

## ENHANCEMENTS

Driving Under the Influence (41-6a-503)		
<u>Basis for Enhancement</u>	<u>Prior History:</u>	<u>Elements:</u>
	<ul style="list-style-type: none"> <li>Ten year look back period (41-6a-503(2)(b))                             <ol style="list-style-type: none"> <li>MB (41-6a-503(1)(a))</li> <li>MB (41-6a-503(1)(a))</li> <li>3rd Felony (41-6a-503(2)(b))</li> </ol> </li> <li>Prior Felony DUI or Automobile Homicide Conviction (41-6a-503(2)(c))</li> </ul>	<ul style="list-style-type: none"> <li>Bodily Injury to another- MA (41-6a-503(1)(b)(i))</li> <li>Passenger under 16 - MA (41-6a-503(1)(b)(ii))</li> <li>Defendant is <math>\geq</math> 21 yrs and had a passenger under 18 - MA (41-6a-503(1)(b)(iii))</li> <li>Serious Bodily Injury to another - 3rd Fel. (41-6a-503(2)(a))</li> </ul>
Domestic Violence (77-36-1.1)		
<u>Basis for Enhancement</u>	<u>Prior History:</u>	<u>Elements:</u>
	<ul style="list-style-type: none"> <li>Five year look back period                             <ul style="list-style-type: none"> <li><input type="checkbox"/> If MC <math>\rightarrow</math> MB</li> <li><input type="checkbox"/> If MB <math>\rightarrow</math> MA</li> <li><input type="checkbox"/> If MA <math>\rightarrow</math> 3rd Fel. (77-36-1.1(2))</li> </ul> </li> <li>Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the PIA. (77-36-1.1(3))</li> </ul>	<ul style="list-style-type: none"> <li><u>MA</u> <ul style="list-style-type: none"> <li>The victim is pregnant and the person has knowledge of the pregnancy (76-5-102(3)(b))</li> </ul> </li> <li>Substantial bodily Injury (76-5-102(3)(a))</li> <li><u>3rd Felony</u> <ul style="list-style-type: none"> <li>Serious Bodily Injury - including "evidence [which] shows application of force to the neck or throat of the victim, creating a substantial likelihood of impediment to the victim's normal breathing or circulation." HJR 6 2010 (76-5-103(b))</li> </ul> </li> </ul>

Theft (76-6-412)			
<u>Basis for Enhancement</u>	<u>Prior History:</u> <ul style="list-style-type: none"><li>Ten year look back period</li><li><input type="checkbox"/> 3rd Felony, if 2 prior convictions (76-6-412(1)(b))</li></ul>	<u>Elements:</u> <ul style="list-style-type: none"><li>MB: Less than \$500</li><li>MA: \$500 - \$1,500</li><li>Felony: above \$1,500 (76-6-412(1)(b)-(d))</li></ul>	Any theft, robbery, burglary to commit theft Fraud Attempt to commit
Criminal Mischief (76-6-106)			
<u>Basis for Enhancement</u>	<u>Prior History:</u> <ul style="list-style-type: none"><li>None</li></ul>	<u>Elements:</u> <ul style="list-style-type: none"><li>MB: Less than \$500</li><li>MA: \$500 - \$1,500</li><li>Felony: above \$1,500 (76-6-106(3)(b))</li></ul>	
Controlled Substances (58-37-8)			
<u>Basis for Enhancement</u>	<u>Prior History:</u> <ul style="list-style-type: none"><li>No look back period<ol style="list-style-type: none"><li>MB</li><li>MA</li><li>3rd Felony (58-37-8(2)(d))</li></ol></li></ul>	<u>Elements:</u> <ul style="list-style-type: none"><li>Drug Free Zone: One step enhancement (58-37-8(4)(c))</li></ul>	
Lewdness			
Sexual Battery			

Any theft, robbery, burglary, to commit theft  
 Fraud  
 Attempt to commit