

## **1) Gap and Decay Provisions**

A gap provision provides that a conviction will not be considered for purposes of determining the criminal history group after a conviction-free period of a defined number of years. A decay provision provides that a conviction of a defined age will not be considered. Gap and decay provisions do not affect minimum mandatory provisions, habitual offender laws, subsequent offender laws, or CORI laws.

### **Version A - Gap**

When calculating a person's criminal history for purposes of the guidelines, a conviction-free period of 8 (eight) consecutive years after discharge from sentence or probation termination, whichever is later, shall be deemed to have erased the defendant's criminal history prior to that date, subject to the following exception: all prior convictions at offense seriousness levels 6 and above shall be counted for criminal history placement on the sentencing grid where the current governing offense is at offense seriousness level 6 or above.

### **Version B - Modified Decay**

When calculating a person's criminal history for purposes of the guidelines, a period of 8 (eight) consecutive years after discharge from sentence or probation termination, whichever is later, shall be deemed to have erased the defendant's criminal history prior to that date, subject to the following exception: all prior convictions at offense seriousness levels 6 and above shall be counted for criminal history placement on the sentencing grid where the current governing offense is at offense seriousness level 6 or above.

### **Version C - Pure Decay**

When calculating a person's criminal history for purposes of the guidelines, a period of 10 (ten) years after the date of discharge from or expiration of the sentence on a prior felony conviction to the date of the current offense shall be deemed to have erased the prior felony conviction.