

History of Consecutive Sentencing  
Criminal Sentencing Task Force  
11/2/21

History

Pre-SRA

Judges had discretion to determine if sentences should be run consecutively or concurrently. Reportedly, most sentences were concurrent, and consecutively-run sentences were save for exceptional cases.

SRA

As directed by the Legislature, the SGC was required to “devise recommended standards to govern whether sentences are to be served consecutively or concurrently.”

The SGC considered:

- Current sentencing practices
- Existing case law
- Anti-merge statute
- Multiple counts/charges reflect an increased level of criminal activity

Issues that emerged from discussion with stakeholders:

- A distinction between crimes committed as part of a single criminal episode and those which represent separate and distinct events is necessary.
- Multiple crimes involving at least one violent crime should be treated more severely than multiple non-violent crimes.
- People who are sentenced for one crime and then convicted of additional crime(s) should receive a separate sentence to be served after the original sentence is completed.
- The sentencing grid relies on offense seriousness and criminal history, so it is important to ensure scoring of multiple counts is not “double counted”.
- Uniform application of this policy is necessary to avoid disparity in sentences with like persons.

Recommended Policy:

	At least 1 violent offense	No violent offenses
All offenses arose out of same act	Concurrent (1)	Concurrent (2)
Not all offenses arose out of same act	Consecutive	Concurrent (10)

Consecutive: Score the most serious offense using correct criminal history score based on prior felonies. Score the other offenses using a zero criminal history score.

Concurrent (1): Total sentence length based on most serious offense, counting other current offenses as prior offenses.

Concurrent (2): Total sentence length based on most serious offense. Other current offenses do not affect criminal history score.