

Comparison of sentencing tables

Annex K

Causing death by dangerous driving

Current:

Culpability	Starting point	Range
High	8 years	7 – 14 years
Medium	5 years	4 – 7 years
Lesser	3 years	2 – 5 years

Proposed:

Culpability	Starting point	Range
High	12 years	8 – 18 years
Medium	6 years	4 – 9 years
Lesser	3 years	2 – 5 years

Causing death by careless driving

Current:

Culpability	Starting point	Range
High	15 months	36 weeks – 3 years
Medium	36 weeks	High level community order – 2 years
Lesser	Medium level community order	Low level community order – high level community order

Proposed:

Culpability	Starting point	Range
High	2 years	12 months – 4 years
Medium	12 months	26 weeks – 3 years
Lesser	26 weeks	Medium level community order – 12 months

Causing death by careless driving under the influence

Current:

The legal limit of alcohol is 35µg breath (80mg in blood and 107mg in urine)	High culpability	Medium culpability	Lesser culpability
H71µ or above of alcohol OR Deliberate refusal to provide specimen for analysis OR Evidence of substantial impairment and/or multiple drugs or combination of drugs and alcohol	Starting point: 8 years Sentencing range: 7 - 14 years	Starting point: 7 years Sentencing range: 6 – 12 years	Starting point: 6 years Sentencing range: 5 – 10 years
51- 70 µg of alcohol OR Any quantity of a single drug detected	Starting point: 6 years Sentencing range: 5 – 9 years	Starting point: 5 years Sentencing range: 4 – 8 years	Starting point: 4 years Sentencing range: 3 – 7 years
35-50 µg of alcohol	Starting point: 4 years Sentencing range: 3 years – 6 years	Starting point: 3 years Sentencing range: 2 – 5 years	Starting point: 18 months Sentencing range: 26 weeks – 4 years

Proposed:

The legal limit of alcohol is 35µg breath (80mg in blood and 107mg in urine)	High culpability	Medium culpability	Lesser culpability
H71µ or above of alcohol OR Deliberate refusal to provide specimen for analysis OR Evidence of substantial impairment and/or multiple drugs or combination of drugs and alcohol	Starting point: 12 years Sentencing range: 8 – 18 years	Starting point: 9 years Sentencing range: 6 – 12 years	Starting point: 6 years Sentencing range: 5 – 10 years
51- 70 µg of alcohol OR Any quantity of a single drug detected	Starting point: 9 years Sentencing range: 6 – 12 years	Starting point: 6 years Sentencing range: 4 – 9 years	Starting point: 4 years Sentencing range: 3 – 7 years
35-50 µg of alcohol	Starting point: 6 years Sentencing range: 4 – 9 years	Starting point: 3 years Sentencing range: 2 – 5 years	Starting point: 18 months Sentencing range: 26 weeks - 4 years

Dangerous driving

Current:

Examples of nature of activity	Starting point	Range
<p>Prolonged bad driving involving deliberate disregard for safety of others; OR</p> <p>Incident(s) involving excessive speed or showing off, especially on busy roads or in built-up area, by disqualified driver;</p> <p>OR</p> <p>Driving as described in box above while being pursued by police</p>	Crown Court	Crown Court
<p>Incident(s) involving excessive speed or showing off, especially on busy roads or in built-up area; OR</p> <p>Single incident where little or no damage or risk of personal injury but offender was disqualified driver</p>	12 weeks custody	High level community order to 26 weeks custody Disqualify 15 – 24 months
<p>Single incident where little or no damage or risk of personal injury</p>	Medium level community order	Low level community order to high level community order Disqualify 12 – 15 months

Proposed:

	Culpability		
	A	B	C
Harm 1	<p>Starting Point: 18 months</p> <p>Category range: 12 months – 2 years</p>	<p>Starting Point: 12 months</p> <p>Category range: 6 – 18 months</p>	<p>Starting Point: 6 months</p> <p>Category range: High level community order – 12 months</p>
Harm 2	<p>Starting Point: 12 months</p> <p>Category range: 6 – 18 months</p>	<p>Starting Point: 6 months</p> <p>Category range: High level community order – 12 months custody</p>	<p>Starting Point: High level community order</p> <p>Category range: Low level community order – 6 months</p>

Causing death whilst disqualified

Current:

Examples of nature of activity	Starting point	Range
The offender was disqualified from driving [...]	12 months' custody	36 weeks – 2 years' custody

Causing death whilst unlicensed/uninsured

Current:

Examples of nature of activity	Starting point	Range
[...] the offender was unlicensed or uninsured plus two or more aggravating factors	12 months' custody	36 weeks – 2 years' custody
The offender was unlicensed or uninsured plus at least one aggravating factor	26 weeks' custody	High level community order – 36 weeks' custody
The offender was unlicensed or uninsured – no aggravating factors	Medium level community order	Low level community order – high level community order

Proposed:

Culpability	Starting point	Range
High	5 years	4 – 7 years
Medium	3 years	2 – 5 years
Lesser	18 months	High level Community Order to 2 years

Proposed:

Culpability	Starting point	Range
High	12 months	36 weeks to 2 years
Medium	26 weeks	High level community order – 36 weeks
Lesser	Medium level community order	Low level community order – high level community order