

**FORM 2**  
**JUVENILE SENTENCING GUIDELINES**  
**AGGRAVATING AND MITIGATING FACTORS**

**Aggravating**

1. **Impact of Offense on Victim and Community:** Offender's callousness and cruelty shock the conscience of the Court; offense involved substantial monetary loss; offender caused substantial physical or psychological injury to the victim; offender has offended against current victim on prior occasions; or the offender knew or should have known that the victim was particularly vulnerable.
2. **Prior Violent Delinquent Conduct:** Offender has demonstrated, by prior history of delinquency adjudications, a propensity for violent, delinquent conduct.
3. **Substantial Adjudication History:** Adjudication for the same or similar offense on two or more previous separate occasions; gross number of prior offenses; or the offender has been adjudicated delinquent.
4. **Need for Out-of-Home Treatment:** Treatment needs of the offender require an out-of-home placement.
5. **Need for Secure Confinement:** Offender presents a danger to the community that requires secure confinement.
6. **Lack of Remorse:** Offender has demonstrated a total lack of remorse or a lack of acceptance or responsibility with regard to the offense.
7. **Supervision to Monitor Restitution:** A long period of supervision is necessary to monitor the offender's restitution responsibilities.
8. **Lack of Amenability with Lesser Sanctions:** Offender has demonstrated a lack of cooperation with lesser restrictive sanctions; offender has probation violations, other contempt orders, or non-judicial actions that should be considered; or offender has previously been placed on or qualified for a higher sanction.
9. **Lack of Attendance or Participation in Educational Programs:** Offender has willfully failed to attend or participate in school or other appropriate educational or vocational programs.
10. **Gang Involvement.**
11. **Other (specify)** \_\_\_\_\_

**Mitigating**

1. **Significant Improvement Since the Offense:** Offender has demonstrated significant improvement since the time of the offense; offender has voluntarily sought treatment; offender compensated or made a good faith effort to compensate victim.
2. **Physical/Mental Impairment:** Offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed; or the offender is mentally retarded as demonstrated by all of the following: (a) offender is significantly sub-average in general intellectual functioning (usually interpreted as an IQ score of 70 or less); and (b) offender demonstrates deficits in adaptive behavior (has insufficient life skills to get along without constant assistance from others); and (c) offender manifested the above handicaps during the developmental period. The voluntary use of intoxicants does not fall within the purview of this category.
3. **Limited Adjudication History:** Offender has no or only minor prior adjudications; long period of time since previous referral; or extreme length of time since the offense occurred.
4. **Age and Maturity of Offender:** Offender's age and maturity suggest that the offender did not fully understand the impact or nature of the delinquent conduct.
5. **Current Status:** Offender is currently in an appropriate level of treatment or supervision.
6. **Treatment Needs Exceed Need for Punishment:** The offender is in greater need of an available treatment program than of punishment through incarceration.
7. **Other (specify)** \_\_\_\_\_