

Felix Neals, Supervising Administrative Law Judge

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Applicant, Mr. John J. Carota, represented himself.

Objector, Division of Licensing Services, was represented by Ms.

Nadine Kozer, Legal Assistant II.

Under provisions of General Business Law, §§79 and 89-k(2), applicant appeals the decision of the Division of Licensing Services that deny the application for renewal of registration as a security guard. The State alleges that the applicant lacks requisite character, fitness, and competence required by the provisions of General Business Law, §89-h, to be registered as a security guard, because the applicant has been convicted of a criminal offense that indicates a lack of good character, fitness, and competence required for registration as a security guard.

Mr. Carota was plead guilty to the following criminal offenses: two, unclassified misdemeanors, March 7, 1995, and October 11, 2001, operation of a motor vehicle while under the influence of alcohol 1<sup>st</sup> degree, Vehicle and Traffic Law, §1192; two, class A misdemeanors, August 28, 2001, criminal possession of hypodermic instrument, Penal Law, §220.45, and March 22, 2004, contraband to prisoners 2<sup>nd</sup> degree, Penal Law, §205.20; a class B misdemeanor, November 1, 2001, attempted criminal possession of a controlled substance 7<sup>th</sup> degree, Penal Law, §§110/220.03. Mr. Carota's explanations for his convictions include: not knowing why he was convicted; drugs possibly being planted on him when he was unconscious; finding probation too restrictive on his freedom of movement; and deciding to take tobacco into jail.

Having been convicted of criminal offenses, a determination of Mr. Carota's fitness for registration as a security guard must be decided as statutorily directed by provisions both of General Business Law, Article 7-A, that regulate the registration and the employment of security guards (§§89-g and 89-h), and of Correction Law, Article 23-A, that expresses the public policy that forbids unfair discrimination against an applicant previously convicted of a criminal offense who seeks to be registered as a security guard (§752).

Essentially, the statutes provide that registration as a security guard may be denied to any person who has been convicted of a criminal offense either: (1) where an essential element of the criminal offense directly relates to the duties statutorily imposed on a registered security guard (implying that the applicant cannot be trusted to lawfully perform watch, guard, and patrol activities, and that if registered as a security guard, the applicant would pose an unreasonable risk to persons whom or to property that the licensing agency is mandated to protect); or (2) the registration or employment of the applicant as a security guard involves an unreasonable risk to property, or the safety or welfare of specific individuals or of the general public (General Business Law, §§89-h[5] and 89-l[5][b]; Correction Law, §752).

Direct-relationship and unreasonable-risk issues are concomitant. An applicant's prior, criminal conviction that directly relates to the duties of a registered security guard creates a rebuttal presumption of risk.

A registered security guard acts in a quasi-law, enforcement position in that he or she is hired to protect individuals and property from harm, theft or other unlawful activity and to deter criminal activity. Law obligates and trusts a registered security guard to lawfully perform watch, guard, and patrol activities. A registered security guard should not pose a risk of being a danger to the property that or to the persons whom the security guard is employed to protect.

Mr. Carota's acts, violations of Penal Law, §§205.20, 220.45, 110/220.03, and Vehicle and Traffic Law, §1192, directly relate to the fitness to perform the duties legally imposed on a registered security guard (General Business Law, §89-h[5]; Correction Law, §§752, 753[1][b], and 753[1][c]); he was 33 years of age when the last criminal offense was committed and is presumed to have been aware of the consequences of his behavior (Correction Law, §753[1][e]); his convictions are not classified as serious, criminal offenses (Correction Law, §753[1][f]); the

one-year duration of time that has elapsed since the applicant plead guilty to the last criminal offense is relatively short and is insufficient to properly evaluate applicant's character and trustworthiness. In addition, the applicant failed to offer evidence sufficient to attenuate the direct relationship that exists between the criminal convictions and the duties of a registered security guard (Correction Law, §753[1][g]; General Business Law, §§89-h[5] and 89-l[5][b]).

Mr. John J. Carota failed to prove by substantial evidence that he possesses the requisite character, fitness, and competence required by the provisions of General Business Law, §89-h, to be registered as a security guard.

**I ORDER** the application (UID #10009632262) of Mr. John J. Carota for his registration as a security guard is denied.

**SO ORDERED:** March 25, 2005

Felix Neals

Supervising Administrative Law Judge

***Tab H***

## INTAKE QUESTIONNAIRE

### I. Criminal History

- A. List ALL convictions (i.e., felonies, misdemeanors, violations) including dates and dispositions for each
  - Ask for all documentation (i.e. accusatory instrument and court disposition slip)
  - Ask for a copy of rap sheet (or consider requesting rap sheet if the client doesn't have one)
    - Check rap sheet for accuracy with client
- B. Have you been issued any certificates of rehabilitation? If so, which one?
  - Certificate of relief from disability?
    - If so, itemize for which conviction the certificate is for
  - Certificate of good conduct?

### II. Employment History

- A. Prior to conviction – list all jobs held including job description, dates of employment, salary, reason for separation or termination
- B. Post-conviction – list all jobs held including job description, dates of employment, salary, reason for separation or termination
  - i. If person was released recently, list job application sent or any documentation of efforts to secure a job

### III. List all educational, vocational, other job-related training completed

- A. Prior to conviction
- B. Post-conviction

### IV. List all volunteer, community and/or church-related activities

- A. Prior to conviction
- B. Post-conviction

V. List person(s) who would be willing to write letters (or appear as witnesses) on your behalf addressing your trustworthiness, reliability and character. For example, school teacher/administrator, job-training supervisor, former employer(s), pastor/minister/spiritual leader, mentors or persons of influence, counseling or social service organizations, parole or probation officer(s), volunteer supervisor, etc.

### VI. Other

***Tab I***

## SAMPLE LETTER FROM FORMER EMPLOYER

[Date]

[Name of Former Supervisor or Employer]

[Name of Company]

[Mailing Address of Company]

RE: [Applicant's name]

Dear Sir or Madam:

I am writing on behalf of Ms. X, whom I have known for six years. Ms. X is a wonderful employee and I would highly recommend her for employment with your agency.

Ms. X worked for me as a Sales Associate on a part-time basis for six years. During that time, Ms. X proved to be reliable and extremely trustworthy. She was responsible for opening the store in the morning, and I entrusted her with valuable merchandise in my store.

Ms. X left employment because I was unable to offer her full-time employment. I highly recommend her for employment with your agency.

If you wish to discuss Ms. X's credentials further, I can be reached at (718) 123-4567.

Sincerely,

[Signature]

[Name]

[Title]

## **SAMPLE LETTER FROM VOLUNTEER WORK**

[Date]

[Name of Volunteer Supervisor]

[Name of Organization (if any)]

[Mailing Address]

RE: [Applicant's name]

Dear Sir or Madam [specify name if known]:

I write on behalf of Mr. Z, who began volunteering his services in our community center after school program in October 2005.

Mr. Z volunteers twice a week and assists our staff and students to ensure that the after school program runs smoothly. His positive and pleasant attitude is truly appreciated by both our staff and students. Mr. Z has shown to be a very reliable, dependable, and trustworthy person. He is truly an asset to our community.

If I could be of further assistance, please do not hesitate to contact me at (212) 123-4567.

Sincerely,

[Signature]

[Name]

[Title (if any)]



## **SAMPLE LETTER FROM MENTOR**

[Date]

[Name of Mentor]

[Name of Organization (if any)]

[Mailing Address]

RE: [Applicant's name]

Dear Sir or Madam [specify name if known]:

I am a retired officer and have worked in the field of law enforcement for over forty years. I currently serve as a Big Brother mentor for Mr. Y and write on his behalf in support of his license application.

I know that over the years, Mr. Y has gotten into a lot of trouble that has lead to recent incarceration. Since his release from prison two years ago, I have been assisting him to obtain a job. I encouraged him to obtain a Home Improvement Contractor license so that he may build his own business. I believe that he has demonstrated to me that he has moved away from his past, and that he is interested in improving his life.

I request that the New York State Department of State grant his license.

Sincerely,

[Signature]

[Name]

[Title (if any)]

***Tab J***

# Appendix I:

## Abbreviated Listing of Penal Law Sections of Some Offenses

SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#100 Criminal Solicitation	100.00 Criminal Solicitation 5th Deg. 100.05 Criminal Solicitation 4th Deg. 100.08 Criminal Solicitation 3rd Deg. 100.10 Criminal Solicitation 2nd Deg. 100.13 Criminal Solicitation 1st Deg.	Vlt A Misd E Fel D Fel C Fel
#105 Conspiracy	105.00 Conspiracy 6th Deg. 105.05 Conspiracy 5th Deg. 105.10 Conspiracy 4th Deg. 105.13 Conspiracy 3rd Deg. 105.15 Conspiracy 2nd Deg. 105.17 Conspiracy 1st Deg.	B Misd A Misd E Fel D Fel B Fel A-I Fel
#115 Criminal Facilitation	115.00 Criminal Facilitation 4th Deg. 115.01 Criminal Facilitation 3rd Deg. 115.05 Criminal Facilitation 2nd Deg. 115.08 Criminal Facilitation 1st Deg.	A Misd E Fel C Fel B Fel
#120 Assault and Related Offenses	120.00 Assault 3rd Deg. 120.01 Assault of a Child by a Child Day Care Provider 120.03 Vehicular Assault 2nd Deg. 120.04 Vehicular Assault 1st Deg. 120.05 Assault 2nd Deg. 120.10 Assault 1st Deg. 120.11 Aggravated Assault upon Police Officer 120.12 Agg. Assault upon person younger than 11 120.13 Menacing 1st Deg. 120.14 Menacing 2nd Deg. 120.15 Menacing 3rd Deg. 120.16 Hazing 1st Deg. 120.17 Hazing 2nd Deg. 120.20 Reckless Endangerment 2nd Deg. 120.25 Reckless Endangerment 1st Deg. 120.30 Promoting a Suicide Attempt 120.45 Stalking in the 4th Deg. 120.50 Stalking in the 3rd Deg. 120.55 Stalking in the 2nd Deg. 120.60 Stalking in the 1st Deg.	A Misd E Fel E Fel D Fel D Fel B Fel B Fel E Fel E Fel A Misd B Misd A Misd Vlt A Misd D Fel E Fel B Misd A Misd E Fel D Fel



SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#140 Offenses Involving Damage to and Intrusion Upon Property	140.05 Trespass 140.10 Criminal Trespass 3rd Deg. 140.15 Criminal Trespass 2nd Deg. 140.17 Criminal Trespass 1st Deg. 140.20 Burglary 3rd Deg. 140.25 Burglary 2nd Deg. 140.30 Burglary 1st Deg. 140.35 Possession Burglar's Tools 140.40 Unlawful Possession Radio Device	Vlt B Misd A Misd D Fel D Fel C Fel B Fel A Misd B Misd
#145 Criminal Mischief and Related Offenses	145.00 Criminal Mischief 4th Deg. 145.05 Criminal Mischief 3rd Deg. 145.10 Criminal Mischief 2nd Deg. 145.12 Criminal Mischief 1st Deg. 145.14 Criminal Tampering 3rd Deg. 145.15 Criminal Tampering 2nd Deg. 145.20 Criminal Tampering 1st Deg. 145.25 Reckless Endangerment of Property 145.30 Unlawfully Posting Ads 145.40 Tampering with Consumer Products 2nd Deg. 145.45 Tampering with Consumer Products 1st Deg. 145.60 Making graffiti 145.65 Possession of graffiti instruments	A Misd E Fel D Fel B Fel B Misd A Misd D Fel B Misd Vlt A Misd E Fel A Misd B Misd
#150 Arson	150.01 Arson 5th Deg. 150.05 Arson 4th Deg. 150.10 Arson 3rd Deg. 150.15 Arson 2nd Deg. 150.20 Arson 1st Deg.	A Misd E Fel C Fel B Fel A-I Fel
#155 Larceny and Theft	155.25 Petit Larceny 155.30 Grand Larceny 4th Deg. 155.35 Grand Larceny 3rd Deg. 155.40 Grand Larceny 2nd Deg. 155.42 Grand Larceny 1st Deg.	A Misd E Fel D Fel C Fel B Fel

SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#156 Offenses Involving Computers	156.05 Unauthorized Use of Computer 156.10 Computer Trespass 156.20 Computer Tampering 4th Deg. 156.25 Computer Tampering 3rd Deg. 156.26 Computer Tampering 2nd Deg. 156.27 Computer Tampering 1st Deg. 156.30 Unlawful Duplication Comp. Material 156.35 Criminal Possession Computer Material	A Misd E Fel A Misd E Fel D Fel C Fel E Fel E Fel
#158 Welfare Fraud	158.05 Welfare Fraud 5th Deg. 158.10 Welfare Fraud 4th Deg. 158.15 Welfare Fraud 3rd Deg. 158.20 Welfare Fraud 2nd Deg. 158.25 Welfare Fraud 1st Deg. 158.30 Criminal Use of Public Benefit Cards 2nd Deg. 158.35 Criminal Use of Public Benefit Cards 1st Deg. 158.40 Criminal Possession of Public Benefit Cards 3rd Deg. 158.45 Criminal Possession of Public Benefit Cards 2nd Deg. 158.50 Criminal Possession of Public Benefit Cards 1st Deg.	A Misd E Fel D Fel C Fel B Fel A Misd E Fel E Fel D Fel C Fel
#160 Robbery	160.05 Robbery 3rd Deg. 160.10 Robbery 2nd Deg. 160.15 Robbery 1st Deg.	D Fel C Fel B Fel
#165 Other Offenses Related to Theft	165.00 Misapplication of property 165.05 Unauthorized Use of a Vehicle 3rd Deg. 165.06 Unauthorized Use of a Vehicle 2nd Deg. 165.07 Unlawful Use of Secret Scientific Material 165.08 Unauthorized Use of a Vehicle 1st Deg. 165.09 Auto Stripping 3rd Deg. 165.10 Auto Stripping 2nd Deg. 165.11 Auto Stripping 1st Deg. 165.15 Theft of Services 165.17 Unlawful Use of Credit, Debit or Public Benefit Card 165.20 Fraudulently Obtaining Signature 165.30 Fraudulent Accosting 165.35 Fortune Telling 165.40 Criminal Possession Stolen Prop. 5th Deg. 165.45 Criminal Possession Stolen Prop. 4th Deg. 165.50 Criminal Possession Stolen Prop. 3rd Deg. 165.52 Criminal Possession Stolen Prop. 2nd Deg. 165.54 Criminal Possession Stolen Prop. 1st Deg. 165.71 Trademark Counterfeiting 3rd Deg. 165.72 Trademark Counterfeiting 2nd Deg. 165.73 Trademark Counterfeiting 1st Deg.	A Misd A Misd E Fel E Fel D Fel A Misd E Fel D Fel A Misd A Misd A Misd A Misd B Misd A Misd E Fel D Fel C Fel B Fel A Misd E Fel C Fel

SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#170 Forgery and Related Offenses	170.05 Forgery 3rd Deg. 170.10 Forgery 2nd Deg. 170.15 Forgery 1st Deg. 170.20 Poss. Forged Instrument 3rd Deg. 170.25 Poss. Forged Instrument 2nd Deg. 170.30 Poss. Forged Instrument 1st Deg. 170.40 Criminal Possession Forgery Devices 170.45 Criminal Simulation 170.47 Criminal Possession Anti Security Item 170.55 Unlawfully Using Slugs 2nd Deg. 170.60 Unlawfully Using Slugs 1st Deg. 170.65 Forgery of Vehicle ID No. 170.70 Illegal Possession of Vehicle ID 170.75 Fraudulent Making of an Electronic Access Device 2nd Deg.	A Misd D Fel C Fel A Misd D Fel C Fel D Fel A Misd B Misd B Misd E Fel E Fel E Fel  D Fel
#175 Offenses Involving False Written Statements	175.05 Falsifying Business Records 2nd Deg. 175.10 Falsifying Business Records 1st Deg. 175.20 Tampering Public Records 2nd Deg. 175.25 Tampering Public Records 1st Deg. 175.30 Offering False Instrument 2nd Deg. 175.35 Offering False Instrument 1st Deg. 175.40 Issuing False Certificate 175.45 Issuing False Financial Statement	A Misd E Fel A Misd D Fel A Misd E Fel E Fel A Misd
#176 Insurance Fraud	176.10 Insurance Fraud 5th Deg. 176.15 Insurance Fraud 4th Deg. 176.20 Insurance Fraud 3rd Deg. 176.25 Insurance Fraud 2nd Deg. 176.30 Insurance Fraud 1st Deg. 176.35 Aggravated Insurance Fraud	A Misd E Fel D Fel C Fel B Fel D Fel
#178 Criminal Diversion of Prescription Medications	178.10 Criminal Diversion of Prescription Medications and Prescriptions in the 4th Deg. 178.15 Crim. Div. of Prescription Med. and Prescriptions in the 3rd Deg. 178.20 Crim. Div. of Prescription Med. and Prescriptions in the 2nd Deg. 178.25 Crim. Div. of Prescription Med. and Prescriptions in the 1st Deg.	A Misd  E Fel  D Fel  C Fel

SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#180 Bribery Not Involving Public Servants	180.00 Commercial Bribing 2nd Deg. 180.03 Commercial Bribing 1st Deg. 180.05 Commercial Bribe Receiving 2nd Deg. 180.08 Commercial Bribe Receiving 1st Deg. 180.15 Bribing a Labor Official 180.25 Bribe Receiving by Labor Official 180.40 Sports Bribing 180.45 Sports Bribe Receiving 180.50 Tampering Sports Contest 2nd Deg. 180.51 Tampering Sports Contest 1st Deg. 180.52 Impairing Pari Mutuel Bet System Integrity. 2nd Deg. 180.53 Impairing Pari Mutuel Bet System Integrity 1st Deg. 180.55 Rent Gouging 3rd Deg. 180.56 Rent Gouging 2nd Deg. 180.57 Rent Gouging 1st Deg.	A Misd E Fel A Misd E Fel D Fel D Fel D Fel E Fel A Misd E Fel E Fel D Fel B Misd A Misd E Fel
#185 Fraud on Creditors	185.00 Fraud in Insolvency 185.05 Fraud Involving Security Interest 185.10 Fraudulent Disposition of Mortgage Property 185.15 Fraudulent Disposition Property Subject to Conditions of Sales Contract	A Misd A Misd A Misd A Misd
#190 Other Frauds	190.05 Issuing a Bad Check 190.20 False Advertising 190.23 False Impersonation 190.25 Criminal Impersonation 2nd Deg. 190.26 Criminal Impersonation 1st Deg. 190.27 Criminal Sale of Police Uniform 190.30 Unlawfully Concealing Will 190.35 Misconduct by Corporate Official 190.40 Criminal Usury 2nd Deg. 190.42 Criminal Usury 1st Deg. 190.45 Possession Usurious Loan Records 190.50 Unlawful Collection Practices 190.55 Making False Statement of Credit Terms 190.60 Scheme to Defraud 2nd Deg. 190.65 Scheme to Defraud 1st Deg. 190.70 Scheme to Defraud State by Unlawfully Selling Prescriptions 190.78 Identity Theft 3rd Deg. 190.79 Identity Theft 2nd Deg. 190.80 Identity Theft 1st Deg.	B Misd A Misd B Misd A Misd E Fel A Misd E Fel B Misd E Fel C Fel A Misd B Misd A Misd A Misd E Fel A Misd A Misd E Fel D Fel



SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#195 Official Misconduct and Obstruction of Public Servants	195.00 Official Misconduct 195.05 Obstruct. Gov. Admin. 2nd Deg. 195.06 Killing or Injuring Police Animal 195.07 Obstruct. Gov. Admin. 1st Deg. 195.10 Refusing to Aid Police Officer 195.11 Harming animal trained to aid person w/ a disability 2nd Deg. 195.12 Harming animal trained to aid person w/ a disability 1st Deg. 195.15 Obstructing Firefighting Operations 195.16 Obstructing Emergency Medical Services 195.20 Defrauding the Government	A Misd A Misd A Misd E Fel B Misd  B Misd  A Misd A Misd A Misd E Fel
#200 Bribery Involving Public Servants	200.00 Bribery of a Public Servant 3rd Deg. 200.03 Bribery of a Public Servant 2nd Deg. 200.04 Bribery of a Public Servant 1st Deg. 200.10 Bribe Receiving 3rd Deg. 200.11 Bribe Receiving 2nd Deg. 200.12 Bribe Receiving 1st Deg. 200.20 Rewarding Official Misconduct 2nd Deg. 200.22 Rewarding Official Misconduct 1st Deg. 200.25 Receiving Reward for Misconduct 2nd Deg. 200.27 Receiving Reward for Misconduct 1st Deg. 200.30 Giving Unlawful Gratuities 200.35 Receiving Unlawful Gratuities 200.45 Bribe Giving for Public Office 200.50 Bribe Receiving for Public Office	D Fel C Fel B Fel D Fel C Fel B Fel E Fel C Fel E Fel C Fel A Misd A Misd D Fel D Fel
#205 Escape and Other Offenses Related to Custody	205.05 Escape 3rd Deg. 205.10 Escape 2nd Deg. 205.15 Escape 1st Deg. 205.16 Absconding from Temp. Release 2nd Deg. 205.17 Absconding from Temp. Release 1st Deg. 205.18 Absconding from Furlough Program 205.19 Absconding from Community Treatment Facility 205.20 Promoting Prison Contraband 2nd Deg. 205.25 Promoting Prison Contraband 1st Deg. 205.30 Resisting Arrest 205.55 Hindering Prosecution 3rd Deg. 205.60 Hindering Prosecution 2nd Deg. 205.65 Hindering Prosecution 1st Deg.	A Misd E Fel D Fel A Misd E Fel A Misd E Fel A Misd D Fel A Misd A Misd E Fel D Fel

SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#210 Perjury and Related Offenses	210.05 Perjury 3rd Deg. 210.10 Perjury 2nd Deg. 210.15 Perjury 1st Deg. 210.35 Making Apparently Sworn False Statement 2nd Deg. 210.40 Making Apparently Sworn False Statement 1st Deg. 210.45 Making Punishable False Written Statement	A Misd E Fel D Fel A Misd E Fel A Misd
#215 Other Offenses Related to Judicial and Other Proceedings	215.00 Bribing a Witness 215.05 Bribe Receiving by Witness 215.10 Tampering with a Witness 4th Deg. 215.11 Tampering with a Witness 3rd Deg. 215.12 Tampering with a Witness 2nd Deg. 215.13 Tampering with a Witness 1st Deg. 215.14 Employer Penalizing Witness 215.15 Intimidating Victim or Witness 3rd Deg. 215.16 Intimidating Victim or Witness 2nd Deg. 215.17 Intimidating Victim or Witness 1st Deg. 215.19 Bribing a Juror 215.20 Bribe Receiving by Juror 215.23 Tampering with a Juror 2nd Deg. 215.25 Tampering with a Juror 1st Deg. 215.28 Misconduct by a Juror 2nd Deg. 215.30 Misconduct by a Juror 1st Deg. 215.40 Tampering with Physical Evidence 215.45 Compounding a Crime 215.50 Criminal Contempt 2nd Deg. 215.51 Criminal Contempt 1st Deg. 215.52 Aggravated Criminal Contempt 215.55 Bail Jumping 3rd Deg. 215.56 Bail Jumping 2nd Deg. 215.57 Bail Jumping 1st Deg. 215.58 Fail. Respond to Appearance Ticket 215.60 Criminal Contempt of Legislature 215.65 Criminal Contempt of Temporary State Commission 215.66 Criminal Contempt of Commission on Judicial Conduct 215.70 Unlawful Grand Jury Disclosure 215.75 Unlawful Disclosure of Indictment 215.80 Unlawful Disposition of Assets Subject to Forfeiture	D Fel D Fel A Misd E Fel D Fel B Fel B Misd E Fel D Fel B Fel D Fel D Fel B Misd A Misd Vlt A Misd E Fel A Misd A Misd E Fel D Fel A Misd E Fel D Fel Vlt A Misd A Misd A Misd E Fel B Misd A Misd

SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#220 Controlled Substances Offenses	220.03 Criminal Possession of Controlled Substance 7th Deg. 220.06 Criminal Possession of Controlled Substance 5th Deg. 220.09 Criminal Possession of Controlled Substance 4th Deg. 220.16 Criminal Possession of Controlled Substance 3rd Deg. 220.18 Criminal Possession of Controlled Substance 2nd Deg. 220.21 Criminal Possession of Controlled Substance 1st Deg. 220.31 Criminal Sale of Controlled Substance 5th Deg. 220.34 Criminal Sale of Controlled Substance 4th Deg. 220.39 Criminal Sale of Controlled Substance 3rd Deg. 220.41 Criminal Sale of Controlled Substance 2nd Deg. 220.43 Criminal Sale of Controlled Substance 1st Deg. 220.44 Criminal Sale on or Near School Grounds 220.45 Criminal Possession of Hypodermic Instrument 220.46 Criminal Injection of Narcotic Drug 220.50 Criminal Use Drug Paraphernalia 2nd Deg. 220.55 Criminal Use Drug Paraphernalia 1st Deg. 220.60 Criminal Possession Precursors of Controlled Substance 220.65 Criminal Sale of Prescription	A Misd D Fel C Fel B Fel A-II Fel A-I Fel D Fel C Fel B Fel A-II Fel A-I Fel B Fel A Misd E Fel A Misd D Fel  E Fel C Fel
#221 Offenses Involving Marijuana	221.05 Unlawful Possession of Marijuana 221.10 Criminal Possession of Marijuana 5th Deg. 221.15 Criminal Possession of Marijuana 4th Deg. 221.20 Criminal Possession of Marijuana 3rd Deg. 221.25 Criminal Possession of Marijuana 2nd Deg. 221.30 Criminal Possession of Marijuana 1st Deg. 221.35 Criminal Sale of Marijuana 5th Deg. 221.40 Criminal Sale of Marijuana 4th Deg. 221.45 Criminal Sale of Marijuana 3rd Deg. 221.50 Criminal Sale of Marijuana 2nd Deg. 221.55 Criminal Sale of Marijuana 1st Deg.	Vlt B Misd A Misd E Fel D Fel C Fel B Misd A Misd E Fel D Fel C Fel
#225 Gambling Offenses	225.05 Promoting Gambling 2nd Deg. 225.10 Promoting Gambling 1st Deg. 225.15 Poss. Gambling Records 2nd Deg. 225.20 Poss. Gambling Records 1st Deg. 225.30 Poss. Gambling Device	A Misd E Fel A Misd E Fel A Misd

SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#230 Prostitution Offenses	230.00 Prostitution 230.03 Patronizing a Prostitute 4th Deg. 230.04 Patronizing a Prostitute 3rd Deg. 230.05 Patronizing a Prostitute 2nd Deg. 230.06 Patronizing a Prostitute 1st Deg. 230.20 Promoting Prostitution 4th Deg. 230.25 Promoting Prostitution 3rd Deg. 230.30 Promoting Prostitution 2nd Deg. 230.32 Promoting Prostitution 1st Deg. 230.40 Permitting Prostitution	B Misd B Misd A Misd E Fel D Fel A Misd D Fel C Fel B Fel B Misd
#235 Obscenity and Related Offenses	235.05 Obscenity 3rd Deg. 235.06 Obscenity 2nd Deg. 235.07 Obscenity 1st Deg. 235.21 Disseminating Indecent Material to Minors 2nd Deg. 235.22 Disseminating Indecent Material to Minors 1st Deg.	A Misd E Fel D Fel E Fel D Fel
#240 Offenses Against Public Order	240.05 Riot 2nd Deg. 240.06 Riot 1st Deg. 240.08 Inciting to Riot 240.10 Unlawful Assembly 240.15 Criminal Anarchy 240.20 Disorderly Conduct 240.21 Disruption, or Disturbance of Religious Service 240.25 Harassment 1st Deg. 240.26 Harassment 2nd Deg. 240.30 Aggravated Harassment 2nd Deg. 240.31 Aggravated Harassment 1st Deg. 240.35 Loitering 240.36 Loitering 1st Deg. 240.37 Loitering for the Purpose of Engaging in Prostitution 240.40 Appearance in Public Under the Influence of Narcotics or any Substance Other than Alcohol 240.45 Criminal Nuisance 2nd Deg. 240.46 Criminal Nuisance 1st Deg. 240.50 Falsely Reporting an Incident 3rd Deg. 240.55 Falsely Reporting an Incident 2nd Deg. 240.60 Falsely Reporting Incident 1st Deg. 240.61 Placing a False Bomb or Hazardous Substance 2nd Deg. 240.62 Placing a False Bomb or Hazardous Substance 1st Deg. 240.63 Placing a False Bomb in a Sports Stadium or Arena, Mass Transportation Facility or Enclosed Shopping Mall 240.65 Unlawfully Preventing Public Access to Records	A Misd E Fel A Misd B Misd E Fel Vlt A Misd B Misd Vlt A Misd E Fel Vlt B Misd A Misd  Vlt B Misd E Fel A Misd E Fel D Fel  E Fel D Fel  D Fel Vlt

SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#245 Offenses Against Public Sensibilities	245.00 Public Lewdness 245.01 Exposure of a Person 245.02 Promoting Exposure of a Person 245.05 Offensive Exhibition 245.11 Public Display of Off. Sexual Mat.	B Misd Vlt Vlt Vlt A Misd
#250 Offenses Against the Right to Privacy	250.05 Eavesdropping 250.10 Poss. Eavesdropping Devices 250.15 Failure to Report Wiretapping 250.20 Divulging Eavesdropping Warrant 250.25 Tampering w/Private Communications 250.30 Unlawfully Obtaining Communications Information 250.35 Failure to Report Criminal Communication 250.45 Unlawful Surveillance 2nd Deg. 250.50 Unlawful Surveillance 1st Deg.	E Fel A Misd B Misd A Misd B Misd B Misd B Misd B Misd E Fel D Fel
#255 Offenses Affecting the Marital Relationship	255.00 Unlawfully Solemnizing Marriage 255.05 Unlawfully Issuing Dissolution Decree 255.10 Unlawfully Procuring Marriage License 255.15 Bigamy 255.17 Adultery 255.25 Incest	A Misd A Misd A Misd E Fel B Misd E Fel
#260 Offenses Related to Children, Disabled Persons, and Vulnerable Elderly Persons	260.00 Abandonment of Child 260.05 Non Support of Child 2nd Deg. 260.06 Non-Support of a Child 1st Deg. 260.10 Endangering Welfare of Child 260.20 Unlawfully Dealing w/Child 1st Deg. 260.21 Unlawfully Dealing w/Child 2nd Deg. 260.25 Endangering Welfare of Incompetent or Physically Disabled Person 260.32 Endangering the Welfare of an Elderly Person 2nd Deg. 260.34 Endangering the Welfare of an Elderly Person 1st Deg.	E Fel A Misd E Fel A Misd A Misd B Misd  A Misd E Fel D Fel
#263 Sexual Performance by a Child	263.05 Use of Child in a Sexual Performance 263.10 Promoting Obscene Performance by Child 263.11 Possessing an Obscene Sexual Performance by a Child 263.15 Promoting Sexual Performance by Child 263.16 Possession of a Sexual Performance by Child	C Fel D Fel E Fel D Fel E Fel

SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#265 Firearms and Other Dangerous Weapons	265.01 Criminal Possession Weapon 4th Deg. 265.02 Criminal Possession Weapon 3rd Deg. 265.03 Criminal Possession Weapon 2nd Deg. 265.04 Criminal Possession Weapon 1st Deg. 265.05 Unlawful Possession Weapon by Person under 16 years of age 265.06 Unlawful Possession Weapon on School Grounds 265.08 Criminal Use of a Firearm 2nd Deg. 265.09 Criminal Use of a Firearm 1st Deg. 265.10 Manufacture, Transport, Disposition, and Defacement of Weapons 265.11 Criminal Sale of Firearm 3rd Deg. 265.12 Criminal Sale of Firearm 2nd Deg. 265.13 Criminal Sale of Firearm 1st Deg. 265.14 Criminal Sale of Firearm w/aid of minor 265.16 Criminal Sale of Firearm to Minor 265.17 Criminal Purchase of a Weapon 265.25 Certain Wounds to be Reported 265.26 Burn Wounds to be Reported 265.35 Prohibited Use of Weapons	A Misd D Fel C Fel B Fel  Juv. Del.* Vlt C Fel B Fel  A Misd D Fel C Fel B Fel C Fel A Misd A Misd A Misd A Misd A Misd
#270 Other Offenses Related to Public Safety	270.00 Fireworks 270.05 Unlawfully Possessing Noxious Material 270.10 Creating a Hazard 270.15 Refusing to Yield a Party Line 270.20 Unlawful Wearing of a Body Vest	B Misd B Misd B Misd B Misd B Misd
#275 Offenses Related to Unauthorized Recording	275.05 Manufacture of Unauthorized Recording of Sound 2nd Deg. 275.10 Manufacture of Unauthorized Recordings of Sound 1st Deg. 275.15 Unauthorized Recording of a Performance 2nd Deg. 275.20 Unauthorized Recording of a Performance 1st Deg. 275.25 Advertisement or Sale of Unauthorized Recordings 2nd Deg. 275.30 Advertisement or Sale of Unauthorized Recordings 1st Deg. 275.32 Unauthorized Operation of a Recording Device in a movie theater 275.35 Failure to Disclose Origin of Recording 2nd Deg. 275.40 Failure to Disclose Origin of Recording 1st Deg.	A Misd  E Fel A Misd E Fel  A Misd  E Fel  Vlt A Misd E Fel

\*Juvenile Delinquent

SECTION # and TYPE OF OFFENSE	OFFENSES	CLASS
#460 Enterprise Corruption	460.20 Enterprise Corruption ( <i>Organized Crime Control Act</i> )	B Fel
#470 Money Laundering	470.05 Money Laundering 4th Deg. 470.10 Money Laundering 3rd Deg. 470.15 Money Laundering 2nd Deg. 470.20 Money Laundering 1st Deg. 470.21 Money Laundering in Support of Terrorism 4th Deg. 470.22 Money Laundering in Support of Terrorism 3rd Deg. 470.23 Money Laundering in Support of Terrorism 2nd Deg. 470.24 Money Laundering in Support of Terrorism 1st Deg.	E Fel D Fel C Fel B Fel  E Fel  D Fel  C Fel  B Fel
#485 Hate Crimes Act 2000	485.05 Hate crimes 485.10 Sentencing	See Act for Sentencing Guidelines
#490 Terrorism	490.10 Soliciting or Providing Support for an Act of Terrorism in the 2nd Deg. 490.15 Soliciting or Providing Support for an Act of Terrorism in the 1st Deg. 490.20 Making a Terroristic Threat 490.25 Crime of Terrorism 490.30 Hindering Prosecution of Terrorism 2nd Deg. 490.35 Hindering Prosecution of Terrorism 1st Deg. 490.37 Criminal Possession of a Chemical Weapon or Biological Weapon 3rd Deg. 490.40 Criminal Possession of a Chemical Weapon or Biological Weapon 2nd Deg. 490.45 Criminal Possession of a Chemical Weapon or Biological Weapon 1st Deg. 490.47 Criminal Use of a Chemical Weapon or Biological Weapon 3rd Deg. 490.50 Criminal Use of a Chemical Weapon or Biological Weapon 2nd Deg. 490.55 Criminal Use of a Chemical Weapon or Biological Weapon 1st Deg.	D Fel  C Fel D Fel Sentences C Fel B Fel  C Fel  B Fel  A-I Fel  B Fel  A-II Fel  A-I Fel