

20-18-1060/1118  
P. #

COLORADO STATE PUBLICATIONS LIBRARY  
LOC7.2/SE6/1978 local  
/Perceptions of crime seriousness in Col



3 1799 00009 8087

PERCEPTIONS OF CRIME SERIOUSNESS  
IN COLORADO:  
PRELIMINARY REPORT OF SURVEY RESULTS

October 1978

Colorado Department of Local Affairs  
Division of Criminal Justice

## TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION . . . . .	1
SURVEY METHODS . . . . .	1
Subjects and Responses . . . . .	1
The Instrument . . . . .	2
Procedures . . . . .	3
FINDINGS . . . . .	3
Perceived Seriousness . . . . .	4
Sentence Summaries . . . . .	12
APPENDIX A . . . . .	18
Questionnaire Form A . . . . .	19
Questionnaire Form B . . . . .	26

## LIST OF TABLES

PERCEIVED SERIOUSNESS . . . . .	7
PROPOSED SENTENCES . . . . .	13

## INTRODUCTION

At the request of a bipartisan group of state legislators, the Division of Criminal Justice has conducted a statewide survey of criminal justice practitioners. The survey was designed to assess the respondents' perceptions of the seriousness of felonies on two dimensions: a scalar description of the crime and a statement describing an appropriate sentence. This preliminary report contains the initial findings of that survey, as well as background information on which the readers may base their judgments concerning the weight to be given the findings.

## SURVEY METHODS

The survey was conducted by mail using a questionnaire designed by the Division with technical assistance from Law Enforcement Assistance Administration contractors. Further information about the subjects, the instrument and other procedural matters will be found in the subsections which follow.

### Subjects and Responses

A total of 720 persons concerned with criminal justice in Colorado were invited to participate in the survey. Included were legislators, judges, District Attorneys, Public Defenders, private attorneys and corrections, probation and law enforcement officials. A few private citizens were also included. The final report of the survey will include details concerning sample design and selection.

Replies were received from 212 of the persons invited to participate, a response rate of about 29%. Within the various professional

groups, the rates ranged from 13% to 59%. These low response rates raise questions about whether the survey results are representative of the groups polled. Therefore, readers should view the results with caution, recognizing that better response might easily have produced markedly different results.

#### The Instrument

The questionnaire was designed with the cooperation and assistance of the Criminal Courts Technical Assistance Project, American University. That group secured the services of Dr. Peter Rossi, University of Massachusetts in Amherst, who had recently conducted a similar survey in Baltimore, Maryland. Dr. Rossi provided substantial guidance regarding the form and content of the questionnaire as well as suggestions concerning analytical methods.

A tentative form of the instrument was used in a pilot test, with the staff of the Division of Criminal Justice serving as subjects. Based on that experience, the form was revised to make it more easily understood and used by the respondents.

Because of the large number of felonies to be included (208), the questionnaire was divided into two versions. Each contained 113 behavioral statements describing events which are defined as felonies in Colorado law. Eighteen Class 1 and 2 felonies appeared in both versions; 95 other felonies appeared in version A and the 95 remaining were in version B. (After the survey was conducted, two felony laws were repealed; for the remainder of this report only 206 felonies will be discussed.) For each behavioral statement, the respondents were asked to provide two types of information. Their judgment of the seriousness of the crime was to be indicated on a scale from 1 (least serious) to 9 (most serious). Following that, they



were asked to describe what they felt would be an appropriate sentence for conviction of that crime. This was to be stated either as a definite term of incarceration in years and months, or as life imprisonment, or as some nonincarceration alternative (e.g., death sentence or fine). Copies of the questionnaire and their accompanying instructions will be found in Appendix A.

### Procedures

The questionnaires were mailed out by and returned to the Division of Criminal Justice. The returns were computer coded at the Division, keypunched by a contractor for the Automated Data Processing Division. The data card decks thus produced were then turned over to the Denver Research Institute for processing and analysis. Key punching errors caused a substantial delay at this point in the procedures; in the end it was necessary to recode and repunch the data cards before analysis could be completed.

At this writing, preliminary results are available in the form of average seriousness scores and associated standard deviations, average proposed incarceration lengths, and counts of proposed alternative sentences. These results are presented in the Findings section which follows; more detailed analyses will be provided in the final report.

### FINDINGS

The first products of the survey are summaries of the participant's responses. Table 1 contains the perceived seriousness scalar information, and the sentence summaries are in Table 2. Each table is described in more detail in the subsections which follow.

### Perceived Seriousness

The scalar description of each felony identified in the survey is expressed by two statistical measures, the mean response and the standard deviation of the responses. The mean is the arithmetic average of all replies to a given question; this figure has been used to rank order the felonies from most serious to least in each of the two tables.

The standard deviation is a numerical descriptor of the dispersion of the replies along the scale from 1 to 9. A low standard deviation (e.g., 0.8 or 1.1) means that the replies were relatively tightly clustered around the average. This in turn suggests that the respondents agreed among themselves because most choices were not more than one or two points away from the average.

On the other hand, a high standard deviation (e.g., 2.5 or 3.0) means that the replies were relatively widely scattered along the scale, with many falling 3 to 5 points away from the average. This situation indicates that there was much less agreement about where a particular felony should be placed on the scale.

To assist the reader in interpreting the standard deviation in the present context, a clarifying device was used in constructing Table 1. The standard deviations ranged from .81 to 3.14; that range was divided into four approximately equal groups. These four groups were then defined on an "agree-disagree" scale and convenient symbols were assigned for use in Table 1. The following list contains this interpretive information.

<u>Standard Deviation</u>	<u>Definitions: Respondents</u>	<u>Symbol In Table</u>	<u>Number On List</u>
0.00-1.45	Agree	++	52
1.46-1.65	Probably Agree	+	50
1.66-1.83	Probably Disagree	-	52
1.84 and up	Disagree	--	52

In reading Table 1, the reader will find in the column headed "Mean" the average seriousness score and the symbol indicating how well the respondents agreed. For instance, the "Mean" entry for 1<sup>st</sup> Murder, the first line in the table, is "8.42++". This notation means that the average of all responses is 8.42 on the 1-9 scale, and further that nearly all replies were either 8 or 9. We therefore infer that the respondents agree on the placement of that crime on the scale.

The statutory classification of the felonies is also indicated in Table 1 by the presence of an "X" in the appropriate "Felony Class" column and opposite the felony description and its CRS citation. This method of indicating the classification was chosen because it highlights the lack of congruence between the current classification system and the seriousness of the crimes as perceived by the respondents. The method does so as follows:

If the classification system and perceived seriousness were in complete agreement, the X's for Class 1 felonies would all lie at the top of the table in the left column. Class 2 offenses would follow in the second column, with no dispersion to the left or right. Class 3 felonies would follow in the same manner, and so on. Complete congruence would look like the following example:

Felony Class				
1	2	3	4	5
X				
X				
X				
	X			
	X			
	X			
		X		
		X		
		X		
			X	
			X	
			X	

When there is disagreement, the X's will deviate to the right or left, and the class groups will not be neat, uninterrupted column segments like those above. The extent of disagreement may be inferred by the amount of deviation (i.e., the number of columns) to the right or left as well as by the distance above or below the main cluster that a deviant X may appear.

Table 1 follows on pages 7 - 11.

Table 1  
PERCEIVED SERIOUSNESS  
(Division of Criminal Justice Survey)

RANK	DESCRIPTION	CRS 1973 CITATION	MEAN	FELONY CLASS				
				1	2	3	4	5
1	1 <sup>0</sup> Murder	18-3-102	8.42 <sup>++</sup>	X				
2	Criminal Solicitation	18-2-301	8.21 <sup>++</sup>		X			
3	1 <sup>0</sup> Kidnapping <sup>1</sup>	18-3-391	8.05 <sup>++</sup>	X				
4	Assault during Escape 2	18-8-206	7.97 <sup>++</sup>	X				
5	1 <sup>0</sup> Sexual Assault <sup>3</sup>	18-3-402	7.73 <sup>++</sup>		X			
6	Possession Explosives	18-12-109	7.72 <sup>++</sup>		X			
7	A/T/C Murder	18-2-101	7.69 <sup>++</sup>		X			
8	C/T/C Murder	18-2-206	7.62 <sup>++</sup>		X			
9	Assault during Escape	18-8-206	7.60 <sup>++</sup>			X		
10	2 <sup>0</sup> Kidnapping (Child)	18-3-392	7.55 <sup>+</sup>				X	
11	Child Abuse <sup>1</sup>	18-6-401	7.51 <sup>+</sup>			X		
12	Treason (Colorado)	18-11-101	7.47 <sup>++</sup>	X				
13	1 <sup>0</sup> Arson	18-4-102	7.46 <sup>++</sup>			X		
14	Assault during Escape 2	18-8-206	7.43 <sup>++</sup>		X			
15	Agr. Robbery	18-4-302	7.41 <sup>++</sup>			X		
16	Holding Hostages	18-8-207	7.22 <sup>++</sup>			X		
17	Engaging in Riot	18-9-104	7.14 <sup>++</sup>				X	
18	1 <sup>0</sup> Kidnapping	18-3-391	7.11 <sup>++</sup>		X			
19	1 <sup>0</sup> Sexual Assault	18-3-402	7.10 <sup>++</sup>			X		
20	Escapes 2	18-3-208	7.04 <sup>++</sup>		X			
21	Pretended Criminal Abortion <sup>4</sup>	18-6-101	6.98 <sup>++</sup>		X			
22	Arming Rioters	18-9-103	6.98 <sup>-</sup>				X	
23	Criminal Abortions <sup>4</sup>	18-6-103	6.85 <sup>++</sup>		X			
24	Sexual Assault on a Child(Force)	18-3-405	6.84 <sup>+</sup>			X		
25	Manslaughter	18-3-104	6.84 <sup>--</sup>				X	
26	Aggravated Robbery of Drugs	18-4-303	6.81 <sup>++</sup>		X			
27	2 <sup>0</sup> Sexual Assault (Force)	18-3-403	6.77 <sup>+</sup>			X		
28	2 <sup>0</sup> Sexual Assault	18-3-403	6.75 <sup>-</sup>				X	
29	Riots in Prisons	18-8-211	6.74 <sup>+</sup>			X		
30	Aiding Escape 2	18-8-201	6.70 <sup>++</sup>		X			
31	1 <sup>0</sup> Burglary	18-4-202	6.63 <sup>++</sup>			X		
32	Attempt to Escape	18-8-208.1	6.61 <sup>--</sup>				X	
33	4 <sup>0</sup> Arson	18-4-105	6.51 <sup>-</sup>				X	
34	Endangering Public Transportation	18-9-115	6.48 <sup>+</sup>			X		
35	1 <sup>0</sup> Assault	18-3-202	6.47 <sup>+</sup>			X		
36	2 <sup>0</sup> Murder	18-3-103	6.28 <sup>++</sup>		X			
37	Vehicular Homicide	18-3-106	6.17 <sup>-</sup>				X	
38	Sexual Assault on a child	18-3-405	6.14 <sup>+</sup>				X	
39	Insurrection	18-11-102	6.10 <sup>--</sup>				X	
40	A/T/C Class 2 Felony	18-2-101	6.01 <sup>-</sup>		X			

- 1 If death or injury occur
- 2 By person already convicted
- 3 Under aggravating circumstances
- 4 If woman dies



Table 1

PERCEIVED SERIOUSNESS (DCJ Survey)  
continued

RANK	DESCRIPTION	CRS 1973 CITATION	MEAN	FELONY CLASS					
				1	2	3	4	5	6
41	Intimidating a Witness	18-8-604	6.00+				X		
42	Possession of Contraband	18-8-204.1	5.93-				X		
43	Intimidating a Juror	18-8-602	5.93--				X		
44	Bribing a Witness	18-8-602	5.91+				X		
45	10 Introducing Contraband	18-8-203	5.89-				X		
46	Accessory to Class 1 Felony	18-3-105	5.82-				X		
47	Menacing	18-3-206	5.81+						X
48	Escape, Class 1 or 2 Felony	18-8-208	5.75+			X			
49	Aiding Escape Class 1 or 2 Felony	18-8-201	5.69--			X			
50	Criminal Extortion	18-3-207	5.65-				X		
51	Attempting to Influence a Public Servant	18-8-306	5.60+				X		
52	Bribing a Juror	18-8-606	5.59-				X		
53	Tampering with Physical Evidence	18-8-610	5.51-						X
54	10 Burglary of Drugs	18-4-202	5.43++		X				
55	Poss. of Weapons by Prev. Violent Offenders	18-12-103	5.48--						X
56	Sale of Narcotics	12-22-322(2a)	5.46--						X
57	Escape (leaving state)	18-8-208	5.47--						X
58	Bribery	18-8-302	5.46-			X			
59	Escape	18-8-208	5.43--				X		
60	Bribe Receiving by a Witness	18-8-603	5.43+				X		
61	Sale of Narcotics	12-22-322	5.41-						X
62	Vehicular Assault	18-3-205	5.41--						X
63	Embezzlement of Public Property	18-8-407	5.36-				X		
64	A/T/C Class 3 Felony	18-2-101	5.24-				X		
65	Criminal Abolutions	18-6-102	5.22--				X		
66	30 Sexual Assault	18-3-404	5.21--				X		
67	Accessory to Class 1 or 2 Felony	18-8-105	5.21--						X
68	30 Arson	18-4-104	5.19+				X		
69	10 Perjury	18-8-502	5.17--				X		
70	20 Burglary (Business)	18-4-203	5.17++				X		
71	Bribe Receiving by a Juror	18-8-507	5.14+				X		
72	Avoiding Writ Penalty	13-45-114	5.13--						X
73	Robbery (Force)	18-4-301	5.10+				X		
74	Stealing Narcotics	12-22-322	5.06--				X		
75	Misrepresenting Cancer Cure	12-30-107	5.04--						X
76	Stealing Narcotics	12-22-322	5.00--				X		
77	20 Arson (Over \$100)	18-4-103	5.00-				X		
78	Dispensing Narcotic Drugs w/o Prescription	12-22-322(2a)	5.00--						X
79	Loss of Life (Construction)	9-1-106	4.97--						X
80	Concealment of Fugitives	16-19-133	4.91-						X
81	20 Burglary (Home)	18-4-203	4.91++			X			
82	Membership in Anarchistic & Seditious Assoc.	18-11-203	4.89--				X		
83	Attempt to Manufacture or Dispense Dangerous Drugs	12-22-412(2)	4.89--						X
84	Attempt to Escape	18-8-208.1	4.87--						X
85	Personal Profit on State Monies	24-22-110	4.86-						X

Table 1

PERCEIVED SERIOUSNESS (DCJ Survey)  
continued

RANK	DESCRIPTION	CRS 1973 CITATION	MEAN	FELONY CLASS				
				1	2	3	4	5
86	Manufacture or Dispense Dangerous Drugs	12-22-412	4.81--				X	
87	Attempt Class 4 or 5 Felony	18-2-101	4.31+					X
88	Dueling	18-13-104	4.73--				X	
89	Inciting a Riot	18-9-102	4.73--					X
90	Bribery of State Treasurer	24-30-202(16)	4.70+					X
91	Theft	18-4-401	4.67++					X
92	Inciting to Destruction of Life or Prop.	18-11-202	4.64--					X
93	Possession of Dangerous Drugs	12-22-412(10)	4.62--					X
94	Misuse of Official Information	18-8-402	4.53-					X
95	Advocating Overthrow of Government	18-11-201	4.51--				X	
96	Criminal Poss. of Forgery Devices	18-5-109	4.51-					X
97	Extortionate Extension of Credit	18-15-102	4.50-				X	
98	Compensation for Past Official Behavior	18-8-303	4.46-					X
99	Wrongful Use of Inedible Meat	35-59-113	4.45--					X
100	Bribing State Banking Commissioner	11-20-117	4.45-					X
101	Death by Negligence	9-6-104	4.41--					
102	Aggravated Incest	18-6-302	4.38--				X	
103	Misuse of Military Property	28-3-701	4.37-					X
104	Bribing State Treasurer or Controller	24-22-111	4.34+					X
105	Theft by Savings and Loan Employee	11-41-127	4.34++				X	
106	Violating Banking Laws	11-11-108	4.33-					X
107	Theft by Receiving (Over \$200)	18-4-410	4.33++				X	
108	1 <sup>st</sup> Forgery	18-5-102	4.32+				X	
109	Accessory to Class 1 or 2 Felony	18-8-105	4.30--					X
110	Issuing a False Certificate	18-8-406	4.30--					X
111	1 <sup>st</sup> Use of State Funds	24-30-202(15)	4.27+					X
112	2 <sup>nd</sup> Assault	18-3-203	4.27--				X	
113	Aiding Escape from Mental Institution	18-8-201.1	4.27-					X
114	Selling of Land Twice	18-5-302	4.24+				X	
115	Poss. of Illegal Weapon	18-12-102	4.23-					X
116	Forging Prescription	12-22-125	4.21--					X
117	2 <sup>nd</sup> Introducing Contraband	18-8-204	4.20--					X
118	Theft of Livestock	35-43-128	4.18--					X
119	Fraudulent Use of Credit Device	18-5-202	4.16++				X	
120	Buying or Selling Stolen Auto Parts	45-2-102	4.11++				X	
121	Poss. of Burglary Tools	18-4-205	4.09+					X
122	Pretended Criminal Abortion	18-6-103	4.05--					X
123	Poss. of Contraband	18-8-201.1	4.04--					X
124	Designation of Supplier	18-3-307	4.02+					X
125	Use of Facsimile Seal	11-55-105	3.99+					X
126	Wiretapping & Eavesdropping Devices (2nd Time)	18-9-302	3.98-					X
127	Violation of Custody	18-3-304	3.96--					X
128	Poss. Dangerous Drugs (2nd Time)	12-22-412(4)	3.93--				X	
129	Concealing Records of Criminal History	18-15-108	3.90-					X
130	Criminal Possession of 10 Forged Instrument	18-5-105	3.88-					X

Table 1

PERCEIVED SERIOUSNESS (DCJ Survey)  
continued

RANK	DESCRIPTION	CRS 1973 CITATION	MEAN	FELONY CLASS				
				1	2	3	4	5
131	Bribery	37-24-107	3.86 <sup>+</sup>					X
132	False Report of Explosives	18-8-110	3.85--					X
133	10 Criminal Trespass	18-4-502	3.84 <sup>++</sup>					X
134	Gambling Premises	18-10-107	3.83--					X
135	Joyriding	18-4-409	3.77 <sup>+</sup>					X
136	Wiretapping	18-9-303	3.76-					X
137	Violation of Securities Act	11-51-124	3.74-					X
138	Poss. of Dangerous Drugs	12-22-412(3)	3.67--				X	
139	Motor Vehicle Theft	18-4-409(3)	3.67 <sup>++</sup>				X	
140	Charitable Fraud	18-5-115	3.66 <sup>++</sup>					X
141	Theft of Certificate	38-36-192	3.66-					X
142	Theft of Trade Secrets	18-4-408	3.61 <sup>+</sup>				X	
143	Libel	18-13-105	3.61--					X
144	Forging Signature	38-36-195	3.59-					X
145	Jury Tampering	18-8-609	3.58-					X
146	Shipping Prior to Inspection	35-53-112	3.56--					X
147	Theft of Auto Parts	42-5-104	3.56 <sup>+</sup>					X
148	Destroying Mining Equipment	34-46-105	3.55-					X
149	Violation of Anti-monopoly Financing Law	12-6-219	3.53 <sup>+</sup>					X
150	Fraudulently Procuring Cert. of Title	38-56-194	3.51 <sup>+</sup>					X
151	Vehicular Eluding	18-9-116.5	3.50-				X	
152	Wilfull Destruction of Big Game	33-6-127(9)	3.47-					X
153	30 Burglary	18-4-204	3.45 <sup>+</sup>					X
154	Altering Certificate of Title	42-6-141	3.45 <sup>+</sup>					X
155	Theft of Big Game	33-6-127(8)	3.43-					X
156	Collections of Credit by Extortionate Means	18-15-107	3.42-				X	
157	Offering a False Instrument for Recording	18-5-114	3.40 <sup>+</sup>					X
158	20 Forgery	18-5-103	3.40 <sup>++</sup>				X	
159	Unlawful Transfer for Sale	18-4-602	3.39-					X
160	Gambling	18-10-103	3.36--					X
161	Bribery in Sports	18-5-403	3.29 <sup>+</sup>					X
162	Fraud by Check	18-5-205	3.28 <sup>+</sup>				X	
163	Tampering with a Witness	18-8-605	3.26--				X	
164	Engaging in Criminal Usury	18-15-104	3.26 <sup>+</sup>					X
165	Illegal Telecommunications Equipment	18-9-309	3.25 <sup>+</sup>					X
166	Driving by Habitual Offender	42-2-206	3.22-					X
167	Fraud by Water District Officer	37-7-104	3.21 <sup>+</sup>					X
168	Receiving Deposits or Investments in a Failing Financial Company	18-5-210	3.19-					X
169	Violation of Explosives-transportation Law	9-6-103	3.17--					X
170	Criminal Impersonation	18-5-113	3.14 <sup>++</sup>					X
171	Possession of Narcotics	12-22-322(28)	3.12-				X	
172	Defrauding a Secured Debtor or Creditor (Over \$200)	18-5-206	3.10 <sup>+</sup>				X	
173	Under Reporting Income for Tax	39-22-621	3.07 <sup>+</sup>					X
174	Poss. of Gambling Devices	18-10-195	3.06-					X
175	Gambling Information	18-10-196	3.03 <sup>+</sup>					X
176	Stealing Big Game	33-6-127(8)	2.97 <sup>+</sup>					X
177	Possession of Cannabis	12-22-412(12)	2.95--				X	



Table 1

## PERCEIVED SERIOUSNESS (DCJ Survey)

continued

RANK	DESCRIPTION	CRS 1973 CITATION	MEAN	FELONY CLASS					
				1	2	3	4	5	
178	Conflict of Interest-Bureau of Mines	34-40-119	2.95 -						X
179	Butchering Another's Animals	12-11-119	2.94 -						X
180	Nonsupport of Spouse and Children	14-6-101	2.92 -						X
181	Defrauding Landlord	12-44-102	2.91++						X
182	Fraud by Commission Merchant	12-16-113	2.89+						X
183	Theft of Rental Property (Over \$200)	18-4-402	2.89++				X		
184	Violation of Insurance Laws	10-3-810	2.88+						X
185	Failing to Mark Duplicate Receipt	13-5-508	2.88+						X
186	Failure to Account	34-53-104	2.86+						X
187	Developer of Subdivision without License	12-61-407	2.79+						X
188	Violation of Sunshine Law	24-6-399	2.67-						X
189	Illegal Use of State Seal	24-80-902	2.67-				X		
190	Eavesdropping	18-9-304	2.67-						X
191	Incest	18-6-301	2.62--						X
192	Concealing of Secured Property	18-5-504	2.58++				X		
193	Practicing Medicine without License	12-36-129	2.52+						X
194	Pimping	18-7-206	2.49-						X
195	Criminal Mischief (Over \$200)	18-4-501	2.39++				X		
196	Fraudulent Receipt	18-5-506	2.35+						X
197	Violation of Election Laws	1-2-208	2.25++						X
198	Practicing Podiatry without License	12-32-109	2.13++						X
199	Bigamy	18-6-201	2.12++						X
200	Failure to Pay Over Proceeds	18-5-505	1.92++				X		
201	Armed Guards without Permit	8-2-106	1.86++						X
202	Failure to Pay Over Assigned Accounts	18-5-502	1.83++				X		
203	Operating Agency without License	12-24-214	1.82++						X
204	Operating Motor Club without License	12-53-109	1.73++						X
205	Receiving Money to Circulate Petition	1-40-110	1.67++						X
206	Distributing Motor Fuel without License	39-27-104	1.31++						X

## Sentence Summaries

Table 2 contains summaries of the two types of proposed sentence information elicited from the respondents. For easy cross reference, the entries in Table 2 are arranged in the same order as those in Table 1 (i.e., in rank order according to the perceived seriousness).

The columns which follow the felony description contain the following information:

- a. "No Penalty": Indicated in this column are the number of times that the respondents replied "No Penalty", "No Action", "Decriminalize" or some equivalent statement.
- b. "Average Term": This column contains the mean proposed term of incarceration in months. This average takes into account the fact that each alternate sentence proposed (other than life imprisonment or death) is simultaneously a zero length incarceration proposal.
- c. Columns A-E: These columns indicate the number of times each of the following alternate sentences were proposed:
  1. Column A: Death Sentence
  2. Column B: Life Imprisonment
  3. Column C: Probation and Fine
  4. Column D: Probation Only
  5. Column E: Fine Only

In the "No Penalty" column and in Columns A-E, an asterisk (\*) indicates that there were some responses in that category. However, they constituted fewer than 5 percent of the replies, and frequently were so out of line (e.g., "No Penalty" for 1<sup>0</sup> Murder, "Death" for Gambling) that they were presumed to be invalid and may safely be disregarded.

Table 2

PROPOSED SENTENCES

(Crimes arranged in order of Perceived Seriousness. Please see Table 1.)

RANK	DESCRIPTION	NO PENALTY	AVG. TERM (Months)	ALTERNATES				
				A	B	C	D	E
1	1 <sup>st</sup> Murder	*	230.1	22	23	-	-	-
2	Criminal Solicitation		229.1	9	18			
3	1 <sup>st</sup> Kidnapping		205.5	7	20			
4	Assault during Escape 4		186.9	9	16			
5	1 <sup>st</sup> Sexual Assault <sup>3</sup>		209.5	*	8			
6	Possession Explosives		193.2	*	7			
7	A/I/C Murder		201.4	*	5			
8	C/I/C Murder		192.1	*	8			
9	Assault during Escape		132.1		5			
10	2 <sup>nd</sup> Kidnapping (Child)		217.1	8	18			
11	Child Abuse 1		185.2	*	9			
12	Treason (Colorado)	*	202.4	7	21			
13	1 <sup>st</sup> Arson		164.2		5			
14	Assault during Escape 4		153.3	*	12			
15	Agg. Robbery		160.3		*			
16	Holding Hostages		173.3	*	9			
17	Engaging in Riot		125.6		*			
18	1 <sup>st</sup> Kidnapping		174.7	*	9			
19	1 <sup>st</sup> Sexual Assault		152.3	*	5			
20	Escapes 2		139.4	*	15			
21	Pretended Criminal Abortion <sup>1</sup>		150.0	*	7			
22	Arming Rifles		109.1					
23	Criminal Abortion <sup>1</sup>		143.4	*	7			
24	Sexual Assault on a Child (force)		159.5		*			*
25	Manslaughter		131.0		10			*
26	Aggravated Robbery of Purses		139.2					
27	2 <sup>nd</sup> Sexual Assault (force)		145.0		5			
28	2 <sup>nd</sup> Sexual Assault		151.6		5			
29	Riots in Prisons		104.1		6			
30	Aiding Escape 4		140.9		*			*
31	1 <sup>st</sup> Burglary		108.9					
32	Attempt to Escape		116.7	*	14			
33	3 <sup>rd</sup> Arson		95.8					*
34	Endangering Public Transportation		52.3					
35	1 <sup>st</sup> Assault		95.2					
36	2 <sup>nd</sup> Murder		124.3	*	7			*
37	Vehicular Homicide		87.6		*			*
38	Sexual Assault on a child		81.4					5
39	Insurrection		103.9		6		*	
40	A/I/C Class 2 Felony		84.4		*			

- 1 If death or injury occur  
 2 By person already convicted  
 3 Under aggravating circumstances  
 4 If woman dies



Table 2

## PROPOSED SENTENCES

(Crimes arranged in order of Perceived Seriousness. Please see Table 1.)

RANK	DESCRIPTION	MIN. PENALTY	AVG. TERM (Months)	ALTERNATES				
				A	B	C	D	E
41	Intimidating a Witness		52.2				*	*
42	Possession of Contraband		105.9		*			
43	Intimidating a Juror		84.8					*
44	Bribing a Witness		70.5					
45	10 Introducing Contraband		87.3					
46	Accessory to Class 1 Felony		64.6		*			*
47	Menacing		53.3					*
48	Escape, Class 1 or 2 Felony		80.9					*
49	Aiding Escape Class 1 or 2 Felony		88.3					*
50	Criminal Extortion		31.9					
51	Attempting to Influence a Public Servant		64.3				*	*
52	Bribing a Juror		59.2					
53	Impersonating with Physical Evidence		52.3				*	
54	10 Burglary of Drugs		81.4					7
55	Poss. of Weapons by Prev. Violent Offender		81.5					*
56	Sale of Narcotics	3	94.3		*			6
57	Escape (leaving state)	*	99.8		*			
58	Bribery		66.4					
59	Escape		101.9					
60	Bribe Receiving by a Witness		59.6					
61	Sale of Narcotics	*	95.3					7
62	Vehicular Assault		42.2					
63	Embezzlement of Public Property		52.1				*	*
64	A/1/C Class 3 Felony		77.8					
65	Criminal Abortion	5	73.9			*	*	*
66	30 Sexual Assault		86.2					*
67	Accessory to Class 1 or 2 Felony		79.1					5
68	30 Arson		82.3				*	*
69	10 Perjury		53.9				*	*
70	20 Burglary		42.2					5
71	Bribe Receiving by a Juror		52.1				*	*
72	Avoiding Writ Penalty		66.1				5	*
73	Robbery (forced)		57.4					
74	Stealing Narcotics		84.6					
75	Misrepresenting Cancer Cure	*	54.9				*	
76	Stealing Narcotics		75.0				*	7
77	20 Arson (Over \$100)		67.2				*	
78	Dispensing Narcotic drug w/o Prescription	*	55.4				*	5
79	Loss of Life (Construction)	*	78.1				*	*
80	Concealment of Fugitives		57.2					*
81	20 Burglary		45.2					5
82	Membership in Anarchistic & Seditious Assoc.	24	83.1		*			6
83	Attempt to Manufacture or Dispense Dangerous Drugs	*	75.1				*	9
84	Attempt to Escape		67.9				*	
85	Personal Protection State Property		35.8				*	*

Table 2

## PROPOSED SENTENCES

(Crimes arranged in order of Perceived Seriousness. Please see Table 1.)

RANK	DESCRIPTION	NO. PENALTY	AVG. TERM (Months)	ALTERNATIVES				
				A	B	C	D	E
86	Manufacture or Dispose Dangerous Drugs	9	64.4					*
87	Attempt Class 4 or 5 Felony		39.7					7
88	Duelling	7	53.0		*		5	8
89	Inciting a Riot		52.8				*	*
90	Bribery of State Treasurer		43.5				*	*
91	Theft		32.8			*		9
92	Inciting to Destruction of Life or Prop	22	64.7				*	c
93	Possession of Dangerous Drugs	14	60.6		*			*
94	Misuse of Official Information		24.9				5	6
95	Advocating Overtures of Government	27	100.4		*		*	*
96	Criminal Poss. of Forgery Devices	*	71.0				*	*
97	Extortionate Extension of Credit		37.1			*		5
98	Compensation for Past Official Behavior		28.1				6	8
99	Wrongful Use of Judicial Post		43.6				6	*
100	Bribing State Banking Commissioner		43.3				*	*
101	Death by Negligence	3	43.2			*	*	7
102	Aggravated Incest	14	39.1					13
103	Misuse of Military Property	*	37.0			*	*	*
104	Bribing State Treasurer or Comptroller		37.4					7
105	Theft by Savings and Loan Employee		36.8				*	*
106	Violating Banking Laws		42.7				6	*
107	Theft by Perceiving (over \$100)		34.0					8
108	10 Forgery		47.9				7	*
109	Accessory to Class 1 or 2 Felony		52.7				*	5
110	Issuing a False Certificate		34.8			*	8	*
111	111 Use of State Funds		41.1				5	*
112	20 Assault		25.7			*		5
113	Aiding Escape from Mental Institution		29.2				*	9
114	Selling of Land twice	*	34.9			*	*	5
115	Loss. of Illegal Weapon		33.0				*	
116	Forging Prescription	*	40.2				*	*
117	29 Introducing Contraband		42.6				5	*
118	Theft of Livestock		50.8				*	10
119	Fraudulent Use of Credit Device		32.4					8
120	Buying or Selling Stolen Auto Parts		44.7				*	7
121	Poss. of Burglary Tools		25.9				*	7
122	Pretended Criminal Abortion	5	29.7				5	5
123	Poss. of Contraband	*	43.6					*
124	Designation of Supplier	*	23.7				5	6
125	Use of Falsified Seal	*	32.9				5	5
126	Misrepresenting & Laziness Supplying Devices (and more)		32.8				*	*
127	Violation of Custody	*	26.0				8	10
128	Poss. Dangerous Drugs (and more)	12	54.3				*	*
129	Concealing Records of Criminal History		22.0				6	*
130	Criminal Possession of 10 Forged Instrument	5	52.8				5	8



Table 2  
PROPOSED SENTENCES

(Crimes arranged in order of Perceived Seriousness. Please see Table 1.)

RANK	DESCRIPTION	NO FATALITY	AVG. TERM (Months)	FEDERAL JURY				
				1	2	3	4	5
131	Bribery		26.6			*	6	7
132	False Report of Explosive		27.9				*	12
133	10 Criminal Trespass		29.3					14
134	Gambling Premises	11	59.3				6	
135	Jewriding		22.5			*		16
136	Wiretapping		12.3				6	7
137	Violation of Securities Act		22.5				13	*
138	Poss. of Dangerous Drugs	14	42.7				7	8
139	Motor Vehicle Theft		23.9			*	*	11
140	Charitable Fraud		22.5			*	5	*
141	Theft of Certificate		26.6				10	10
142	Theft of Trade Secrets	*	23.0				8	
143	Libel	14	21.1			*	9	7
144	Forging Signature		22.0				11	6
145	Jury Tampering	*	24.9			*	9	*
146	Shipping Prior to Inspection	5	31.1				*	7
147	Theft of Auto Parts		30.4				6	
148	Destroying Mining Equipment	*	26.7			*	*	7
149	Violation of Anti-monopoly Financing Law	5	23.0			*	10	5
150	Fraudulently Encumbering Cert. of Title	*	22.4				16	5
151	Vehicle Hijacking		16.8			*	*	9
152	Willful Destruction of Big Game		27.9				19	*
153	30 Burglary		23.7				*	8
154	Altering Certificate of Title		19.3				*	14
155	Theft of Big Game		29.2					16
156	Collection of Credit by Extortionate Means		26.4			*	10	8
157	Offering a False Instrument for Recording	*	23.8				14	*
158	20 Forgery		22.1				*	12
159	Unlawful Transfer for Sale	*	33.7				9	9
160	Gambling	13	42.5				8	*
161	Bribery in Sports	*	16.0			*	16	10
162	Fraud by Check	*	22.7				8	13
163	Tampering with a Witness	*	22.1				11	6
164	Engaging in Criminal Harass	*	21.4			*	15	*
165	Illegal Telecommunications Equipment	*	30.3				9	6
166	Driving by Habitual Offender	*	18.6				*	*
167	Fraud by Water District Officer	*	24.4				19	*
168	Receiving Deposits or Investments in a Failing Financial Company	9	30.1				10	*
169	Violation of Explosives-transportation Law	*	11.1				17	13
170	Criminal Impersonation	*	13.2				8	14
171	Possession of Narcotics	14	21.1			*		11
172	Defrauding a Secured Debtor or Creditor (Over \$200)	5	18.5			*	11	7
173	Under Reporting Income for Tax	5	15.8			*	19	12
174	Poss. of Gambling Devices	12	25.9				10	*
175	Gambling Information	11	25.1	*			10	
176	Stealing Big Game	*	18.3			*	17	7
177	Possession of Cannabis	21	23.3			*	12	*

Table 2

## PROPOSED SENTENCES

(Crimes arranged in order of Perceived Seriousness. Please see Table 1.)

RANK	DESCRIPTION	NO PENALTY	AVG. TERM (Months)	ALTERNATES				
				A	B	C	D	E
178	Conflict of Interest-Bureau of Mines	7	12.4			*	25	4
179	Butchering another's Animals	*	21.2			*	22	7
180	Nonsupport of Spouse and Children	9	12.5				10	9
181	Defrauding Landlord	*	12.8			*	7	9
182	Fraud by Commission Merchant	7	13.9			*	12	7
183	Theft of Real Property (Over \$200)	*	14.2				*	14
184	Violation of Insurance Law	5	13.5				11	12
185	Failing to Mark Duplicate Receipt		14.5				9	10
186	Failure to account	19	12.8				14	6
187	Developing Subdivision without License	7	10.8			*	21	12
188	Violation of Sunshine Law	11	14.5			*	31	*
189	Illegal Use of State Soil	5	17.3			*	29	*
190	Eavesdropping	12	12.6			*	17	5
191	Incest (Siblings)	34	16.0				5	20
192	Concealing of Acquired Property	11	13.5				23	*
193	Practicing Medicine without License	8	11.7			*	19	9
194	Pimping	23	26.7			*	*	
195	Criminal Mischief (Over \$200)		8.5			*	20	8
196	Fraudulent Receipt	11	11.8			*	23	5
197	Violation of Election Laws	6	6.9				37	7
198	Practicing Podiatry without License	9	11.5			*	29	5
199	Bigamy	19	13.6			*	16	9
200	Failure to Pay Over Proceeds	25	7.6			*	27	11
201	Armed Guards without Permit	19	4.3				40	7
202	Failure to Pay Over Assigned Accounts	40	6.2				13	11
203	Operating Agency without License	14	3.5			13	32	13
204	Operating Motor Club without License	25	3.5			*	27	11
205	Receiving Money to Circulate Petition	22	3.8				32	*
206	Distributing Motor Fuel without License	23	2.2				55	*

## APPENDIX A





# Department of Local Affairs Colorado Division of Criminal Justice

Richard D. Lamm, Governor

Paul G. Quinn, Director

There is bi-partisan legislative interest in revising certain aspects of our criminal justice system in the next legislative session. Specifically, there is concern that the present classifications of crimes and the attendant penalties, including the lengths of incarceration, may not be an accurate reflection of the present social evaluation of that criminal behavior.

We have developed the enclosed questionnaire and are soliciting the participation of representative members of many groups who have a continuing involvement with the criminal justice system in an effort to assess that evaluation.

The individual results of the questionnaire will, of course, be kept confidential. The resulting analysis, however, will be available to you upon your request after February 15, 1978.

We earnestly solicit your contribution to the formulation of future legislative decisions in this area of vital concern. Please send your completed questionnaire in the enclosed envelope to:

Division of Criminal Justice  
419 Centennial Building  
1313 Sherman Street  
Denver, Colorado 80203

On or before December 30, 1977.

OFFENSE SERIOUSNESS AND SENTENCING SURVEY

Please check or fill in the appropriate blanks for each of the following: .

A. OCCUPATION

- |                         |                                     |
|-------------------------|-------------------------------------|
| 1 ___ Legislator        | 6 ___ Law Enforcement Administrator |
| 2 ___ Judge             | 7 ___ Corrections Administrator     |
| 3 ___ District Attorney | 8 ___ Probation Administrator       |
| 4 ___ Public Defender   | 9 ___ Lay Citizen                   |
| 5 ___ Private Attorney  |                                     |

B. EDUCATION (Years completed) 9 10 11 12 13 14 15 16 17 18 19 20 21+

C. AGE: \_\_\_\_\_

D. YEARS IN CRIMINAL JUSTICE SYSTEM: \_\_\_\_\_

INSTRUCTIONS: Listed below are 113 descriptions of activities. First, please indicate how serious you believe each act is by circling a number from "1" (least serious) to "9" (most serious) as found in the left column for each activity.

Seriousness  
Least                      Most

EXAMPLE

- |                   |                                   |
|-------------------|-----------------------------------|
| 1 2 3 4 5 6 7 8 ⑨ | A. Terrorist bombing of a school. |
| ① 2 3 4 5 6 7 8 9 | B. Kissing in public.             |
| 1 2 ③ 4 5 6 7 8 9 | C. Calling in a false fire alarm. |

Years	Months
50	
<u>Decriminalization</u>	
1	9

Second, indicate in the allotted spaces in the right hand column the actual amount of time you believe a person who commits that act should serve in prison. Please DO NOT indicate a range of time (e.g. 5 to 10 years) but rather the actual years and/or months of incarceration.

When indicating this length of time to be served, assume that the person acting in each case would be a FIRST TIME OFFENDER. Those items marked with an \* indicate that for that behavior, the actor has a prior conviction.

Assume a sentence of incarceration in all cases unless you feel strongly that a particular act should have a non-incarceration disposition ONLY. In these cases, list your recommended sentence as decriminalization, fine only, probation only, death penalty, life imprisonment, etc. (See above example)

Prior to beginning this survey, please scan the various types of activities listed to determine your best placement on the seriousness scale.

----Seriousness----										Actual Time To Be Served	
Least					Most					Years	Month
1	2	3	4	5	6	7	8	9	1. Receiving a kickback by an officer of a state institution from suppliers of good and services.		
1	2	3	4	5	6	7	8	9	2. Threatening a bus driver with a gun.		
1	2	3	4	5	6	7	8	9	3. Concealing records of loaning money at illegal interest rates.		
1	2	3	4	5	6	7	8	9	4. Supplying guns to be used in a riot.		
1	2	3	4	5	6	7	8	9	5. Selling narcotic drugs without a prescription.		
1	2	3	4	5	6	7	8	9	6. A public servant using official non-public information to make money.		
1	2	3	4	5	6	7	8	9	*7. A convicted professional gambler transmitting gambling information.		
1	2	3	4	5	6	7	8	9	8. Pretending to perform an illegal abortion.		
1	2	3	4	5	6	7	8	9	*9. Assault with a knife on a guard by a person being held and charged with rape.		
1	2	3	4	5	6	7	8	9	10. Possessing burglary tools to forcibly enter a building.		
1	2	3	4	5	6	7	8	9	11. State treasurer accepting compensation for depositing state money in particular bank.		
1	2	3	4	5	6	7	8	9	12. Using false identification to obtain goods from a store.		
1	2	3	4	5	6	7	8	9	13. Burglary of a liquor store to steal cash.		
1	2	3	4	5	6	7	8	9	*14. Escape from prison by a convicted murderer.		
1	2	3	4	5	6	7	8	9	*15. Falsely representing a product as a cancer cure for the third time.		
1	2	3	4	5	6	7	8	9	*16. Forging a medical prescription two or more times.		
1	2	3	4	5	6	7	8	9	17. Threatening a witness in a court case.		
1	2	3	4	5	6	7	8	9	18. Helping a mental patient escape from a mental institution.		
1	2	3	4	5	6	7	8	9	19. Negligence in transporting explosives which results in death of person.		
1	2	3	4	5	6	7	8	9	20. Entering a car to steal a CB radio.		



----Seriousness----										Actual Time To Be Served	
Least					Most					Years	Month
1	2	3	4	5	6	7	8	9	21. Forging a certificate of title for a motor vehicle.		
1	2	3	4	5	6	7	8	9	22. Attempt to commit a planned murder.		
1	2	3	4	5	6	7	8	9	23. A public official telling a public contractor that he must deal with a particular supplier.		
1	2	3	4	5	6	7	8	9	24. Wiretapping a telephone without legal authority.		
1	2	3	4	5	6	7	8	9	25. Setting a fire which endangers other persons.		
1	2	3	4	5	6	7	8	9	*26. Assault by a convicted murderer with a knife on a prison guard while trying to escape.		
1	2	3	4	5	6	7	8	9	27. Forcible rape of a stranger at gun point.		
1	2	3	4	5	6	7	8	9	28. Bribing an officer or director of a drainage district or an irrigation district.		
1	2	3	4	5	6	7	8	9	29. Failure to return rented car.		
1	2	3	4	5	6	7	8	9	30. Armed robbery of drugs from a pharmacy.		
1	2	3	4	5	6	7	8	9	31. Conspiracy to commit murder.		
1	2	3	4	5	6	7	8	9	32. Burglary of a pharmacy to steal narcotic drugs.		
1	2	3	4	5	6	7	8	9	33. Eluding a police officer in a vehicle while being pursued.		
1	2	3	4	5	6	7	8	9	34. Sexual relations between father-daughter.		
1	2	3	4	5	6	7	8	9	35. Attempt to commit burglary of a house.		
1	2	3	4	5	6	7	8	9	36. Knowingly selling stolen property worth more than \$200.		
1	2	3	4	5	6	7	8	9	37. Unlawful possession of a narcotic drug.		
1	2	3	4	5	6	7	8	9	38. Violating safety rules for transporting explosives.		
1	2	3	4	5	6	7	8	9	39. Making or passing worthless checks.		
1	2	3	4	5	6	7	8	9	40. Pretending to perform an illegal abortion in which the woman dies.		
1	2	3	4	5	6	7	8	9	41. Using a bomb in the commission of a felony.		
1	2	3	4	5	6	7	8	9	42. Bribing a witness in a court case.		

----Seriousness----  
 Least                      Most

Actual Time  
 To Be Served  
 Years | Month

- |                   |      |   |  |  |
|-------------------|------|---|--|--|
| 1 2 3 4 5 6 7 8 9 | 43.  | Advocating overthrow of the government.                           |  |  |
| 1 2 3 4 5 6 7 8 9 | 44.  | Armed robbery of a bank.  |  |  |
| 1 2 3 4 5 6 7 8 9 | 45.  | Acting as developer of subdivision without license.               |  |  |
| 1 2 3 4 5 6 7 8 9 | *46. | Escape from prison by a convicted burglar.                        |  |  |
| 1 2 3 4 5 6 7 8 9 | 47.  | Deliberately starting a fire in an occupied building.             |  |  |
| 1 2 3 4 5 6 7 8 9 | *48. | An escaped prisoner charged with rape leaves the state.           |  |  |
| 1 2 3 4 5 6 7 8 9 | 49.  | Dueling with pistols.   |  |  |
| 1 2 3 4 5 6 7 8 9 | 50.  | Hiring another person to commit murder.                           |  |  |
| 1 2 3 4 5 6 7 8 9 | 51.  | Concealing a prisoner after his escape.                           |  |  |
| 1 2 3 4 5 6 7 8 9 | 52.  | Performing illegal abortion in which the woman dies.              |  |  |
| 1 2 3 4 5 6 7 8 9 | 53.  | Helping a convicted murderer to escape from prison.               |  |  |
| 1 2 3 4 5 6 7 8 9 | *54. | Selling narcotic drugs for a second time.                         |  |  |
| 1 2 3 4 5 6 7 8 9 | 55.  | Operating a theatrical employment agency without a license.       |  |  |
| 1 2 3 4 5 6 7 8 9 | 56.  | Kidnapping for ransom and victim is freed unharmed.               |  |  |
| 1 2 3 4 5 6 7 8 9 | 57.  | Killing a pedestrian while driving when drunk.                    |  |  |
| 1 2 3 4 5 6 7 8 9 | 58.  | Knowingly issuing a duplicate receipt for goods already received. |  |  |
| 1 2 3 4 5 6 7 8 9 | 59.  | Willfully violating the insurance laws.                           |  |  |
| 1 2 3 4 5 6 7 8 9 | 60.  | Performing illegal abortions.                                     |  |  |
| 1 2 3 4 5 6 7 8 9 | 61.  | Failing to pay a mortgagor when amount owed is over \$100.        |  |  |
| 1 2 3 4 5 6 7 8 9 | 62.  | Operating a motor club without a license.                         |  |  |
| 1 2 3 4 5 6 7 8 9 | 63.  | Impulsive killing of a spouse.                                    |  |  |

----Seriousness----  
Least                      Most

Actual Time  
To Be Served  
Years    Month

1 2 3 4 5 6 7 8 9	64.	Theft of a car for joyriding for more than 72 hours.		
1 2 3 4 5 6 7 8 9	65.	Extending credit under threat of harm if repayment is not made.		
1 2 3 4 5 6 7 8 9	66.	Threatening a person with a gun.		
1 2 3 4 5 6 7 8 9	67.	Employee stealing company funds.		
1 2 3 4 5 6 7 8 9	68.	Impersonating a podiatrist (foot doctor).		
1 2 3 4 5 6 7 8 9	69.	Attempting to influence a public official by threat of violence.		
1 2 3 4 5 6 7 8 9	70.	Publishing false information about a person in a manner harmful to society.		
1 2 3 4 5 6 7 8 9	*71.	Using a knife while participating in a prison riot.		
1 2 3 4 5 6 7 8 9	72.	Under-reporting income on income tax return.		
1 2 3 4 5 6 7 8 9	*73.	Possession of deadly weapons by previous violent offenders.		
1 2 3 4 5 6 7 8 9	*74.	Moving cattle out-of-state without inspection for a third or subsequent time.		
1 2 3 4 5 6 7 8 9	75.	Treason.		
1 2 3 4 5 6 7 8 9	*76.	Assault by a convicted burglar with a knife on a prison guard while trying to escape.		
1 2 3 4 5 6 7 8 9	77.	Willfully violating the banking laws with intent to cheat.		
1 2 3 4 5 6 7 8 9	78.	Killing someone in a bar room free-for-all.		
1 2 3 4 5 6 7 8 9	79.	Planned killing of another person.		
1 2 3 4 5 6 7 8 9	80.	Destroying mining equipment of another.		
1 2 3 4 5 6 7 8 9	*81.	A convicted murderer attempting to escape from prison.		
1 2 3 4 5 6 7 8 9	82.	Obtaining food or accommodations for over \$50 at a hotel with intent not to pay.		
1 2 3 4 5 6 7 8 9	83.	A public official embezzling public money.		



----Seriousness----										Actual Time To Be Served	
Least                      Most										Years	Month
1	2	3	4	5	6	7	8	9	*84.	Attempt to commit an assault during an escape attempt.	
1	2	3	4	5	6	7	8	9	85.	Paying compensation to state treasurer for him to deposit state monies in a particular financial institution.	
1	2	3	4	5	6	7	8	9	*86.	Repeated professional gambling offenses.	
1	2	3	4	5	6	7	8	9	87.	Theft of funds by an employee of a savings and loan association.	
1	2	3	4	5	6	7	8	9	88.	Paying a state officer to use state money illegally.	
1	2	3	4	5	6	7	8	9	89.	Misuse of funds by military personnel.	
1	2	3	4	5	6	7	8	9	90.	Burglary of a home while armed with a deadly weapon.	
1	2	3	4	5	6	7	8	9	91.	Using a gun to beat another person.	
1	2	3	4	5	6	7	8	9	92.	Being a member or officer of a terrorist organization which advocates terrorism and violence.	
1	2	3	4	5	6	7	8	9	93.	Beating up another person.	
1	2	3	4	5	6	7	8	9	94.	Advocating the destruction of life or property.	
1	2	3	4	5	6	7	8	9	95.	Altering physical evidence in a court case.	
1	2	3	4	5	6	7	8	9	*96.	Possessing illegal wiretapping equipment for a second time.	
1	2	3	4	5	6	7	8	9	97.	Bribing a football coach to perform his duty improperly.	
1	2	3	4	5	6	7	8	9	98.	Manufacturing or dispensing dangerous drugs without a license.	
1	2	3	4	5	6	7	8	9	99.	Bribing a juror in a court case.	
1	2	3	4	5	6	7	8	9	100.	Using a gun in a riot.	
1	2	3	4	5	6	7	8	9	101.	Selling the same piece of land to two different parties.	
1	2	3	4	5	6	7	8	9	102.	Using a copied signature on a public security.	
1	2	3	4	5	6	7	8	9	103.	Hiding a person who has been convicted of murder.	

Λ

----Seriousness----  
Least                      Most

Actual Time  
To Be Served  
Years    Month

- |                   |        |  |
|-------------------|--------|--|
| 1 2 3 4 5 6 7 8 9 | 104.   | Seriously injuring a pedestrian while driving when drunk.                  |
| 1 2 3 4 5 6 7 8 9 | 105.   | Kidnapping for ransom and victim suffers injury.                           |
| 1 2 3 4 5 6 7 8 9 | 106.   | Using stolen credit cards to purchase goods in excess of \$100.            |
| 1 2 3 4 5 6 7 8 9 | * 107. | Illegally possessing dangerous drugs three or more times.                  |
| 1 2 3 4 5 6 7 8 9 | 108.   | Burglary of a home to steal a color TV set.                                |
| 1 2 3 4 5 6 7 8 9 | 109.   | Violating the antimonopoly financing law.                                  |
| 1 2 3 4 5 6 7 8 9 | 110.   | A public official accepting money in return for a favor already performed. |
| 1 2 3 4 5 6 7 8 9 | 111.   | Subjecting a young child to sexual contact.                                |
| 1 2 3 4 5 6 7 8 9 | 112.   | Burglary of a pay telephone.   |
| 1 2 3 4 5 6 7 8 9 | 113.   | Blackmail.   |






# Department of Local Affairs Colorado Division of Criminal Justice

Richard D. Lamm, Governor

Paul G. Quinn, Director

There is bi-partisan legislative interest in revising certain aspects of our criminal justice system in the next legislative session. Specifically, there is concern that the present classifications of crimes and the attendant penalties, including the lengths of incarceration, may not be an accurate reflection of the present social evaluation of that criminal behavior.

We have developed the enclosed questionnaire and are soliciting the participation of representative members of many groups who have a continuing involvement with the criminal justice system in an effort to assess that evaluation.

The individual results of the questionnaire will, of course, be kept confidential. The resulting analysis, however, will be available to you upon your request after February 15, 1978.

We earnestly solicit your contribution to the formulation of future legislative decisions in this area of vital concern. Please send your completed questionnaire in the enclosed envelope to:

Division of Criminal Justice  
419 Centennial Building  
1313 Sherman Street  
Denver, Colorado 80203

On or before December 30, 1977.

## OFFENSE SERIOUSNESS AND SENTENCING SURVEY

Please check or fill in the appropriate blanks for each of the following:

A. OCCUPATION

1 \_\_\_ Legislator

6 \_\_\_ Law Enforcement Administrator

2 \_\_\_ Judge

7 \_\_\_ Corrections Administrator

3 \_\_\_ District Attorney

8 \_\_\_ Probation Administrator

4 \_\_\_ Public Defender

9 \_\_\_ Lay Citizen

5 \_\_\_ Private Attorney

B. EDUCATION (Years completed) 9 10 11 12 13 14 15 16 17 18 19 20 21+

C. AGE: \_\_\_\_\_

D. YEARS IN CRIMINAL JUSTICE SYSTEM: \_\_\_\_\_

INSTRUCTIONS: Listed below are 113 descriptions of activities. First, please indicate how serious you believe each act is by circling a number from "1" (least serious) to "9" (most serious) as found in the left column for each activity.

Seriousness  
Least                      Most

EXAMPLE

1 2 3 4 5 6 7 8 **9** A. Terrorist bombing of a school.

**1** 2 3 4 5 6 7 8 9 B. Kissing in public.

1 2 **3** 4 5 6 7 8 9 C. Calling in a false fire alarm.

<u>Years</u>	<u>Months</u>
50	
<u>Decriminalization</u>	
1	9

Second, indicate in the allotted spaces in the right hand column the actual amount of time you believe a person who commits that act should serve in prison. Please DO NOT indicate a range of time (e.g. 5 to 10 years) but rather the actual years and/or months of incarceration.

When indicating this length of time to be served, assume that the person acting in each case would be a FIRST TIME OFFENDER. Those items marked with an \* indicate that for that behavior, the actor has a prior conviction.

Assume a sentence of incarceration in all cases unless you feel strongly that a particular act should have a non-incarceration disposition ONLY. In these cases, list your recommended sentence as decriminalization, fine only, probation only, death penalty, life imprisonment, etc. (See above example)

Prior to beginning this survey, please scan the various types of activities listed to determine your best placement on the seriousness scale.

----Seriousness----  
Least Most

Actual Time  
To Be Served  
Years Month

1 2 3 4 5 6 7 8 9	1. Performing an illegal abortion in which the woman dies.		
1 2 3 4 5 6 7 8 9	2. Hiring another person to commit murder.		
1 2 3 4 5 6 7 8 9	3. Distributing motor oil without a license.		
1 2 3 4 5 6 7 8 9	4. Attempt to commit a planned murder.		
1 2 3 4 5 6 7 8 9	*5. Assault by a convicted burglar with a knife on a prison guard while trying to escape.		
1 2 3 4 5 6 7 8 9	6. Treason.		
1 2 3 4 5 6 7 8 9	7. Helping a convicted murderer to escape from prison.		
1 2 3 4 5 6 7 8 9	8. Setting fire to property with intent to defraud (collecting on insurance).		
1 2 3 4 5 6 7 8 9	9. Dealing in stolen auto parts and accessories.		
1 2 3 4 5 6 7 8 9	10. Attempting to manufacture dangerous drugs.		
1 2 3 4 5 6 7 8 9	11. Killing big game for commercial sale.		
1 2 3 4 5 6 7 8 9	12. Mugging a person and stealing \$100.		
1 2 3 4 5 6 7 8 9	13. Acting as an agent for a mining corporation while working for the Bureau of Mines.		
1 2 3 4 5 6 7 8 9	14. Illegally using state funds.		
1 2 3 4 5 6 7 8 9	15. Helping a convicted robber to escape from prison.		
1 2 3 4 5 6 7 8 9	16. Illegally using the Colorado seal on official documents.		
1 2 3 4 5 6 7 8 9	17. Bribing the state bank commissioner.		
1 2 3 4 5 6 7 8 9	18. Starting a riot.		
1 2 3 4 5 6 7 8 9	19. Failing to pay owed accounts to the owner when amount is over \$200.		
1 2 3 4 5 6 7 8 9	20. Accepting money to circulate an initiative petition to obtain signatures.		
1 2 3 4 5 6 7 8 9	21. Rape of a person under 15 by a person over 20.		

----Seriousness----  
Least                      Most

Actual Time  
To Be Served  
Years | Month

1 2 3 4 5 6 7 8 9	22.	Soliciting charitable contributions while not intending to use the funds for charity.		
1 2 3 4 5 6 7 8 9	23.	Helping a confined prisoner obtain drugs.		
1 2 3 4 5 6 7 8 9	24.	Giving false information on voter registration forms.		
1 2 3 4 5 6 7 8 9	25.	Possessing an illegal weapon for the second time.		
1 2 3 4 5 6 7 8 9	26.	A public official accepting bribes in return for favors to be performed.		
1 2 3 4 5 6 7 8 9	27.	A witness in a court case accepting a bribe.		
1 2 3 4 5 6 7 8 9	28.	Using a bomb in the commission of a felony.		
1 2 3 4 5 6 7 8 9	* 29.	Assault by a convicted murderer with a knife on a prison guard while trying to escape.		
1 2 3 4 5 6 7 8 9	30.	A public servant knowingly issuing a false official document.		
1 2 3 4 5 6 7 8 9	31.	Armed robbery of drugs from a pharmacy.		
1 2 3 4 5 6 7 8 9	32.	Conspiracy to commit murder.		
1 2 3 4 5 6 7 8 9	33.	Kidnapping for ransom and victim suffers injury.		
1 2 3 4 5 6 7 8 9	34.	Issuing a phony warehouse receipt.		
1 2 3 4 5 6 7 8 9	35.	Obstructing, by force of guns and with an armed force, the execution of the laws.		
1 2 3 4 5 6 7 8 9	36.	Forcible rape of a stranger at gun point.		
1 2 3 4 5 6 7 8 9	37.	Killing someone in a bar room free-for-all.		
1 2 3 4 5 6 7 8 9	38.	Loss of life resulting from negligence in construction of public buildings.		
1 2 3 4 5 6 7 8 9	39.	Sexual relations between brother-sister.		
1 2 3 4 5 6 7 8 9	40.	Eavesdropping on a conversation without legal authority.		
1 2 3 4 5 6 7 8 9	41.	Fraudulently procuring a certificate of title to land.		
1 2 3 4 5 6 7 8 9	42.	Butchering cattle unlawfully.		

----Seriousness----  
Least Most

Actual Time  
To Be Served  
Years Month

- |                   |   |
|-------------------|---|
| 1 2 3 4 5 6 7 8 9 | 43. Kidnapping a child.   |
| 1 2 3 4 5 6 7 8 9 | 44. Hiring armed guards to protect persons or property without a permit.  |
| 1 2 3 4 5 6 7 8 9 | 45. Theft of a car.   |
| 1 2 3 4 5 6 7 8 9 | 46. Deliberately setting fire to another's property with loss of over \$100.                                    |
| 1 2 3 4 5 6 7 8 9 | 47. Falsely reporting that a bomb has been placed in a school.  |
| 1 2 3 4 5 6 7 8 9 | 48. Giving false testimony in a trial.  |
| 1 2 3 4 5 6 7 8 9 | 49. Stealing a certificate of title to land.  |
| 1 2 3 4 5 6 7 8 9 | *50. Escape from jail by a person held and charged with rape.   |
| 1 2 3 4 5 6 7 8 9 | 51. Passing a bad check for more than \$200.  |
| 1 2 3 4 5 6 7 8 9 | 52. Attempting to influence a witness in a court case without the use of bribery threat.                        |
| 1 2 3 4 5 6 7 8 9 | 53. Forging the name of an official.  |
| 1 2 3 4 5 6 7 8 9 | 54. Living on money earned by a prostitute.   |
| 1 2 3 4 5 6 7 8 9 | 55. Attempting to influence a juror in a court case without the use of bribery or threat.                       |
| 1 2 3 4 5 6 7 8 9 | *56. An attempt to escape by a person held and charged with rape.   |
| 1 2 3 4 5 6 7 8 9 | 57. Selling collateral valued at more than \$200 to cheat a creditor.   |
| 1 2 3 4 5 6 7 8 9 | 58. Knowingly mixing inedible meat in a food product used for human consumption.                                |
| 1 2 3 4 5 6 7 8 9 | 59. Cattle rustling.  |
| 1 2 3 4 5 6 7 8 9 | 60. Forcing a person to have sexual contacts.   |
| 1 2 3 4 5 6 7 8 9 | 61. Planned killing of another person.  |
| 1 2 3 4 5 6 7 8 9 | *62. Violating the "Sunshine Law" for a second time within three years (e.g., failure to hold public meetings). |

-----Seriousness-----  
Least Most

Actual Time  
To Be Served  
Years Month

1 2 3 4 5 6 7 8 9	63.	Writing a bad check by a produce dealer to purchase farm produce.		
1 2 3 4 5 6 7 8 9	*64.	Possession of a gambling device by a convicted professional gambler.		
1 2 3 4 5 6 7 8 9	65.	Obtaining public assistance by false representation.		
1 2 3 4 5 6 7 8 9	66.	Refusal to pay child support.		
1 2 3 4 5 6 7 8 9	67.	Helping a confined prisoner obtain a gun.		
1 2 3 4 5 6 7 8 9	68.	Kidnapping for ransom and victim is freed unharmed.		
1 2 3 4 5 6 7 8 9	69.	A public official unlawfully removing a prisoner out of state to avoid a trial for his release.		
1 2 3 4 5 6 7 8 9	*70.	Stealing narcotics for a second time.		
1 2 3 4 5 6 7 8 9	*71.	Possessing illegal telecommunications equipment for the second time.		
1 2 3 4 5 6 7 8 9	72.	Selling narcotic drugs.		
1 2 3 4 5 6 7 8 9	*73.	Possession of a gun by a confined prisoner.		
1 2 3 4 5 6 7 8 9	74.	Attempt to commit arson.		
1 2 3 4 5 6 7 8 9	75.	Failing to pay over proceeds to owner of gold mine.		
1 2 3 4 5 6 7 8 9	76.	Pretending to perform an illegal abortion in which the woman dies.		
1 2 3 4 5 6 7 8 9	77.	Receipt of deposits or investments by a failing or insolvent financial company.		
1 2 3 4 5 6 7 8 9	*78.	Possession of drugs by a confined prisoner.		
1 2 3 4 5 6 7 8 9	79.	Knowingly making false statements on documents submitted to the state securities commissioner.		
1 2 3 4 5 6 7 8 9	*80.	Taking a hostage while trying to escape from prison.		
1 2 3 4 5 6 7 8 9	81.	Threatening a juror in a court case.		
1 2 3 4 5 6 7 8 9	82.	Theft of copyrighted sound recordings.		

Actual Time  
To Be Served  
Years | Month

- |                   |  |
|-------------------|--|
| 1 2 3 4 5 6 7 8 9 | 83. A juror in a court case accepting a bribe.   |
| 1 2 3 4 5 6 7 8 9 | 84. Knowingly selling worthless stocks as valuable investments.  |
| 1 2 3 4 5 6 7 8 9 | 85. Hiding a person who is wanted for murder.  |
| 1 2 3 4 5 6 7 8 9 | 86. Willfully killing big game animals and abandoning the body.  |
| 1 2 3 4 5 6 7 8 9 | 87. Fraud by an irrigation company officer in making a profit out of a contract entered into by the company. |
| 1 2 3 4 5 6 7 8 9 | 88. Possessing counterfeit money.  |
| 1 2 3 4 5 6 7 8 9 | 89. Torturing of a child.  |
| 1 2 3 4 5 6 7 8 9 | 90. Burglary of a pharmacy to steal narcotic drugs.  |
| 1 2 3 4 5 6 7 8 9 | *91. A convicted professional gambler maintaining a gambling facility.                                       |
| 1 2 3 4 5 6 7 8 9 | 92. Stealing narcotics.  |
| 1 2 3 4 5 6 7 8 9 | 93. Stealing big game from another person.   |
| 1 2 3 4 5 6 7 8 9 | 94. Offering a false deed for legal recording with intent to cheat.  |
| 1 2 3 4 5 6 7 8 9 | 95. Using threat of harm to collect a debt.  |
| 1 2 3 4 5 6 7 8 9 | 96. Marrying another person while still married.   |
| 1 2 3 4 5 6 7 8 9 | 97. Intentionally pouring paint over someone's car causing \$150 damage.                                     |
| 1 2 3 4 5 6 7 8 9 | *98. Driving an automobile after loss of license for being an "habitual offender".                           |
| 1 2 3 4 5 6 7 8 9 | *99. Stealing a trade secret for a second time within five years.  |
| 1 2 3 4 5 6 7 8 9 | 100. Rape of a prisoner by a guard.  |
| 1 2 3 4 5 6 7 8 9 | 101. Forcing a child to have sexual contacts.  |
| 1 2 3 4 5 6 7 8 9 | 102. Possessing counterfeiting equipment.  |
| 1 2 3 4 5 6 7 8 9 | 103. Hiding a person who has been charged with manslaughter.   |

-----Seriousness-----  
Least                      Most

Actual Time  
To Be Served  
Years | Month

- |                   |       |  |
|-------------------|-------|--|
| 1 2 3 4 5 6 7 8 9 | 104.  | Forcible rape of a neighbor.                           |
| 1 2 3 4 5 6 7 8 9 | 105.  | Selling of more than an ounce of marijuana.            |
| 1 2 3 4 5 6 7 8 9 | 106.  | Practicing podiatry (foot doctor) without a license.   |
| 1 2 3 4 5 6 7 8 9 | *107. | Possessing dangerous drugs for a second time.          |
| 1 2 3 4 5 6 7 8 9 | 108.  | Stealing auto parts.                                   |
| 1 2 3 4 5 6 7 8 9 | 109.  | Lending money at illegal interest rates.               |
| 1 2 3 4 5 6 7 8 9 | 110.  | Removing mortgaged property over \$100 from the state. |
| 1 2 3 4 5 6 7 8 9 | 111.  | Taking a child away from his legal custodian.          |
| 1 2 3 4 5 6 7 8 9 | 112.  | Possession of LSD.                                     |
| 1 2 3 4 5 6 7 8 9 | *113. | Escape from prison by a convicted murderer.            |


**RECEIVED**

SEP 21 1988

COLORADO STATE LIBRARY  
State Publications Depository