



DNA Databank: Expansion of Misdemeanor Crimes

November 29, 2017



Overview

- Background
- Misdemeanor DNA Samples
- Privacy Considerations
- Other States
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- Retrospective Misdemeanor Analysis
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- Recommendations and Policy Options



Background

- The Crime Commission received a letter request from Speaker Howell and Delegates Toscano and Landes (as a result of HJR 711) requesting that a study be conducted to examine the possibility of adding additional misdemeanor crimes to the DNA databank.

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Background

- In order to examine the issue, staff:
 - Collected available literature and data;
 - Completed a review of Virginia's DNA Databank laws;
 - Analyzed other states' DNA Databank laws with emphasis on states requiring DNA samples for certain misdemeanor convictions;
 - Surveyed Sheriff's Offices, Regional Jails, Local Community Corrections and State Probation Offices; and,
 - Completed prospective and retrospective analyses to examine associations between certain misdemeanors and violent felony/certain burglary offenses.

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Background

Virginia Requirements for DNA Sample Submission

Offense Type	Adults	Juveniles
Felony Convictions* (§19.2-310.2 and §16.1-299.1)	Yes.	Yes. If 14 or older at time of offense; Includes convictions and adjudications.
Felony Arrests (§19.2-310.2:1)	Yes. Violent felonies and certain burglary offenses.	No.
Misdemeanor Convictions* (§19.2-310.2)	Yes. For 14 specific misdemeanors.	No.
Misdemeanor Arrests	No.	No.

* Va. Code § 9.1-903 provides that all required to register on the Sex Offender and Crimes Against Minors Registry shall provide a sample, which includes certain felonies and misdemeanors.

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Background

- In 1989, Virginia was the first state to require certain offenders to submit DNA samples for inclusion in a DNA Databank.
- As the total number of offenses requiring a DNA sample has grown over the past 25 years in Virginia, so have the number of DNA samples in the Databank:
 - 297 in FY90 to 576,262 total samples in FY17.
 - Virginia ranked 8th nationwide in total offender profiles in the National DNA Index (N-DIS) in July 2017.

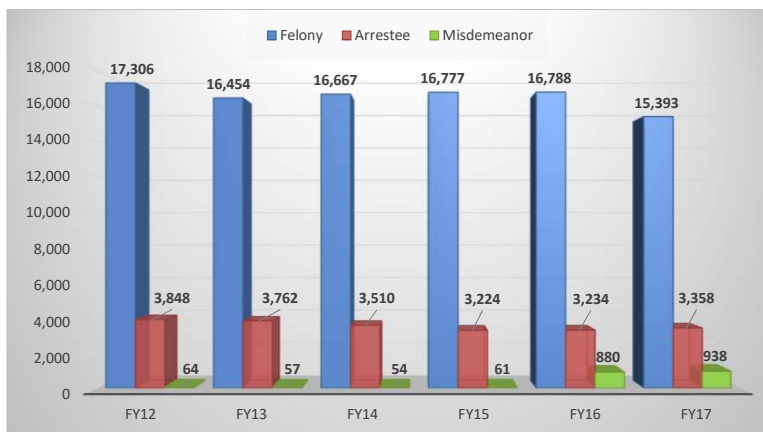
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Background

Total Samples Received by Databank by Type, FY12-FY17



Source: DNA Sample Tracking Database (DNA Web), Virginia Department of Forensic Science.

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Background

- Misdemeanors added in FY12:
 - Sexual battery- § 18.2-67.4;
 - Sexual abuse of a child under 15 years of age- § 18.2-67.4:2;
 - Attempt to commit sexual battery- § 18.2-67.5(C);
 - Peeping or spying into dwelling or enclosure- § 18.2-130; and,
 - Penetration of the mouth of a child with lascivious intent- § 18.2-370.6.

Note: Sex Offender and Crimes Against Minors Registry offenses, which includes some misdemeanor crimes, were added in FY07.

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Background

- Most recently, 9 additional misdemeanors were added in FY16:
 - Violation of a domestic protective order- § 16.1-253.2;
 - Stalking- § 18.2-60.3;
 - Violation of a protective order- § 18.2-60.4;
 - Infected sexual battery- § 18.2-67.4:1;
 - Unauthorized use- § 18.2-102;
 - Unlawful entry- § 18.2-121;
 - Indecent exposure- § 18.2-387;
 - Obscene sexual display- § 18.2-387.1; and,
 - Resisting arrest- § 18.2-479.1.

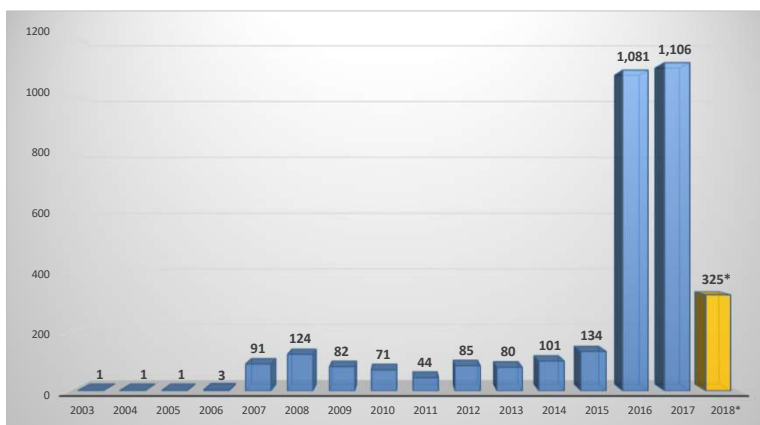
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Misdemeanor DNA Samples

Total Misdemeanor Conviction Samples, FY03-FY18*



Source: DNA Sample Tracking Database (DNA Web), Virginia Department of Forensic Science.
 * FY18 data as of October 13, 2017.

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Misdemeanor DNA Samples

There have been 3,330 misdemeanor samples submitted to DFS:*

FY12 Offenses:

- 670 sexual battery
- 15 peeping or spying into dwelling/enclosure
- 8 sexual abuse of child under 15 years of age
- 3 attempted sexual battery
- 1 penetration of child's mouth with lascivious intent

FY16 Offenses:

- 1,011 violation of domestic protective order
- 528 unlawful entry
- 203 violation of protective order
- 175 resisting arrest/fleeing law enforcement
- 116 unauthorized use
- 115 indecent exposure
- 67 stalking
- 36 obscene sexual display
- 1 infected sexual battery
- There are 381 additional unclassified misdemeanor samples entered pre/post FY12.

Source: DNA Sample Tracking Database (DNA Web), Virginia Department of Forensic Science.
* Data as of October 13, 2017.

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Misdemeanor DNA Samples

- A “hit” occurs when there is an association between:
 - An unsolved profile and a convicted offender/arrestee; or
 - Two or more cases that were previously unknown to be linked.
- When a hit occurs, the investigating agency is notified of the lead in the case; however, there is no requirement to track the outcomes of these hits.

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Misdemeanor DNA Samples

- There have been a total of 11,427 hits as a result of both felony and misdemeanor samples in the Virginia DNA Databank as of FY17.
- DNA hits have identified a perpetrator other than the person convicted in 9 of the 16 exonerations in Virginia listed by the Innocence Project's database.

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Misdemeanor DNA Samples

- There have been 26 hits as a result of misdemeanor conviction samples as of November 27, 2017.
 - The first hit was in FY16 to a sex offense case from October 1997.
 - Most hits have aided in burglary/larceny investigations.

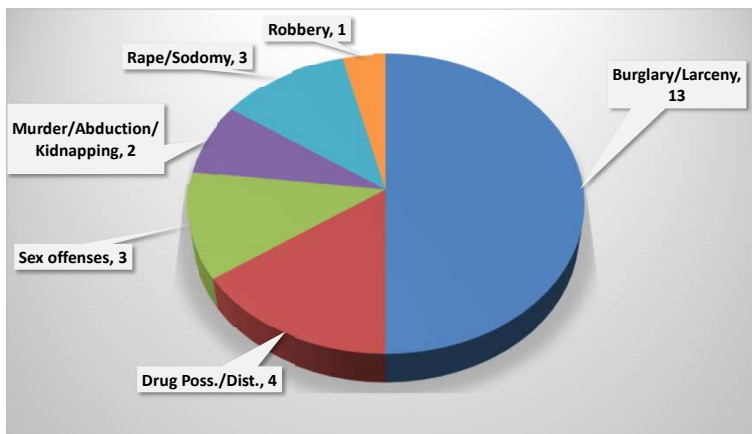
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Misdemeanor DNA Samples

Types of Investigations Aided by the 26 Misdemeanor Hits



Source: Virginia CODIS, Virginia Department of Forensic Science.

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Privacy Considerations

- Several important safeguards are in place to protect the privacy of the DNA Databank:
 - Bifurcated structure of the DNA Databank;
 - DNA Sample Tracking Database (DNA Web) and CODIS
 - Separate databases with restricted access
 - Quality assurance standards; and,
 - Federal QAS: Title 34 U.S.C. § 12592
 - ASCLD/LAB International Accreditation Standards
 - Federal and state laws to prosecute unauthorized use of databank information.

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Privacy Considerations

- Title 34 U.S.C. § 12593 establishes criminal penalties for those who knowingly violate the privacy protection standards related to information in N-DIS.
 - Knowing disclosure to person or agency not authorized to receive shall be fined not more than \$100,000.
 - Knowingly obtaining samples or individually identifying DNA information shall be fined not more than \$250,000, or imprisoned not more than 1 year, or both.
- All states have penalties in place to address unauthorized use and other violations relating to databanks.

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Privacy Considerations

- Va. Code § 19.2-310.6 addresses unauthorized use of the DNA databank and forensic samples. There are three penalties included within this Code section:
 - Disseminate information without authorization (M3)
 - Use for purposes other than authorized by law (M1)
 - Obtain any sample submitted to DFS (F5)
- There have been 0 charges or convictions for these offenses in the past 10 years.*

* Source: Virginia Criminal Sentencing Commission. * For misdemeanor offenses, there were no cases concluded in general district courts between CY05-FY16; For the felony offense, there were no cases concluded in circuit courts between FY00-FY16 nor in PSI data for felonies since 1985 for charges that resulted in a conviction.

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Other States

- All 50 states collect DNA samples from individuals for all or nearly all felony convictions.
 - States vary as to whether (and under which circumstances) they will collect DNA samples for misdemeanor convictions and/or felony arrests.
- Currently, 42 states and D.C. collect DNA for certain sexual misdemeanor convictions.
- At least 26 states, including Virginia, collect for limited non-sexual misdemeanor convictions.
- Only 3 states collect for large classes of misdemeanor convictions: New York, Utah and Wisconsin.

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Other States- New York

- New York collects DNA for all Class A, B and unclassified misdemeanors, but not for violations.
 - Class A: up to 1 year in jail and \$1,000 fine;
 - Class B: up to 3 months in jail and \$500 fine;
 - Unclassified: sentenced specified in the law or ordinance that defines the crime; and,
 - Violation: up to 15 days in jail and \$250 fine, unless the law or ordinance that defines the offense prescribes only a fine.
- DNA is collected for trespassing on enclosed land, certain school property, public housing, railroad yards and dwellings.
 - DNA is not collected for trespassing violations.

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Other States-New York

- As of August 2017, there were 22,914 offender profile hits/investigative leads from all DNA-eligible felony and misdemeanor offense samples.
- 23% (5,666 of 22,914) of these hits stemmed from misdemeanor conviction samples.
 - Of the 5,666 hits stemming from misdemeanor conviction samples:
 - 37% (2,089 of 5,666) were from petit larceny convictions;
 - 16% (912 of 5,666) were from assault, third degree convictions; and,
 - 11% (627 of 5,666) were from trespassing, second degree convictions.

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Other States- Utah

- Utah collects DNA for all Class A misdemeanors, but not for Class B or C misdemeanors.
 - Class A: up to 1 year in jail and \$2,500 fine;
 - Class B: up to 6 months in jail and \$1,000 fine;
 - Class C: up to 90 days in jail and \$750 fine.
- DNA is not collected for trespassing onto property other than a dwelling since it is a Class B misdemeanor.
- Utah did not have any data readily available to capture the most frequently collected Class A misdemeanors or the number resulting in hits/investigative leads.

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Other States- Wisconsin

- Wisconsin collects for all misdemeanors upon conviction, but does not collect for forfeiture offenses.
 - Misdemeanors are crimes for which incarceration and a fine may be imposed.
 - Forfeitures are not classified as crimes and can only be punished by a fine. Fines can range from \$25 to \$10,000.
- DNA is not collected for trespassing forfeiture offenses.
- Misdemeanor DNA hits accounted for 26% of overall investigative leads in FY17.
 - Majority of these hits provided investigative leads for felony casework.



Prospective Misdemeanor Analysis

Which misdemeanor convictions appear to be associated with subsequent felony convictions?



Prospective Analysis

- During the 2015 General Assembly Session, the Virginia Criminal Sentencing Commission (VCSC) analyzed ~350 misdemeanor offenses for which a defendant must submit fingerprints to CCRE, plus trespassing.
 - NOTE: Fingerprints are not required for trespassing or disorderly conduct.
- VCSC calculated how many individuals convicted of these misdemeanors in FY08-09 had subsequent felony sentencing events between FY08-FY14.
- Staff reviewed this list and asked that 64 of the misdemeanors be re-examined.
 - Threshold: At least 5% of the individuals convicted of a misdemeanor had a subsequent felony sentencing event.

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Prospective Analysis

- VCSC recalculated how many individuals convicted of these 64 misdemeanors in FY08-09 had subsequent felony sentencing events between FY08-FY17.*
- Staff examined the total felony sentencing events with a particular emphasis on 8 felony categories:
 - Murder, kidnapping, rape, sexual assault, felony assault, robbery, burglary, and larceny.

*FY17 data was preliminary at time of analysis. Sentencing events are comprised of all charges/counts sentenced before the same judge in the same court at the same time.

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Prospective Analysis

- The following offenses appeared to be the most associated to the 8 selected felony categories between FY08-FY17*:
 - Assault and battery;
 - Domestic assault and battery;
 - Trespassing;
 - Petit larceny;
 - Destruction of property (injuring any property, monument, etc.);
 - Obstruction of justice; and,
 - Conceal merchandise/alter price tags.

* Virginia Criminal Sentencing Commission staff prepared data from the following sources: Supreme Court of Virginia - Circuit Court Case Management System (CMS); Supreme Court of Virginia - General District Court Case Management System (CMS); Supreme Court of Virginia - Juvenile and Domestic Relations Court Case Management System (Adults only). The Circuit Court Case Management System does not include cases from Fairfax or Alexandria. Although Virginia Beach left the system in FY2009, it rejoined the system in October 2014. FY17 data was preliminary at time of analysis.

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Prospective Analysis

Assault and battery: § 18.2-57

- **18%** (2,326 of 13,071) of offenders convicted of **assault and battery** in FY08-09 were convicted of 4,466 subsequent felony sentencing events between FY08-FY17, including:
 - 32 murders;
 - 55 kidnappings;
 - 46 rapes;
 - 16 sexual assaults;
 - 640 felony assaults;
 - 123 robberies;
 - 236 burglaries; and,
 - 1,020 larcenies.

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Prospective Analysis

Domestic assault and battery: § 18.2-57.2

- **18%** (2,363 of 12,895) of offenders convicted of **domestic assault and battery** in FY08-09 were convicted of 4,298 subsequent felony sentencing events between FY08-FY17, including:
 - 32 murders;
 - 52 kidnappings;
 - 32 rapes;
 - 16 sexual assaults;
 - 806 felony assaults;
 - 83 robberies;
 - 207 burglaries; and,
 - 775 larcenies.

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Prospective Analysis

Trespassing: § 18.2-119

- **21%** (2,729 of 12,814) of offenders convicted of **trespassing** in FY08-09 were convicted of 5,511 subsequent felony sentencing events between FY08-FY17, including:
 - 29 murders;
 - 40 kidnappings;
 - 52 rapes;
 - 10 sexual assaults;
 - 512 felony assaults;
 - 171 robberies;
 - 364 burglaries; and,
 - 1,454 larcenies.

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Prospective Analysis

Petit Larceny: § 18.2-96

- **21%** (4,041 of 19,474) of offenders convicted of **petit larceny** in FY08-09 were convicted of 8,608 subsequent felony sentencing events between FY08-FY17, including:
 - 28 murders;
 - 42 kidnappings;
 - 51 rapes;
 - 13 sexual assaults;
 - 428 felony assaults;
 - 221 robberies;
 - 552 burglaries; and,
 - 3,742 larcenies.

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Prospective Analysis

Destruction of Property: § 18.2-137

- **23%** (1,481 of 6,495) of offenders convicted of **destruction of property** in FY08-09 were convicted of 3,044 subsequent felony sentencing events between FY08-FY17, including:
 - 20 murders;
 - 30 kidnappings;
 - 20 rapes;
 - 6 sexual assaults;
 - 344 felony assaults;
 - 86 robberies;
 - 251 burglaries; and,
 - 768 larcenies.

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Prospective Analysis

Obstruction of Justice: § 18.2-460

- **20%** (1,471 of 6,207) of offenders convicted of **obstruction of justice** in FY08-09 were convicted of 2,931 subsequent felony sentencing events between FY08-FY17, including:
 - 15 murders;
 - 28 kidnappings;
 - 19 rapes;
 - 1 sexual assaults;
 - 321 felony assaults;
 - 81 robberies;
 - 150 burglaries; and,
 - 612 larcenies.

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Prospective Analysis

Concealing merchandise/altering price tags: § 18.2-103

- **20%** (1,583 of 7,821) of offenders convicted of **concealing merchandise/altering price tags** in FY08-09 were convicted of 3,212 subsequent felony sentencing events between FY08-FY17, including:
 - 13 murders;
 - 14 kidnappings;
 - 11 rapes;
 - 5 sexual assaults;
 - 146 assaults;
 - 62 robberies;
 - 143 burglaries; and,
 - 1,356 larcenies.

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Retrospective Misdemeanor Analysis

Which misdemeanor convictions are frequently found in the criminal histories of individuals convicted of violent felony/certain burglary offenses?

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Retrospective Analysis

- According to VCSC's *Sentencing Guidelines Database*, there were 22,301 individuals convicted of a felony in FY16.
 - 3,091 of these individuals were convicted of a violent felony or certain burglary offense in FY16.*
- Staff requested the criminal histories of the 3,091 individuals from the Virginia State Police.

* Staff defined "violent felony or certain burglary offenses" from the list of offenses requiring a DNA sample upon arrest per § 19.2-310.2:1, which includes § 19.2-297.1, 18.2-31, 18.2-89, 18.2-90, 18.2-91, 18.2-92.

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Retrospective Analysis

- 89% (2,753 or 3,091) of the criminal histories were valid to include in the analysis.
 - Records that did not include the target FY16 sentencing event, incorrect or nonexistent matches, and juveniles were excluded.
- Of the 2,753 adults convicted of a violent felony or certain burglary offense:
 - 69% (1,898 of 2,753) had at least one prior misdemeanor conviction.
 - 31% (855 of 2,753) did not have any prior misdemeanor convictions.
- The primary focus was on the 1,898 individuals with at least one prior misdemeanor conviction.

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Retrospective Analysis

- The most serious felony offense conviction for these 1,898 criminal histories was as follows:
 - 38% (714 of 1,898) burglaries;
 - 25% (468 of 1,898) felony assaults;
 - 17% (319 of 1,898) robberies;
 - 8% (158 of 1,898) rapes;
 - 6% (122 of 1,898) kidnappings;
 - 5% (104 of 1,898) murders; and,
 - Less than 1% (13 of 1,898) arsons.*
- Staff then examined the prior misdemeanor convictions associated with these criminal histories.

* Note: Due to the small number of arson convictions, staff excluded arson from the analysis.

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Retrospective Analysis

- Within the 1,898 criminal histories, there were 5 misdemeanor convictions that appeared to be the most associated with the 6 most serious felony offenses:
 - *Crimes Against Person*
 - Assault and battery- § 18.2-57;
 - Domestic assault and battery- § 18.2-57.2;
 - *Crimes Against Property*
 - Petit larceny- § 18.2-96;
 - Destruction of property- § 18.2-137; and,
 - Trespassing- § 18.2-119.*

* Note: Fingerprints are not required for trespassing. As such, the number of convictions are likely undercounted on criminal histories since fingerprints are required for CCRE inclusion.

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Retrospective Analysis

- Number of criminal histories with at least one prior select misdemeanor conviction:
 - *Crimes Against Person*
 - 31% (593 of 1,898) assault and battery;
 - 18% (346 of 1,898) domestic assault and battery;
 - *Crimes Against Property*
 - 35% (665 of 1,898) petit larceny;
 - 20% (387 of 1,898) destruction of property; and,
 - 13% (249 of 1,898) trespassing.*

* Note: Fingerprints are not required for trespassing. As such, the number of convictions are likely undercounted on criminal histories since fingerprints are required for CCRE inclusion.

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Retrospective Analysis

Murder

- Of the 104 criminal histories where **murder** was the most serious violent felony offense:
 - 32 had at least one prior misdemeanor assault and battery conviction;
 - 19 domestic assault and battery;
 - 21 petit larceny;
 - 21 destruction of property; and,
 - 12 trespassing.*

* Note: Fingerprints are not required for trespassing. As such, the number of convictions are likely undercounted on criminal histories since fingerprints are required for CCRE inclusion.

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Retrospective Analysis

Kidnapping

- Of the 122 criminal histories where **kidnapping** was the most serious violent felony offense:
 - 49 had at least one prior misdemeanor assault and battery conviction;
 - 31 domestic assault and battery;
 - 23 petit larceny;
 - 22 destruction of property; and,
 - 15 trespassing.*

* Note: Fingerprints are not required for trespassing. As such, the number of convictions are likely undercounted on criminal histories since fingerprints are required for CCRE inclusion.

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Retrospective Analysis

Rape

- Of the 158 criminal histories where **rape** was the most serious violent felony offense:
 - 49 had at least one prior misdemeanor assault and battery conviction;
 - 33 domestic assault and battery;
 - 39 petit larceny;
 - 26 destruction of property; and,
 - 19 trespassing.*

* Note: Fingerprints are not required for trespassing. As such, the number of convictions are likely undercounted on criminal histories since fingerprints are required for CCRE inclusion.

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Retrospective Analysis

Felony Assault

- Of the 468 criminal histories where **felony assault** was the most serious violent felony offense:
 - 194 had at least one prior misdemeanor assault and battery conviction;
 - 118 domestic assault and battery;
 - 130 petit larceny;
 - 111 destruction of property; and,
 - 59 trespassing.*

* Note: Fingerprints are not required for trespassing. As such, the number of convictions are likely undercounted on criminal histories since fingerprints are required for CCRE inclusion.

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Retrospective Analysis

Robbery

- Of the 319 criminal histories where **robbery** was the most serious violent felony offense:
 - 89 had at least one prior misdemeanor assault and battery conviction;
 - 40 domestic assault and battery;
 - 125 petit larceny;
 - 47 destruction of property; and,
 - 44 trespassing.*

* Note: Fingerprints are not required for trespassing. As such, the number of convictions are likely undercounted on criminal histories since fingerprints are required for CCRE inclusion.

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Retrospective Analysis

Burglary

- Of the 714 criminal histories where **burglary** was the most serious felony offense:
 - 177 had at least one prior misdemeanor assault and battery conviction;
 - 103 domestic assault and battery;
 - 321 petit larceny;
 - 157 destruction of property; and,
 - 98 trespassing.*

* Note: Fingerprints are not required for trespassing. As such, the number of convictions are likely undercounted on criminal histories since fingerprints are required for CCRE inclusion.

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Study Findings

- The prospective analysis revealed that most individuals convicted of misdemeanors are not convicted of felonies in the future.
- Almost 70% of offenders convicted of a violent felony or certain burglary offense had at least one prior misdemeanor conviction on their criminal history.
- Analyses revealed multiple offender typologies, such as career misdemeanants, career felons, general vs. specific offending profiles, etc.
- In both analyses, it appears that there is an association between certain misdemeanors and violent felonies/certain burglary offenses for a subset of offenders.

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Study Findings

For a subset of offenders:

- Misdemeanor assault and battery convictions appear to have a compelling relationship with all of the violent felony/certain burglary offenses focused upon in both analyses.
- Domestic assault and battery, petit larceny, trespassing, and destruction of property also appear to be strongly associated with the violent felony/certain burglary offenses focused upon in both analyses.

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Study Findings

- Any decision on trespassing should only be based on the prospective misdemeanor analysis.
 - Trespassing is not fully captured on criminal histories, which the retrospective analysis was based upon.
- Obstruction of justice and concealing merchandise/altering price tags did not show as strong of an association in the retrospective analysis as seen in the prospective analysis.
- Both data analyses can only be generalized to misdemeanor and felony convictions in the stated time periods, rather than actual rates of offending, arrests, or charges.



Recommendations and Policy Options



Recommendations

Recommendation 1: DFS should update their DNA sample submission training materials for sheriffs' deputies and jail intake officers to reflect current law.

- Training video is outdated (2003).
- Numerous stakeholders noted that they desired updated training.
- Stakeholders also requested that they receive adequate notice of any additional changes to the law before they become effective.
- *This could be handled via a letter request.*

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Recommendations

Recommendation 2: Amend Va. Code § 19.2-390 to require fingerprinting upon conviction for trespassing and disorderly conduct.

- Fingerprints are required upon conviction for any misdemeanor punishable by confinement in jail under Titles 18.2 and 19.2, except for trespassing and disorderly conduct.
 - As a result, these convictions do not consistently appear on defendants' criminal histories.
- VSP indicated that adding trespassing and disorderly conduct to the fingerprinting requirements could be handled by the CCRE.

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Policy Options

Policy Option 1: Amend Va. Code § 19.2-310.2 to include some, or all, of the following misdemeanors upon conviction:

- Assault and battery;
- Domestic assault and battery;
- Petit larceny;
- Trespassing;
- Destruction of property;
- *Obstruction of justice;* and,*
- *Conceal merchandise/alter price tags.**

* Obstruction of justice and conceal merchandise/alter price tags were not as strongly associated in the retrospective analysis as compared to the prospective analysis.

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Policy Options

Policy Option 1: Amend Va. Code § 19.2-310.2 (cont.)

- The average number of convictions annually has been *at least* double than the actual number of samples ultimately entered into the Databank.
 - Many defendants' DNA profiles are already in the Databank from previous convictions.
- In FY16, DFS began receiving \$101,200 annually to cover an additional 3,264 misdemeanor samples per year.
 - Since FY16, DFS has only been receiving ~1,100 misdemeanor samples per year
- DFS estimates they can process up to 9,000 additional misdemeanor DNA samples annually (at a cost of \$31 per sample to DFS).
- Therefore, any misdemeanors added cannot exceed 18,000 convictions per year without staffing/equipment needs for DFS.

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Policy Options

Policy Option 1: Amend Va. Code § 19.2-310.2 (cont.)

Code Section	Description	FY16 Convictions	FY17 Convictions	FY16-17 Conviction Average
18.2-57	Assault and battery	4,975	4,672	4,824
18.2-57.2	Domestic assault and battery	5,846	5,462	5,654
18.2-96	Petit larceny	9,927	8,515	9,221
18.2-119	Trespassing	4,790	4,185	4,488
18.2-137	Destruction of property	2,526	2,246	2,386
18.2-460	Obstruction of justice	1,936	1,972	1,954
18.2-103	Conceal merchandise/Alter price tags	5,061	3,443	4,252

Source: Table prepared by Virginia State Crime Commission staff based upon the Virginia Criminal Sentencing Commission staff analysis of Supreme Court of Virginia - Circuit Court Case Management System (CMS); Supreme Court of Virginia - General District Court Case Management System (CMS); Supreme Court of Virginia - Juvenile and Domestic Relations Court Case Management System (Adults only). The Circuit Court Case Management System does not include cases from Fairfax or Alexandria. Note: Offenders may have convictions under more than one of the listed Code sections in the same sentencing event; for the analysis above, offenders were counted in each applicable offense category.

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Policy Options

Policy Option 2: Maintain status quo.

- Continue to collect DNA samples only for the 14 eligible misdemeanor offenses upon conviction without adding any additional misdemeanors.

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Discussion