

THE UNITED STATES SENTENCING COMMISSION

1331 PENNSYLVANIA AVENUE, NW

SUITE 1400

WASHINGTON, D.C. 20004

(202) 662-8800

William W. Wilkins, Jr. Chairman
Michael K. Block
Stephen G. Breyer
Helen G. Corrothers
George E. MacKinnon
Ilene H. Nagel
Paul H. Robinson
Benjamin F. Baer (ex officio)
Ronald L. Galner (ex officio)



6-00771

UNITED STATES SENTENCING COMMISSION

NOTICE OF PUBLIC HEARING

Agency: United States Sentencing Commission
Action: Notice of Public Hearing

SUMMARY: This notice announces a public hearing on criminal offense seriousness scheduled by the U.S. Sentencing Commission for Tuesday, April 15, 1986.

Date: April 15, 1986

Time: 10 a.m. ~~4 p.m.~~

Location: U.S. Sentencing Commission Hearing Room, 14th Floor of the North Office Tower at National Place, 1331 Pennsylvania Avenue, Washington, D.C. 20004

Further Information: Contact Paul K. Martin, Communications Director, 1331 Pennsylvania Avenue, N.W., Suite 1400, Washington, D.C. 20004, (202) 662-8800.

SUPPLEMENTARY INFORMATION: The U.S. Sentencing Commission was established under the Comprehensive Crime Control Act of 1984 and is an independent commission in the Judicial Branch. The Commission is charged with developing a national sentencing policy, and pursuant to that, sentencing guidelines for the federal courts. The topic of this hearing, the ranking of offenses by seriousness, is a crucial step in developing sentencing guidelines.

Written statements on this topic may be submitted to the the U.S. Sentencing Commission, 1331 Pennsylvania Avenue, N.W., Suite 1400, Washington, D.C. 20004.

Federal Register: Please bill

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AGENDA

United States Sentencing Commission Public Hearing on Offense Seriousness April 15, 1986

- 10 a.m. Chairman William W. Wilkins, Jr.
Opening Remarks
- Testimony:**
- 10:15 a.m. The Association of the Bar of the City of New York
Speaker: Peter Walsh
- 10:30 a.m. Federal Probation Officers Association
Speaker: Susan Smith
- 10:45 a.m. Federal Public Defenders Association
Speaker: Owen Walker
- 11 a.m. National Rifle Association
Speaker: David Connover
- 11:15 a.m. American Civil Liberties Union - National
Prison Project
Speaker: Alvin Bronstein
- BREAK**
- 11:45 a.m. National Interreligious Service Board for
Conscientious Objectors
Speaker: Rev. L. William Yolton
- 12 noon Washington Legal Foundation
Speaker: Paul Kamenar
- 12:15 p.m. The Institute for Government and Politics
Speaker: Patrick McGuigan
- 12:30 p.m. Crime Magazine
Speakers: David Jones, Stephen Jennings
- 12:45 p.m. National Association of Criminal Defense Lawyers
Speaker: Benson Weintraub
- 1 p.m. Chairman Wilkins
Closing Remarks
- 17

OFFENSE SERIOUSNESS QUESTIONNAIRE

INSTRUCTIONS: This questionnaire presents sixteen crime scenarios which you are asked to rank in order of seriousness. In the box beside each, please rank the relative seriousness of the offense from 1 to 16, number 1 being the most serious and number 16 the offense you deem least serious among those presented. Please attempt to differentiate each offense with a unique rank from 1 to 16. If, however, in your opinion two offenses are essentially identical in seriousness, you may assign the same number to both offenses (for example, 5). In that case, do not assign the next number in the sequence (6), but rather assign 7 to the offense that follows in seriousness.

You may write in additional comments in the space provided on page 4. Please indicate your name, organizational affiliation, and the organization's address and phone number.

Name: _____

Organization: _____

Address: _____

Phone: _____

- A. The reported head of an organized crime family is found guilty of racketeering in a corrupt organization (RICO). The predicate offenses involved violent crimes and frauds. -----
- B. A chemical corporation's valuable machinery will be damaged unless toxic chemicals are released into a stream. The chemicals pose no no risk to human life. After approval by the company's board of directors, the plant manager releases the chemicals which kills a substantial number of fish. The corporation is convicted of a felony for polluting the environment. -----
- C. An estranged husband is convicted of first degree murder for shooting his wife at her place of employment in a federal building. -----
- D. A draft evader is convicted after a presidential order suspending the draft, though the evasion took place prior to the suspension order. -----
- E. An Assistant Secretary of Defense is convicted of accepting a \$10,000 bribe from a bidder on a multimillion dollar defense contract in which the bidder is awarded the contract over an equally qualified and priced bidder. -----
- F. A person enters a bank and hands a teller a note which says "Give me cash or you're in big trouble." The teller fills a sack with \$10,000. The offender did not have a weapon. -----
- G. A bank teller is caught embezzling \$10,000 from a federal bank at a time when a number of unsolved embezzlements have been reported around the country. -----
- H. A government employee takes and sells several documents to the Soviet Union during peacetime. The documents reveal technical details about defense systems which now must be altered at a cost of \$15 million. -----

- I. A Coast Guard inspection of a boat at sea heading into Miami leads to the conviction of the captain for possession with intent to distribute heroin with a street value of \$15 million. -----
- J. A hiker in a national forest shoots at a forest ranger, but misses. -----
- K. A wholesale automobile dealer is convicted of altering odometers on the used cars he sold. It is documented that he altered odometers on over 200 automobiles with the average "roll back" being 50,000 miles per car. -----
- L. The president of a small college is convicted of making false statements to the department of education so that the financially troubled school could receive assistance through federal financial programs. A total of \$750,000 was illegally received by the school through this fraud. -----
- M. A camper is convicted for camping in a federal park without a permit and starting a campfire which resulted in a forest fire. The fire was brought under control rather quickly without extensive destruction. -----
- N. An elderly woman receives her deceased husband's social security check for several months after his death. She forges his name and thereby receives \$3,000 worth of undeserved benefits before being detected. -----
- O. An individual with a prior felony record buys a .410 gauge shotgun from a hardware store. In the process he signs the required federal forms wherein he swears that he has never been convicted of a crime. He is convicted of receipt of a firearm by a felon and falsely completing the form. -----
- P. A person intentionally perjures himself during the trial of a friend by testifying falsely about the defendant's whereabouts during the commission of a crime. -----

Comment