

development of such guidelines and the operation of a permanent sentencing commission:

- (a) that four presumptions be used to provide guidance for the imposition of custodial and non-custodial sentences:
 - (i) unqualified presumptive disposition of custody;
 - (ii) unqualified presumptive disposition of non-custody;
 - (iii) qualified presumptive disposition of custody; or
 - (iv) qualified presumptive disposition of non-custody. (Rec. 11.5)
- (b) that the following list of aggravating and mitigating factors be adopted as the primary grounds to justify departures from the guidelines:

Aggravating Factors

1. Presence of actual or threatened violence or the actual use or possession of a weapon, or imitation thereof.
2. Existence of previous convictions.
3. Manifestation of excessive cruelty towards [the] victim.
4. Vulnerability of the victim due, for example, to age or infirmity.
5. Evidence that a victim's access to the judicial process was impeded.
6. Existence of multiple victims or multiple incidents.
7. Existence of substantial economic loss.
8. Evidence of breach of trust (e.g., embezzlement by [a] bank officer).
9. Evidence of planned or organized criminal activity.

Mitigating Factors

1. Absence of previous convictions.