)  
Sentencing Commission Guidelines | MODEL TWO (H.2750)  
Rep. Tobin, et. al  
(so-called “compromise bill”) | MODEL THREE (H.2749)  
Rep. Tobin, et. al with  
Marini Amendments |
|----------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
|                   | More punitive than other bills. Consecutive  
sentences **may total up to two times the upper**  
**limit** for the “governing offense” (crime with  
highest seriousness level of multiple offenses),  
even for crimes with single or no victim. | Less punitive than Model One. If multiple  
offenses involve single or no victim, total  
consecutive sentence **cannot exceed upper limit**  
of guideline sentence for “governing offense”  
(crime with highest seriousness level of multiple  
offenses). Can be up to two times the upper limit  
for crimes with multiple victims. | Same as Model Two. |
<table>
<thead>
<tr>
<th><strong>Statutory Min/Max Terms</strong> (other than drug, firearm, OUI offenses)</th>
<th>If max. guidelines range is longer than statutory sentence, guidelines sentence applies. If statutory min. is longer than guidelines range, judge can choose statutory or guidelines min. sentence.</th>
<th>Same as Model One.</th>
<th>Same as Model One, plus no written reason or aggravating circumstance required if judge imposes statutory max. sentence on any defendant in criminal history group E.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Post Release Supervision</strong></td>
<td>Will not change current post release supervision guidelines.</td>
<td>Duration of supervision as follows: 6 months following a sentence of 12 – 30 months; 12 months following a sentence of 30 – 60 months; and 24 months following a sentence of 60 months or more.</td>
<td>Same as Model Two.</td>
</tr>
<tr>
<td><strong>Projected Prison Population within 8 Years</strong></td>
<td>Would remain neutral.</td>
<td>$9,562,500 more every year on inmates.</td>
<td>$444+ million for new facilities. Would add $18,219,375 a year, spent on inmates.</td>
</tr>
<tr>
<td><strong>New Costs</strong></td>
<td>None.</td>
<td>No retroactivity stated.</td>
<td>No retroactivity stated.</td>
</tr>
<tr>
<td><strong>Mandatory Minimums</strong></td>
<td>Remain in effect for most OUI (drunk driving) and all firearm offenses. Departure allowed for some drug offenses in some circumstances.</td>
<td>Same as Model One, except no departure for any OUI offense.</td>
<td></td>
</tr>
<tr>
<td><strong>Drug Offenses Available for Departure</strong></td>
<td>Departure available for 23 offenses.</td>
<td>Departure available for 9 offenses.</td>
<td>Departure available for 8 offenses.</td>
</tr>
<tr>
<td><strong>Conditions for Departure from Drug Minimums</strong></td>
<td>Defendant has no prior convictions for Level 7 or 8 drug offense and judge finds one or more other mitigating circumstance, at judge’s discretion.</td>
<td>1) defendant has minor/moderate criminal history; 2) no prior drug convictions; 3) offense not violent; 4) no serious injury; 5) defendant was minor participant; 6) no minors involved; 7) defendant provides prosecution all information about offense before sentencing. Defendant must prove factors by clear and convincing evidence and circumstances must be substantial reason for departure.</td>
<td>Same as Model Two factors 1 – 6. Defendant must prove factors by clear and convincing evidence and circumstances must be substantial reason for departure.</td>
</tr>
<tr>
<td><strong>Limits on Departures from Mandatory Minimums</strong></td>
<td>Where departure below drug minimum falls within/below guidelines range, min. sentence is 2/3 the maximum guideline sentence. Judge can depart below guidelines range if criminal history is minor/moderate and finds “substantial” mitigating circumstance in addition to circumstance used for initial departure.</td>
<td>If guidelines sentence includes incarceration or intermediate sanction, incarceration must be imposed. When departing from the minimum, sentence will be 2/3 the maximum. No departure below guidelines range after departure from drug minimum.</td>
<td>Same as Model Two.</td>
</tr>
</tbody>
</table>