

# Maryland Sentencing Guidelines Manual

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**Maryland State Commission on Criminal Sentencing Policy**

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# Preface

The Maryland sentencing guidelines cover most criminal cases originating in a Circuit Court. Based on sentencing experience in Maryland, the guidelines were first developed, with staff assistance, by a board of judges, legislators and other representatives of the criminal justice system.

The chief goals of the Maryland sentencing guidelines are:

1. To increase equity in sentencing by reducing unwarranted disparity, including any racial disparity, while retaining judicial discretion to individualize sentences;
2. To articulate an explicit sentencing policy while providing a regular basis for policy review and change;
3. To provide information for new or rotating judges; and
4. To promote increased visibility and aid public understanding of the sentencing process.

Sentencing guidelines make it possible to take into account systematically and publicly the most common variations in offenders and their offenses, within the current sentencing framework. In cooperation with the judiciary, State's Attorneys, Public Defenders, and others in the criminal justice system, the Maryland State Commission on Criminal Sentencing Policy (MSCCSP or Commission) can help achieve systematic sentencing by identifying and assigning weights to core, objective factors for consideration by judges in making sentencing decisions. It should be emphasized that sentencing guidelines are, as the name indicates, guidelines to assist judges in sentencing. The guidelines are not mandatory. Guidelines complement rather than replace the judicial decision-making process and the proper exercise of judicial discretion.

The MSCCSP welcomes interest in its activities and information resources. Since judicial use of the State's sentencing guidelines is voluntary, the MSCCSP and its staff do not provide advisory opinions or otherwise get involved in pending court cases. In any situation of confusion, refer to the judge for the ultimate decision.

The sentencing guidelines and offense seriousness categories in effect at the time of sentencing shall be used to calculate the guidelines. This current manual should be used in place of the previous versions. Please discard the previous versions and start using the new manual immediately. If it is determined that the guidelines are different than what they would have been if calculated using the sentencing guidelines and offense seriousness categories in effect on the date the offense of conviction was committed, the State's Attorney or defense counsel may bring this to the attention of the judge as a consideration for departure from the guidelines.

## Policy Statement Encouraging the Use of Alternatives to Incarceration When Appropriate

The MSCCSP encourages judges to consider at sentencing evidence-based or innovative alternatives to incarceration that are appropriate for defendants based on their specific risks and needs. The mandate of Maryland's Justice Reinvestment Act (JRA) (Chapter 515 of 2016) that the Division of Parole and Probation administer risk-needs assessments on individuals under their supervision and develop individualized case plans that take into consideration evidence-based or innovative programs, highlights the value the State places on the use of alternatives for suitable offenders.<sup>1</sup> This approach is also consistent with research on the effectiveness of alternatives to incarceration relative to imprisonment that has overwhelmingly concluded that imprisonment does not reduce re-offending relative to community sanctions (Villettaz, Gillieron, and Killias, 2015).<sup>2</sup> The research findings, when combined with the collateral consequences experienced by incarcerated individuals and their family members (Collateral Consequences Workgroup, 2016),<sup>3</sup> suggest there is a potential public safety and community benefit to limiting exposure to incarceration, especially for offenders who are a low-risk to recidivate.

Therefore, in accordance with the JRA and criminological research, the MSCCSP recommends that judges consider utilizing alternatives to incarceration at sentencing, provided that such alternatives are appropriate based on the defendant's specific risks and needs.<sup>4</sup> For chemically dependent offenders, the MSCCSP encourages treatment in lieu of incarceration.

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<sup>1</sup> Evidence-based programs and practices are programs proven by scientific research to reliably produce reductions in recidivism (JRA 2016). Innovative programs and practices are programs that do not meet the higher standards of the evidence-based practices, but preliminary research or data indicate they will reduce the likelihood of offender recidivism (JRA 2016).

<sup>2</sup> Villettaz P., Gillieron G., and Killias M. *The Effects on Re-offending of Custodial vs. Non-custodial Sanctions: An Updated Systematic Review of the State of Knowledge*. Campbell Systematic Reviews 2015:1. DOI: 10.4073/csr.2015.1

<sup>3</sup> Collateral Consequences Workgroup (2016). *The Final Report of the Collateral Consequences Workgroup*. Retrieved from: <https://goccp.maryland.gov/wp-content/uploads/collateral-consequences-final-report-2016.pdf>

<sup>4</sup> See MSGM 13.7 for an explanation of guidelines compliance with respect corrections options, and see MSGM 2 for the definition of corrections options.

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# Table of Acronyms and Abbreviations Used

CDS	controlled dangerous substance
CJ	the Courts and Judicial Proceedings Article of the Annotated Code of Maryland
CJIS	Criminal Justice Information System
CJS	criminal justice system
COMAR	Code of Maryland Regulations
Commission, the	Maryland State Commission on Criminal Sentencing Policy, the
COV	Crime of Violence
CP	the Criminal Procedure Article of the Annotated Code of Maryland
CR	the Criminal Law Article of the Annotated Code of Maryland
CS	the Correctional Services Article of the Annotated Code of Maryland
DOH	the Department of Health
DPSCS	the Department of Public Safety and Correctional Services
FL	the Family Law Article of the Annotated Code of Maryland
HG	the Health - General Article of the Annotated Code of Maryland
HIDTA	High Intensity Drug Trafficking Area
MAGS	Maryland Automated Guidelines System
MSCCSP	Maryland State Commission on Criminal Sentencing Policy
MSGM	Maryland Sentencing Guidelines Manual
NCR	not criminally responsible
PBJ	probation before judgment
PSI	pre-sentence investigation
RAP	Report of Arrest and Prosecution
SG	the State Government Article of the Annotated Code of Maryland
SID	State Identification Number
VIS	Victim Impact Statement

## Scope

The Maryland sentencing guidelines apply to criminal cases prosecuted in a Circuit Court. The following sentencing matters handled by judges in a Circuit Court are excluded from guidelines coverage:

- Prayers for jury trial from District Court, UNLESS a pre-sentence investigation (PSI) is ordered;
- Appeals from District Court, UNLESS a PSI is ordered;
- Crimes that carry no possible penalty of incarceration;
- Public local laws and municipal ordinances;
- Sentencing hearings in response to a violation of probation; and
- Criminal nonsupport and criminal contempt.

For additional details pertaining to sentencing guidelines coverage, see Figure 1-1 on the next page.

Pursuant to Criminal Procedure Article (CP), §6-211(b), Annotated Code of Maryland, the sentencing guidelines are voluntary and may not be construed to require a court to sentence a defendant as prescribed by the guidelines.

A list of many Maryland criminal offenses and their corresponding seriousness categories appear in Appendix A. If an offense is not listed in Appendix A and the offense has a maximum penalty of one year or less, the offense should be identified as a seriousness category VII offense. If an offense is not listed in Appendix A and the maximum penalty is greater than one year, the individual completing the worksheet should use the seriousness category for the closest analogous offense and the sentencing judge and the parties should be notified.

Please note that the Maryland Sentencing Guidelines Manual (MSGM) is not law and it is provided for illustrative purposes only. The guidelines are codified in Title 14, Independent Agencies, Subtitle 22, Commission on Criminal Sentencing Policy in the Code of Maryland Regulations (COMAR). If there is any dispute or question regarding the content contained in the MSGM, the user should review the specific language under COMAR for clarification.

COMAR is provided for online viewing by the State of Maryland, Division of State Documents at [www.dsd.state.md.us](http://www.dsd.state.md.us) and by the Commission at [www.msccsp.org/About/COMAR](http://www.msccsp.org/About/COMAR).

For further information on the MSCCSP, including the most recent changes to the sentencing guidelines and to the MSGM, please visit the Commission's website.

**Figure 1-1. Sentencing Guidelines Coverage.**

For Cases Originating in Circuit Court	
Sentencing Guidelines Worksheet Required	Sentencing Guidelines Worksheet <u>Not</u> Required
<ul style="list-style-type: none"> <li>Offenses originally prosecuted in Circuit Court</li> <li>All pleas, including American Bar Association (ABA) pleas, non-binding pleas, and pleas of <i>nolo contendere</i> (no contest) by the offender</li> <li>Sentences to probation before judgment (PBJ)</li> <li>Initial sentences with a condition of drug court or an inpatient commitment under Health General Article, Title 8, Subtitle 5, Annotated Code of Maryland</li> <li>Reconsiderations for a Crime of Violence (as defined in Criminal Law Article, § 14-101, Annotated Code of Maryland) if there is an adjustment to the active sentence</li> <li>Three-judge panel reviews if there is an adjustment to the active sentence</li> </ul>	<ul style="list-style-type: none"> <li>Violations of public local laws and municipal ordinances</li> <li>Offenses that carry no possible penalty of incarceration</li> <li>Criminal nonsupport and criminal contempt</li> <li>Cases in which the offender was found not criminally responsible (NCR)</li> <li>Sentencing hearings in response to a violation of probation</li> <li>Reconsiderations for offenses other than a Crime of Violence</li> <li>Reconsiderations for a Crime of Violence if there is <u>NOT</u> an adjustment to the active sentence</li> <li>Three-judge panel reviews if there is <u>NOT</u> an adjustment to the active sentence</li> </ul>
For Cases Originating in District Court	
Sentencing Guidelines Worksheet Required	Sentencing Guidelines Worksheet <u>Not</u> Required
<ul style="list-style-type: none"> <li>Prayers for a jury trial if a pre-sentence investigation (PSI) is ordered</li> <li>Appeals from District Court if a PSI is ordered</li> </ul>	<ul style="list-style-type: none"> <li>Prayers for a jury trial if a PSI is <u>NOT</u> ordered</li> <li>Appeals from District Court if a PSI is <u>NOT</u> ordered</li> </ul>

# Definitions

**adjudication** An adjudication includes:

- Finding of guilt by a judge or jury;
- Plea of guilt by the offender;
- Plea of nolo contendere (no contest) by the offender; or
- Sentence to probation before judgment (PBJ).

**ABA plea agreement** A plea agreement that a court has approved relating to a particular sentence, disposition, or other judicial action. The agreement is binding on the court under Maryland Rule 4-243(c).

**cell** The intersection of the offense score (or seriousness category) and the offender score on a two-variable guideline matrix.

## Corrections Options

- Home detention;
- A corrections options program established under law which requires the individual to participate in home detention, inpatient treatment, or other similar programs involving terms and conditions that constitute the equivalent of confinement;
- Inpatient drug or alcohol counseling under Health General Article (HG), Title 8, Subtitle 5, Annotated Code of Maryland;
- Participation in a drug court or HIDTA substance abuse treatment program; or
- A sentence, with required substance abuse treatment, for the possession, administration, obtainment, etc. of controlled dangerous substances (CDS) currently outlined in Criminal Law Article (CR), § 5-601(c) and pursuant to CR, § 5-

601(e)(3).<sup>5</sup>

- Corrections options include programs established by the State Division of Correction, if that the program meets the Commission's criteria, as described above.

**departure** A judicially imposed sentence that falls outside of the recommended sentencing guidelines range. Departure does not include any sentence that complies with at least one of the requirements that deem a sentence to be within the guidelines as set forth in MSGM 13.7.

**drug offense** An offense involving controlled dangerous substances or paraphernalia.

**economic loss** For all offenses involving theft and related crimes under CR, Title 7, or fraud and related crimes under CR, Title 8, Annotated Code of Maryland, economic loss equals the amount of restitution ordered by a Circuit Court judge or, if not ordered, the full amount of restitution that could have been ordered.

**guidelines offense** Offense prosecuted in a Circuit Court.

Guidelines offenses *include* the following types of cases:

- New trials; and
- Reconsiderations imposed on a defendant for a crime of violence (as defined in CR, § 14-101) and reviews.<sup>6</sup>

Guidelines offenses *do not* include the following types of cases:

- Prayers for jury trial from District Court, UNLESS a PSI is ordered;
- Appeals from District Court, UNLESS a PSI is ordered;
- Offenses that carry no possible penalty of incarceration;
- Public local laws and municipal ordinances;
- Sentencing hearings in response to a violation of

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<sup>5</sup> Before imposing a sentence for the possession, administration, obtainment, etc. of a CDS under CR, § 5-601(c), the court may order the Department of Health (DOH) or a designee to conduct an assessment of the defendant for substance use disorder. If a substance use disorder assessment is ordered, the court shall consider the results of the assessment when imposing a sentence under CR, § 5-601(c) and suspend the execution of the sentence, order probation and, if the assessment shows that the defendant is in need of substance abuse treatment, require the DOH or the designee to provide the medically appropriate level of treatment; or the court may impose a term of imprisonment and order the DOC or local correctional facility to facilitate the medically appropriate level of treatment. (CR, § 5-601(e)).

<sup>6</sup> A sentencing guidelines worksheet should be completed for reconsiderations imposed on a defendant for a crime of violence (as defined in CR, §14-101) and reviews if an adjustment was made to the active, original sentence.

probation; and

- *Criminal nonsupport and criminal contempt.*

<b>guidelines range</b>	The recommended sentencing range for offenders who fall within a particular cell of the person, drug, and property offense sentencing matrices. The adjusted guidelines range refers to the range after adjusting for matters such as statutory maximums and mandatory minimums.
<b>judge</b>	The trial judge who imposes or alters a sentence or a panel of trial judges who alter a sentence.
<b>multiple criminal events</b>	More than one criminal transaction committed over a period of time. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events.
<b>offender score</b>	A summary score ranging from 0 to 9 measuring an offender's prior criminal history and calculated for use in the person, drug, and property offense sentencing matrices.
<b>offense score</b>	A summary score ranging from 1 to 15 measuring the seriousness of a person offense and calculated for use in the person offense sentencing matrix.
<b>person offense</b>	An offense involving: <ul style="list-style-type: none"><li>• a confrontation between the offender and the victim, including offenses with bodily harm or the threat of bodily harm to a victim; or</li><li>• weapons.</li></ul>
<b>property offense</b>	An offense where property is unlawfully damaged or taken.
<b>PSI</b>	A pre-sentence investigation prepared in accordance with Correctional Services Article (CS), § 6-112, Annotated Code of Maryland.
<b>sentencing event</b>	A sentencing disposition or hearing for an individual defendant conducted in front of one judge on the same day.
<b>sentencing guidelines worksheet</b>	The form issued by the MSCCSP used to determine the recommended sentence outcome and to record sentencing data.
<b>seriousness category</b>	An offense ranking ranging from I to VII, where I designates the most serious criminal offenses and VII designates the least serious criminal offenses.
<b>single criminal event</b>	One or more crimes committed in the course of the same transaction.
<b>special vulnerability of victim</b>	Cases in which the relative status of the victim tends to render actions of the perpetrator more serious. A vulnerable victim is anyone:

- Younger than 11 years old;
- 65 years old or older; or
- Physically or mentally handicapped. The handicap may be temporary or permanent. Physically or mentally handicapped shall include any person who is either physically or mentally limited in any material way.

**victim injury** Physical or psychological injury to the crime victim. The cause of physical or psychological injury is directly linked to the conduct of the defendant in the commission of the convicted offense.

**weapon presence** The presence of any article or device which reasonably appears capable of causing injury or any article that could result in conviction under CR, § 4-101. Specific rules regarding the application of the weapon presence enhancement are found in MSGM 6.1(C).

**white collar offense** A property offense, identified as an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage.

# **Sentencing Guidelines Worksheet Completion and Distribution**

## **3.1 When to Complete and Submit a Sentencing Guidelines Worksheet**

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The sentencing guidelines worksheet should be completed and submitted for all guidelines offenses as defined in Chapters 1 and 2. If it is determined that a worksheet was not completed for a guidelines eligible case at the time of the sentencing hearing, the judge or judge's designee is encouraged to complete and submit the worksheet retroactively to ensure that the data analyzed by the MSCCSP are a comprehensive enumeration of guidelines eligible cases.

## **3.2 Single Criminal Event**

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The sentencing guidelines worksheet is to be used for up to three convicted offenses from a single criminal event. A single criminal event is defined as one or more crimes committed in the course of the same transaction. If there are more than three convicted offenses from a single criminal event, additional worksheets are to be used as needed.

## **3.3 Multiple Criminal Events**

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Multiple criminal events means more than one criminal transaction committed over a period of time. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events.

The individual completing the worksheet is to use at least one worksheet for each event.



### 3.4 Sentencing Event

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One set of sentencing guidelines should be completed for each sentencing event. Multiple criminal events (as often indicated by multiple unique case numbers) sentenced by the **same judge** on the **same day** constitute **one sentencing event**, and only one set of sentencing guidelines worksheets should be completed for all of the counts in the sentencing event. Please note that one *sentencing event* can still involve multiple *criminal events*. The *offender score* (i.e., offender's prior adult and juvenile criminal history) includes any adjudication of guilt prior to the current sentence date and is the same for each offense in the sentencing event. The overall sentence across all included offenses is compared to the overall guidelines for the sentencing event to determine if the sentence is a departure from the guidelines.

### 3.5 Sentencing Guidelines Worksheet Completion

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Prior to a sentencing decision using the guidelines, an individual should complete the sentencing guidelines worksheet up to the section labeled "Actual Sentence" and include each convicted offense for which the offender is to be sentenced. *Only convicted offenses are to be included on the worksheet.* Each of these convicted offenses for which the offender is to be sentenced should be included. Merged offenses should not be included on the worksheet. A blank copy of the worksheet can be found at the end of MSGM 3.7.

**If the judge orders a PSI**, an agent of the Division of Parole and Probation shall complete each sentencing guidelines worksheet up to the section labeled "Actual Sentence." In order for the agent to be able to calculate the guidelines accurately, the judge should indicate on the PSI order when the State's Attorney has filed a notice of subsequent offender. The agent should send to the court the first four worksheet copies, together with the PSI and the Maryland sentencing guidelines Criteria for Prior Record Worksheet (Figure 7-2) issued by the MSCCSP. The last two copies should be sent to the State's Attorney and the defense attorney, respectively, in compliance with the "sufficient time to investigate" requirement of Maryland Rule 4-341.

**If the judge does not order a PSI**, the judge may complete the worksheet personally or delegate the task to counsel or the judge's staff.

Regardless of who completes the worksheet, the court shall review the worksheet to confirm that the guidelines reflected on the worksheet were considered in the respective case. COMAR 14.22.01.03F(4).

### 3.6 Pre- Sentencing Distribution of Sentencing Guidelines Worksheets

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The individual who completes the sentencing guidelines worksheet should forward a copy of each completed worksheet to both the State's Attorney and the defense counsel so that they have an opportunity to review the information provided. The State's Attorney and the defense counsel shall bring any disagreements between them to the judge's attention prior to sentencing. Changes in the worksheet may be made only by or with the approval of the judge.

### 3.7 Post- Sentencing Worksheet Distribution

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After sentencing, the clerk shall distribute copies according to individual court practice. The blue copy shall be sent to the MSCCSP at the address shown below. If the court orders probation, the clerk shall forward a copy of the sentencing guidelines worksheet to the appropriate probation office. The clerk shall forward a copy of the worksheet to the agency that has been ordered to retain custody of the defendant. An agency receiving an inmate eligible for parole shall duplicate its worksheet and forward a copy of the worksheet to the Parole Commission. Table 3-1 provides distribution information for the worksheet copies.

\* Note: The MSCCSP automatically receives worksheets electronically submitted through the Maryland Automated Guidelines System (MAGS). In jurisdictions that have deployed MAGS, people using MAGS to calculate guidelines and submit worksheets should **not** send the MSCCSP a copy of the submitted worksheet. Distribution to others (e.g., probation office), however, remains unchanged in MAGS jurisdictions.

**Table 3- 1. Distribution of Completed Worksheets**

White	Sentencing Judge
Blue	Maryland State Commission on Criminal Sentencing Policy University of Maryland 4511 Knox Road, Suite 309 College Park, MD 20742
Green	Depends on the sentence: <ul style="list-style-type: none"><li>• Attach to commitment order if defendant receives any period of incarceration; <b>or</b></li><li>• Attach to probation order if defendant is put on probation immediately; <b>and</b></li><li>• If the case is a split sentence, the preparer is to send a photocopy to the Division of Parole and Probation.</li></ul>
Yellow	Court File
Pink	State's Attorney
Gold	Defense Attorney

October 2017

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## **Case Information**

The top section of the sentencing guidelines worksheet contains space for important case information that is essential for maintaining a statewide sentencing guidelines database. This chapter provides instructions for completing the top section as well as other portions of the worksheet.

### **4.1 Offender Name, Sex, and Birthdate**

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The “Offender Name,” “Sex,” and “Birthdate” boxes at the top of the sentencing guidelines worksheet are self-explanatory. Please complete the offender name and birthdate in a legible way and clearly indicate whether the offender was male or female.

### **4.2 State Identification (SID) Number**

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The SID number is a unique identifier issued by the Maryland Criminal Justice Information System (CJIS) Central Repository. An SID number is assigned to every individual who is arrested or otherwise acquires a criminal history record in Maryland, and is also used as an identifier in the Department of Public Safety and Correctional Services (DPSCS) management information systems. The SID number can be easily located on each page of the Maryland RAP Sheet above the offender’s name.

### **4.3 Jurisdiction Code**

---

The person preparing the sentencing guidelines worksheet should record in the “Jurisdiction” box the numeric code that corresponds to the jurisdiction in which the case was heard. Table 4-1 contains the numeric code for each jurisdiction in the state.

**Table 4- 1. Jurisdiction Codes**

<b>Jurisdiction</b>	<b>Code</b>
Allegany	01
Anne Arundel	02
Baltimore County	03
Calvert	04
Caroline	05
Carroll	06
Cecil	07
Charles	08
Dorchester	09
Frederick	10
Garrett	11
Harford	12
Howard	13
Kent	14
Montgomery	15
Prince George's	16
Queen Anne's	17
St. Mary's	18
Somerset	19
Talbot	20
Washington	21
Wicomico	22
Worcester	23
Baltimore City	24

#### **4.4 PSI, Date of Offense, and Date of Sentencing**

---

The individual completing the sentencing guidelines worksheet should clearly indicate whether a pre-sentence investigation was available for the offender, and the dates of offense and sentencing.

## 4.5 Number of Convicted Offenses

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In the space for the number of convicted offenses at this sentencing write the total number of offenses for which one judge must impose a specific sentence at one time and place. If the sentencing involves more than one criminal event, the number of convicted offenses is the sum of all offenses in all events. Merged offenses shall not be placed on the sentencing guidelines worksheet and may not be considered in calculating the guidelines range or in any of the worksheet computations. If the worksheet is completed before the sentencing hearing and offenses are listed that later are merged at sentencing, the judge shall clearly indicate on the worksheet which offenses have become merged and adjust the number of convicted offenses accordingly.

## 4.6 Number of Criminal Events

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In the space for the number of criminal events at this sentencing write the total number of criminal events being sentenced at this time. A single criminal event is one or more offenses committed in the course of the same transaction. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events. The sentencing judge shall resolve any disputes about the number of criminal events.

## 4.7 Page Numbering of Worksheets and Criminal Events

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Multiple sentencing guidelines worksheets may be required for a single sentencing event. The worksheets should be numbered consecutively in the space provided for the worksheet number.

**When there is only one criminal event and more than three convicted offenses**, additional worksheets should be attached. These worksheets should be numbered consecutively in the “Worksheet #” space but, since there is only one criminal event, each should be marked with a “1” in the “Criminal Event #” space.

**Example:** An offender is being sentenced for five offenses, all part of the same criminal event. Two worksheets should be prepared, one containing three of the offenses and identified as WORKSHEET # 1 OF CRIMINAL EVENT # 1 and the second containing the other two offenses and identified as WORKSHEET # 2 OF CRIMINAL EVENT # 1.

**When a sentencing event consists of more than one criminal event**, the individual completing the worksheets should maintain a separate count of worksheets for *each criminal event even if there is one offense per event*. If this is the case, the individual completing the worksheets shall number “Criminal Event #” space chronologically by date of offense.

**Example:** An offender is being sentenced for five offenses, two from one criminal event and three from another event that occurred a month later. Again, two worksheets should be prepared, however the numbering will be different. The first worksheet, containing the two offenses from the first criminal event, should be identified as WORKSHEET # 1 OF CRIMINAL EVENT # 1 and the second worksheet, containing the three offenses from the second criminal event, should be identified as WORKSHEET # 1 OF CRIMINAL EVENT # 2.

## 4.8 Disposition Type

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The disposition type refers to the nature and circumstances of the conviction and sentencing. Since the Parole and Probation agent frequently lacks this information, **the sentencing judge should make sure it is included.** The “Disposition Type” box on the sentencing guidelines worksheet should be marked according to the conditions described in Table 4-2.

**Table 4- 2. Disposition Types**

<b>ABA plea agreement</b>	The disposition resulted from a plea agreement that the court approved relating to a particular sentence, disposition, or other judicial action, and the agreement is binding on the court under Maryland Rule 4-243 (c).
<b>Non-ABA plea agreement</b>	The disposition resulted from a plea agreement reached by the parties but that was not approved by, and thus not binding on, the court.
<b>Plea, no agreement</b>	The defendant pleaded guilty without any agreement from the prosecutor or judge to perform in a particular way.
<b>Court trial</b>	The disposition resulted from a trial without a jury in which the judge decided the factual questions.
<b>Jury trial</b>	The disposition resulted from a trial in which a jury decided the factual questions.
<b>Reconsideration</b>	Reconsideration of a previously imposed sentence for a crime of violence as defined in CR, § 14-101.
<b>Review</b>	Pursuant to CP, § 8-105, a panel review of a previously imposed sentence.

## **4.9 Representation**

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In the box labeled “Representation,” the person completing the sentencing guidelines worksheet should indicate whether the defendant’s representation was private, public defender, court appointed or self-represented.

## **4.10 Race and Ethnicity**

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The “Race” box at the top of the sentencing guidelines worksheet requests information about the defendant’s racial makeup. The racial categories provided are those required by section 10-603(C) of the State Government Article (SG), Annotated Code of Maryland.

Additionally, the information in the “Ethnicity” box is requested pursuant to SG, § 10-603(C)(4) which states:

A form that requires identification of individuals by race shall include a separate question about whether a respondent is of Hispanic or Latino origin, with the question preceding the racial category question.

When possible, defendants must select their own answers to the race and ethnicity questions. A separate field is provided for “unidentifiable race.”

## **4.11 Victim Court Costs Imposed**

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Please specify whether the victim-related court costs were imposed pursuant to Courts and Judicial Proceedings Article (CJ), § 7-409, Annotated Code of Maryland, and Maryland Rule 4-353. The costs outlined in CJ, § 7-409 include a \$45 Circuit Court fee that is divided among the State Victims of Crime Fund, the Victim and Witness Protection and Relocation Fund, and the Criminal Injuries Compensation Fund.

Note: This question should be answered regardless of whether the case involved a direct victim because the victim-related court costs are expected to be imposed for all crime types, including drug offenses.



# Convicted Offense Information

## 5.1 Convicted Offense Title

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Spaces are provided on each sentencing guidelines worksheet for listing up to three convicted offense titles for a single criminal event (whether the same or different case numbers). Convicted offense titles may be abbreviated but should be as specific as possible.

*Example:* The offense title for a **drug** violation (even if it is a conspiracy or attempt) should include the **name of the drug** and whether possession, distribution, etc. was involved. Property offenses should include any relevant dollar amount distinctions, such as “Misdemeanor Theft” (theft under \$1,000) or “Felony Extortion” (\$1,000 or more).

## 5.2 Seriousness Category (I–VII)

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The person completing the sentencing guidelines worksheet should record in the designated space the seriousness category assigned to the respective offense. See Appendix A – Sentencing Guidelines Offense Table (located at the end of this manual) for a list of offenses and their respective seriousness categories.

**If an offense has not been assigned a seriousness category and the maximum penalty is more than one year**, the individual completing the worksheet should use the closest analogous offense. The sentencing judge and the parties involved should be notified if a seriousness category for an analogous offense is utilized.

**If an offense has not been assigned a seriousness category and the offense has a maximum penalty of one year or less**, the offense should be assigned a seriousness category of VII.

**Conspiracy, attempt, solicitation, or accessoryship.** Unless placed in a different category or specifically addressed by separate statute, the individual completing the worksheet shall consider a conspiracy, attempt, or solicitation in the same seriousness category as the substantive offense.

- a. If the accessory after the fact has a penalty of 5 years or greater under CR, § 1-301, a seriousness category V shall be assigned, *unless* the underlying offense has a seriousness category of less than V, in which case the accessory after the fact shall be assigned the same seriousness category as the underlying offense.
- b. If the accessory after the fact has a penalty of less than 5 years under CR, § 1-301, the seriousness category shall be the same category as the underlying offense.

The sentencing guidelines and offense seriousness categories in effect at the time of sentencing shall be used to calculate the guidelines. If it is determined that the guidelines are different than what they would have been if calculated using the sentencing guidelines and offense seriousness categories in effect on the date the offense of conviction was committed, the State's Attorney or defense counsel may bring this to the attention of the judge as a consideration for departure from the guidelines. COMAR 14.22.01.03B.

### **5.3 CJIS Code**

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The CJIS code that corresponds to the convicted offense should be recorded in the designated space on the sentencing guidelines worksheet. This information can be found in Appendix A – Sentencing Guidelines Offense Table. If there are multiple CJIS codes for a listed offense and it is not known which code corresponds to the specific offense, the space can be left blank.

### **5.4 Annotated Code of Maryland, Article, & Section**

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The person completing the sentencing guidelines worksheet shall identify the Annotated Code of Maryland reference for each convicted offense. The reference should include the name or number of the article, the section number **and** any subsection letters or numbers. If the substantive offense and the penalty for the offense are in separate sections or subsections, both should be referenced.

“Common Law” should be written in this space if the source of the offense is the common law. Some common law offenses have penalty provisions in the Annotated Code of Maryland. In such cases, the Annotated Code of Maryland reference should also be included.

### **5.5 Statutory Maximum and Mandatory Minimum Penalties**

---

The maximum penalty prescribed for each convicted offense should be recorded in the designated space on the sentencing guidelines worksheet.

If the offense carries a mandatory minimum penalty, that penalty amount should be recorded in the designated space on the worksheet.

## **5.6 Case #/Docket #**

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The person completing the sentencing guidelines worksheet shall record in the designated space the case or docket number for each convicted offense. Please record the full case number with all leading prefixes or other standard identifiers.

## **Offense Score(s)**

For offenses against persons, an offense score must be computed for each offense to be sentenced. Since there are no special offense characteristics to be used in determining the guidelines sentence for drug and property offenses, an offense score should not be calculated for those offense types.

### **6.1 Computation of the Offense Score (*Offenses Against a Person Only*)**

---

The offense score for each convicted offense is derived by totaling the points given for certain factors of that offense. A judge may include factors known to the judge even if they are not within the scope of the convicted offense, such as weapon presence in a robbery conviction or victim injury in a handgun violation conviction.

**Any firearm or weapon offense is considered a person offense under guidelines.**

The four elements of the offense score include seriousness category, victim injury, weapon presence and special victim vulnerability. Table 6-1 displays the numerical values for each element and these should be used to calculate an offense score for each person offense. A column of offense scores is provided on the sentencing guidelines worksheet for up to three offenses within a single criminal event.

**Table 6- 1. Offense Score(s) (Offenses Against a Person Only)**

<b>1<sup>st</sup> Off</b>	<b>2<sup>nd</sup> Off</b>	<b>3<sup>rd</sup> Off</b>	<b>A. Seriousness Category</b>
1	1	1	= V – VII
3	3	3	= IV
5	5	5	= III
8	8	8	= II
10	10	10	= I
<b>1<sup>st</sup> Off</b>	<b>2<sup>nd</sup> Off</b>	<b>3<sup>rd</sup> Off</b>	<b>B. Victim Injury</b>
0	0	0	= No Injury
1	1	1	= Injury, Non-Permanent
2	2	2	= Permanent Injury or Death
<b>1<sup>st</sup> Off</b>	<b>2<sup>nd</sup> Off</b>	<b>3<sup>rd</sup> Off</b>	<b>C. Weapon Presence</b>
0	0	0	= No Weapon
1	1	1	= Weapon Other than Firearm
2	2	2	= Firearm or Explosive
<b>1<sup>st</sup> Off</b>	<b>2<sup>nd</sup> Off</b>	<b>3<sup>rd</sup> Off</b>	<b>D. Special Vulnerability</b>
0	0	0	= No
1	1	1	= Yes
_____	_____	_____	<b>OFFENSE SCORE(S)</b>

**Elements of the Offense Score:****A. Seriousness Category of the Convicted Offense**

The individual completing the worksheet shall assign points based on the seriousness category of the convicted offense. Appendix A contains a list of Maryland criminal offenses and their assigned seriousness categories. For additional information on determining the seriousness category for an offense, please see MSGM 5.2.

**B. Victim Injury**

Victim injury means physical or psychological injury to the crime victim, the cause of which is directly linked to the conduct of the defendant in the commission of the convicted offense. Victim injury, whether physical or psychological, shall be based on reasonable proof. Psychological injury shall be based on confirmed medical diagnosis or psychological counseling or treatment. Rape crisis hotlines, clergy conferences, and other similar services are considered psychological counseling or treatment, but the contact with a counselor must be confirmed in writing or otherwise by the counseling or treatment provider. Psychological injury is presumed not permanent unless otherwise demonstrated. Physical injury shall be more than minimal. Physical injuries such as lasting muscle damage or amputation are permanent.

The individual completing the worksheet shall assign a score of 0 if there was no victim injury. The individual completing the worksheet shall assign a score of 1 if victim injury occurred and the injury was not permanent. The individual completing the worksheet shall assign a score of 2 if victim injury occurred and the injury was permanent or resulted in the death of the victim.

### C. Weapon Presence

Weapon presence means the presence of any article or device that reasonably appears capable of causing injury or the presence of an article that could result in conviction under CR, § 4-101.

The individual completing the worksheet shall assign a score of 0 if no weapon was present. The individual completing the worksheet shall assign a score of 1 if a weapon other than a firearm was present. The individual completing the worksheet shall assign a score of 2 if a firearm or explosive was present.

The individual completing the worksheet shall apply the following rules regarding weapons.

- a. Explosives are considered the same as firearms;
- b. Weapons other than firearms include incendiaries, knives, tire irons, and clubs;
- c. Carbon dioxide (CO<sub>2</sub>) and/or air guns (including pellet guns, BB guns, and paint ball guns) and starter pistols are also scored as weapons other than firearms and receive 1 point;
- d. Except if used as a bludgeon, a toy gun is not a weapon and shall receive a weapon presence score of zero;
- e. Except if deliberately used as a weapon, automobiles are not included as weapons and shall receive a weapon presence score of zero;
- f. Unless the offender is a professional in some form of self-defense, parts of the body, such as hands or feet, are not included as weapons;
- g. If a weapon was feigned but no weapon was actually present, the score shall be 0 (no weapon present); and
- h. Any applicable guidelines points for weapon presence shall be given to an accessory before the fact, but not to an accessory after the fact.

### D. Special Vulnerability of Victim

Special vulnerability of victim refers to cases in which the relative status of the victim tends to render the actions of the perpetrator more serious. A vulnerable victim is anyone:

- a. Younger than 11 years old;
- b. 65 years old or older; or

- c. Having a temporary or permanent physical or mental handicap, including an individual who is physically or mentally limited in a material way.

The individual completing the worksheet shall assign a score of 0 if the victim is not defined as a vulnerable victim. The individual completing the worksheet shall assign a score of 1 if the victim is defined as a vulnerable victim. The individual completing the worksheet shall complete the Special Victim Vulnerability component of the offense score for each offense to be sentenced.

#### E. Total Offense Score

To obtain an offense score, the individual completing the worksheet shall add the points assigned to each element of the offense score for each person offense of which the defendant was convicted. The maximum score is 15 and the minimum score is 1.

# Offender Score

## 7.1 Computation of the Offender Score

The offender score is derived by totaling the points represented by the offender's prior criminal history. The factors comprising this history are shown in Table 7-1 below. Any prior criminal adjudication (as defined in COMAR 14.22.01.02B(1)) shall be included. With the exception of the juvenile delinquency component of the offender score, the components of the offender score refer only to the defendant's adult involvement with the criminal justice system (CJS). A prior adjudication of not criminally responsible (NCR) or not guilty by reason of insanity shall not be included when calculating the offender score.

**Table 7- 1. Offender Score**

<b>A. Relationship to CJS When Instant Offense Occurred</b>	
0	= None or Pending Cases
1	= Court or Other Criminal Justice Supervision
<b>B. Juvenile Delinquency</b>	
0	= 23 years or older <b>or</b> crime-free for 5 years <b>or</b> no more than 1 finding of a delinquent act
1	= Under 23 years old <b>and</b> : Two or more findings of a delinquent act <b>or</b> one commitment
2	= Under 23 years old <b>and</b> committed two or more times
<b>C. Prior Adult Criminal Record</b>	
0 = None	3 = Moderate
1 = Minor	5 = Major
<b>D. Prior Adult Parole/Prob Violation</b>	
0 = No	1 = Yes
<b>OFFENDER SCORE</b> _____	



## Elements of the Offender Score:

### A. Relationship to the Criminal Justice System When Instant Offense Occurred

1. If the offender was in the criminal justice system as the result of an adjudication of guilt as an adult, the person completing the sentencing guidelines worksheet shall assign a score of 1.
2. The offender was in the criminal justice system if the offender was on parole, on probation, incarcerated, on work release, on mandatory supervision, was an escapee, or had a comparable status at the time the offense was committed.
3. An offender is not considered to be in the criminal justice system if the offender was on unsupervised probation for an offense not punishable by imprisonment.

### B. Juvenile Delinquency

Findings of delinquency are counted the same as convictions would be for an adult; that is, there may be more than one as part of a single event. **Commitments** refer to a court transferring legal custody to the Maryland Department of Juvenile Services or comparable commitment to another federal or state authority. **Suspended juvenile commitments** should be counted as findings of a delinquent act.

An **incarcerable traffic offense** as a juvenile should be treated as part of the offender's juvenile record.

The individual completing the worksheet shall assign a score of **0** if:

1. an offender is 23 years or older by the date of the offense; or
2. an offender has been crime free for 5 years since the last finding of a delinquent act or last adjudication; or
3. an offender has no more than one finding of a delinquent act.

The individual completing the worksheet shall assign a score of **1** if:

1. an offender is younger than 23 years old; **and**
2. has two or more findings of a delinquent act *or* one commitment

The individual completing the worksheet shall assign a score of **2** if:

1. an offender is younger than 23 years old; **and**
2. has been committed two or more times

## C. Prior Adult Criminal Record

Except as noted in this paragraph below, the prior adult criminal record includes all adjudications preceding the current sentencing event, whether the offense was committed before, during, or after the instant offense(s). The prior adult criminal record shall not include:

- i. adjudications that were expunged from the record or proven by the defense to have been eligible for expungement as a matter of right prior to the date of offense pursuant to Subtitle 1 (Expungement of Police and Court Records) of Title 10 (Criminal Records) of the Criminal Procedure Article, Annotated Code of Maryland;
- ii. violations of public local laws, municipal infractions, contempt, criminal nonsupport;
- iii. marijuana possession or marijuana paraphernalia possession adjudications that qualify for a non-incarceration penalty due to evidence of medical necessity;
- iv. adjudications based on acts that are no longer crimes; or
- v. non-incarcerable traffic offenses.

### 1. Criteria

If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty of one year or less, the offense should be assigned a seriousness category of VII.

If a Maryland offense has not been assigned a seriousness category (and the offense has a maximum penalty of more than one year) or has been repealed from the Annotated Code of Maryland, but the act on which the repealed offense is based is still a crime, the individual completing the worksheet shall use the closest analogous offense and the sentencing judge and the parties shall be notified.

The sentencing guidelines and sentencing guidelines offense table in effect at the time of the instant sentencing shall be used to determine the correct seriousness category for each adjudication included in the calculation of the prior adult criminal record.

It is appropriate to use the sentencing guidelines and offense table in effect at the time of the instant sentencing to assign seriousness categories for previously convicted offenses because the calculation of the prior adult record is not a new sanction for a previously convicted offense but rather a single metric used to suggest an appropriate sentence in the instant offense.

To determine whether a defendant's prior adjudications of guilt constitute a Minor, Moderate, or Major adult criminal record, the person completing the worksheet shall count the number of prior adjudications of guilt according to their seriousness categories. If multiple prior convictions relate to a single criminal

event, the individual completing the worksheet shall score only the offense with the highest seriousness category. The Criteria for Prior Record Worksheet, found in Figure 7-2, can be used to help with the tabulation.

Once the prior adjudications are categorized by their seriousness categories, the number of adjudications in the most serious category of offenses shall be identified. Locate that number and the seriousness category in Table 7-2 or Figure 7-1 and, applying the other less serious prior adjudications, determine whether the prior record is Minor, Moderate, or Major. If the defendant has no prior adult criminal record, the individual completing the worksheet shall assign a score of 0. If the defendant has a Minor adult criminal record, the individual completing the worksheet shall assign a score of 1. If the defendant has a Moderate criminal record, the individual completing the worksheet shall assign a score of 3. If the defendant has a Major criminal record, the individual completing the worksheet shall assign a score of 5.

**Table 7-2. Prior Adult Criminal Record Matrix**  
**Number of Convictions**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5-9</b>	<b>10 or more</b>
<b>I</b>	Major	Major	Major	Major	Major	Major
<b>II</b>	Major if combined with any offenses in Categories III – VI or any 5 offenses ----- Moderate	Major	Major	Major	Major	Major
<b>III</b>	Major if combined with two or more offenses in Categories IV – VI or any 6 offenses ----- Moderate	Major	Major	Major	Major	Major
<b>IV</b>	Major if combined with 3 or more offenses from Categories V or VI, or any 7 offenses ----- Moderate	Major if combined with 1 or more offenses from Categories V or VI, or any 6 offenses ----- Moderate	Major	Major	Major	Major
<b>V</b>	Major if combined with any 8 offenses ----- Moderate if combined with not less than 3, nor more than 7 offenses ----- Minor	Major if combined with any 7 offenses ----- Moderate if combined with not less than 1, nor more than 6 offenses ----- Minor	Major if combined with any 6 offenses ----- Moderate	Major if combined with any 5 offenses ----- Moderate	Major	Major
<b>VI</b>	Major if combined with any 9 offenses ----- Moderate if combined with not less than 4, nor more than 8 offenses ----- Minor	Major if combined with any 8 offenses ----- Moderate if combined with not less than 3, nor more than 7 offenses ----- Minor	Major if combined with any 7 offenses ----- Moderate if combined with not less than 2, nor more than 6 offenses ----- Minor	Major if combined with any 6 offenses ----- Moderate	Major if total number of convictions is equal to or greater than 10 ----- Moderate	Major
<b>VII</b>	Minor	Minor	Minor	Minor	Moderate	Major

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**Figure 7- 1. Criteria for Prior Adult Criminal Record**

**MAJOR RECORD = 5 points**

An offender who has been found guilty of one or more offenses in the past as an adult is considered to have a Major adult criminal record if his or her record contains:

- One or more seriousness category I offenses.
- One seriousness category II offense, combined with:
  - One or more offenses from seriousness category III – VI; **or**
  - Any other five offenses.
- Two or more seriousness category II offenses.
- One seriousness category III offense, combined with:
  - Two or more offenses from seriousness category IV – VI; **or**
  - Any other six offenses.
- Two or more seriousness category III offenses.
- One seriousness category IV offense, combined with:
  - Three or more offenses from seriousness category V or VI, **or**
  - Any other seven offenses.
- Two seriousness category IV offenses, combined with:
  - One or more offenses from seriousness category V or VI; **or**
  - Any other six offenses.
- Three or more seriousness category IV offenses.
- One seriousness category V offense, combined with any other eight offenses.
- Two seriousness category V offenses, combined with any other seven offenses.
- Three seriousness category V offenses, combined with any other six offenses.
- Four seriousness category V offenses, combined with any other five offenses.
- Five or more seriousness category V offenses.
- Ten or more adjudications of guilt from any combination of seriousness categories.

**MODERATE RECORD = 3 points**

An offender who has been found guilty of one or more offenses in the past as an adult is considered to have a Moderate record if he or she does not meet any of the criteria for a Major record, but whose record contains:

- One seriousness category II offense.
- One seriousness category III offense.
- One or two seriousness category IV offenses.
- One seriousness category V offense, combined with not less than three and not more than seven other offenses.
- Two seriousness category V offenses, combined with not less than one and not more than six other offenses.
- Three or four seriousness category V offenses.
- One seriousness category VI offense, combined with not less than four and not more than eight other offenses.
- Two seriousness category VI offenses, combined with not less than three and not more than seven other offenses.
- Three seriousness category VI offenses, combined with not less than two and not more than six other offenses.
- Not less than four and not more than nine seriousness category VI offenses.
- Not less than five and not more than nine seriousness category VII offenses.

**MINOR RECORD = 1 point**

An offender who has been found guilty as an adult of one or more offenses in the past, but does not meet the criteria for either a Major or a Moderate record is considered to have a Minor record.

**Figure 7-2. Criteria for Prior Record Worksheet**

**Offender's Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

<b>JUVENILE DELINQUENCY</b>			
<b>Offender</b>	<b>Yes/No</b>	<b>Offense Title (w/ finding of delinquency)</b>	<b>Commitment Date</b>
23 or older when current offense committed			
<b>JUVENILE DELINQUENCY</b>	____ 1 Finding    ____ 2 or More Findings/1 Commitment    ____ 2 or More Commitments		

<b>ADULT CONVICTIONS</b>				
<b>Seriousness Category</b>	<b>No.</b>	<b>Offense Title (Code, Art., &amp; Sec.)</b>	<b>Disposition Date</b>	<b>Sentence</b>
<b>I</b>				
<b>II</b>				
<b>III</b>				
<b>IV</b>				
<b>V</b>				
<b>VI</b>				
<b>VII</b>				
<b>PRIOR ADULT CRIMINAL RECORD</b>		____ None    ____ Minor    ____ Moderate    ____ Major		

**Completed By:** \_\_\_\_\_

## 2. Additional Instructions

**Different Criminal Events Sentenced Together.** If multiple offenses from different criminal events are being sentenced together at this sentencing event, the offender's criminal record includes any adjudication of guilt prior to the current sentencing and is the same for each offense being sentenced at this time.

**Convictions Out of Jurisdiction.** If an offender has been convicted in another jurisdiction, the convicted offense shall be matched as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the offense shall be placed in the lowest seriousness category (VII), and the judge and parties shall be notified. If the out of jurisdiction conviction is based on act that is not a criminal violation in Maryland (e.g., marijuana possession less than 10 grams), then the out of jurisdiction conviction shall be excluded from the prior adult criminal record. If there is a question as to the analogous guidelines offense for an out-of-state conviction, that question should be brought to the attention of the judge at sentencing.

**Theft-Type Offenses.** A theft conviction that occurred before the enactment of the comprehensive theft statute in 1978 (such as larceny, larceny by trick, or larceny after trust) should be considered misdemeanor theft if it was a misdemeanor and felony theft if it was a felony.

**Criminal Record Decay Factor.** If an offender has lived in the community for at least ten years prior to the instant offense without criminal justice system involvement resulting from an adjudication of guilt or a plea of nolo contendere, the criminal record shall be reduced by one level: from Major to Moderate, from Moderate to Minor, or from Minor to None. An offender was in the criminal justice system if the offender was on parole, on probation, incarcerated, on work release, on mandatory supervision, was an escapee, or had a comparable status. An offender is not considered to be in the criminal justice system if the offender was on unsupervised probation for an offense not punishable by imprisonment.

**Conspiracies, Attempts, Solicitations, and Accessoryships.** For instructions regarding conspiracies, attempts, solicitations, and accessoryships, please see MSGM 5.2.

### D. Prior Adult Parole/Probation Violations

Score 0 if offender has never before been on adult parole, probation or equivalent supervisory status, or has successfully completed previous periods of supervision as an adult. Score 1 if offender was ever adjudicated in violation of parole or probation or was convicted of an offense while on parole or probation, unless the adjudication or conviction arose from the offense or offenses of this sentencing event. **Do not give a point simply because offender was on parole or probation at the time of the instant offense;** the offender will already have been penalized for having a relationship to the criminal justice system when the instant offense occurred.

**The total offender score** is obtained by adding the points assigned to each element of the offender score. The maximum offender score is 9; the minimum is 0.

# Determining the Guidelines Sentence Range

## 8.1 Guidelines Range

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After the offense and offender scores have been calculated for each offense for which there is a conviction or other adjudication of guilt, use the appropriate matrix – person, drug, or property – to determine the guidelines range. In multiple offense cases, the overall guidelines range is determined after calculating guidelines for the individual offenses.

## 8.2 Person Offenses

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To find the guidelines sentence for an offense against a person, refer to Table 8-1, the sentencing matrix for offenses against persons. The guidelines ranges are in a grid format with the offense score on the vertical axis and the offender score on the horizontal axis. The guidelines range for any given convicted offense is in the cell where the two scores intersect.

For a **first degree murder** conviction, the person completing the sentencing guidelines worksheet should compute an offense and offender score even though the adjusted guidelines range for first degree murder is always a mandatory suspendable term of “life to life” and should replace the calculated guidelines range. First degree murder is a seriousness category I offense.



**Table 8- 1. Sentencing Matrix for Offenses Against Persons**

<i>Offense Score</i>	<i>Offender Score</i>							
	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7 or more</b>
<b>1</b>	P	P	P-3M	3M-1Y	3M-18M	3M-2Y	6M-2Y	1Y-3Y
<b>2</b>	P-6M	P-1Y	P-18M	3M-2Y	6M-3Y	1Y-5Y	18M-5Y	3Y-8Y
<b>3</b>	P-2Y	P-2Y	6M-3Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y
<b>4</b>	P-3Y	6M-4Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y	5Y-12Y
<b>5</b>	3M-4Y	6M-5Y	1Y-6Y	2Y-7Y	3Y-8Y	4Y-10Y	6Y-12Y	8Y-15Y
<b>6</b>	1Y-6Y	2Y-7Y	3Y-8Y	4Y-9Y	5Y-10Y	7Y-12Y	8Y-13Y	10Y-20Y
<b>7</b>	3Y-8Y	4Y-9Y	5Y-10Y	6Y-12Y	7Y-13Y	9Y-14Y	10Y-15Y	12Y-20Y
<b>8</b>	4Y-9Y	5Y-10Y	5Y-12Y	7Y-13Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-25Y
<b>9</b>	5Y-10Y	7Y-13Y	8Y-15Y	10Y-15Y	12Y-18Y	15-25Y	18Y-30Y	20Y-30Y
<b>10</b>	10Y-18Y	10Y-21Y	12Y-25Y	15Y-25Y	15Y-30Y	18Y-30Y	20Y-35Y	20Y-L
<b>11</b>	12Y-20Y	15Y-25Y	18Y-25Y	20Y-30Y	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L
<b>12</b>	15Y-25Y	18Y-25Y	18Y-30Y	20Y-35Y	20Y-35Y	25Y-40Y	25Y-L	25Y-L
<b>13</b>	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L	25Y-L	30Y-L	L	L
<b>14</b>	20Y-L	25Y-L	28Y-L	30Y-L	L	L	L	L
<b>15</b>	25Y-L	30Y-L	35Y-L	L	L	L	L	L

P=Probation, M=Months, Y=Years, L=Life

## 8.3 Drug Offenses

To find the recommended guidelines sentence for a drug offense use Table 8-2, the sentencing matrix for drug offenses. The guidelines range for a particular offense is in the cell opposite the seriousness category for that offense and under the applicable offender score.

**Table 8- 2. Sentencing Matrix for Drug Offenses**

<i>Offense Seriousness Category</i>	<i>Offender Score</i>							
	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7 or more</b>
<b>VII</b>	P	P	P	P-1M	P-3M	P-6M	3M-6M	6M-2Y
<b>VI</b>	Available for future use. There are currently no seriousness category VI drug offenses.							
<b>V</b>	P-1M	P-6M	P-1Y	1M-1Y	2M-18M	3M-2Y	4M-3Y	6M-4Y
<b>IV</b>	P-3M	P-9M	1M-1Y	2M-18M	3M-2Y	4M-2.5Y	6M-3Y	8M-5Y
<b>III-A</b> Marijuana import 45 kilograms or more, and MDMA 750 grams or more	P-18M	P-2Y	6M-2Y	1Y-4Y	2Y-6Y	3Y-8Y	4Y-12Y	10Y-20Y
<b>III-B</b> Non-marijuana and non-MDMA, Except Import	6M-3Y	1Y-3Y	18M-4Y	3Y-7Y	4Y-8Y	5Y-10Y	7Y-14Y	12Y-20Y
<b>III-C</b> Non-marijuana and non-MDMA, Import	1Y-4Y	2Y-5Y	3Y-6Y	4Y-7Y	5Y-8Y	6Y-10Y	8Y-15Y	15Y-25Y
<b>II</b>	20Y-24Y	22Y-26Y	24Y-28Y	26Y-30Y	28Y-32Y	30Y-36Y	32Y-37Y	35Y-40Y

P=Probation, M=Months, Y=Years

## 8.4 Property Offenses

To find the recommended guidelines sentence for a property offense use Table 8-3, the sentencing matrix for property offenses. The guidelines range for a particular offense is in the cell opposite the seriousness category for that offense and under the applicable offender score.

**Table 8- 3. Sentencing Matrix for Property Offenses**

<i>Offense Seriousness Category</i>	<i>Offender Score</i>							
	0	1	2	3	4	5	6	7 or more
<b>VII</b>	P-1M	P-3M	3M-9M	6M-1Y	9M-18M	1Y-2Y	1Y-3Y	3Y-5Y
<b>VI</b>	P-3M	P-6M	3M-1Y	6M-2Y	1Y-3Y	2Y-5Y	3Y-6Y	5Y-10Y
<b>V</b>	P-6M	P-1Y	3M-2Y	1Y-3Y	18M-5Y	3Y-7Y	4Y-8Y	8Y-15Y
<b>IV</b>	P-1Y	3M-2Y	6M-3Y	1Y-4Y	18M-7Y	3Y-8Y	5Y-12Y	10Y-20Y
<b>III</b>	P-2Y	6M-3Y	9M-5Y	1Y-5Y	2Y-8Y	3Y-10Y	7Y-15Y	15Y-30Y
<b>II</b>	2Y-5Y	3Y-7Y	5Y-8Y	5Y-10Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-40Y

P=Probation, M=Months, Y=Years

## 8.5 Effect of Statutory Maximum and Mandatory Minimum Sentences on Guidelines Range

If the upper limit of the calculated guidelines range exceeds the statutory maximum for a given offense, the statutory maximum is the upper limit of the guidelines range. Likewise, if the lower limit of the guidelines range exceeds the statutory maximum for a given offense, the statutory maximum is the lower limit of the guidelines range. If the lower limit of the calculated guidelines range is less than the non-suspendable mandatory minimum, that minimum is the lower limit of the guidelines range. Likewise, if the upper limit of the guidelines range is less than the non-suspendable mandatory minimum, that minimum is the upper limit of the guidelines range. The adjusted guidelines range for first degree murder is always a mandatory suspendable term of “life to life” and should replace the calculated guidelines range.

## 8.6 Subsequent Offenses

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Enhanced punishment legislation for subsequent offenders takes precedence over guidelines ranges in certain circumstances, if not otherwise provided for in this manual. If the judge orders a PSI for a defendant who is subject to enhanced punishment legislation for subsequent offenders, the judge should indicate on the PSI order when the State's Attorney has filed a notice of subsequent offender, in order for the Parole and Probation agent to be able to calculate the guidelines accurately.

When the statutory penalty for a drug offense is doubled pursuant to CR, § 5-905, the guidelines range for that offense is also doubled. In such a circumstance, the person completing the sentencing guidelines worksheet should note the seriousness category and offender score and find the corresponding cell on the drug offense sentencing matrix (Table 8-2), and then double that range. If the upper limit of the calculated guidelines range exceeds the doubled statutory maximum for the offense, the doubled statutory maximum is the upper limit of the guidelines range. Likewise, if the lower limit of the calculated guidelines range exceeds the doubled statutory maximum for the offense, the doubled statutory maximum is the lower and upper limit of the guidelines range. If the offender is being sentenced pursuant to CR, § 5-905 and the guidelines range is doubled, the person preparing the worksheet shall mark "Yes" in the subsequent offender "Filed" and "Proven" boxes. See MSGM 10.4 for further instructions.

When a non-suspendable mandatory minimum sentence for a crime of violence has been invoked pursuant to CR, § 14-101, that mandatory minimum takes precedence over the lower limit of the guidelines range (and possibly the upper limit of the guidelines range if the mandatory minimum exceeds the calculated upper limit of the range). In such a circumstance, the person completing the worksheet should note the offense score and offender score and find the corresponding cell on the person offense sentencing matrix (Table 8-1). The lower limit of that range (and possibly the upper limit of the range) is then replaced by the mandatory minimum if the mandatory minimum exceeds the lower and/or upper limit of the range. If the offender is being sentenced with the enhanced penalty pursuant to CR, § 14-401, the person preparing the worksheet shall mark "Yes" in the subsequent offender "Filed" and "Proven" boxes. See MSGM 8.5 and 10.4 for further instructions.

When an enhanced penalty for any other subsequent offense has been invoked, providing for an enhanced statutory maximum and/or mandatory minimum, the guidelines shall be calculated according to the rules set forth in this manual with respect to the offense's statutory maximum and/or any applicable mandatory minimum. If the offender is being sentenced with an enhanced penalty pursuant to a subsequent offender statute, the person preparing the worksheet shall mark "Yes" in the subsequent offender "Filed" and "Proven" boxes. See MSGM 8.5 and 10.4 for further instructions.

# Overall Guidelines Range for Multiple Counts Only

## 9.1 Single Criminal Event,

*Not More Than One Seriousness Category I or II Offense*

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1. Calculate the guidelines range for each offense.
2. Determine the overall guidelines range by identifying the highest of the lower guidelines limits and the highest of the upper guidelines limits. Usually these will be the lower and upper limits of the guidelines range for one of the offenses, but there are infrequent exceptions. (See Example 3 in Table 9-1.)
3. Any combination of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guidelines range.
4. If there are separate offenses for different victims, add the highest of the upper guidelines limit for each victim. See MSGM 10.1 for detailed instructions and a sample worksheet for this scenario.

**Example:** An offender has been adjudicated guilty for two person offenses arising out of a single criminal event and there were two victims. The guidelines range for each offense is 3M-4Y. The upper limits of the ranges should be added (to reflect two victims) so the correct overall guidelines range is 3M-8Y.

**Table 9- 1. Examples of Scoring Single Criminal Events with Not More Than One Offense from Seriousness Category I or II**

<b>Example 1</b>					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Armed Carjacking	2	II	11	18Y-25Y
1	Use of Handgun in a Felony	2	III	7	5Y MM-10Y
<i>Overall Guidelines Range:</i>					<b>18Y-25Y</b>
Note: The mandatory minimum for the handgun charge is 5 years. The guidelines range for the gun charge is calculated to be 5-10 years. The mandatory minimum should be noted on the worksheet. Regardless, the lower limit and upper limit of the overall guidelines range are both drawn from the armed carjacking charge.					
<b>Example 2</b>					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Burglary 2 <sup>nd</sup> Degree	3	IV	N/A	1Y-4Y
1	Theft at least \$25,000 but less than \$100,000	3	V	N/A	1Y-3Y
1	Malicious Destruction > \$1,000	3	VII	N/A	6M-1Y
<i>Overall Guidelines Range:</i>					<b>1Y-4Y</b>
Note: The burglary and theft charges have the same lower limit and the overall upper limit comes from the burglary.					
<b>Example 3</b>					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Assault 2 <sup>nd</sup> Degree	2	V	4	1Y-5Y
1	Distribution of LSD	2	III-B	N/A	18M-4Y
<i>Overall Guidelines Range:</i>					<b>18M-5Y</b>
Note: The overall lower limit of 18 months is drawn from the drug charge but the upper limit of 5 years comes from the assault charge.					

## 9.2 Single Criminal Event, *Two or More Seriousness Category I or II Offenses*

1. Calculate the guidelines range for each offense.
2. Determine the overall guidelines range by adding the respective lower and upper limits of the guidelines range for each seriousness category I or II offense.

**Table 9- 2. Examples of Scoring Single Criminal Events with Two or More Seriousness Category I or II Offenses**

<b>Example 1</b>					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Rape 1 <sup>st</sup> Degree	1	I	11	15Y-25Y
1	Kidnapping	1	II	9	7Y-13Y
1	Robbery	1	IV	4	6M-4Y
<i>Overall Guidelines Range:</i>					<b>22Y-38Y</b>
Note: The respective lower and upper limits of the ranges for each of the seriousness category I and II offenses are added to calculate the overall range.					
<b>Example 2</b>					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Rape 1 <sup>st</sup> Degree	3	I	14	30Y-Life
1	Rape 1 <sup>st</sup> Degree	3	I	14	30Y-Life
1	Rape 2 <sup>nd</sup> Degree	3	II	12	20Y-20Y
<i>Overall Guidelines Range:</i>					<b>80Y – Life x 2 plus 20Y</b>
Note: Both the upper and lower limits of the guidelines range for rape, 2 <sup>nd</sup> degree, exceed the offense's statutory maximum of 20 years and, therefore, are replaced with the offense's statutory maximum. The respective lower and upper limits of the ranges for each of the offenses are added such that the overall range is 80 years to 2 consecutive life terms plus 20 years.					

- Any combination of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guidelines range.

### **9.3 Multiple Criminal Events, One Offense in Each Event**

- Arrange the offenses in chronological order beginning with the one committed first.
- Calculate the guidelines range for each criminal event's convicted counts. The prior adult criminal record is constant throughout the sentencing event. A prior adult criminal record score reflects the defendant's criminal history on the date of sentencing. *The prior adult criminal record calculated for the first criminal event is the same for all succeeding criminal events, as long as they are being sentenced at the same time.*
- Determine the overall guidelines range by adding the respective lower and upper limits of the guidelines range for each event.
- Any combination of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guidelines range.

**Table 9- 3. Examples of Scoring Multiple Criminal Events with One Offense in Each Event**

<b>Example 1</b>					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Robbery w/ Dangerous Weapon	2	III	7	5Y-10Y
2	Robbery w/ Dangerous Weapon	2	III	7	5Y-10Y
3	Robbery w/ Dangerous Weapon	2	III	7	5Y-10Y
<i>Overall Guidelines Range:</i>					<b>15Y-30Y</b>
Note: The overall range is calculated by adding the upper and lower limits of each guidelines range.					
<b>Example 2</b>					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Arson 2 <sup>nd</sup> Degree	7	IV	N/A	10Y-20Y
2	Forgery	7	V	N/A	8Y-10Y*
<i>Overall Guidelines Range:</i>					<b>18Y-30Y</b>
*The statutory maximum for the forgery charge is 10 years. The guidelines range is calculated to be 8-15 years, but the statutory maximum replaces the upper limit of the range.					
Note: The lower and adjusted upper limits of the forgery range are added to the lower and upper limits of the burglary range to calculate the overall guidelines range.					

## 9.4 Multiple Criminal Events, *Multiple Offenses Within One or More of the Events*

1. Arrange the criminal events in chronological order, beginning with the offense or offenses committed in the first criminal event.
2. Calculate the guidelines range for each offense in the first criminal event.
3. Determine the overall guidelines range for the first criminal event as in MSGM 9.1 or 9.2, but do not enter it on a sentencing guidelines worksheet.
4. Follow steps two and three for each succeeding criminal event. The prior adult criminal record is constant throughout each sentencing event. A prior adult criminal record score reflects the defendant's criminal history on the date of sentencing. *The prior adult criminal record calculated for the first criminal event is the same for all succeeding criminal events, as long as they are being sentenced at the same time.*
5. After determining the overall guidelines range for each criminal event, the respective lower and upper limits of the overall range for each event are added to determine the overall guidelines range for the entire case.



6. Any combination of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (that is, the initial sentence minus suspended sentence) falls within the overall guidelines range.

**Table 9- 4. Examples of Scoring Multiple Criminal Events with More than One Offense in One or More Events**

<b>Example 1</b>					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Assault 1 <sup>st</sup> Degree	3	III	7	6Y-12Y
1	Use of Handgun in Felony	3	III	7	6Y-12Y
<i>Range for 1:</i>					<b>6Y-12Y</b>
2	Assault 1 <sup>st</sup> Degree	3	III	7	6Y-12Y
2	Poss. Marijuana	3	VII	N/A	P-1M
<i>Range for 2:</i>					<b>6Y-12Y</b>
<i>Overall Guidelines Range:</i>					<b>12Y-24Y</b>
Note: The overall range is calculated by determining each individual event range and then adding the respective lower and upper limits of the overall range for each event.					
<b>Example 2</b>					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Perjury	0	IV	N/A	P-1Y
<i>Range for 1:</i>					<b>P-1Y</b>
2	Forgery	0	V	N/A	P-6M
2	Theft at least \$25,000 but less than \$100,000	0	V	N/A	P-6M
2	WCT Handgun, 1 <sup>st</sup> offense	0	VII	3	P-2Y
<i>Range for 2:</i>					<b>P-2Y</b>
<i>Overall Guidelines Range:</i>					<b>P-3Y</b>
Note: When the lower limit of the range for each event indicates probation, probation is the lower limit of the overall guidelines range.					

<b>Example 3</b>					
<b><u>Criminal</u></b> <b><u>Event</u></b>	<b><u>Offense</u></b>	<b><u>Offender</u></b> <b><u>Score</u></b>	<b><u>Seriousness</u></b> <b><u>Category</u></b>	<b><u>Offense Score</u></b>	<b><u>Guidelines</u></b> <b><u>Range</u></b>
1	Rape 1 <sup>st</sup> Degree	0	I	11	12Y-20Y
1	Att. 1 <sup>st</sup> Degree Murder	0	II	9	5Y-10Y
				<i>Range for 1:</i>	<b>17Y-30Y</b>
2	Burglary 3 <sup>rd</sup> Degree	0	IV	N/A	P-1Y
				<i>Range for 2:</i>	<b>P-1Y</b>
				<i>Overall Guidelines Range:</i>	<b>17Y-31Y</b>
Note: In the first event, the respective lower and upper limits of the range for each offense are added (because there is more than one seriousness category I or II offense) to calculate the range for the first event, which is then added to the lower and upper limits of the range for the second event to obtain the overall range.					

# Special Applications in Guidelines Calculations

## 10.1 Single Criminal Event With Multiple Unique Victims, *Not More Than One Seriousness Category I or II Offense (Guidelines “Stacking” Rule)*

When there is a single criminal event with multiple victims and not more than one seriousness category I or II offense, the person completing the sentencing guidelines worksheet should add the highest of the upper limits of the guidelines ranges for each victim to find the correct overall range.

1. Calculate the guidelines range for each offense.
2. Determine the overall guidelines range by identifying the highest of the lower guidelines limits and the highest of the upper guidelines limits.
3. Add the highest of the upper guidelines limits for each victim.

### Example 1

<u>Offense</u>	<u>Offender Score</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
Assault 2 <sup>nd</sup> Degree (Victim 1)	4	3	2Y-5Y
Assault 2 <sup>nd</sup> Degree (Victim 2)	4	3	2Y-5Y
Assault 2 <sup>nd</sup> Degree (Victim 3)	4	3	2Y-5Y

*Overall Guidelines Range: 2Y-15Y\**

\*The guidelines range for each offense is calculated to be 2-5 years. Because there are three victims from one criminal event, the upper limit of the range for each offense is added or “stacked” and the overall range is 2-15 years. See Example 10.1 on the next page.

### Example 2

<u>Offense</u>	<u>Offender Score</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
Robbery w/ Dangerous Weapon (Victim 1)	2	7	5Y-10Y
Assault 2 <sup>nd</sup> Degree (Victim 2)	2	3	6M-3Y

*Overall Guidelines Range: 5Y-13Y\**

\*The guidelines range for the robbery charge is calculated to be 5-10 years. The guidelines range for the assault is calculated to be 6 months to 3 years. Because there are two victims from one criminal event, the upper limit of the range for each offense is added or “stacked” and the overall range is 5-13 years.

# Example 10.1 – Single Criminal Event with Multiple Victims (Guidelines “Stacking” Rule)

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle Tremont, Gary, F.		SID# 551232		SEX X M F		BIRTHDATE 07   07   77		JURISDICTION 14	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		REPRESENTATION		ETHNICITY		RACE		MAND. MIN		CASE #/DOCKET #			
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES		WORKSHEET # 1 OF 1		CRIMINAL EVENT # 1		X Private Public Defender Court Appointed Self		Hispanic/Latino Origin Yes No Victim Court Costs Imposed Yes No		Black White Native Hawaiian/Pacific Islander American Indian/Alaskan Native							
CONVICTED OFFENSE TITLE																			
1 <sup>st</sup> Convicted Offense Assault 2nd Degree (Victim 1)																			
2 <sup>nd</sup> Convicted Offense Assault 2nd Degree (Victim 2)																			
3 <sup>rd</sup> Convicted Offense Assault 2nd Degree (Victim 3)																			
OFFENSE SCORE(S) – Offense Against a Person Only										OFFENDER SCORE									
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										A. Relationship to CJS When Instant Offense Occurred ① = None or Pending Cases 1 = Court or Other Criminal Justice Supervision									
1 1 1										B. Juvenile Delinquency ① = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment 2 = Under 23 years and committed 2 or more times									
3 3 3										C. Prior Adult Criminal Record 0 = None ③ = Moderate 1 = Minor 5 = Major									
5 5 5										D. Prior Adult Parole/Prob Violation 0 = No ① = Yes									
8 8 8																			
10 10 10																			
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										OFFENSE SCORE(S)									
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① ① ①																			
2 2 2																			
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										SENTENCE DEPARTURE INFORMATION									
0 0 0										If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.									
① ① ①										Departure Code 9 or 18 (Please Explain):									
2 2 2																			
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										VICTIM INFORMATION									
0 0 0										Victim X Yes No X Yes No									
① ① ①										Victim Non-participation X Yes No X Yes No									
2 2 2										Victim Notification Form X Yes No X Yes No									
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										Victim Notified Date X Yes No X Yes No									
0 0 0										Victim Present X Yes No X Yes No									
① ① ①										Written VIS X Yes No X Yes No									
2 2 2										Oral VIS X Yes No X Yes No									
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										No Contact Requested X Yes No X Yes No									
0 0 0										No Contact Ordered X Yes No X Yes No									
3 3 3										Overall Guidelines Range Multiple Counts Only									
1 1 1										2Y TO 15Y									
1 <sup>st</sup> Con. Off.										Was the offender sentenced to a Corrections Options program under Commission criteria? Drug Court Yes No Other Yes No									
2Y										Additional Information or Institutional/Parole Recommendation									
5Y										Title									
TO										Sentencing Judge (Please Print)									
1 <sup>st</sup> Con. Off.										Parole Notification Yes No									
2Y										Sentencing Judge's Signature									
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## 10.2 Statutory Maximum Less Than Guidelines Range

If the guidelines range exceeds the statutory maximum for a given offense, the statutory maximum replaces the guidelines range. This is because a person cannot be sentenced to a term that exceeds the statutory maximum.

1. Calculate the guidelines range for each offense.
2. Determine if the lower limit of the guidelines range exceeds the statutory maximum. If so, replace the lower and upper limits of the guidelines range with the statutory maximum. If not, leave it unchanged.
3. Determine if the upper limit of the guidelines range exceeds the statutory maximum. If so, replace the upper limit of the guidelines range with the statutory maximum.

Example 1					
<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Calculated Guidelines Range</u>	<u>Statutory Maximum</u>	<u>Adjusted Guidelines Range</u>
Burglary, 3 <sup>rd</sup> degree	6	IV	5Y-12Y	10Y	5Y-10Y
Overall Guidelines Range:					<b>5Y-10Y*</b>
*The guidelines range is initially calculated to be 5-12 years. The statutory maximum is 10 years. Because the statutory maximum of 10 years is less than the upper limit of the range, which is 12 years, the upper limit of the range is replaced by the statutory maximum. See Example 10.2 on the next page.					
Example 2					
<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Calculated Guidelines Range</u>	<u>Statutory Maximum</u>	<u>Adjusted Guidelines Range</u>
False Statements to Police Officers	4	VII	9M-18M	6M	6M-6M
Overall Guidelines Range:					<b>6M-6M*</b>
*The guidelines range is initially calculated to be 9-18 months. The statutory maximum is 6 months. Because the statutory maximum of 6 months is less than the lower limit of the range, which is 9 months, and the upper limit of the range, which is 18 months, the lower and upper limits of the range are replaced by the statutory maximum.					
Example 3					
<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Calculated Guidelines Range</u>	<u>Statutory Maximum</u>	<u>Adjusted Guidelines Range</u>
Theft at least \$25,000 but less than \$100,000	4	V	18M-5Y	10Y	18M-5Y
Malicious Destruction <\$1,000	4	VII	9M-18M	60D	60D-60D
Overall Guidelines Range:					<b>18M-5Y*</b>
*The guidelines range for the malicious destruction charge is initially calculated to be 9-18 months. The statutory maximum for the malicious destruction charge is 60 days. Because the statutory maximum of 60 days is less than the lower limit of the range, which is 9 months, and the upper limit of the range, which is 18 months, the lower and upper limits of the range are replaced by the statutory maximum with respect to that charge.					
Note: The guidelines range for the theft charge is 18 months-5 years, so the overall range is 18 months-5 years.					

# Example 10.2 – Statutory Maximums

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle Block. Carol. Leslie		SID#		SEX		BIRTHDATE		JURISDICTION																																																					
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		REPRESENTATION		ETHNICITY		RACE		MAND. MIN		CASE #/DOCKET #																																																							
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES		CRIMINAL EVENTS		ABA plea agreement Non-ABA plea agreement Plea, no agreement Court trial		Private Public Defender Court Appointed Self		Hispanic/Latino Origin Yes No		Black White Native Hawaiian/Pacific Islander American Indian/Alaskan Native																																																											
1		1		1		1		1		1		1		1		1																																																							
<b>CONVICTED OFFENSE TITLE</b> 1 <sup>st</sup> Convicted Offense Burglary, 3rd degree 2 <sup>nd</sup> Convicted Offense 3 <sup>rd</sup> Convicted Offense																		<b>MD CODE, ART. &amp; SECTION</b> CR, § 6-204		<b>STAT. MAX</b> 10Y		<b>MAND. MIN</b> 117276001																																																	
<b>OFFENSE SCORE(S) – Offense Against a Person Only</b> <table border="1"> <tr> <th colspan="2">1<sup>st</sup> Off</th> <th colspan="2">2<sup>nd</sup> Off</th> <th colspan="2">3<sup>rd</sup> Off</th> <th colspan="2">A. Seriousness Category</th> </tr> <tr> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>V – VII</td> </tr> <tr> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>IV</td> </tr> <tr> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>III</td> </tr> <tr> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>II</td> </tr> <tr> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>I</td> </tr> </table>										1 <sup>st</sup> Off		2 <sup>nd</sup> Off		3 <sup>rd</sup> Off		A. Seriousness Category		1	1	1	1	1	1	1	V – VII	3	3	3	3	3	3	3	IV	5	5	5	5	5	5	5	III	8	8	8	8	8	8	8	II	10	10	10	10	10	10	10	I	<b>OFFENDER SCORE</b> A. Relationship to CJS When Instant Offense Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment 2 = Under 23 years and committed 2 or more times C. Prior Adult Criminal Record 0 = None 3 = Moderate 1 = Minor 5 = Major D. Prior Adult Parole/Prob Violation 0 = No 1 = Yes										<b>GUIDELINES RANGE</b> 1 <sup>st</sup> Con. Off. 5Y TO 2 <sup>nd</sup> Con. Off. 10Y TO 3 <sup>rd</sup> Con. Off. TO		<b>ACTUAL SENTENCE</b> - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.) 1 <sup>st</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____ 2 <sup>nd</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____ 3 <sup>rd</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____	
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<b>VICTIM INFORMATION</b> Victim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Victim Non-participation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Victim Notification Form <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Victim Notified Plea <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Victim Notified Date <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Victim Present <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Written VIS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Oral VIS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No No Contact Requested <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No No Contact Ordered <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No										<b>SENTENCE DEPARTURE INFORMATION</b> If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. Departure Code 9 or 18 (Please Explain): _____										<b>Overall Guidelines Range</b> Multiple Counts Only 5Y TO 10Y		<b>Was the offender sentenced to a Corrections Options program under Commission criteria?</b> Drug Court <input type="checkbox"/> Yes <input type="checkbox"/> No Other <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Additional Information or Institutional/Parole Recommendation</b> _____ <b>Parole Notification</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>Worksheet Completed By</b> _____ <b>Title</b> _____ <b>Sentencing Judge (Please Print)</b> _____ <b>Sentencing Judge's Signature</b> _____																																															

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

4/2013 (1.8)

## 10.3 Non-Suspendable Mandatory Minimums

If the guidelines range is below a non-suspendable mandatory minimum, that minimum replaces the guidelines range. This is because a person cannot be sentenced to a term that is shorter than the non-suspendable mandatory minimum. Additionally, the adjusted guidelines range for first degree murder is always a mandatory suspendable term of “life to life” and should replace the calculated guidelines range.

1. Calculate the guidelines range for each offense.
2. Determine if the mandatory minimum exceeds the lower limit of the guidelines range. If so, replace the lower limit of the guidelines range with the mandatory minimum. If not, leave it unchanged.
3. Determine if the mandatory minimum exceeds the upper limit of the guidelines range. If so, replace the upper limit of the guidelines range with the mandatory minimum. If not, leave it unchanged.

<b>Example 1</b>					
<u>Offense</u>	<u>Offender Score</u>	<u>Offense Score</u>	<u>Calculated Guidelines Range</u>	<u>Mandatory Minimum</u>	<u>Adjusted Guidelines Range</u>
Handgun Crime of Violence	0	7	3Y-8Y	5Y MM	5Y MM-8Y
<i>Overall Guidelines Range:</i>					<b>5Y MM-8Y*</b>
*The guidelines range is initially calculated to be 3-8 years. The non-suspendable mandatory minimum is 5 years (CR, § 4-204(c)(1)). Because the mandatory minimum of 5 years exceeds the lower limit of the range, which is 3 years, the lower limit of the range is replaced by the mandatory minimum					
<b>Example 2</b>					
<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Calculated Guidelines Range</u>	<u>Statutory Maximum</u>	<u>Adjusted Guidelines Range</u>
Distribution Cocaine-Large Amounts	2	III-B	18M-4Y	5Y MM	5Y MM-5Y
<i>Overall Guidelines Range:</i>					<b>5Y MM-5Y*</b>
*The guidelines range is initially calculated to be 18 months-4 years. The non-suspendable mandatory minimum is 5 years (CR, § 5-612). Because the mandatory minimum of 5 years exceeds the lower limit of the range, which is 18 months, and the upper limit of the range, which is 4 years, the lower and upper limits of the range are replaced by the mandatory minimum. See Example 10.3 on the next page.					

# Example 10.3 – Non-Suspendable Mandatory Minimums

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle Newton, Julian, Michael		SID# 551234		SEX M F		BIRTHDATE 07   11   95		JURISDICTION 17	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		REPRESENTATION		ETHNICITY		RACE		MAND. MIN		CASE #/DOCKET #			
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES		WORKSHEET # 1 OF 1		CRIMINAL EVENT # 1		Private Public Defender Court Appointed Self		Hispanic/Latino Origin Yes No Victim Court Costs Imposed Yes No		Black White Native Hawaiian/Pacific Islander American Indian/Alaskan Native		20Y		C17CR16002002			
CONVICTED OFFENSE TITLE										I-VII		CJIS CODE		MD CODE, ART, & SECTION		STAT. MAX		CASE #/DOCKET #	
1 <sup>st</sup> Convicted Offense Distribution Cocaine - Large Amounts										III-B		1 - 0879		CR, § 5-612		5Y			
2 <sup>nd</sup> Convicted Offense																			
3 <sup>rd</sup> Convicted Offense																			
OFFENSE SCORE(S) – Offense Against a Person Only										OFFENDER SCORE		GUIDELINES RANGE		ACTUAL SENTENCE - Imposed, Suspendable, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)					
<b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off <b>A. Seriousness Category</b> 1 1 1 = V - VII 3 3 3 = IV 5 5 5 = III 8 8 8 = II 10 10 10 = I										<b>A. Relationship to CJIS When Instant Offense Occurred</b> 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision		<b>1<sup>st</sup> Con. Off.</b> 10Y 5Y MM TO 5Y MM		<b>1<sup>st</sup> Convicted Offense</b> For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____ Subsequent Offender Filed _____ Yes No Subsequent Offender Proven _____ Yes No Restitution Requested _____ Yes No Restitution Proven _____ Yes No					
<b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off <b>B. Victim Injury</b> 0 0 0 = No Injury 1 1 1 = Injury, Non-Permanent 2 2 2 = Permanent Injury or Death										<b>B. Juvenile Delinquency</b> 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment 2 = Under 23 years and committed 2 or more times		<b>2<sup>nd</sup> Con. Off.</b> TO		<b>2<sup>nd</sup> Convicted Offense</b> For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____ Subsequent Offender Filed _____ Yes No Subsequent Offender Proven _____ Yes No Restitution Requested _____ Yes No Restitution Proven _____ Yes No					
<b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off <b>C. Weapon Presence</b> 0 0 0 = No Weapon 1 1 1 = Weapon Other Than Firearm 2 2 2 = Firearm or Explosive										<b>C. Prior Adult Criminal Record</b> 0 = None 3 = Moderate 1 = Minor 5 = Major		<b>3<sup>rd</sup> Con. Off.</b> TO		<b>3<sup>rd</sup> Convicted Offense</b> For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____ Subsequent Offender Filed _____ Yes No Subsequent Offender Proven _____ Yes No Restitution Requested _____ Yes No Restitution Proven _____ Yes No					
<b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off <b>D. Special Victim Vulnerability</b> 0 0 0 = No 1 1 1 = Yes										<b>D. Prior Adult Parole/Prob Violation</b> 0 = No 1 = Yes		<b>Overall Guidelines Range</b> Multiple Counts Only 5Y MM TO 5Y MM		<b>Was the offender sentenced to a Corrections Options program under Commission criteria?</b> Drug Court _____ Yes No Other _____ Yes No <b>Additional Information or Institutional/Parole Recommendation</b> Worksheet Completed By _____ Title _____ Sentencing Judge (Please Print) _____ Sentencing Judge's Signature _____					
<b>OFFENSE SCORE(S)</b> <b>SENTENCE DEPARTURE INFORMATION</b> If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. <b>Departure Code 9 or 18 (Please Explain):</b>										<b>OFFENDER SCORE</b> 2		<b>50% of Sentence Announced for COVs</b> Yes No		<b>Parole Notification</b> Yes No					
<b>VICTIM INFORMATION</b> Victim _____ Yes No Victim Non-participation _____ Yes No Victim Notification Form _____ Yes No Victim Notified Plea _____ Yes No Victim Notified Date _____ Yes No Victim Present _____ Yes No Written VIS _____ Yes No Oral VIS _____ Yes No No Contact Requested _____ Yes No No Contact Ordered _____ Yes No										<b>SENTENCE DEPARTURE INFORMATION</b> If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. <b>Departure Code 9 or 18 (Please Explain):</b>		<b>50% of Sentence Announced for COVs</b> Yes No		<b>Parole Notification</b> Yes No					

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COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense



## 10.4 Subsequent Offender Sentence Enhancements

Maryland law provides for sentence enhancements for individuals convicted of certain crimes as subsequent offenders. Some of these sentence enhancements provide for increased statutory maximum penalties and the guidelines are calculated just like any other offense. These can be referred to as “statutory maximum enhancements.” Other subsequent offender sentence enhancements provide for mandatory minimum sentences and the guidelines are calculated just like any other non-suspendable mandatory minimum. These can be referred to as “mandatory minimum enhancements.” Another type of subsequent offender enhancement mandates that the statutory maximum should be doubled pursuant to CR, § 5-905. This is referred to as the “doubling enhancement.” When the statutory maximum is doubled, the guidelines for that offense are doubled. Unlike other subsequent offender enhancements, the doubling enhancement does not have a mandatory minimum. Regardless of which sentence enhancement is applied, the person preparing the worksheet shall mark “Yes” in the subsequent offender “Filed” and “Proven” boxes.

<b>Example 1 – Statutory Maximum Enhancement</b>					
<u>Offense</u>	<u>Offender Score</u>	<u>Offense Score</u>	<u>Calculated Guidelines Range</u>	<u>Enhanced Statutory Maximum</u>	<u>Adjusted Guidelines Range</u>
Negligent homicide by motor vehicle or vessel while under the influence of alcohol, subsequent	6	5	6Y-12Y	10Y	6Y-10Y
<i>Overall Guidelines Range:</i>					<b>6Y-10Y*</b>
*The guidelines range is initially calculated to be 6-12 years. Offender sentenced on a charge of negligent homicide by motor vehicle or vessel while under the influence of alcohol, as a subsequent offender, pursuant to CR, § 2-503(c)(2), with an enhanced statutory maximum of 10 years. Because the enhanced statutory maximum of 10 years is less than the upper limit of the range, which is 12 years, the upper limit of the range is replaced by the enhanced statutory maximum.					
<b>Example 2 – Mandatory Minimum Enhancement</b>					
<u>Offense</u>	<u>Offender Score</u>	<u>Offense Score</u>	<u>Calculated Guidelines Range</u>	<u>Enhanced Mandatory Minimum</u>	<u>Adjusted Guidelines Range</u>
Assault 1 <sup>st</sup> Degree 2 <sup>nd</sup> Subsequent COV Offender	3	7	6Y-12Y	10Y MM	10Y MM-12Y
<i>Overall Guidelines Range:</i>					<b>10Y MM-12Y*</b>
*The guidelines range is initially calculated to be 6-12 years. Offender sentenced on a charge of assault pursuant to CR, § 14-101(e) as a 2 <sup>nd</sup> subsequent offender convicted of a crime of violence with a mandatory minimum of 10 years. Because the mandatory minimum of 10 years exceeds the lower limit of the range, which is 6 years, the lower limit of the range is replaced by the mandatory minimum. See Example 10.4a.					

<b>Example 3 – Doubling Enhancement</b>				
<u><b>Offense</b></u>	<u><b>Offender Score</b></u>	<u><b>Seriousness Category</b></u>	<u><b>Calculated Guidelines Range</b></u>	<u><b>Adjusted Guidelines Range</b></u>
Distribution of Cocaine, CR § 5-905	3	III-B	3Y-7Y	6Y-14Y
<i>Overall Guidelines Range:</i>				<b>6Y-14Y*</b>
<p>*The guidelines range is initially calculated to be 3-7 years. Offender sentenced on a charge of drug distribution pursuant to CR, § 5-905. When a person is sentenced with the CR, § 5-905 sentence enhancement, the guidelines range is doubled. Because the individual is sentenced pursuant to CR, § 5-905, the guidelines range is then doubled to the adjusted guidelines range of 6-14 years. See Example 10.4b.</p>				

# Example 10.4a – Mandatory Minimum Subsequent Offender Enhancement

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle Volmart, Toby		SID#		SEX X M F		BIRTHDATE 12   14   83		JURISDICTION 9							
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		REPRESENTATION		ETHNICITY		RACE		MAND. MIN		CASE #/DOCKET #									
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES		WORKSHEET #		CRIMINAL EVENT #		Private X Public Defender Court Appointed Self		Hispanic/Latino Origin Yes No		Black White Native Hawaiian/Pacific Islander American Indian/Alaskan Native		25Y		09K16000001									
1		1		1		1																			
<b>CONVICTED OFFENSE TITLE</b> 1 <sup>st</sup> Convicted Offense Assault 1st Degree Subs. COV / 10MM 2 <sup>nd</sup> Convicted Offense 3 <sup>rd</sup> Convicted Offense																		<b>MD CODE, ART, &amp; SECTION</b> CR, §§ 3-202, 14-101(e)		<b>STAT. MAX</b> 10Y MM		<b>MAND. MIN</b> 25Y		<b>CASE #/DOCKET #</b> 09K16000001	
<b>OFFENSE SCORE(S) – Offense Against a Person Only</b> 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off 1 1 1 = V – VII 3 3 3 = IV 5 5 5 = III 8 8 8 = II 10 10 10 = I										<b>OFFENDER SCORE</b> A. Relationship to CJS When Instant Offense Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment 2 = Under 23 years and committed 2 or more times C. Prior Adult Criminal Record 0 = None 3 = Moderate 1 = Minor 5 = Major D. Prior Adult Parole/Prob Violation 0 = No 1 = Yes										<b>GUIDELINES RANGE</b> 1 <sup>st</sup> Con. Off. 12Y TO 10Y MM 2 <sup>nd</sup> Con. Off. 12Y TO 3 <sup>rd</sup> Con. Off. TO		<b>ACTUAL SENTENCE</b> - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.) 1 <sup>st</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$, Restitution Requested, Restitution Proven 2 <sup>nd</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$, Restitution Requested, Restitution Proven 3 <sup>rd</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$, Restitution Requested, Restitution Proven			
<b>OFFENSE SCORE(S)</b> 7										<b>OFFENDER SCORE</b> 3										<b>Was the offender sentenced to a Corrections Options program under Commission criteria?</b> Drug Court Yes No Other Yes No <b>Additional Information or Institutional/Parole Recommendation</b> Title Sentencing Judge (Please Print) Sentencing Judge's Signature					
<b>VICTIM INFORMATION</b> Victim X Yes No Victim Non-participation X Yes No Victim Notification Form X Yes No Victim Notified Plea X Yes No Victim Notified Date X Yes No Victim Present X Yes No Written VIS X Yes No Oral VIS X Yes No No Contact Requested X Yes No No Contact Ordered X Yes No										<b>SENTENCE DEPARTURE INFORMATION</b> If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. Departure Code 9 or 18 (Please Explain): 50% of Sentence Announced for COVs Yes No										<b>Overall Guidelines Range</b> Multiple Counts Only 10Y MM TO 12Y <b>50% of Sentence Announced for COVs</b> Yes No					

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

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# Example 10.4b – Doubling Subsequent Offender Enhancement

MARYLAND SENTENCING GUIDELINES WORKSHEET				OFFENDER NAME - Last, First, Middle Wittle, John, Thomas				SEX X M F		BIRTHDATE 10   23   80		JURISDICTION 23	
PSI — Yes X No		DATE OF OFFENSE 11   01   17		DATE OF SENTENCING 03   14   18		DISPOSITION TYPE ABA plea agreement Non-ABA plea agreement Plea, no agreement Court trial		SID# 551236		ETHNICITY Hispanic/Latino Origin Yes No White X No Native Hawaiian/Pacific Islander American Indian/Alaskan Native		RACE Black X White Other	
AT THIS SENTENCING, NUMBER OF: 1		CRIMINAL EVENT # 1		WORKSHEET # 1 OF		MD CODE, ART, & SECTION CR, §§ 5-608, 5-905		STAT. MAX 40Y		MAND. MIN		CASE #/DOCKET # C23CR17000901	
<b>CONVICTED OFFENSE TITLE</b> 1 <sup>st</sup> Convicted Offense Distribution Cocaine (Subsequent - CR, §§5-905) 2 <sup>nd</sup> Convicted Offense 3 <sup>rd</sup> Convicted Offense													
<b>OFFENSE SCORE(S) – Offense Against a Person Only</b> 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off 1 1 1 = V – VII 3 3 3 = IV 5 5 5 = III 8 8 8 = II 10 10 10 = I				<b>OFFENDER SCORE</b> A. Relationship to CJS When Instant Offense Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment 2 = Under 23 years and committed 2 or more times C. Prior Adult Criminal Record 0 = None 3 = Moderate 1 = Minor 5 = Major D. Prior Adult Parole/Prob Violation 0 = No 1 = Yes				<b>GUIDELINES RANGE</b> 1 <sup>st</sup> Con. Off. 2 <sup>nd</sup> Con. Off. 3 <sup>rd</sup> Con. Off.		<b>ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)</b> 1 <sup>st</sup> Convicted Offense 2 <sup>nd</sup> Convicted Offense 3 <sup>rd</sup> Convicted Offense			
<b>OFFENSE SCORE(S)</b> 1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off 0 0 0 = No Weapon 1 1 1 = Weapon Other Than Firearm 2 2 2 = Firearm or Explosive 3 3 3 = Special Victim Vulnerability 4 4 4 = No 5 5 5 = Yes				<b>OFFENSE SCORE</b> 3				<b>Overall Guidelines Range</b> Multiple Counts Only 6Y 14Y		<b>Was the offender sentenced to a Corrections Options program under Commission criteria?</b> Drug Court Yes No Other Yes No <b>Additional Information or Institutional/Parole Recommendation</b> Parole Notification Yes No		<b>Worksheet Completed By</b> Title Sentencing Judge (Please Print) Sentencing Judge's Signature	
<b>VICTIM INFORMATION</b> Victim Yes No Victim Non-participation Yes No Victim Notification Form Yes No Victim Notified Date Yes No Victim Present Yes No Written VIS Yes No Oral VIS Yes No No Contact Requested Yes No No Contact Ordered Yes No				<b>SENTENCE DEPARTURE INFORMATION</b> If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. Departure Code 9 or 18 (Please Explain): 3				<b>50% of Sentence Announced for COVs</b> Yes No		<b>4/2013 (1.8)</b>			

In the rare instance that **both** a mandatory minimum enhancement and a doubling enhancement are applied on a single offense:

1. Calculate the guidelines range.
2. Double that range to apply the doubling penalty under CR, § 5-905.
3. Replace the lower limit of the range with the mandatory minimum, if the mandatory minimum is greater than the lower limit of the range.
4. Replace the upper limit of the range with the mandatory minimum, if the mandatory minimum is greater than the lower upper limit of the range.
5. Mark “Yes” in the subsequent offender “Filed” and “Proven” boxes.

<b>Example 1 – Doubling Enhancement and Mandatory Minimum Enhancement</b>					
<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Calculated Guidelines Range</u>	<u>Enhanced Mandatory Minimum</u>	<u>Adjusted Guidelines Range</u>
Distribution of Heroin-Large Amounts & CR, § 5-905	1	III-B	1Y-3Y	5Y MM	5Y MM-6Y
<i>Overall Guidelines Range:</i>					<b>5Y MM-6Y*</b>
*The guidelines range is initially calculated to be 1-3 years. The range is doubled pursuant to CR, § 5-905 to 2-6 years. The mandatory minimum is 5 years (CR, § 5-612). Because the mandatory minimum of 5 years exceeds the lower limit of the range, which is 2 years, the lower limit of the range is replaced by the mandatory minimum. See Example 10.4c on the next page.					
<b>Example 2 – Doubling Enhancement and Mandatory Minimum Enhancement</b>					
<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Calculated Guidelines Range</u>	<u>Enhanced Mandatory Minimum</u>	<u>Adjusted Guidelines Range</u>
Distribution of Cocaine, Near a School, Subsequent Offender & CR, § 5-905	3	III-B	3Y-7Y	5Y MM	6Y-14Y
<i>Overall Guidelines Range:</i>					<b>6Y MM-14Y*</b>
*The guidelines range is initially calculated to be 3-7 years. The range is doubled pursuant to CR, § 5-905 to 6-14 years. The mandatory minimum is 5 years (CR, § 5-627). Because the mandatory minimum of 5 years does not exceed the lower limit of the range, which is 6 years, the lower limit of the range remains 6 years.					

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## **Victim Information**

The person completing the sentencing guidelines worksheet shall provide the victim information requested in the designated space on the worksheet. As outlined in Table 11-1, the information requested includes whether there was a victim and if they were unavailable to participate in the sentencing process, whether the victim filed a Crime Victim Notification and Demand for Rights form, and whether there was a written or an oral Victim Impact Statement (VIS), among other information. When completing a worksheet for a single criminal event with multiple victims, the victim section of the worksheet should be completed using the information relating to the victim in the most serious offense.

**Table 11- 1. Victims' Rights Information**

<b>Victim</b>	Was there a victim in this offense? Examples of offenses that do not include a victim include most drug offenses and escape.
<b>Victim Non-participation</b>	Was the victim unavailable to participate in the sentencing process? Check yes if the victim did not participate, was not located, did not maintain contact with involved parties, or waived his/her rights.
<b>Victim Notification Form</b>	Was a Crime Victim Notification and Demand for Rights form filed by a victim? CP, § 11-104
<b>Victim Notified Plea</b>	Was victim notified of the terms and conditions of a plea agreement prior to entry of a plea? CP, § 11-104
<b>Victim Notified Date</b>	Was victim notified of the court date for sentencing? CP, § 11-104
<b>Victim Present</b>	Was the victim present at sentencing? CP, § 11-102(a); Article 47, Maryland Declaration of Rights
<b>Written VIS</b>	Was a written VIS prepared? CP, § 11-402; Article 47
<b>Oral VIS</b>	Did victim or state make a request for an oral VIS by victim? CP, § 11-401; Article 47
<b>No Contact Requested</b>	Did victim or state make a request that defendant have no contact with victim? CP, § 11-402
<b>No Contact Ordered</b>	Did the sentencing judge order the defendant to have no contact with the victim? CP, § 11-402

Note: Each of these notices must be provided by the appropriate parties. The worksheet information is for statistical purposes only and will not substitute for actual notice. For example, on the worksheet, "No Contact Requested" refers to the fact that the victim has made that request in accordance with the proper procedures. Simply checking this box on the worksheet will not substitute for the victim's actually filling out the necessary paperwork.



# **Actual Sentence Completed By Judge**

At sentencing, the actual sentence and any changes on the sentencing guidelines worksheet should be entered by the judge and recorded by the attorneys on their copies.

## **12.1 Convicted Offense Sentence**

---

Complete sentencing information for each convicted offense must be provided in the corresponding “Actual Sentence” box on the sentencing guidelines worksheet and should include information for the following:

- Incarceration time imposed;
- Amount of time suspended;
- Specific amount of credit for time served;
- Length of probation;
- Amount of home detention;
- Whether the sentence is concurrent or consecutive;
- Amount of fine and/or restitution; and
- Community service imposed.

Note: For reconsiderations imposed on a defendant for a crime of violence (as defined in CR, § 14-101) and reviews, the worksheet should indicate how the original sentence was adjusted.

## **12.2 Subsequent Offender Filed/Proven and Restitution Requested/Proven**

---

The person completing the sentencing guidelines worksheet shall mark whether the state filed notice of subsequent offender status and whether anyone is requesting restitution from the offender. The judge shall indicate if subsequent offender status was proven and the amount of restitution ordered, if any.

### **12.3 Amount of Economic Loss**

---

The individual completing the sentencing guidelines worksheet shall record in the designated space the dollar amount of the economic loss or mark “Unknown Amount” for all offenses involving **theft** and related crimes under CR, Title 7 or **fraud** and related crimes under CR, Title 8. The amount of economic loss equals the amount of restitution ordered by a Circuit Court judge or, if not ordered, the full amount of restitution that could have been ordered.

### **12.4 Corrections Options Program**

---

Based on the definition provided in chapter 2, the person completing the sentencing guidelines worksheet shall record if the offender was sentenced to a corrections options program. Please specify whether the offender was ordered to participate in drug court treatment (yes/no) or any other correctional options program, such as home detention or a sentence, with required substance abuse treatment, for the possession, administration, obtainment, etc. of a CDS currently outlined in CR, § 5-601(c) and pursuant to CR, § 5-601(e)(3) (yes/no).

### **12.5 Institutional/Parole Recommendation or Additional Information**

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The sentencing judge shall record any recommendations or additional information in this designated area on the sentencing guidelines worksheet.

### **12.6 Announcement of 50% of Sentence for COVs**

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The individual completing the sentencing guidelines worksheet shall indicate whether or not there was an announcement regarding the mandatory serving of 50% of a sentence for violent offenses. Pursuant to CP, § 6-217, when a sentence of incarceration is given for a violent crime as defined in CS, § 7-101 for which a defendant will be eligible for parole under CS, § 7-301(c) or (d), the court shall state in open court the minimum time the defendant must serve before becoming eligible for parole and before becoming eligible for conditional release under mandatory supervision under CS, § 7-501.

### **12.7 Parole Notification**

---

Pursuant to CS, § 7-802, please indicate (yes/no) whether the judge at the time of sentencing made a written request for notification of a parole release hearing.

### **12.8 Signatures**

---

Spaces are provided at the bottom of the worksheet for the name and signature of the sentencing judge and the name of the person or persons completing the worksheet. *Both names should be legible.* The judge’s signature indicates that the guidelines reflected on the worksheet were considered in the respective case. COMAR 14.22.01.03F(4); 14.22.01.07G.

# Determining Whether a Sentence Is Within the Guidelines Range

The recommended guidelines sentence is provided as a range. This range is determined by the seriousness of the offense and the criminal history of the offender. This chapter discusses how to determine if a sentence is within the guidelines range.

## 13.1 Suspended Time

---

Suspended time *is not* considered in determining whether the sentence falls within the recommended guidelines range. The guidelines range represents only non-suspended time.<sup>7</sup>

**Example:** If the guidelines range for a sentencing event is 6 to 12 years, examples of sentences within the guidelines are 10 years with 4 years suspended or 15 years with 5 years suspended. If, however, a judge gives 6 years, all suspended, the sentence will be outside the guidelines.

## 13.2 Credit for Time Served

---

Time served *is* considered in determining whether the sentence falls within the recommended guidelines range. If a judge sentences an offender to pre-sentence incarceration time with no additional post-sentence incarceration time and the length of credited pre-sentence incarceration exceeds the upper limit of the range, then the sentence is deemed guidelines compliant.

**Example 1:** If the guidelines range for a sentencing event is 3 months to 9 months, and an offender is sentenced to 6 months with credit for 6 months already served, the sentence is within the guidelines range.

---

<sup>7</sup> *But see Cuffley v. State*, 416 Md. 568, 7 A.3d 557 (2010) and *Baines v. State*, 416 Md. 604, 7 A.3d 578 (2010). In *Cuffley* and *Baines*, the Court of Appeals of Maryland recognized that suspended time is not included in determining whether the sentence falls within the guidelines for purpose of the Maryland sentencing guidelines. However, the Court found that where a binding plea agreement called for a sentence “within the guidelines” without making clear on the record that such sentence applied only to actual incarceration, a trial court could not impose a sentence that included a suspended portion in excess of the maximum sentence provided in the guidelines.

**Example 2:** If the guidelines range for a sentencing event is probation to 3 months, and an offender is sentenced to 6 months with credit for 6 months already served, the sentence is deemed to be compliant with the guidelines.

### 13.3 Home Detention

---

Time served by an individual under home detention *is* considered in determining whether the sentence falls within the recommended guidelines range.

**Example 1:** If the guidelines range for a sentencing event is 6 months to 3 years, and an offender is sentenced to 4 years, suspend all, 3 years probation, 6 months home confinement, the sentence is within the guidelines range because the 6 months of home detention is considered non-suspended time.

**Example 2:** If the guidelines range for a sentencing event is probation to 3 months, and an offender is sentenced to 6 months home detention, the sentence is above the guidelines range because the home detention time is considered non-suspended time.

### 13.4 Offender Already Under Sentence

---

If an offender is already serving one or more sentences, the time remaining to be served may be considered in determining whether the sentence or sentences are within the recommended guidelines range. The judge shall indicate whether the new sentence is consecutive to or concurrent with the existing sentence.

### 13.5 Consecutive Versus Concurrent Sentences

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If an offender is sentenced for more than one offense, the sentencing guidelines worksheet **must indicate** which sentences are **concurrent** and which are **consecutive**. To fall within the guidelines, the total amount of time to be served must fall within the guidelines.

**Example:** If the overall guidelines range for a sentencing event is 3 to 6 years and the offender is sentenced to two concurrent unsuspended terms of 4 years, the sentence is within the guidelines. However, if the offender is sentenced to two consecutive terms of 4 years, the sentence exceeds the guidelines range.

### 13.6 Length of Probation

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Subject to the statutory limit of five years, the length of any probation imposed is within the judge's discretion. The sentencing guidelines do not address the length or conditions of probation.

## **13.7 Sentences Deemed to Be Within Guidelines**

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Notwithstanding the actual guidelines range, the MSCCSP shall deem a sentence within the guidelines range if a judge:

- Approved an ABA plea agreement and sentence agreed to by both the defendant and by the state;
- Sentenced a defendant to a period of pre-sentence incarceration time with no additional post-sentence incarceration time and the length of credited pre-sentence incarceration exceeds the upper limit of the guidelines range for the case; or
- Imposed a sentence of corrections options if the defendant's:
  - (1) Initial sentence plus any suspended sentence falls within or above the overall guidelines range; and
  - (2) Current sentence or sentences and any pending charges do not include a violation of:
    - (a) A crime of violence under CR, § 14-101;
    - (b) Sexual child abuse under CR, § 3-602;
    - (c) Escape;
    - (d) A law of the United States or of any other state or the District of Columbia similar to § C(2)(a)—(c) of COMAR 14.22.01.17.

If the conditions of (1) and (2) are established, then mark “Yes” on the sentencing guidelines worksheet in the corrections options box to show that the program is consistent with Commission criteria.

# Sentences Outside the Guidelines Range

There are times when a judge may choose to impose a sentence that is outside the guidelines range. This chapter provides a list of common reasons for departure and their corresponding codes. While it is not intended to be a complete list, it does provide commonly used departure reasons and gives the sentencing judge the option of identifying other circumstances that warrant a departure.

## 14.1 Using the Departure Codes

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The judge shall document on the sentencing guidelines worksheet the reason or reasons for imposing a sentence outside of the recommended guidelines range. The following list is a sample of some of the more common reasons for sentencing outside the range. The judge should write in the designated space on the worksheet the number(s) corresponding to the reason(s) for departure. Where the judge's reason for sentencing outside the guidelines range is not among the sample reasons listed, the judge should write down reason number (9) or (18), depending on whether it is a downward or upward departure, and explain the "Other circumstances" on which the judge has based the decision to depart from the guidelines.

## 14.2 Departure Below the Guidelines Range

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Common reasons for departure below the guidelines range include but are not limited to:

- (1) The parties reached a plea agreement that called for a reduced sentence.
- (2) Offender's minor role in the offense.
- (3) Offender was influenced by coercion or duress.
- (4) Offender had diminished capability for judgment.
- (5) Offender made restorative efforts after the offense.
- (6) Victim's participation in the offense lessens the offender's culpability.
- (7) Offender's commitment to substance abuse treatment or other therapeutic program.
- (8) Recommendation of State's Attorney or Division of Parole and Probation.
- (9) Other circumstances of the crime and/or the offender do not warrant a sentence within the guidelines (Explain).

Please use the numerical codes in parentheses when filling out the sentencing guidelines worksheets.

### **14.3 Departure Above the Guidelines Range**

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Common reasons for departure above the guidelines range include but are not limited to:

- (10) Offender's major role in the offense.
- (11) The level of harm was excessive.
- (12) Special circumstances of the victim.
- (13) Offender exploited a position of trust.
- (14) Offender committed a "white collar" offense.
- (15) Offender's significant participation in major controlled substance offense.
- (16) The vicious or heinous nature of the conduct.
- (17) Recommendation of State's Attorney or Division of Parole and Probation.
- (18) Other circumstances of the crime and/or the offender do not warrant a sentence within the guidelines (Explain).

Please use the numerical codes in parentheses when filling out the sentencing guidelines worksheets.

**Note:** Judges, please contact the Commission staff if you would like a laminated card with these common departure reasons and their respective numerical codes to keep at your bench.

### **14.4 Interpreting the Common Reasons for Departure**

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The common reasons for departure should be read broadly so that they might encompass other, more specific reasons. For example, reason (1) regarding a plea agreement could include reasons why the agreement was reached, such as weak evidence, minimal harm, or a victim who did not want to prosecute. Reason (4), which addresses an offender's diminished capacity for judgment, could apply if the offender's age (young or old), intelligence, or drug/alcohol use limited the offender's capacity for judgment. An offender's restorative efforts under reason (5) could include paying restitution, cooperation with police or the State's Attorney, or performing community service or some other benefit to the community on his own accord. An application of reason (16), the vicious or heinous nature of the conduct, could include offenses motivated by race, gender, or sexual orientation, among other reasons. These examples are just some of the ways in which the departure reasons can be read broadly to encompass more specific reasons.

## Frequently Asked Questions

This chapter provides answers to the list of frequently asked questions below. If you have a question that does not seem to be answered, please do not hesitate to call the Commission staff at (301) 403-4165 for additional assistance.

- Q1: Do I have to fill out a sentencing guidelines worksheet if the possibility of incarceration is less than one year?
- Q2: How does the date of sentencing relate to changes in guidelines?
- Q3: Should an offender be given points under “Victim Injury” if the offender was involved in the criminal event, but not in the actual injury of the victim?
- Q4: Are weapon points awarded for offenses where a weapon was present but not used?
- Q5: If an offender injures a victim during a criminal event involving an automobile, is the automobile considered a weapon?
- Q6: What does section A under “Offender Score” on the sentencing guidelines worksheet mean?
- Q7: When determining an offender’s prior adult criminal record to determine the offense score, is a nolo contendere plea or a sentence to probation before judgment (PBJ) considered an adjudication of guilt?
- Q8: When calculating an offender’s prior adult criminal record, if an offender has been convicted of another offense but not yet sentenced—should that conviction be counted in the history?
- Q9: Do I need to calculate an offense score and offender score if the offender is charged with murder and the guidelines range is “life to life”?
- Q10: What is the difference between seriousness categories III-A, III-B, and III-C in the drug matrix?
- Q11: When the non-suspendable mandatory minimum and/or maximum sentence falls outside the calculated guidelines range, which controls?
- Q12: Are there instances when the guidelines should be adjusted due to unique circumstances (e.g., multiple victims, subsequent offender status)?
- Q13: How many sentencing guidelines worksheets should be completed for a single criminal event with multiple victims?



Q14: How do you calculate overall guidelines for a single criminal event with multiple victims and less than two seriousness category I or seriousness category II offenses (i.e., “stacking rule”)?

Q15: What is the seriousness category of “violation of protective order, 1<sup>st</sup> offense”?

Q16: Where is “reckless endangerment” located in the sentencing guidelines offense table?

Q17: Where is “uttering” located in the sentencing guidelines offense table?

Q18: Where is “resisting arrest” located in the sentencing guidelines offense table?

Q19: Why aren’t some offenses included in the sentencing guidelines offense table?

Q20: How do I order more sentencing guidelines worksheets?

Q21: How can I learn more about sentencing guidelines worksheet preparation?

Q22: How can I get a copy of the Maryland Sentencing Guidelines Manual (MSGM)?

**Q1: Do I have to fill out a sentencing guidelines worksheet if the possibility of incarceration is less than one year?**

A1: Yes. A worksheet should be completed and submitted for all guidelines offenses. As a practical matter, this means that a worksheet should be completed for all offenses prosecuted in a Circuit Court, including new trials and reconsiderations imposed on a defendant for a crime of violence (as defined in CR, § 14-101) and reviews. MSGM 1.0, 2.0.

**Q2: How does the date of sentencing relate to changes in guidelines?**

A2: The sentencing guidelines and offense seriousness categories in effect at the time of sentencing shall be used to calculate the guidelines. If it is determined that the guidelines are different than what they would have been if calculated using the sentencing guidelines and offense seriousness categories in effect on the date the offense of conviction was committed, the State’s Attorney or defense counsel may bring this to the attention of the judge as a consideration for departure from the guidelines. MSGM 5.2.

**Q3: Should an offender be given points under “Victim Injury” if the offender was involved in the criminal event, but not in the actual injury of the victim?**

For example, two co-offenders were found guilty of robbery. The victim suffered a permanent injury during the commission of the robbery. By all accounts, offender 1 was the only offender who touched the victim. Would offender 2 be given points under “Victim Injury”?

A3: Yes, if a victim is injured in a criminal event, any offender guilty of the offense(s) constituting that event should be given points in the offense score for victim injury. MSGM 6.1(B).

**Q4: Are weapon points awarded for offenses where a weapon was present but not used?**

For example, an offender is pulled over for a motor vehicle offense and a handgun is found in the car. Should the offender be given 2 points in the offense score for “Firearm or Explosive” under “Weapon Presence”?

A4: Yes, weapon points are awarded for any criminal event where a weapon is present. MSGM 6.1(C).

**Q5: If an offender injures a victim during a criminal event involving an automobile, is the automobile considered a weapon?**

A5: No, except if deliberately used as a weapon, automobiles are not included as weapons and receive a weapon presence score of 0. MSGM 6.1(C)(e).

**Q6: What does section A under “Offender Score” on the sentencing guidelines worksheet mean?**

A6: Section A of “Offender Score” corresponds to an individual’s relationship to the criminal justice system at the time the instant offense occurred. If the individual was on parole, on probation, incarcerated, on work release, on mandatory supervision, was an escapee, or had a comparable status at the time of the instant offense, s/he should be assigned 1 point for section A. Otherwise, assign no points. MSGM 7.1(A).

**Q7: When determining an offender’s prior adult criminal record to determine the offense score, is a nolo contendere plea or a sentence to probation before judgment (PBJ) considered an adjudication of guilt?**

A7: Yes, a nolo contendere plea is an adjudication of guilt, as is a PBJ (unless expunged or proven by the defense to have been eligible for expungement prior to the date of offense). MSGM 7.1(C).

**Q8: When calculating an offender’s prior adult criminal record, if an offender has been convicted of another offense but not yet sentenced—should that conviction be counted in the history?**

A8: Yes, as stated above, an adjudication of guilt for each criminal event, regardless of whether it remains to be sentenced, should be included in calculating the adult criminal record. MSGM 7.1(C).

**Q9: Do I need to calculate an offense score and offender score if the offender is charged with murder and the guidelines range is “life to life”?**

A9: Yes. We ask that you still complete the entire sentencing guidelines worksheet so we can collect data on the offender’s prior record and other information relevant to the case. MSGM 8.2.

**Q10: What is the difference between seriousness categories III-A, III-B, and III-C in the drug matrix?**

A10: Seriousness category III-A is used for *distribution of MDMA (ecstasy), 750 grams or more* (CR, § 5-609(a)(9)), AND *importation of marijuana, 45 kilograms or more* (CR, § 5-614(a)(1)).

Seriousness category III-B is used for non-marijuana and non-MDMA offenses that have a seriousness category III, such as *distribution of schedule I or II narcotics or hallucinogenics (e.g., heroin, cocaine, PCP, and LSD)* (CR, § 5-608; CR, § 5-609) or *distribution of large amounts of controlled dangerous substance* (CR, § 5-612(a)).

Seriousness category III-C is used for *importation of certain controlled dangerous substances, other than marijuana* (CR, § 5-614(a)).  
MSGM 8.3.

**Q11: When the non-suspendable mandatory minimum and/or maximum sentence falls outside the calculated guidelines range, which controls?**

A11: If the non-suspendable mandatory minimum is greater than the lower limit of the guidelines range, the non-suspendable mandatory minimum should replace the lower limit of the guidelines range. Likewise, if the non-suspendable mandatory minimum is greater than the upper limit of the guidelines range, the non-suspendable mandatory minimum should replace the upper limit of the guidelines range. If the statutory maximum is less than the upper limit of the guidelines range, the statutory maximum should replace the upper limit of the guidelines range. Likewise, if the statutory maximum is less than the lower limit of the guidelines range, the statutory maximum should replace the lower limit of the guidelines range. In sum, neither the lower nor the upper limit of the range can ever be less than the non-suspendable mandatory minimum, and neither the lower nor the upper limit of the range can ever exceed the statutory maximum. MSGM 8.5, 10.2-10.4.

Note: Offenses with non-suspendable mandatory minimums are marked in the sentencing guidelines offense table with the indicator “MM\*”.

**Q12: Are there instances when the guidelines should be adjusted due to unique circumstances (e.g., multiple victims, subsequent offender status)?**

A12: Yes. See MSGM, Chapter 10 for a complete discussion of how to adjust the guidelines in these circumstances.

**Q13: How many sentencing guidelines worksheets should be completed for a single criminal event with multiple victims?**

A13: It depends. If all of the victims were harmed during the same criminal event, each of the separate counts can be included on the same worksheet provided that there is sufficient space. If there are more than three offenses, then at least one separate

worksheet should be used. When completing a worksheet for a single criminal event with multiple victims, the victim section of the worksheet should be completed using the information relating to the victim in the most serious offense. MSGM 10.1

**Q14: How do you calculate overall guidelines for a single criminal event with multiple victims and less than two seriousness category I or seriousness category II offenses (i.e., “stacking rule”)?**

A14: Identify the correct guidelines range for each offense. Calculate the upper limit of the overall guidelines range by adding the highest of the upper limits of the ranges for each victim. Calculate the lower limit of the overall guidelines range using the standard protocol. MSGM 10.1.

For example, an offender with an offender score of 0 has been adjudicated guilty for 2 counts of 1<sup>st</sup> degree assault (CR, § 3-202), a person offense, seriousness category III. There were two victims, neither of whom was injured, neither of whom had a special vulnerability, and there was no weapon present during the crime – making a total offense score of 5. The guidelines range for offender score 0 and offense score 5 for each count of robbery is 3M-4Y. The upper limits of the ranges should be added or “stacked” (to reflect two victims), so the correct overall guidelines range is 3M-8Y.

**Q15: What is the seriousness category of “violation of protective order, 1<sup>st</sup> offense”?**

A15: Violation of protective order, 1<sup>st</sup> offense (Family Law Article (FL), § 4-509(a)(1), Annotated Code of Maryland) is found under the Assault and Other Bodily Woundings heading in the offense table. The offense is a person offense, with a seriousness category VII and a maximum term of 90 days.

**Q16: Where is “reckless endangerment” located in the sentencing guidelines offense table?**

A16: Reckless endangerment (CR, § 3-204(a)) is found under the Assault and Other Bodily Woundings heading of the offense table. The offense is a person offense, with a seriousness category V and a maximum term of 5 years.

**Q17: Where is “uttering” located in the sentencing guidelines offense table?**

A17: Uttering is now called counterfeit documents (CR, § 8-602(a)) and is found under the Counterfeiting heading in the offense table. The offense is a property offense, with a seriousness category V and a maximum term of 10 years.

**Q18: Where is “resisting arrest” located in the sentencing guidelines offense table?**

A18: Resisting arrest (CR, § 9-408) is found under the Harboring, Escape, and Contraband heading of the offense table. The offense is a person offense, with a seriousness category VI and a maximum term of 3 years.

**Q19: Why aren't some offenses included in the sentencing guidelines offense table?**

A19: There are three main reasons why an offense would not be listed in the offense table.

The first reason is that the instant offense is not a guidelines offense. Offenses that carry no possible penalty of incarceration, along with a few other exceptions, are not guidelines offenses. No sentencing guidelines worksheet should be completed for these offenses.

Another reason is that the offense satisfies the definition of a guidelines offense but has a maximum penalty of 1 year or less. The Commission has determined that offenses that are not otherwise listed in the offense table and are punishable by a maximum penalty of 1 year or less should automatically be assigned an offense seriousness category VII. A worksheet should be completed using seriousness category VII for these cases.

The final reason is that the offense, though it satisfies the definition of a guidelines offense, is newly enacted and has yet to be included in the offense table. If this is the case, a worksheet should be completed using the closest analogous guidelines offense to determine the seriousness category. If you believe there is an error or omission in the offense table, please contact the MSCCSP staff by e-mail at [mccsp@umd.edu](mailto:mccsp@umd.edu) or by phone at (301) 403-4165.

**Q20: How do I order more sentencing guidelines worksheets?**

A20: Visit [www.mccsp.org](http://www.mccsp.org) to place an electronic request for additional worksheets. You may also contact the MSCCSP staff by e-mail at [mccsp@umd.edu](mailto:mccsp@umd.edu) or by phone at (301) 403-4165 to place an order. Although some exceptions may occur, the worksheets will most likely be mailed to you the next business day.

**Q21: How can I learn more about sentencing guidelines worksheet preparation?**

A21: The MSCCSP staff is available to conduct worksheet training sessions at your convenience. They regularly travel throughout the state to train and assist practitioners in worksheet completion. Judges, State's Attorneys, Public Defenders, and Parole and Probation agents have all participated in various forms of these training sessions. If you would like to schedule a session, please contact the MSCCSP staff by e-mail at [mccsp@umd.edu](mailto:mccsp@umd.edu) or by phone at (301) 403-4165.

**Q22: How can I get another copy of the Maryland Sentencing Guidelines Manual (MSGM)?**

A22: You can view and download a full-text version of the MSGM immediately online at [www.mccsp.org](http://www.mccsp.org). Both the MSGM and the sentencing guidelines offense table are text searchable for your convenience.

## **Sample Cases**

This chapter applies the procedures that have been described in the MSGM. There are discussions of eight sample cases dealing with different types of sentencing events that might occur. Each sample case provides the step-by-step procedures for calculating the guidelines ranges.

## Case Information

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**Offender's Name:** Clayton White  
**SID:** 1234567  
**Date of Birth:** 07/07/84  
**Sex:** Male  
**Race:** White  
**Ethnicity:** Non-Hispanic  
**Date of Offense:** 11/03/15  
**Case No.:** 123456C  
**Date of Plea or Verdict:** 02/04/16  
**Disposition Type:** ABA Plea Agreement  
**Jurisdiction:** Montgomery County  
**Convicted Count(s):** Robbery with a Dangerous  
Weapon, CR, § 3-403(a)(1)  
**Date of Sentencing:** 03/04/16

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## Offense Description

On November 3, 2015, police were summoned to a convenience store for a report of an armed robbery. The cashier reported that two white males had entered the store and that one of the men was armed with a sawed-off shotgun. The cashier and a clerk were instructed to lie on the floor as one of the men removed money from the cash register. The subjects fled in a car and, based on a witness's description of the vehicle, were apprehended by police a short time later. The defendant was identified by the cashier as the man with the shotgun. Defendant pleaded guilty to *robbery with a dangerous weapon* on February 4, 2016.

## Offender's Prior Record

### JUVENILE:

Date	Offense	Disposition
No juvenile record was found for the name and birth date provided.		

### ADULT:

Date	Offense	Disposition
12/01/12	Possession of Less than 10 grams of Marijuana (CR § 5-601(c)(2)(ii))	Fine \$100; Court Costs
09/10/14	Unemployment Insurance Fraud	6 months suspended; 4 years probation; restitution

Defendant was placed on four years adult probation in 2014 for *unemployment insurance fraud* and was under supervision at the time he committed the instant offense.

## Computation of Guidelines Range

1<sup>st</sup> Convicted Offense: *Robbery with a Dangerous Weapon*

### Offense Score:

- A. Seriousness Category of Instant Offense.....5 points  
As shown in Appendix A, *robbery with a dangerous weapon* is a seriousness category III offense.
- B. Victim Injury.....0 points  
No injury.
- C. Weapon Presence.....2 points  
A firearm (sawed-off shotgun) was present.
- D. Special Victim Vulnerability.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score    7 points**

### Offender Score:

- A. Relationship to CJS When Instant Offense Occurred.....1 point  
Defendant was on probation for *unemployment insurance fraud* at the time he committed the instant offense.
- B. Juvenile Delinquency.....0 points  
Defendant was over 23 years of age when the instant offense was committed.



C. Prior Adult Criminal Record.....1 point

**Step I:**

Unemployment Insurance Fraud – Seriousness Category VII\*

*\*In this case, the possession of less than 10 grams of marijuana (12/01/2012) was not counted since convictions for the use or possession of less than 10 grams of marijuana under CR, § 5-601(c)(2)(ii), in effect from October 1, 2012 through September 30, 2014, may not be counted in the computation of the prior adult criminal record. MSGM 7.1.*

**Number of Prior Convictions**

**According to Seriousness Category**

Seriousness Category	Number of Prior Convictions
I	0
II	0
III	0
IV	0
V	0
VI	0
VII	1

**Step II:**

Since the defendant's most serious prior conviction was in seriousness category VII, refer to the block in Table 7-2 that indicates one seriousness category VII conviction. This block identifies the record as *Minor*.

**Step III:**

A defendant with a Minor record receives 1 point.

D. Prior Adult Parole/Probation Violations.....0 points  
None.

**Total Offender Score    2 points**

**Guidelines Range.....5Y-10Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 7 and an offender score of 2 is 5Y-10Y.

## Overall Guidelines Range for the Sentencing Event

Since this sentencing event involves only one convicted offense, the overall guidelines range is the same as the range for the offense, 5 to 10 years.

# Sample Case 1

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		MAND. MIN		CASE #/DOCKET #	
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES		CRIMINAL EVENTS		WORKSHEET #		OF		HISPANIC/LATINO ORIGIN		Black		White		Other	
1		1		1		1		1		Yes		No		Yes		No	
<b>CONVICTED OFFENSE TITLE</b> 1 <sup>st</sup> Convicted Offense Robbery with a Dangerous Weapon (RDW) 2 <sup>nd</sup> Convicted Offense 3 <sup>rd</sup> Convicted Offense																	
<b>OFFENSE SCORE(S) – Offense Against a Person Only</b>																	
<b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off <b>A. Seriousness Category</b> 1 1 1 = V – VII 3 3 3 = IV 5 5 5 = III 8 8 8 = II 10 10 10 = I																	
<b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off <b>B. Victim Injury</b> 0 0 0 = No Injury 1 1 1 = Injury, Non-Permanent 2 2 2 = Permanent Injury or Death																	
<b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off <b>C. Weapon Presence</b> 0 0 0 = No Weapon 1 1 1 = Weapon Other Than Firearm 2 2 2 = Firearm or Explosive																	
<b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off <b>D. Special Victim Vulnerability</b> 0 0 0 = No 1 1 1 = Yes																	
<b>7</b> <b>OFFENSE SCORE(S)</b> <b>2</b> <b>OFFENDER SCORE</b>																	
<b>SENTENCE DEPARTURE INFORMATION</b> If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. <b>Departure Code 9 or 18 (Please Explain):</b>																	
<b>VICTIM INFORMATION</b> Victim <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Victim Non-participation <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Victim Notification Form <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Victim Notified Plea <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Victim Notified Date <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Victim Present <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Written VIS <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No Oral VIS <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No No Contact Requested <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No No Contact Ordered <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No																	
<b>GUIDELINES RANGE</b> 1 <sup>st</sup> Con. Off. 5Y TO 10Y 2 <sup>nd</sup> Con. Off. TO 3 <sup>rd</sup> Con. Off. TO																	
<b>ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)</b> 1 <sup>st</sup> Convicted Offense 2 <sup>nd</sup> Convicted Offense 3 <sup>rd</sup> Convicted Offense																	
<b>Was the offender sentenced to a Corrections Options program under Commission criteria?</b> Drug Court Yes No Other Yes No <b>Additional Information or Institutional/Parole Recommendation</b> Parole Notification Yes No Parole Notification Yes No																	
<b>Overall Guidelines Range</b> Multiple Counts Only 5Y TO 10Y <b>50% of Sentence Announced for COVs</b> Yes No																	
<b>Worksheet Completed By</b> Title Sentencing Judge (Please Print) Sentencing Judge's Signature																	

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

4/2013 (1.8)

## Case Information

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**Offender's Name:** Jessica Heather Lawrence  
**SID:** 2234567  
**Date of Birth:** 06/13/89  
**Sex:** Female  
**Race:** White  
**Ethnicity:** Non-Hispanic  
**Date of Offense:** 03/16/2016  
**Case No.:** 123457C  
**Date of Plea or Verdict:** 10/03/2016  
**Disposition Type:** ABA Plea Agreement  
**Jurisdiction:** Montgomery County  
**Convicted Count(s):** Possession with Intent to  
Distribute Marijuana,  
CR, § 5-607(a)  
**Date of Sentencing:** 11/01/2016

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## Offense Description

On March 16, 2016, police serving a search warrant at defendant's home found one plastic bag of marijuana, a glass jar of marijuana seeds and a scale in the living room; six bags of marijuana in the master bedroom; and a green can, labeled "one oz. of grass," which contained marijuana seeds in another bedroom. The subject was arrested and eventually charged with *possession with intent to distribute marijuana* and simple *possession*. On October 3, 2016, the defendant pleaded guilty to one count of *possession with intent to distribute marijuana*.

## Offender's Prior Record

### JUVENILE:

Date	Offense	Disposition
None Known		

### ADULT:

Date	Offense	Disposition
None Known		

## Computation of Guidelines Range

1<sup>st</sup> Convicted Offense: *Possession with Intent to Distribute Marijuana*

Offense Score:

*There is no offense score for drug offenses.*

Offender Score:

- A. Relationship to CJS When Instant Offense Occurred.....0 points  
None.
- B. Juvenile Delinquency.....0 points  
Defendant was over 23 years of age when the instant offense was committed.
- C. Prior Adult Criminal Record.....0 points  
No record found.
- D. Prior Adult Parole/Probation Violations.....0 points  
None.

**Total Offender Score      0 points**

<p><b>Guidelines Range</b>.....<b>P-3M</b> An examination of Table 8-2 shows that the recommended range for <i>possession with intent to distribute marijuana</i> (seriousness category IV) with an offender score of 0 is P-3M.</p>
--

## Overall Guidelines Range for the Sentencing Event

Since this sentencing event involves only one convicted offense, the overall guidelines range is the same as the range for the offense, probation to 3 months.

# Sample Case 2

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle Lawrence, Jessica, Heather		BIRTHDATE		JURISDICTION	
PSI		DATE OF SENTENCING		DISPOSITION TYPE		SID#		SEX		RACE		ETHNICITY		MAND. MIN	
AT THIS SENTENCING, NUMBER OF:		WORKSHEET #		CRIMINAL EVENT #		MD CODE, ART, & SECTION		STAT. MAX		CASE #/DOCKET #		ETHNICITY		MAND. MIN	
Yes	No	03	16	11	01	16	2234567	M	F	06	13	89	15	Identifiable	15
SENTENCING, NUMBER OF:		1		1		CR, § 5-607(a)		5Y		123457C		Hispanic/Latino Origin		Black	
SENTENCING, NUMBER OF:		1		1		CR, § 5-607(a)		5Y		123457C		Victim Court Costs Imposed		Native Hawaiian/Pacific Islander	
SENTENCING, NUMBER OF:		1		1		CR, § 5-607(a)		5Y		123457C		Victim Court Costs Imposed		American Indian/Alaskan Native	
CONVICTED OFFENSE TITLE															
1 <sup>st</sup> Convicted Offense PWID Marijuana															
2 <sup>nd</sup> Convicted Offense															
3 <sup>rd</sup> Convicted Offense															
OFFENSE SCORE(S) – Offense Against a Person Only															
OFFENSE SCORE															
A. Relationship to CJS When Instant Offense Occurred															
① = None or Pending Cases															
1 = Court or Other Criminal Justice Supervision															
B. Juvenile Delinquency															
① = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act															
1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment															
2 = Under 23 years and committed 2 or more times															
C. Prior Adult Criminal Record															
① = None 3 = Moderate															
1 = Minor 5 = Major															
D. Prior Adult Parole/Prob Violation															
① = No 1 = Yes															
OFFENSE SCORE(S)															
SENTENCE DEPARTURE INFORMATION															
If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.															
Departure Code 9 or 18 (Please Explain):															
Victim Information															
Victim Non-participation															
Victim Notification Form															
Victim Notified Date															
Victim Present															
Written VIS															
Oral VIS															
No Contact Requested															
No Contact Ordered															
GUIDELINES RANGE															
1 <sup>st</sup> Con. Off.															
P															
TO															
3M															
2 <sup>nd</sup> Con. Off.															
TO															
3 <sup>rd</sup> Con. Off.															
TO															
Was the offender sentenced to a Corrections Options program under Commission criteria?															
Drug Court Yes No Other Yes No															
Additional Information or Institutional/Parole Recommendation															
Parole Notification Yes No															
50% of Sentence Announced for COVs Yes No															
Overall Guidelines Range															
Multiple Counts Only															
P															
TO															
3M															
Worksheet Completed By															
Title															
Sentencing Judge (Please Print)															
Sentencing Judge's Signature															

4/2013 (1.8)

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

## Case Information

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**Offender's Name:** Damon Anthony Proctor  
**SID:** 3234567  
**Date of Birth:** 07/27/96  
**Sex:** Male  
**Race:** Black  
**Ethnicity:** Hispanic  
**Date of Offense:** 10/20/17  
**Case No.:** 123888C  
**Date of Plea or Verdict:** 01/10/18  
**Disposition Type:** ABA Plea Agreement  
**Jurisdiction:** Montgomery County  
**Convicted Count(s):** Theft, at least \$1,500 but less than \$25,000  
CR, § 7-104(g)(1)(i)  
**Date of Sentencing:** 02/12/18

---

## Offense Description

On October 20, 2017, defendant was observed by a security officer in a department of a large suburban store removing twelve blazers, three pairs of pants, seven skirts, and one shirt (total value of \$1,720.89). After placing the merchandise in five bags, defendant left the department, passed many cash registers without paying, went down the escalator, and was arrested as he paused to buy shopping bags. On January 10, 2018, the defendant pleaded guilty to one count of *theft, at least \$1,500 but less than \$25,000*.

## Offender's Prior Record

### JUVENILE:

Date	Offense	Disposition
06/26/09	Shoplifting	Delinquent; 1 year probation
12/11/09	Misdemeanor Theft	Delinquent; probation continued
06/10/13	Unauthorized Use of a Vehicle	Delinquent; Green Ridge Regional Youth Center for 6 months

### ADULT:

Date	Offense	Disposition
06/09/16	Burglary, 4 <sup>th</sup> Degree	18 months probation. (D.C.)

Defendant was placed on 18 months adult probation in 2016 for *burglary, 4<sup>th</sup> degree*, and was under supervision at the time he committed the instant offense.

## Computation of Guidelines Range

1<sup>st</sup> Convicted Offense: *Theft, at least \$1,500 but less than \$25,000*

Offense Score:

*There is no offense score for property offenses.*

Offender Score:

- A. Relationship to CJS When Instant Offense Occurred..... 1 point  
Defendant was on probation for *burglary, 4<sup>th</sup> degree*, at the time he committed the instant offense.
- B. Juvenile Delinquency..... 1 point  
Three findings of delinquency with one commitment.
- C. Prior Adult Criminal Record..... 1 point

### Step I:

Burglary, 4<sup>th</sup> Degree – Seriousness Category VII

**Number of Prior Convictions  
According to Seriousness Category**

Seriousness Category	Number of Prior Convictions
I	0
II	0
III	0
IV	0
V	0
VI	0
VII	1

**Step II:**

Since the most serious prior conviction was in seriousness category VII, refer to the block in Table 7-2 that indicates one seriousness category VII convictions. This block identifies the record as *Minor*.

**Step III:**

A defendant with a Minor record receives 1 point.

- D. Prior Adult Parole/Probation Violations.....0 points  
No adult violations prior to instant offense.

**Total Offender Score      3 points**

**Guidelines Range.....6M-2Y**

An examination of Table 8-3 shows that the recommended range for *theft, at least \$1,500 but less than \$25,000* (seriousness category VI) with an offender score of 3 is 6M-2Y.

## Overall Guidelines Range for the Sentencing Event

Since this sentencing event involves only one convicted offense, the overall guidelines range is the same as the range for the offense, 6 months to 2 years.



# Sample Case 3

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle Proctor, Damon, Anthony		SID#		SEX X M F		BIRTHDATE 07   27   96		JURISDICTION 15																																															
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		REPRESENTATION		ETHNICITY		RACE		MAND. MIN		CASE #/DOCKET #																																																	
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES		WORKSHEET #		CRIMINAL EVENT #		MD CODE, ART, & SECTION		STAT. MAX		5Y		123888C																																																			
<b>CONVICTED OFFENSE TITLE</b> 1 <sup>st</sup> Convicted Offense: Theft, at least \$1,500 but less than \$25,000 2 <sup>nd</sup> Convicted Offense: 3 <sup>rd</sup> Convicted Offense:																																																																	
<b>OFFENSE SCORE(S) – Offense Against a Person Only</b> <table border="1"> <tr> <th colspan="2">1<sup>st</sup> Off</th> <th colspan="2">2<sup>nd</sup> Off</th> <th colspan="2">3<sup>rd</sup> Off</th> <th colspan="2">A. Seriousness Category</th> </tr> <tr> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>V – VII</td> </tr> <tr> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>IV</td> </tr> <tr> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>III</td> </tr> <tr> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>II</td> </tr> <tr> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>I</td> </tr> </table>										1 <sup>st</sup> Off		2 <sup>nd</sup> Off		3 <sup>rd</sup> Off		A. Seriousness Category		1	1	1	1	1	1	1	V – VII	3	3	3	3	3	3	3	IV	5	5	5	5	5	5	5	III	8	8	8	8	8	8	8	II	10	10	10	10	10	10	10	I	<b>OFFENDER SCORE</b> A. Relationship to CJS When Instant Offense Occurred 0 = None or Pending Cases ① = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act ① = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment 2 = Under 23 years and committed 2 or more times C. Prior Adult Criminal Record 0 = None 3 = Moderate ① = Minor 5 = Major D. Prior Adult Parole/Prob Violation ① = No 1 = Yes							
1 <sup>st</sup> Off		2 <sup>nd</sup> Off		3 <sup>rd</sup> Off		A. Seriousness Category																																																											
1	1	1	1	1	1	1	V – VII																																																										
3	3	3	3	3	3	3	IV																																																										
5	5	5	5	5	5	5	III																																																										
8	8	8	8	8	8	8	II																																																										
10	10	10	10	10	10	10	I																																																										
<b>OFFENSE SCORE(S)</b> <table border="1"> <tr> <th colspan="2">1<sup>st</sup> Off</th> <th colspan="2">2<sup>nd</sup> Off</th> <th colspan="2">3<sup>rd</sup> Off</th> <th colspan="2">A. Seriousness Category</th> </tr> <tr> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>No Injury</td> </tr> <tr> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>Injury, Non-Permanent</td> </tr> <tr> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>Permanent Injury or Death</td> </tr> </table>										1 <sup>st</sup> Off		2 <sup>nd</sup> Off		3 <sup>rd</sup> Off		A. Seriousness Category		0	0	0	0	0	0	0	No Injury	1	1	1	1	1	1	1	Injury, Non-Permanent	2	2	2	2	2	2	2	Permanent Injury or Death	<b>OFFENSE SCORE</b> 3. OFFENDER SCORE If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. Departure Code 9 or 18 (Please Explain):																							
1 <sup>st</sup> Off		2 <sup>nd</sup> Off		3 <sup>rd</sup> Off		A. Seriousness Category																																																											
0	0	0	0	0	0	0	No Injury																																																										
1	1	1	1	1	1	1	Injury, Non-Permanent																																																										
2	2	2	2	2	2	2	Permanent Injury or Death																																																										
<b>VICTIM INFORMATION</b> <table border="1"> <tr> <td>Victim</td> <td>X</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Victim Non-participation</td> <td>X</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Victim Notification Form</td> <td>X</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Victim Notified Plea</td> <td>X</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Victim Notified Date</td> <td>X</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Victim Present</td> <td>X</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Written VIS</td> <td>X</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Oral VIS</td> <td>X</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>No Contact Requested</td> <td>X</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>No Contact Ordered</td> <td>X</td> <td>Yes</td> <td>No</td> </tr> </table>										Victim	X	Yes	No	Victim Non-participation	X	Yes	No	Victim Notification Form	X	Yes	No	Victim Notified Plea	X	Yes	No	Victim Notified Date	X	Yes	No	Victim Present	X	Yes	No	Written VIS	X	Yes	No	Oral VIS	X	Yes	No	No Contact Requested	X	Yes	No	No Contact Ordered	X	Yes	No	<b>SENTENCE DEPARTURE INFORMATION</b> If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. Departure Code 9 or 18 (Please Explain):															
Victim	X	Yes	No																																																														
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Victim Notification Form	X	Yes	No																																																														
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Oral VIS	X	Yes	No																																																														
No Contact Requested	X	Yes	No																																																														
No Contact Ordered	X	Yes	No																																																														
<b>GUIDELINES RANGE</b> 1 <sup>st</sup> Con. Off. 6M TO 2Y 2 <sup>nd</sup> Con. Off. TO 3 <sup>rd</sup> Con. Off. TO										<b>ACTUAL SENTENCE</b> - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.) 1 <sup>st</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$1,720.89 Subsequent Offender Fined <input type="checkbox"/> Yes <input type="checkbox"/> No Subsequent Offender Proven <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Requested <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Proven <input type="checkbox"/> Yes <input type="checkbox"/> No 2 <sup>nd</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ Subsequent Offender Fined <input type="checkbox"/> Yes <input type="checkbox"/> No Subsequent Offender Proven <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Requested <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Proven <input type="checkbox"/> Yes <input type="checkbox"/> No 3 <sup>rd</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ Subsequent Offender Fined <input type="checkbox"/> Yes <input type="checkbox"/> No Subsequent Offender Proven <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Requested <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Proven <input type="checkbox"/> Yes <input type="checkbox"/> No																																																							
<b>Was the offender sentenced to a Corrections Options program under Commission criteria?</b> Drug Court <input type="checkbox"/> Yes <input type="checkbox"/> No Other <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Additional Information or Institutional/Parole Recommendation</b> Title Sentencing Judge (Please Print) Sentencing Judge's Signature										<b>Parole Notification</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>50% of Sentence Announced for COVs</b> <input type="checkbox"/> Yes <input type="checkbox"/> No																																																							

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

4/2013 (1.8)

## Case Information

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**Offender's Name:** Kevin Alexander Chestnut  
**SID:** 4234567  
**Date of Birth:** 12/05/97  
**Sex:** Male  
**Race:** White  
**Ethnicity:** Non-Hispanic  
**Date of Offense:** 11/25/17  
**Case No.:** 117277010  
**Date of Plea or Verdict:** 12/28/17  
**Disposition Type:** Jury Trial  
**Jurisdiction:** Baltimore City  
**Convicted Count(s):** Robbery with a Dangerous  
Weapon, CR, § 3-403(a)  
Possession or Use of a  
Machine Gun in a Crime of  
Violence, CR, § 4-404  
Possession of Marijuana,  
CR, § 5-601(c)(2)(i)  
**Date of Sentencing:** 04/04/18

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## Offense Description

On November 25, 2017, the victim and a friend had left a restaurant and were walking toward their car when they were approached by a lone, white male. The defendant grabbed the victim and pushed him against a car. After producing a machine gun, he demanded and received the victim's wallet. The defendant then fled on foot. A few minutes later, the victim's friend observed a passing patrol car and yelled for help. During a search of the surrounding area, the victim identified a man walking across a vacant lot as his assailant. As the patrol car approached, the defendant threw an object and began to run. The defendant was apprehended by another police unit circling the area, at which time a small bag containing marijuana was found on his person. A search for the thrown object produced a machine gun. The victim was subsequently transported to a nearby hospital where he received treatment for a sprained wrist. On December 28, 2017, a jury found the defendant guilty of *robbery with a dangerous weapon, possession or use of a machine gun in a crime of violence, and possession of marijuana*.

## Offender's Prior Record

### JUVENILE:

Date	Offense	Disposition
10/03/12	Malicious Destruction	Delinquent; 18 months probation
11/30/13	Assault	Delinquent; probation continued

### ADULT:

Date	Offense	Disposition
10/05/16	Theft under \$1,000	18 months suspended; 3 years probation

Defendant was placed on three years adult probation in 2016 for *theft under \$1,000* and was under supervision at the time he committed the instant offenses.

## Computation of Individual Guidelines Ranges

### 1<sup>st</sup> Convicted Offense: *Robbery with a Dangerous Weapon*

#### Offense Score:

- A. Seriousness Category of Instant Offense.....5 points  
As shown in Appendix A, *robbery with a dangerous weapon* is a seriousness category III Offense.
- B. Victim Injury.....1 point  
Victim suffered a sprained wrist.

C. Weapon Presence.....2 points  
A firearm was present.

D. Special Victim Vulnerability.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      8 points**

**Offender Score:**

A. Relationship to CJS When Instant Offense Occurred.....1 point  
Defendant was on probation for *theft under \$1,000* at the time he committed the instant offenses.

B. Juvenile Delinquency.....1 point  
Two findings of delinquency.

C. Prior Adult Criminal Record.....1 point

**Step I:**

Theft under \$1,000 – Seriousness Category VII

**Number of Prior Convictions**

**According to Seriousness Category**

Seriousness Category	Number of Prior Convictions
I	0
II	0
III	0
IV	0
V	0
VI	0
VII	1

**Step II:**

Since the most serious prior conviction was in seriousness category VII, refer to the block in Table 7-2 that indicates one seriousness category VII conviction. This block identifies the record as *Minor*.

**Step III:**

A defendant with a Minor record receives 1 point.

D. Prior Adult Parole/Probation Violations.....0 points  
No adult violations prior to instant offenses.

**Total Offender Score      3 points**

**Guidelines Range for 1<sup>st</sup> Convicted Offense.....7Y-13Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 8 and an offender score of 3 is 7Y-13Y.

2<sup>nd</sup> Convicted Offense: *Possession or Use of a Machine Gun in a Crime of Violence*

Offense Score:

Since this person offense is the same seriousness category as *robbery with a dangerous weapon*, and was part of the same criminal event, the offense score is the same.

**Total Offense Score      8 points**

Offender Score:

The offender score is the same for all offenses at this sentencing event, 3.

**Total Offender Score      3 points**

**Guidelines Range for 2<sup>nd</sup> Convicted Offense.....7Y-13Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 8 and an offender score of 3 is 7Y-13Y.

3<sup>rd</sup> Convicted Offense: *Possession of Marijuana*

Offense Score:

*There is no offense score for drug offenses.*

Offender Score:

The offender score is the same for all offenses at this sentencing event, 3.

**Total Offender Score      3 points**

**Guidelines Range for 3<sup>rd</sup> Convicted Offense.....P-1M**

An examination of Table 8-2 shows that the recommended range for *possession of marijuana* (seriousness category VII) with an offender score of 3 is P-1M.

## Overall Guidelines Range for the Sentencing Event

<u>Criminal</u> <u>Event</u>	<u>Offense</u>	<u>Seriousness</u> <u>Category</u>	<u>Guidelines</u> <u>Range</u>
1	Robbery with a Dangerous Weapon	III	7-13 years
1	Possession/Use of a Machine Gun	III	7-13 years
1	Possession of Marijuana	VII	P-1 month
<i>Overall Guidelines Range:</i>			<b>7-13 years</b>

Following the procedure outlined in MSGM 9.1 for determining the guidelines for multiple counts from the same criminal event, the overall recommended range is the highest of the respective lower and upper limits of the recommended ranges, i.e., 7 to 13 years.

# Sample Case 4

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION			
PSI										Chestnut, Kevin, Alexander		M F		12   05   97		24			
DATE OF SENTENCING										04   04   18		DATE OF SENTENCING		04   04   18		DATE OF SENTENCING			
AT THIS SENTENCING, NUMBER OF:										3		WORKSHEET # 1 OF 1		CRIMINAL EVENT # 1		CRIMINAL EVENT # 1			
CONVICTED OFFENSE TITLE										I-VII		CJIS CODE		MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN	
1 <sup>st</sup> Convicted Offense										III		2 - 0705		CR, § 3-403(a)		20Y		117277010	
2 <sup>nd</sup> Convicted Offense										III		2 - 5299		CR, § 4-404		20Y		117277010	
3 <sup>rd</sup> Convicted Offense										VII		-		CR, § 5-601(c)(2)(i)		6M		117277010	
OFFENSE SCORE(S) - Offense Against a Person Only										OFFENDER SCORE		GUIDELINES RANGE		ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)					
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										A. Seriousness Category		1 <sup>st</sup> Con. Off.		1 <sup>st</sup> Convicted Offense					
1 1 1										= V - VII		7Y							
3 3 3										= IV		TO							
5 5 5										= III		13Y							
8 8 8										= II									
10 10 10										= I									
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										B. Victim Injury		2 <sup>nd</sup> Con. Off.		2 <sup>nd</sup> Convicted Offense					
0 0 0										= No Injury		7Y							
1 1 1										= Injury, Non-Permanent		TO							
2 2 2										= Permanent Injury or Death		13Y							
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										C. Weapon Presence		3 <sup>rd</sup> Con. Off.		3 <sup>rd</sup> Convicted Offense					
0 0 0										= No Weapon		P							
1 1 1										= Weapon Other Than Firearm		TO							
2 2 2										= Firearm or Explosive									
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										D. Special Victim Vulnerability		Overall Guidelines Range		Was the offender sentenced to a Corrections Options program under Commission criteria?					
0 0 0										= No		Multiple Counts Only		Drug Court Yes No Other Yes No					
1 1 1										= Yes		7Y							
8 8 8										OFFENSE SCORE(S)		13Y							
SENTENCE DEPARTURE INFORMATION										SENTENCE DEPARTURE INFORMATION		50% of Sentence Announced for COVs		Parole Notification Yes No					
Victim Yes No										If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.		TO		Additional Information or Institutional/Parole Recommendation		Worksheet Completed By			
Victim Non-participation Yes No										Departure Code 9 or 18 (Please Explain):				Title					
Victim Notification Form Yes No														Sentencing Judge (Please Print)					
Victim Notified Plea Yes No														Sentencing Judge's Signature					
Victim Notified Date Yes No																			
Victim Present Yes No																			
Written VIS Yes No																			
Oral VIS Yes No																			
No Contact Requested Yes No																			
No Contact Ordered Yes No																			

COPIES: White - Judge; Blue - Sentencing Commission; Green - Attach to Commitment or Probation Order; Yellow - File; Pink - Prosecution; Gold - Defense

4/2013 (1.8)

## Case Information

---

**Offender's Name:** Jerome Daniel Jameson

**SID:** 5234567

**Date of Birth:** 07/23/97

**Sex:** Male

**Race:** Black

**Ethnicity:** Non-Hispanic

**Date of Offense:** 06/22/17

**Case No.:** 117290001

**Date of Plea or Verdict:** 02/05/18

**Disposition Type:** Jury Trial

**Jurisdiction:** Baltimore City

**Convicted Count(s):** Rape First Degree,  
CR, § 3-303(d)(1)

Assault First Degree,  
CR, § 3-202

Kidnapping, CR, § 3-502(a)

Possession or Use of a  
Machine Gun in a Crime of  
Violence, CR, § 4-404

**Date of Sentencing:** 03/26/18

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## Offense Description

On June 22, 2017, the victim was walking to her car at a shopping center parking lot when two men approached in a car. One of the men jumped out of the car, grabbed her and pushed her into the car. She was driven to a secluded area where she was raped by both men and shot. After managing to crawl to a road, she was noticed by a passing motorist and taken to a nearby hospital. The victim suffered permanent damage to her right kidney. Using her description of the defendant and the license plate number of the car, police were able to arrest the defendant the following day. On February 5, 2018 a jury found him guilty of *first degree rape*, *first degree assault*, *kidnapping*, and *possession or use of a machine gun in a crime of violence*.

## Offender's Prior Record

### Juvenile:

Date	Offense	Disposition
07/10/12	Unauthorized Use of a Vehicle	Delinquent; 1 year probation
08/05/13	Shoplifting	Delinquent; 1 year probation
08/26/14	Assault, 1 <sup>st</sup> Degree	Delinquent; committed to Boys Village for 2 months

### Adult:

Date	Offense	Disposition
10/01/15	Driving While Intoxicated	6 months
07/10/16	Burglary, 2 <sup>nd</sup> Degree	1 year suspended; 6 months probation

The defendant had recently completed his probation for *burglary, 2<sup>nd</sup> degree* (01/10/17).

## Computation of Individual Guidelines Ranges

### 1<sup>st</sup> Convicted Offense: *First Degree Rape*

#### Offense Score:

- A. Seriousness Category of Instant Offense.....10 points  
As shown in Appendix A, *first degree rape* is a seriousness category I offense.
- B. Victim Injury.....2 points  
Permanent injury resulting from gunshot wounds.
- C. Weapon Presence.....2 points  
A firearm was present.

- D. Special Victim Vulnerability.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      14 points**

Offender Score:

- A. Relationship to CJS When Instant Offense Occurred.....0 points  
Defendant was not under any supervision at the time of the offense.
- B. Juvenile Delinquency.....1 point  
Three findings of delinquency with one commitment.
- C. Prior Adult Criminal Record.....3 points

**Step I:**

2<sup>nd</sup> Degree Burglary – Seriousness Category IV

Driving While Intoxicated – Seriousness Category VII

**Number of Prior Convictions**

**According to Seriousness Category**

Seriousness Category	Number of Prior Convictions
I	0
II	0
III	0
IV	1
V	0
VI	0
VII	1

**Step II:**

Since the most serious prior conviction was in seriousness category IV, refer to the block in Table 7-2 that indicates one seriousness category IV conviction. This block identifies the record as *Moderate*.

**Step III:**

A defendant with a Moderate record receives 3 points.

- D. Prior Adult Parole/Probation Violations.....0 points  
None.

**Total Offender Score      4 points**

**Guidelines Range for 1<sup>st</sup> Convicted Offense.....Life**

An examination of Table 8-1 shows that the recommended range for an offense score of 14 and an offender score of 4 is life.

2<sup>nd</sup> Convicted Offense: *First Degree Assault*

Offense Score:

- A. Seriousness Category of Instant Offense.....5 points  
As shown in Appendix A, *first degree assault* is a seriousness category III offense.
- B. Victim Injury.....2 points  
Permanent injury resulting from gunshot wounds.
- C. Weapon Presence.....2 points  
A firearm was present.
- D. Special Victim Vulnerability.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      9 points**

Offender Score:

The offender score is the same for all offenses at this sentencing event, 4.

**Total Offender Score      4 points**

<p><b>Guidelines Range for 2<sup>nd</sup> Convicted Offense.....12Y-18Y</b> An examination of Table 8-1 shows that the recommended range for an offense score of 9 and an offender score of 4 is 12Y-18Y.</p>
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3<sup>rd</sup> Convicted Offense: *Kidnapping*

Offense Score:

- A. Seriousness Category of Instant Offense.....8 points  
As shown in Appendix A, *kidnapping* is a seriousness category II offense.
- B. Victim Injury.....2 points  
Permanent injury resulting from gunshot wounds.
- C. Weapon Presence.....2 points  
A firearm was present.
- D. Special Victim Vulnerability.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      12 points**

Offender Score:

The offender score is the same for all offenses at this sentencing event, 4.

**Total Offender Score      4 points**

**Guidelines Range for 3<sup>rd</sup> Convicted Offense.....20Y-30Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 12 and an offender score of 4 is 20Y-35Y. The statutory maximum for this offense is 30 years. Because the statutory maximum of 30 years is shorter than the upper limit of the range, which is 35 years, the upper limit of the range is replaced by the statutory maximum.

**4<sup>th</sup> Convicted Offense: *Possession or Use of a Machine Gun in a Crime of Violence***

*Note: Because this is the fourth convicted offense, a separate sentencing guidelines worksheet must be used even though all offenses are from one criminal event.*

Offense Score:

A. Seriousness Category of Instant Offense.....5 points

As shown in Appendix A, *Possession or use of a machine gun in a crime of violence* is a seriousness category III offense.

B. Victim Injury.....2 points

Permanent injury resulting from gunshot wounds.

C. Weapon Presence.....2 points

A firearm was present.

D. Special Victim Vulnerability.....0 points

Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      9 points**

Offender Score:

The offender score is the same for all offenses at this sentencing event, 4.

**Total Offender Score      4 points**

**Guidelines Range for 4<sup>th</sup> Convicted Offense.....12Y-18Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 9 and an offender score of 4 is 12Y-18Y.

## Overall Guidelines Range for the Sentencing Event

<u>Criminal</u>		<u>Seriousness</u>	
<u>Event</u>	<u>Offense</u>	<u>Category</u>	<u>Guidelines Range</u>
1	First Degree Rape	I	Life
1	First Degree Assault	III	<del>12-18 years</del>
1	Kidnapping	II	20-30 years
1	Possession/Use of a Machine Gun	III	<del>12-18 years</del>
			<b>Life plus 20 years-</b>
<i>Overall Guidelines Range:</i>			<b>Life plus 30 years</b>

Because two of the offenses in this criminal event were either seriousness category I (*first degree rape*) or seriousness category II (*kidnapping*) offenses, the overall recommended guidelines range is determined by adding the respective lower and upper limits of the ranges for each seriousness category I or II conviction. Following this procedure, the overall recommended sentencing range would be life plus 20 years to life plus 30 years.

## October 2017

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# Sample Case 5, Worksheet 2

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION			
PSI										Jameson, Jerome, Daniel		X M F		07   23   97		24			
DATE OF OFFENSE										DATE OF SENTENCING		DISPOSITION TYPE		SID#		REPRESENTATION			
X Yes No 06 22 17										03 26 18		ABA plea agreement X Jury trial		5234567		Private			
AT THIS SENTENCING, NUMBER OF: 4										WORKSHEET # 2		Non-ABA plea agreement Reconsideration		X Public Defender		Hispanic/Latino Origin Yes No			
CRIMINAL EVENT # 1										OF		Plea, no agreement Review		Court Appointed		White			
CONVICTED OFFENSE TITLE										I-VII		CJIS CODE		MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN	
1st Convicted Offense										III		2 5299		CR, § 4-404		20Y		117290001	
Possession/Use of Machine Gun in COV																			
2nd Convicted Offense																			
3rd Convicted Offense																			
OFFENSE SCORE(S) - Offense Against a Person Only										OFFENDER SCORE		GUIDELINES RANGE		ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)					
1st Off 2nd Off 3rd Off										A. Relationship to CJS When Instant Offense Occurred		1st Con. Off.		1st Convicted Offense					
A. Seriousness Category										0 = None or Pending Cases		12Y							
1 1 = V - VII										1 = Court or Other Criminal Justice Supervision		TO							
3 3 = IV												18Y							
5 5 = III																			
8 8 = II																			
10 10 = I																			
1st Off 2nd Off 3rd Off										B. Juvenile Delinquency		2nd Con. Off.		2nd Convicted Offense					
B. Victim Injury										0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act									
0 0 = No Injury										1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment		TO							
1 1 = Injury, Non-Permanent										2 = Under 23 years and committed 2 or more times									
2 2 = Permanent Injury or Death																			
1st Off 2nd Off 3rd Off										C. Prior Adult Criminal Record		3rd Con. Off.		3rd Convicted Offense					
C. Weapon Presence										0 = None 3 = Moderate									
0 0 = No Weapon										1 = Minor 5 = Major		TO							
1 1 = Weapon Other Than Firearm																			
2 2 = Firearm or Explosive																			
1st Off 2nd Off 3rd Off										D. Prior Adult Parole/Prob Violation									
D. Special Victim Vulnerability										0 = No 1 = Yes									
0 0 = No																			
1 1 = Yes																			
OFFENSE SCORE(S)										4		Overall Guidelines Range		Was the offender sentenced to a Corrections Options program under Commission criteria?					
9												Multiple Counts Only		Drug Court Yes No Other Yes No					
VICTIM INFORMATION										SENTENCE DEPARTURE INFORMATION		LIFE + 20Y		Additional Information or Institutional/Parole Recommendation					
Victim X Yes No										If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.		LIFE + 30Y		Worksheet Completed By					
Victim Non-participation X Yes No												TO		Title					
Victim Notification Form X Yes No												LIFE + 30Y		Sentencing Judge (Please Print)					
Victim Notified Plea X Yes No														Sentencing Judge's Signature					
Victim Notified Date X Yes No																			
Victim Present X Yes No																			
Written VIS X Yes No																			
Oral VIS X Yes No																			
No Contact Requested X Yes No																			
No Contact Ordered X Yes No																			
50% of Sentence Announced for COVs										Yes No		Parole Notification Yes No							

COPIES: White - Judge; Blue - Sentencing Commission; Green - Attach to Commitment or Probation Order; Yellow - File; Pink - Prosecution; Gold - Defense

4/2013 (1.8)

## Case Information

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**Offender's Name:** Joseph Tyler Fenwick

**SID:** 6234567

**Date of Birth:** 01/07/83

**Sex:** Male

**Race:** White

**Ethnicity:** Non-Hispanic

**Date of Offense:** 04/10/17  
04/25/17

**Case No.:** 12K17002001  
12K17002012

**Date of Plea or Verdict:** 11/15/17

**Disposition Type:** ABA Plea Agreement

**Jurisdiction:** Harford County

**Convicted Count(s):** Distribution of PCP,  
CR, § 5-609(a)  
Assault First Degree,  
CR, § 3-202

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**Date of Sentencing:** 12/01/17



## Offense Description

On April 10, 2017, as part of a narcotics investigation, two undercover police officers purchased from the defendant a 2-oz. vial of a liquid that was later identified as PCP. The defendant was arrested and released on \$10,000.00 bond.

On April 25, 2017, police responded to a report of a shooting in a shopping center parking lot. Police were informed by the victim that he was talking about buying some “grass” with a man he had met in a bar. An argument ensued and the man pulled out a gun and shot the victim, hitting him in the right arm. The victim was treated in a hospital for a flesh wound and released. Based on the information provided by the victim and witnesses at the bar, a warrant was obtained and the defendant was arrested at his home.

On November 15, 2017, the defendant pleaded guilty to one count of *distribution of PCP* and one count of *first degree assault*.

## Offender's Prior Record

### JUVENILE:

Date	Offense	Disposition
03/23/99	Possession of Marijuana	Delinquent; 1 year probation

### ADULT:

Date	Offense	Disposition
09/12/08	Possession of Cocaine	4 years suspended
09/12/08	Carrying a Handgun	1 year suspended; 2 years probation

The defendant was placed on two years adult probation in 2008 for *possession of cocaine* and *carrying a handgun*. He successfully completed his probationary period.

## Computation of Guidelines Ranges

1<sup>st</sup> Convicted Offense: *Distribution of PCP*

Offense Score:

*There is no offense score for drug offenses.*

Offender Score:

*Note: The offender score used in computing guidelines for multiple criminal events is the same for each event. The highest score for any event at the time of this sentencing should be used throughout.*

- A. Relationship to CJS When Instant Offense Occurred.....0 points  
Defendant was not under any supervision at the time of the instant offenses.
- B. Juvenile Delinquency.....0 points  
Defendant was over 23 years of age when the instant offenses were committed.
- C. Prior Adult Criminal Record.....1 point

**Step I:**

Possession of Cocaine – Seriousness Category VII

Carrying a Handgun – Seriousness Category VII

**Number of Prior Convictions**

**According to Seriousness Category**

Seriousness Category	Number of Prior Convictions
I	0
II	0
III	0
IV	0
V	0
VI	0
VII	2

**Step II:**

Since the most serious prior conviction was in seriousness category VII, refer to the block in Table 7-2 that indicates two seriousness category VII convictions. This block identifies the record as *Minor*.

**Step III:**

A defendant with a Minor record receives 1 point.

- D. Prior Adult Parole/Probation Violations.....0 points  
None.

**Total Offender Score                      1 point**

**Guidelines Range for 1<sup>st</sup> Convicted Offense.....1Y-3Y**

An examination of Table 8-2 shows that the recommended range for *distribution of PCP* (seriousness category III-B) with an offender score of 1 is 1Y-3Y.

## 2<sup>nd</sup> Convicted Offense: *First Degree Assault*

*Note: Even though there were only two convicted offenses at this sentencing, a second worksheet must be used because each convicted offense was part of a separate criminal event.*

### Offense Score:

- A. Seriousness Category of Instant Offense.....5 points  
As shown in Appendix A, *first degree assault* is a seriousness category III offense.
- B. Victim Injury.....1 point  
Victim was shot, but not permanently injured.
- C. Weapon Presence.....2 points  
A firearm was present.
- D. Special Victim Vulnerability.....0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      8 points**

### Offender Score:

The offender score is the same for all events sentenced at this sentencing event, 1.

**Total Offender Score      1 point**

**Guidelines Range for 2<sup>nd</sup> Convicted Offense.....5Y-10Y**  
An examination of Table 8-1 shows that the recommended range for an offense score of 8 and an offender score of 1 is 5Y-10Y.

## Overall Guidelines Range for the Sentencing Event

<u>Criminal</u> <u>Event</u>	<u>Offense</u>	<u>Seriousness</u> <u>Category</u>	<u>Guidelines Range</u>
1	Distribution of PCP	III-B	1-3 years
2	First Degree Assault	III	5-10 years
<i>Overall Guidelines Range:</i>			<b>6-13 years</b>

The overall guidelines range for the sentencing event according to the procedure discussed in MSGM 9.3 is determined by adding the respective lower and upper limits of the ranges, resulting in a cumulative range of 6 to 13 years (1 year *plus* 5 years, and 3 years *plus* 10 years).

## October 2017

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# Sample Case 6, Worksheet 2

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle Fenwick, Joseph, Tyler		SID#		SEX M F		BIRTHDATE 01   07   83		JURISDICTION 12																																																																																			
PSI		DATE OF OFFENSE		DISPOSITION TYPE		REPRESENTATION		ETHNICITY		RACE		MAND. MIN		CASE #/DOCKET #																																																																																							
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES		CRIMINAL EVENTS		ABA plea agreement		Non-ABA plea agreement		Victim Court Costs Imposed		Hispanic/Latino Origin		Black																																																																																							
SENTENCING, NUMBER OF:		2		2		12   01   17		17		X		X		X																																																																																							
WORKSHEET #		1		OF		CRIMINAL EVENT #		2		Jury trial		Reconsideration		Review																																																																																							
<b>CONVICTED OFFENSE TITLE</b> 1 <sup>st</sup> Convicted Offense Assault 1st Degree 2 <sup>nd</sup> Convicted Offense 3 <sup>rd</sup> Convicted Offense																																																																																																					
<b>OFFENSE SCORE(S) - Offense Against a Person Only</b> <table border="1"> <thead> <tr> <th colspan="2">1<sup>st</sup> Off</th> <th colspan="2">2<sup>nd</sup> Off</th> <th colspan="2">3<sup>rd</sup> Off</th> <th colspan="2">A. Seriousness Category</th> <th colspan="2">B. Victim Injury</th> <th colspan="2">C. Weapon Presence</th> <th colspan="2">D. Special Victim Vulnerability</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>V - VII</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>3</td> <td>IV</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> <td>1</td> </tr> <tr> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>5</td> <td>III</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> <td>2</td> </tr> <tr> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>8</td> <td>I</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>10</td> <td>I</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> </tbody> </table>																		1 <sup>st</sup> Off		2 <sup>nd</sup> Off		3 <sup>rd</sup> Off		A. Seriousness Category		B. Victim Injury		C. Weapon Presence		D. Special Victim Vulnerability		1	1	1	1	1	1	1	V - VII	0	0	0	0	0	0	3	3	3	3	3	3	3	IV	1	1	1	1	1	1	5	5	5	5	5	5	5	III	2	2	2	2	2	2	8	8	8	8	8	8	8	I	0	0	0	0	0	0	10	10	10	10	10	10	10	I	0	0	0	0	0	0
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<b>OFFENDER SCORE</b> A. Relationship to CJS When Instant Offense Occurred ① = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency ① = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment 2 = Under 23 years and committed 2 or more times C. Prior Adult Criminal Record 0 = None 3 = Moderate ① = Minor 5 = Major D. Prior Adult Parole/Prob Violation ① = No 1 = Yes																																																																																																					
<b>GUIDELINES RANGE</b> 1 <sup>st</sup> Con. Off. 5Y TO 10Y 2 <sup>nd</sup> Con. Off. TO 3 <sup>rd</sup> Con. Off. TO																																																																																																					
<b>ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)</b> 1 <sup>st</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____ ; <input type="checkbox"/> Unknown Amount Subsequent Offender Fined _____ Yes _____ No _____ ; <input type="checkbox"/> Unknown Amount Subsequent Offender Proven _____ Yes _____ No _____ ; <input type="checkbox"/> Unknown Amount 2 <sup>nd</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____ ; <input type="checkbox"/> Unknown Amount Subsequent Offender Fined _____ Yes _____ No _____ ; <input type="checkbox"/> Unknown Amount Subsequent Offender Proven _____ Yes _____ No _____ ; <input type="checkbox"/> Unknown Amount 3 <sup>rd</sup> Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____ ; <input type="checkbox"/> Unknown Amount Subsequent Offender Fined _____ Yes _____ No _____ ; <input type="checkbox"/> Unknown Amount Subsequent Offender Proven _____ Yes _____ No _____ ; <input type="checkbox"/> Unknown Amount																																																																																																					
<b>Was the offender sentenced to a Corrections Options program under Commission criteria?</b> Drug Court _____ Yes _____ No _____ Other _____ Yes _____ No _____ <b>Additional Information or Institutional/Parole Recommendation</b> Title _____ Sentencing Judge (Please Print) _____ Sentencing Judge's Signature _____																																																																																																					

COPIES: White - Judge; Blue - Sentencing Commission; Green - Attach to Commitment or Probation Order; Yellow - File; Pink - Prosecution; Gold - Defense

4/2013 (1.8)

## Case Information

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**Offender's Name:** Antwon James Washington

**SID:** 7234567

**Date of Birth:** 06/10/84

**Sex:** Male

**Race:** Black

**Ethnicity:** Non-Hispanic

**Date of Offense:** 09/10/15

12/09/16

**Case No.:** 115314001

116393002

**Date of Plea or Verdict:** 03/29/17

**Disposition Type:** ABA Plea Agreement

**Jurisdiction:** Baltimore City

**Convicted Count(s):** Robbery with a Dangerous  
Weapon, CR, § 3-403(a)(1)

Robbery, CR, § 3-402(a)

Assault Second Degree,  
CR, § 3-203

**Date of Sentencing:** 07/11/17

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## Offense Description

On September 10, 2015, a 32-year old male, answering the door in his apartment, was confronted by a man wielding a revolver and demanding money. The victim relinquished his wallet, but the assailant forced the victim into the bedroom and tied his hands and feet with his own neckties. After ransacking the bedroom, the gunman left. As soon as he could free himself, the victim called police and reported the incident.

On December 9, 2016, police responded to a call at an apartment house. Upon arriving, they were given custody of a man who, according to a security guard, had forced his way into a woman's apartment and tried to attack her. In questioning the victim, police learned that she had opened the door thinking her boyfriend had arrived, but a strange man had burst in. The victim stated that she was instructed to give him her money because he had a gun in his pocket and would use it. After handing over her purse, she was pushed into the bedroom and told to get undressed. She was resisting when her boyfriend appeared. As the boyfriend and the assailant struggled, she went to the phone and summoned security who helped to hold the defendant. A starter pistol was found in his pocket.

On March 29, 2017, the defendant pleaded guilty to *robbery with a dangerous weapon* from the first event and *robbery* and *second degree assault* from the second event.

## Offender's Prior Record

### JUVENILE:

Date	Offense	Disposition
No juvenile record was found for the name and birth date provided.		

### ADULT:

Date	Offense	Disposition
07/30/15	Theft under \$1,000	PBJ, 2 years probation

Defendant was placed on two years adult probation in 2015 for *theft under \$1,000* and was under supervision at the time he committed the instant offenses.

# Computation of Guidelines Ranges for Criminal Event #1

1<sup>st</sup> Convicted Offense, Criminal Event #1: *Robbery with a Dangerous Weapon*

Offense Score:

- A. Seriousness Category of Instant Offense-----5 points  
As shown in Appendix A, *robbery with a dangerous weapon* is a seriousness category III offense.
- B. Victim Injury-----0 points  
No injury.
- C. Weapon Presence-----2 points  
A firearm was present.
- D. Special Victim Vulnerability -----0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      7 points**

Offender Score:

*Note: The offender score used in computing guidelines for multiple criminal events is the same for each event. The highest score for any event at the time of this sentencing should be used throughout.*

- A. Relationship to CJS When Instant Offense Occurred ----- 1 point  
Defendant was on probation for *theft under \$1,000* at the time he committed the instant offenses.
- B. Juvenile Delinquency -----0 points  
No record found.



C. Prior Adult Criminal Record----- 1 point

**Step I:**

Theft under \$1,000 – Seriousness Category VII

**Number of Prior Convictions**

**According to Seriousness Category**

Seriousness Category	Number of Prior Convictions
I	0
II	0
III	0
IV	0
V	0
VI	0
VII	1

**Step II:**

Since the most serious prior conviction was in seriousness category VII, refer to the block in Table 7-2 that indicates one seriousness category VII conviction. This block identifies the record as *Minor*.

**Step III:**

A defendant with a Minor record receives 1 point.

D. Prior Adult Parole/Probation Violations -----0 points

No adult violations prior to instant offenses.

**Total Offender Score      2 points**

**Guidelines Range for 1<sup>st</sup> Convicted Offense.....5Y-10Y**

An examination of Table 8-1 shows that the recommended range for an offense score of 7 and an offender score of 2 is 5Y-10Y.

## Computation of Guidelines Ranges for Criminal Event #2

1<sup>st</sup> Convicted Offense, Criminal Event #2: *Robbery*

*Note: A second worksheet must be used for this separate criminal event.*

Offense Score:

A. Seriousness Category of Instant Offense-----3 points

As shown in Appendix A, *robbery* is a seriousness category IV offense.

B. Victim Injury-----0 points

No injury.

- C. Weapon Presence----- 1 point  
A starter pistol was present; therefore 1 point is given for a weapon other than a firearm.
- D. Special Victim Vulnerability -----0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      4 points**

Offender Score:

The offender score is the same for all events sentenced at this sentencing event, 2.

**Total Offender Score      2 points**

**Guidelines Range for 1<sup>st</sup> Convicted Offense.....1Y-5Y**  
An examination of Table 8-1 shows that the recommended range for an offense score of 4 and an offender score of 2 is 1Y-5Y.

## 2<sup>nd</sup> Convicted Offense, Criminal Event #2: *Second Degree Assault*

Offense Score:

- A. Seriousness Category of Instant Offense----- 1 point  
As shown in Appendix A, *second degree assault* is a seriousness category V offense.
- B. Victim Injury-----0 points  
No injury.
- C. Weapon Presence----- 1 point  
A starter pistol was present; therefore 1 point is given for a weapon other than a firearm.
- D. Special Victim Vulnerability -----0 points  
Victim over 10 and under 65 years old and not mentally or physically handicapped.

**Total Offense Score      2 points**

Offender Score:

The offender score is the same for all events sentenced at this sentencing event, 2.

**Total Offender Score      2 points**

**Guidelines Range for 2<sup>nd</sup> Convicted Offense****P-18M**

An examination of Table 8-1 shows that the recommended range for an offense score of 2 and an offender score of 2 is P-18M.

**Overall Guidelines Range for the Sentencing Event**

<u>Criminal</u> <u>Event</u>	<u>Offense</u>	<u>Seriousness</u> <u>Category</u>	<u>Guidelines Range</u>
1	Robbery with a Dangerous Weapon	III	5-10 years
2	Robbery	IV	1-5 years
2	Second Degree Assault	V	<del>P-18 months</del>
<i>Overall Guidelines Range: 6-15 years</i>			

To determine the overall guidelines range for the sentencing event, add the respective lower and upper limits of the guidelines range for each criminal event. These ranges are the highest lower limit and highest upper limit of the ranges from each event. The overall guidelines range in this instance would be 6 years to 15 years (5 years *plus* 1 year, and 10 years *plus* 5 years).

# Sample Case 7, Worksheet 1

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		Mand. Min.		CASE #/DOCKET #	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	09	10	15	07	11	17	Washington, Antwon, James	7234567	Private	Hispanic/Latino Origin	<input checked="" type="checkbox"/> Black	06	10	84	24	Unidentifiable
AT THIS SENTENCING, NUMBER OF:		3		2		WORKSHEET # 1 OF CRIMINAL EVENT # 1.		REPRESENTATION		Public Defender Court Appointed		<input checked="" type="checkbox"/> White	Native Hawaiian/Pacific Islander		American Indian/Alaskan Native		
CONVICTED OFFENSE TITLE																	
1 <sup>st</sup> Convicted Offense																	
Robbery with a Deadly Weapon (RDW)																	
2 <sup>nd</sup> Convicted Offense																	
3 <sup>rd</sup> Convicted Offense																	
I-VII CJIS CODE MD CODE, ART, & SECTION STAT. MAX MAND. MIN CASE #/DOCKET #																	
III 2 0705 CR, § 3-403(a)(1) 20Y 115314001																	
ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)																	
1 <sup>st</sup> Convicted Offense																	
For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____; <input type="checkbox"/> Unknown Amount																	
Subsequent Offender Proven _____ Yes _____ No _____ Restitution Requested _____ Yes _____ No _____ Restitution Proven _____ Yes _____ No _____																	
2 <sup>nd</sup> Convicted Offense																	
For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____; <input type="checkbox"/> Unknown Amount																	
Subsequent Offender Proven _____ Yes _____ No _____ Restitution Requested _____ Yes _____ No _____ Restitution Proven _____ Yes _____ No _____																	
3 <sup>rd</sup> Convicted Offense																	
For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____; <input type="checkbox"/> Unknown Amount																	
Subsequent Offender Proven _____ Yes _____ No _____ Restitution Requested _____ Yes _____ No _____ Restitution Proven _____ Yes _____ No _____																	
Was the offender sentenced to a Corrections Options program under Commission criteria?																	
Drug Court _____ Yes _____ No Other _____ Yes _____ No																	
Additional Information or Institutional/Parole Recommendation																	
Worksheet Completed By																	
Title																	
Sentencing Judge (Please Print)																	
Sentencing Judge's Signature																	
Parole Notification _____ Yes _____ No																	
50% of Sentence Announced for COVs _____ Yes _____ No																	
Overall Guidelines Range																	
Multiple Counts Only																	
6Y TO 15Y																	
OFFENDER SCORE																	
2																	
SENTENCE DEPARTURE INFORMATION																	
If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.																	
Departure Code 9 or 18 (Please Explain):																	
Victim <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
Victim Non-participation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
Victim Notification Form <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
Victim Notified Plea <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
Victim Notified Date <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
Victim Present <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
Written VIS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
Oral VIS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
No Contact Requested <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	
No Contact Ordered <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																	

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## Case Information

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**Offender's Name:** Antonio Lester Williams  
**SID:** 8234567  
**Date of Birth:** 02/10/84  
**Sex:** Male  
**Race:** White  
**Ethnicity:** Non-Hispanic  
**Date of Offense:** 11/19/16  
**Case No.:** CT120595B  
**Date of Plea or Verdict:** 11/03/17  
**Disposition Type:** Jury Trial  
**Jurisdiction:** Prince George's County  
**Convicted Count(s):** Manufacture of  
Methamphetamine, CR, § 5-  
607(b)  
Possession of a firearm after  
COV or select drug crimes,  
PS, § 5-133(c)  
**Date of Sentencing:** 11/29/17

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## Offense Description

On November 19, 2016, police, acting on a search warrant, conducted a search of the defendant's home. Police found a small lab and confiscated a number of chemical compounds and three ½ liter bottles of suspected methamphetamine. Later chemical tests were positive for methamphetamine. Police also confiscated

one firearm from the defendant's home. The defendant was prohibited from possessing a firearm based on a previous conviction for *distribution of methamphetamine*. On November 3, 2017, a jury found the defendant guilty of *manufacture of PCP* and *possession of a firearm after a crime of violence or select drug crimes*.

## Offender's Prior Record

### JUVENILE:

Date	Offense	Disposition
12/28/99	Possession of Marijuana	Delinquent; probation
07/05/00	Possession of LSD	Delinquent; probation continued

### ADULT:

Date	Offense	Disposition
01/06/07	Possession of LSD	6 months, all but 10 days suspended; 1 year probation
04/09/08	Burglary, 2 <sup>nd</sup> Degree	6 months jail
02/20/14	Distribution of Methamphetamine	5 years, 3 years suspended
	Carrying a Handgun	1 year concurrent; 2 years probation

Defendant was placed on two years adult probation in 2014 for *distribution of methamphetamine* and *carrying a handgun*, to be served after serving two years incarceration for *distribution of methamphetamine*. Defendant was still under supervision at the time he committed the instant offenses.

## Computation of Guidelines Range

1<sup>st</sup> Convicted Offense: *Manufacture of Methamphetamine*

Offense Score:

*There is no offense score for drug offenses.*

Offender Score:

- A. Relationship to CJS When Instant Offense Occurred..... 1 point  
Offender was on probation for *distribution of methamphetamine* and *carrying a handgun* at the time he committed the instant offenses.
- B. Juvenile Delinquency..... 0 points  
Offender was over 23 years of age at the time of the instant offenses.
- C. Prior Adult Criminal Record..... 3 points

**Step I:**

Possession of LSD – Seriousness Category VII

Burglary, 2<sup>nd</sup> Degree – Seriousness Category IV

Distribution of Methamphetamine – Seriousness Category IV\*

*\*In this case, the carrying of a handgun (02/20/2012) was not counted because it occurred during the course of a single criminal event that also included a more serious offense (distribution of methamphetamine). When multiple prior convictions relate to a single criminal event, the individual completing the worksheet shall score only the offense with the highest seriousness category. MSGM 7.1.*

**Number of Prior Convictions****According to Seriousness Category**

Seriousness Category	Number of Prior Convictions
I	0
II	0
III	0
IV	2
V	0
VI	0
VII	1

**Step II:**

Since the most serious prior conviction was in seriousness category IV, refer to the block in Table 7-2 that indicates two seriousness category IV convictions. This block identifies the record as *Moderate*.

**Step III:**

A defendant with a Moderate record receives 3 points.

- D. Prior Adult Parole/Probation Violations.....0 points  
No adult violations prior to instant offenses.

**Total Offender Score      4 points**

**Guidelines Range.....3M-2Y**

An examination of Table 8-2 shows that the recommended range for *manufacture of methamphetamine* (Seriousness Category IV) with an offender score of 4 is 3M-2Y.

2<sup>nd</sup> Convicted Offense: ***Possession of a Firearm after COV or Select Drug Crimes***

Offense Score:

- A. Seriousness Category of Instant Offense----- 1 point  
As shown in Appendix A, *possession of firearm after COV or select drug crimes* is a seriousness category V offense.



- B. Victim Injury-----0 points  
No injury.
- C. Weapon Presence-----2 point  
A firearm was present.
- D. Special Victim Vulnerability-----0 points  
No victim.

**Total Offense Score      3 points**

Offender Score:

The offender score is the same for all offenses at this sentencing event, 3.

**Total Offender Score      4 points**

<p><b>Guidelines Range</b>-----<b>7Y-14Y</b> An examination of Table 8-2 shows that the recommended range for an offense score of 3 and an offender score of 4 is 2Y-5Y.</p>
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## Overall Guidelines Range for the Sentencing Event

<u>Criminal</u> <u>Event</u>	<u>Offense</u>	<u>Seriousness</u> <u>Category</u>	<u>Guidelines Range</u>
1	Manufacture of Methamphetamine	IV	<del>3 months-2 years</del>
1	Possession of a Firearm after COV or Select Drug Crimes	V	<del>2 years-5 years</del>
<b>Overall Guidelines Range: 5 years-5 years</b>			

Following the procedure outlined in MSGM 9.1 for determining the guidelines for multiple counts from the same criminal event, the overall recommended range is the highest of the respective lower and upper limits of the recommended ranges, i.e., 2 to 5 years. The offense, *possession of a firearm after COV or select drug crimes*, carries a 5-year mandatory minimum, therefore the actual recommended range is 5 to 5 years because the mandatory minimum becomes the lower limit of the guidelines range.

# Sample Case 8

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION	
PSI										SID#		ETHNICITY		RACE		CASE #/DOCKET #	
DATE OF OFFENSE										8234567		Hispanic/Latino Origin		Black		02   10   84	
AT THIS SENTENCING, NUMBER OF:										Private		Yes		White		Unidentifiable	
CRIMINAL EVENTS										Public Defender		No		Other		Asian	
WORKSHEET # 1 OF										Court Appointed		Victim Court Costs Imposed		Native Hawaiian/Pacific Islander		Other	
CRIMINAL EVENT # 1.										Self		Yes		American Indian/Alaskan Native		Other	
CONVICTED OFFENSE TITLE										MD CODE, ART. & SECTION		STAT. MAX		MAND. MIN		CASE #/DOCKET #	
1 <sup>st</sup> Convicted Offense										CR. § 5-607(a)		5Y				CT169999X	
2 <sup>nd</sup> Convicted Offense										PS. § 5-133(c)		15Y		5Y		CT169999X	
3 <sup>rd</sup> Convicted Offense																	
OFFENSE SCORE(S) - Offense Against a Person Only										GUIDELINES RANGE		ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)					
1 <sup>st</sup> Off 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off										1 <sup>st</sup> Con. Off.		1 <sup>st</sup> Convicted Offense					
A. Seriousness Category										3M							
1 ① 1 = V - VII										TO							
3 3 3 = IV										2Y							
5 5 5 = III										2 <sup>nd</sup> Con. Off.		2 <sup>nd</sup> Convicted Offense					
8 8 8 = II										5Y							
10 10 10 = I										TO							
B. Victim Injury										5Y							
1 ① 0 = No Injury										TO							
2 2 2 = Injury, Non-Permanent										5Y							
3 3 3 = Permanent Injury or Death										TO							
C. Weapon Presence										5Y							
1 ① 0 = No Weapon										TO							
2 2 2 = Weapon Other Than Firearm										5Y							
3 3 3 = Firearm or Explosive										TO							
D. Special Victim Vulnerability										5Y							
1 ① 0 = No										TO							
2 2 2 = Yes										5Y							
OFFENSE SCORE(S)										OFFENDER SCORE							
3										4							
VICTIM INFORMATION										SENTENCE DEPARTURE INFORMATION							
Victim										If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.							
Victim Non-participation										Departure Code 9 or 18 (Please Explain):							
Victim Notification Form																	
Victim Notified Plea																	
Victim Notified Date																	
Victim Present																	
Written VIS																	
Oral VIS																	
No Contact Requested																	
No Contact Ordered																	
Overall Guidelines Range										Multiple Counts Only							
5Y MM										5Y MM							
TO										TO							
5Y										5Y							
50% of Sentence Announced for COVs										50% of Sentence Announced for COVs							
Yes										Yes							
No										No							
Parole Notification										Parole Notification							
Yes										Yes							
No										No							
Additional Information or Institutional/Parole Recommendation										Additional Information or Institutional/Parole Recommendation							
Was the offender sentenced to a Corrections Options program under Commission criteria?										Was the offender sentenced to a Corrections Options program under Commission criteria?							
Drug Court										Drug Court							
Yes										Yes							
No										No							
Other										Other							
Yes										Yes							
No										No							
Restitution Requested										Restitution Requested							
Yes										Yes							
No										No							
Restitution Proven										Restitution Proven							
Yes										Yes							
No										No							
Unknown Amount										Unknown Amount							
Yes										Yes							
No										No							
Worksheet Completed By										Worksheet Completed By							
Title										Title							
Sentencing Judge (Please Print)										Sentencing Judge (Please Print)							
Sentencing Judge's Signature										Sentencing Judge's Signature							

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# **Sentencing Guidelines Offense Table (Updated 4/1/18)**

Appendix A contains a table of guidelines offenses including their CJIS code, statutory source, seriousness category, and penalties. If an offense is not listed in Appendix A and the offense has a maximum penalty of one year or less, the offense should be identified as a category VII offense. If an offense is not listed in Appendix A and the maximum penalty is greater than one year, the individual completing the sentencing guidelines worksheet should use the seriousness category for the closest analogous offense and the sentencing judge and the parties should be notified. If there are any questions about how to categorize or score an offense, please call the Maryland State Commission on Criminal Sentencing Policy staff at (301) 403-4165.

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# Most Common Offenses

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# Maryland Codes

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BO .....	Business Occupations and Professions
BR .....	Business Regulations
CJ .....	Courts and Judicial Proceedings
CA .....	Corporations and Associations
CL .....	Commercial Law
CP .....	Criminal Procedure
CR .....	Criminal Law
CS .....	Correctional Services
EL .....	Election Law
EN .....	Environment
FI .....	Financial Institutions
FL .....	Family Law
HG .....	Health General
HO .....	Health Occupations
HS .....	Housing and Community Development
HU .....	Human Services
IN .....	Insurance
NR .....	Natural Resources
PS .....	Public Safety
RP .....	Real Property
SF .....	State Finance and Procurement
SG .....	State Government
TG .....	Tax General
TR .....	Transportation

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
1	<b>Abuse and Other Offensive Conduct</b> Child Abuse—physical, with death, victim at least 13 years old	1-1108	CR, §3-601(b)(2)(ii)	Felony	40Y ♦		Person	II	
1-1	<b>Abuse and Other Offensive Conduct</b> Child Abuse—physical, with death, victim younger than 13 years old	1-1109	CR, §3-601(b)(2)(iii)	Felony	LIFE ♦		Person	I	
1-2	<b>Abuse and Other Offensive Conduct</b> Child Abuse—physical, with death, previous conviction for child abuse		CR, §3-601(c)(2)	Felony	LIFE ♦		Person	I	
2	<b>Abuse and Other Offensive Conduct</b> Child Abuse—physical, 1 <sup>st</sup> degree	1-0334	CR, §3-601(b)(2)(i)	Felony	25Y ♦		Person	II	
2-1	<b>Abuse and Other Offensive Conduct</b> Child Abuse—physical, 2 <sup>nd</sup> degree	1-0173 1-3802	CR, §3-601(d)	Felony	15Y		Person	IV	
3	<b>Abuse and Other Offensive Conduct</b> Child Abuse—sexual	1-0322 1-0922	CR, §3-602(b)	Felony	25Y ♦♦		Person	II	
4	<b>Abuse and Other Offensive Conduct</b> Abuse, neglect of vulnerable adult by custodian, 1 <sup>st</sup> degree	2-1138	CR, §3-604	Felony	10Y		Person	IV	\$10,000
4-1	<b>Abuse and Other Offensive Conduct</b> Abuse, neglect of vulnerable adult by custodian, 2 <sup>nd</sup> degree	1-0466 2-0350	CR, §3-605	Misd.	5Y		Person	V	\$5,000
4-2	<b>Abuse and Other Offensive Conduct</b> Child neglect	1-1614	CR, §3-602.1	Misd.	5Y		Person	VI	\$5,000
4-3	<b>Abuse and Other Offensive Conduct</b> Commit crime of violence in the presence of a minor		CR, §3-601.1	Misd.	5Y		Person	VI	
5	<b>Abuse and Other Offensive Conduct</b> Sell, barter, trade, etc. a child for money, property, etc.	1-0481	CR, §3-603	Misd.	5Y		Person	V	\$10,000
5-1	<b>Abuse and Other Offensive Conduct</b> Prevent or interfere with the making of a report of suspected child abuse or neglect	1-0734	FL, §5-705.2 (penalty)	Misd.	5Y		Person	V	\$10,000
6	<b>Abuse and Other Offensive Conduct</b> Contributing to a child being delinquent or in need of supervision	2-0238	CJ, §3-8A-30	Misd.	3Y		Person	VI	\$2,500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
6-1	<b>Abuse and Other Offensive Conduct</b> Contributing to a child in need of assistance	1-0844	CJ, §3-828	Misd.	3Y		Person	VI	\$2,500
6-2	<b>Abuse and Other Offensive Conduct</b> Failure to report disappearance of a minor	1-1002	CR, §3-608	Misd.	3Y		Person	VI	
6-3	<b>Abuse and Other Offensive Conduct</b> Failure to report death of a minor	1-1003	CR, §3-609	Misd.	3Y		Person	VI	
7	<b>Abuse and Other Offensive Conduct</b> Interfering with rights of developmentally disabled individual	1-1608	HG, §7-1102	Misd.	2Y		Person	VII	\$5,000
8-1	<b>Accessory after the Fact</b> Accessory after the fact to 1 <sup>st</sup> degree murder	1-0774	CR, §1-301(b)(1)	Felony	10Y		Person	V	
8-2	<b>Accessory after the Fact</b> Accessory after the fact to 2 <sup>nd</sup> degree murder	1-0776	CR, §1-301(b)(2)	Felony	10Y		Person	V	
9	<b>Accessory after the Fact</b> Accessory after the fact to a felony	1-1480	CR, §1-301(a)	Felony	Lesser of 5Y or max. term penalty for the underlying offense		Person, Drug, Property	Lesser of V or the category for the underlying offense	
9-1	<b>Alcoholic Beverages</b> Intoxicated and endanger safety of person or property; or intoxicated or drink alcoholic beverage in public place and cause public disturbance	1-1661 1-1662	AB, §6-320	Misd.	90D		Person	VII	\$100
9-2	<b>Alcoholic Beverages</b> County-specific provisions concerning giving, serving, dispensing, keeping, or allowing alcoholic beverages without license; bottle clubs; places of public entertainment-Anne Arundel, Baltimore, Calvert, Caroline, Charles, Dorchester, Frederick, Kent, Prince George's, Queen Anne's, Somerset, Talbot, Wicomico, or Worcester Counties, or Baltimore City		AB, §11-2502 AB, §12-2501 AB, §13-2501 AB, §14-2501 AB, §15-2501 AB, §18-2501 AB, §19-2501 AB, §20-2501 AB, §24-2501 AB, §26-2501 AB, §27-2501 AB, §29-2501 AB, §30-2501 AB, §32-2501 AB, §33-2501	Misd.	2Y		Property	VII	\$10,000
9-3	<b>Animals, Crimes Against</b> Animal cruelty	1-0500 1-0501 1-0503	CR, §10-604	Misd.	90D		Property	VII	\$1,000
9-4	<b>Animals, Crimes Against</b> Aggravated animal cruelty	1-0505 1-0508	CR, §10-606	Felony	3Y		Property	VI	\$5,000



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
10	<b>Animals, Crimes Against</b> Use dog in dogfight or for baiting; arrange dogfight; possess, own, etc. dog for dogfight or baiting; allow dogfight or baiting on premises	1-0506 1-0510 1-0511 1-0652	CR, §10-607	Felony	3Y		Property	VI	\$5,000
11	<b>Animals, Crimes Against</b> Cockfight	1-0507	CR, §10-608(b)	Felony	3Y		Property	VI	\$5,000
11-1	<b>Animals, Crimes Against</b> Attending a dogfight or cockfight	1-0597 1-0598	CR, §10-605	Misd.	1Y		Property	VII	\$2,500
12	<b>Animals, Crimes Against</b> Cruelty to Animals—injuring a racehorse	2-0260 5-7199	CR, §10-620	Felony	3Y	1Y	Property	VI	
12-1	<b>Animals, Crimes Against</b> Hunting via an internet connection		NR, §10-426(c)	Misd.	1Y		Property	VII	\$10,000
12-2	<b>Animals, Crimes Against</b> Unlawful capture of over \$20,000 worth of striped bass		NR, §4-1201(d)(2)	Misd.	2Y		Property	VII	varies
13	<b>Arson and Burning</b> Arson—dwelling or occupied structure (arson 1 <sup>st</sup> degree)	1-6500	CR, §6-102(a)	Felony	30Y ♦		Property	III	\$50,000
14	<b>Arson and Burning</b> Arson—Other structure (arson, 2 <sup>nd</sup> degree)	1-6501	CR, §6-103(a)	Felony	20Y		Property	IV	\$30,000
15	<b>Arson and Burning</b> Arson—threat of	1-6505	CR, §6-107(a)	Misd.	10Y		Property	V	\$10,000
16	<b>Arson and Burning</b> Burning personal property of another, \$1,000 or more (malicious burning 1 <sup>st</sup> degree)	1-6502	CR, §6-104(b)	Felony	5Y		Property	VI	\$5,000
17	<b>Arson and Burning</b> Burning property with intent to defraud	1-6504	CR, §6-106(a)	Misd.	5Y		Property	VI	\$5,000
18	<b>Arson and Burning</b> Burn personal property of another less than \$1,000 (malicious burning, 2 <sup>nd</sup> degree)	1-6503	CR, §6-105(b)	Misd.	18M		Property	VII	\$500
19	<b>Arson and Burning</b> Arson—trash bin	2-2003	CR, §6-108(a)	Misd.	30D		Property	VII	\$500
20	<b>Assault and Other Bodily Woundings</b> Poisoning—attempted	2-0999	CR, §3-213	Felony	10Y	2Y	Person	II	
21	<b>Assault and Other Bodily Woundings</b> Poisoning—contaminating water, food, etc.	3-0999	CR, §3-214	Felony	20Y		Person	II	
22	<b>Assault and other Bodily Woundings</b> Assault, 1 <sup>st</sup> degree	1-1420	CR, §3-202	Felony	25Y ♦		Person	III	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
24	<b>Assault and Other Bodily Woundings</b> Assault, 2 <sup>nd</sup> degree	1-1415	CR, §3-203	Misd.	10Y		Person	V	\$2,500
25	<b>Assault and Other Bodily Woundings</b> Female genital mutilation—perform or consent to	1-0965 1-0970	HG, §20-601 HG, §20-603	Felony	5Y		Person	V	\$5,000
25-1	<b>Assault and Other Bodily Woundings—Other</b> Willfully expose others to infectious disease	1-0285	HG, §18-601	Misd.	1Y		Person	VII	\$500
25-2	<b>Assault and Other Bodily Woundings—Other</b> Knowingly transfer or attempt to transfer HIV virus	4-7360	HG, §18-601.1	Misd.	3Y		Person	V	\$2,500
25-4	<b>Assault and Other Bodily Woundings—Other</b> Knowingly and willfully causing another to ingest bodily fluid	1-0321	CR, §3-215	Misd.	10Y		Person	V	\$2,500
25-5	<b>Assault and Other Bodily Woundings—Other</b> Failure to comply with or violation of protective order, 1 <sup>st</sup> offense	2-0254	FL, §4-509(a)(1)	Misd.	90D		Person	VII	\$1,000
25-6	<b>Assault and Other Bodily Woundings—Other</b> Failure to comply with or violation of protective order, <b>subsequent</b>	2-0354	FL, §4-509(a)(2)	Misd.	1Y		Person	VII	\$2,500
25-7	<b>Assault and Other Bodily Woundings—Other</b> Failure to comply with or violation of peace order, 1 <sup>st</sup> offense	2-0105	CJ, §3-1508(a)(1)	Misd.	90D		Person	VII	\$1,000
25-8	<b>Assault and Other Bodily Woundings—Other</b> Failure to comply with or violation of peace order, <b>subsequent</b>	2-0105	CJ, §3-1508(a)(2)	Misd.	1Y		Person	VII	\$2,500
26	<b>Assault and Other Bodily Woundings</b> Reckless endangerment	1-1425 1-1430 (from car)	CR, §3-204(a)	Misd.	5Y		Person	V	\$5,000
27	<b>Assault and Other Bodily Woundings</b> Cause a life threatening injury by motor vehicle or vessel while under the influence of alcohol, 1 <sup>st</sup> offense	1-0765	CR, §3-211(c)(3)(i)	Misd.	3Y		Person	VI	\$5,000
27-1	<b>Assault and Other Bodily Woundings</b> Cause a life threatening injury by motor vehicle or vessel while under the influence of alcohol, <b>subsequent</b>		CR, §3-211(c)(3)(ii)	Misd.	5Y		Person	V	\$10,000

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28	<b>Assault and Other Bodily Woundings</b> Cause a life threatening injury by motor vehicle or vessel while impaired by alcohol, 1 <sup>st</sup> offense	1-0770	CR, §3-211(d)(3)(i)	Misd.	2Y		Person	VI	\$3,000
28-1	<b>Assault and Other Bodily Woundings</b> Cause a life threatening injury by motor vehicle or vessel while impaired by alcohol, <b>subsequent</b>		CR, §3-211(d)(3)(ii)	Misd.	5Y		Person	V	\$10,000
29	<b>Assault and Other Bodily Woundings</b> Cause a life-threatening injury by motor vehicle or vessel while impaired by drugs, 1 <sup>st</sup> offense	1-0775	CR, §3-211(e)(3)(i)	Misd.	2Y		Person	VI	\$3,000
29-1	<b>Assault and Other Bodily Woundings</b> Cause a life-threatening injury by motor vehicle or vessel while impaired by drugs, <b>subsequent</b>		CR, §3-211(e)(3)(ii)	Misd.	5Y		Person	V	\$10,000
29-2	<b>Assault and Other Bodily Woundings</b> Cause a life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance, 1 <sup>st</sup> offense	1-1640	CR, §3-211(f)(4)(i)	Misd.	3Y		Person	VI	\$5,000
30	<b>Assault and Other Bodily Woundings</b> Cause a life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance, <b>subsequent</b>		CR, §3-211(f)(4)(ii)	Misd.	5Y		Person	V	\$10,000
30-1	<b>Assault and Other Bodily Woundings</b> Assault on law enforcement officer, parole or probation agent, or first responder, 2 <sup>nd</sup> degree	1-1416	CR, §3-203(c)	Felony	10Y		Person	V	\$5,000
30-2	<b>Assault and Other Bodily Woundings</b> Assault by inmate on employee or other inmate of State, local, or sheriff's office correctional facility, 1 <sup>st</sup> degree	1-1435	CR, §3-210	Felony	25Y ♦		Person	III	
30-3	<b>Assault and Other Bodily Woundings</b> Assault by inmate on employee or other inmate of State, local, or sheriff's office correctional facility, 2 <sup>nd</sup> degree	1-1440	CR, §3-210	Misd.	10Y		Person	V	\$2,500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
30-4	<b>Assault and Other Bodily Woundings</b> Inmate causing correctional employee or sheriff to come in contact with bodily fluid	1-0222	CR, §3-205	Misd.	10Y		Person	V	\$2,500
31	<b>Assault Weapons</b> Use of assault weapon or magazine with a capacity of more than 10 rounds in the commission of a felony or crime of violence, <b>subsequent</b>	3-5260	CR, §4-306(b)(3)	Misd.	20Y	10Y	Person	II	
32	<b>Assault Weapons</b> Use of assault weapon or magazine with a capacity of more than 10 rounds in the commission of a felony or crime of violence, 1 <sup>st</sup> offense	3-5260	CR, §4-306(b)(2)	Misd.	20Y	MM*=5Y	Person	III	
33	<b>Assault Weapons</b> Unlawfully possess, sell, offer to sell, transfer, purchase, etc., an assault weapon or a detachable magazine with a capacity of more than 10 rounds	3-5250 3-5255	CR, §4-303(a) CR, §4-305(b) CR, §4-306(a)	Misd.	3Y		Person	VI	\$5,000
34	<b>Assisted Suicide</b> Coercion; provide means; participation	2-0175 2-0180 2-0185	CR, §3-102 CR, §3-104	Felony	1Y		Person	VII	\$10,000
35	<b>Bad Check</b> Felony bad check, \$100,000 or greater	1-1164 1-1168 1-1172 1-1176 1-1180	CR, §8-103 CR, §8-106(a)(3)	Felony	20Y		Property	III	\$25,000
35-1	<b>Bad Check</b> Felony bad check, at least \$25,000 but less than \$100,000	1-1165 1-1169 1-1173 1-1177 1-1181	CR, §8-103 CR, §8-106(a)(2)	Felony	10Y		Property	V	\$15,000
35-2	<b>Bad Check</b> Felony bad check, at least \$1,500 but less than \$25,000	1-1166 1-1170 1-1174 1-1178 1-1182	CR, §8-103 CR, §8-106(a)(1)	Felony	5Y		Property	VI	\$10,000
35-3	<b>Bad Check</b> Multiple bad checks within a 30-day period, each at least \$1,500 but less than \$25,000 and totaling at least \$1,500 but less than \$25,000	1-1162 1-1163	CR, §8-103 CR, §8-106(b)	Felony	5Y		Property	VI	\$10,000
36	<b>Bad Check</b> Misdemeanor bad check, at least \$100 but less than \$1,500	1-1167 1-1171 1-1175 1-1179 1-1184	CR, §8-103 CR, §8-106(c)	Misd.	1Y		Property	VII	\$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
36-1	<b>Bad Check</b> Misdemeanor bad check, less than \$100	1-1141 1-1142 1-1143 1-1144 1-1240	CR, §8-103 CR, §8-106(d)	Misd.	90D		Property	VII	\$500
36-2	<b>Boating Offenses</b> Operate a vessel while under the influence of alcohol, 1 <sup>st</sup> offense	6-8000	NR, §8-738(e)(1)(i)	Misd.	1Y		Person	VII	\$1,000
36-3	<b>Boating Offenses</b> Operate a vessel while under the influence of alcohol, 2 <sup>nd</sup> offense	6-8000	NR, §8-738(e)(1)(ii)	Misd.	2Y		Person	VI	\$2,000
36-4	<b>Boating Offenses</b> Operate a vessel while under the influence of alcohol, 3 <sup>rd</sup> or subsequent offense	6-8000	NR, §8-738(e)(1)(iii)	Misd.	3Y		Person	V	\$3,000
37	<b>Bribery</b> Bribery to or by public officer	1-1437 1-1438	CR, §9-201	Misd.	12Y	2Y	Property	V	\$1,000— \$10,000
38	<b>Bribery</b> Bribe juror or acceptance of bribe by juror	2-5100 2-5110	CR, §9-202	Misd.	6Y	18M	Property	VI	
39	<b>Bribery</b> Person or persons who bribe or attempt to bribe a participant, etc., in athletic contest	1-5100	CR, §9-204	Misd.	3Y	6M	Property	VI	\$100— \$5,000
40	<b>Bribery</b> Bribery—athletic contestant accepts bribe	2-5103	CR, §9-205	Misd.	3Y		Property	VII	\$5,000
41	<b>Burglary and Related Crimes</b> Burglary, 1 <sup>st</sup> degree	2-3000	CR, §6-202(c)	Felony	20Y ♦		Property	III	
41-1	<b>Burglary and Related Crimes</b> Home invasion	1-1338	CR, §6-202(d)	Felony	25Y ♦		Person	III	
42	<b>Burglary and Related Crimes</b> Burglary, with explosives	2-3060	CR, §6-207	Felony	20Y ♦		Property	III	
43	<b>Burglary and Related Crimes</b> Burglary, 2 <sup>nd</sup> degree	2-3010	CR, §6-203(c)(1)	Felony	15Y ♦		Property	IV	
44	<b>Burglary and Related Crimes</b> Burglary, 2 <sup>nd</sup> degree, steal or take firearm	2-3015	CR, §6-203(c)(2)	Felony	20Y ♦		Property	IV	\$10,000
45	<b>Burglary and Related Crimes</b> Burglary, 3 <sup>rd</sup> degree	2-3020	CR, §6-204	Felony	10Y ♦		Property	IV	
46	<b>Burglary and Related Crimes</b> Breaking and entering—research facility	2-3070	CR, §6-208	Felony	5Y		Property	VI	\$5,000
47	<b>Burglary and Related Crimes</b> Breaking and entering—motor vehicle (rogue and vagabond)	2-3080 2-3090	CR, §6-206	Misd.	3Y		Property	VII	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
48	<b>Burglary and Related Crimes</b> Burglary, 4 <sup>th</sup> degree	2-3030 2-3040 2-3045 2-3050	CR, §6-205	Misd.	3Y		Property	VII	
49	<b>CDS and Paraphernalia</b> Drug distribution—drug kingpin	1-0488	CR, §5-613	Felony	40Y	MM*=20Y	Drug	II	\$1,000,000
50	<b>CDS and Paraphernalia</b> Controlled dangerous substance importation into State, non-marijuana	3-3550	CR, §5-614(a)	Felony	25Y		Drug	IIIC	\$50,000
50-1	<b>CDS and Paraphernalia</b> Controlled dangerous substance importation into State, marijuana (45 kilograms or more)	3-3550	CR, §5-614(a)	Felony	25Y		Drug	IIIA	\$50,000
51	<b>CDS and Paraphernalia</b> Bringing minor into State to violate drug laws	1-0489	CR, §5-628(a)(2)	Felony	20Y		Drug	IIIB	\$20,000
52	<b>CDS and Paraphernalia</b> Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone)	1-1118 1-1119 1-1120 1-1121 1-1122 1-1123 1-1124 1-1125 1-1126 1-1127 1-1128 1-1129 1-1131 1-1132 1-1133 1-1556 1-1557 1-1558	CR, §5-608(a) CR, §5-609(a)	Felony	20Y		Drug	IIIB	\$15,000
53	<b>CDS and Paraphernalia</b> Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone), <b>subsequent</b>		CR, §5-608(b) CR, §5-609(b) CR, §5-608(c) CR, §5-609(c) CR, §5-608(d) CR, §5-609(d)	Felony	20Y 25Y 40Y		Drug	IIIB	\$15,000 \$25,000 \$25,000
53-1	<b>CDS and Paraphernalia</b> Knowingly violated CR, §5-602 with a mixture of heroin and fentanyl or any analogue of fentanyl; or fentanyl or any analogue of fentanyl	1-0908	CR, §5-608.1	Felony	10Y		Drug	IIIC	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
54	<b>CDS and Paraphernalia</b> Manufacture, distribute, dispense, or possess certain Schedule I or II controlled dangerous substances, large amounts as specified in CR, §5-612	1-0879 1-0880 1-0881	CR, §5-612	Felony	20Y	MM*=5Y	Drug	IIIB	\$100,000
54-1	<b>CDS and Paraphernalia</b> Unlawful distribution, manufacture, etc.; counterfeiting, etc., of certain equipment for illegal use; keeping common nuisance, MDMA (methylenedioxymethamphetamine), 750 grams or more	1-1127 1-1128 1-1129 1-1131 1-1132 1-1133 1-1556 1-1557 1-1558	CR, §5-609(a)	Felony	20Y		Drug	IIIA	\$15,000
54-2	<b>CDS and Paraphernalia</b> Unlawful distribution, manufacture, etc.; counterfeiting, etc., of certain equipment for illegal use; keeping common nuisance, MDMA (methylenedioxymethamphetamine), 750 grams or more, <b>subsequent</b>		CR, §5-609(b) CR, §5-609(c) CR, §5-609(d)	Felony	20Y 25Y 40Y		Drug	IIIA	\$15,000 \$25,000 \$25,000
55	<b>CDS and Paraphernalia</b> Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, 1 <sup>st</sup> offense	1-0483 1-0484	CR, §5-627	Felony	20Y		Drug	IIIB	\$20,000
55-1	<b>CDS and Paraphernalia</b> Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, <b>subsequent</b>	1-0483 1-0484	CR, §5-627	Felony	40Y	MM*=5Y	Drug	IIIB	\$40,000
56	<b>CDS and Paraphernalia</b> Using minors for manufacture, delivery, or distribution of controlled dangerous substances	1-5409	CR, §5-628(a)(1)	Felony	20Y		Drug	IIIB	\$20,000
57	<b>CDS and Paraphernalia</b> Controlled dangerous substance importation into State, marijuana (5 to less than 45 kilos)	1-0730	CR, §5-614(b)	Felony	10Y		Drug	IV	\$10,000
58	<b>CDS and Paraphernalia</b> Distribution—distribution of non-controlled substance as controlled dangerous substance	1-0246	CR, §5-617	Felony	5Y		Drug	IV	\$15,000
58-1	<b>CDS and Paraphernalia</b> Distribute, possess, manufacture, or use cannabis diverted from a qualifying patient, caregiver, licensed grower, or licensed dispensary		HG, §13-3313	Felony	5Y		Drug	IV	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
59	<b>CDS and Paraphernalia</b> Unlawful distribution, manufacture, etc.; counterfeiting, etc.; manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, Schedules I through V non-narcotics (e.g., amphetamines, methamphetamine, marijuana, synthetic marijuana, diazepam, MDMA under 750 grams, and Valium) and buprenorphine	1-0233 1-0234 1-0235 1-0236 1-0237 1-0238 1-0239 1-0660 2-3550	CR, §5-607(a)	Felony	5Y		Drug	IV	\$15,000
61	<b>CDS and Paraphernalia</b> Manufacture, distribute, dispense, or possess certain Schedule I through V non-narcotics, large amounts as specified in CR, §5-612	1-0879 1-0880 1-0881	CR, §5-612	Felony	5Y	MM*=5Y	Drug	IV	\$100,000
62	<b>CDS and Paraphernalia</b> Paraphernalia—deliver drug paraphernalia to minor by adult who is 3 or more years older	7-3550	CR, §5-619(d)(4)	Misd.	8Y		Drug	IV	\$15,000
63	<b>CDS and Paraphernalia</b> Give, sell, transfer, trace, invest, conceal, etc.; receive, acquire, engage in, etc. knowing that the proceeds were derived from CDS offense	1-0673 1-0675	CR, §5-623(b)	Felony	5Y		Drug	IV	1 <sup>st</sup> = \$250,000  Sub= \$500,000
64	<b>CDS and Paraphernalia</b> Paraphernalia—possess or distribute controlled paraphernalia—marijuana	1-0566 1-1287	CR, §5-620(d)(2)	Misd.	1Y		Drug	VII	\$1,000
65	<b>CDS and Paraphernalia</b> Paraphernalia—possess or distribute controlled paraphernalia—non-marijuana	1-0255 1-0256 1-0257	CR, §5-620(d)(1)	Misd.	4Y		Drug	V	\$25,000
66	<b>CDS and Paraphernalia</b> Paraphernalia—deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, <b>subsequent</b>	6-3555	CR, §5-619(d)(2)(ii)	Misd.	2Y		Drug	VII	\$2,000
67	<b>CDS and Paraphernalia</b> Paraphernalia—use or possess with intent to use drug paraphernalia—non-marijuana, <b>subsequent</b>	5-3555	CR, §5-619(c)(3)(ii)	Misd.	2Y		Drug	VII	\$2,000
68	<b>CDS and Paraphernalia</b> Paraphernalia—unlawfully advertise with the purpose to promote the sale and delivery of drug paraphernalia, <b>subsequent</b>	9-0092	CR, §5-619(e)(2)(ii)	Misd.	2Y		Drug	VII	\$2,000



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
69	<b>CDS and Paraphernalia</b> Possession—unlawful possession or administering to another, obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—marijuana	1-1559 1-1560 1-1561 1-1562 1-1563 1-1564	CR, §5-601(c)(2)(i)	Misd.	6M		Drug	VII	\$1,000
69-1	<b>CDS and Paraphernalia</b> Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 1 <sup>st</sup> offense	1-1110 1-1111 1-1112 1-1113 1-1114 1-1115 1-1117	CR, §5-601(c)(1)(i)	Misd.	1Y		Drug	VII	\$5,000
69-2	<b>CDS and Paraphernalia</b> Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 2 <sup>nd</sup> or 3 <sup>rd</sup> offense		CR, §5-601(c)(1)(ii)	Misd.	18M		Drug	VII	\$5,000
69-3	<b>CDS and Paraphernalia</b> Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 4 <sup>th</sup> or subsequent offense		CR, §5-601(c)(1)(iii)	Misd.	2Y		Drug	VII	\$5,000
70	<b>CDS and Paraphernalia</b> Possession—unsolicited mailing of certain drugs, controlled dangerous substances, medicines, etc.	1-0025	CR, §5-703	Misd.	6M		Drug	VII	\$500
71	<b>CDS and Paraphernalia</b> Possession/purchase of non-CDS believed to be a controlled dangerous substance	1-0691	CR, §5-618(a)	Misd.	1Y		Drug	VII	\$500
72	<b>CDS—Registration</b> CDS—deliver as a registrant a CDS of Schedule I/II without an order form	9-3550	CR, §5-904(a)	Felony	10Y		Drug	IV	\$100,000
73	<b>CDS—Registration</b> CDS registration—use fictitious, etc. registration number; distribute without an order form	1-0263	CR, §5-903(a)	Felony	10Y		Drug	IV	\$100,000
74	<b>CDS—Registration</b> Manufacture CDS which was not authorized by registration	8-3550	CR, §5-902(b)	Misd.	2Y		Drug	VII	\$100,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
75	<b>CDS—Registration</b> CDS Registration—unlawful acts	1-0258 1-0259 1-0260 1-0261 1-0262 1-1445 1-3550	CR, §5-902(a)	Misd.	2Y		Drug	VII	\$100,000
76	<b>Cemeteries and Funerary Objects, Crimes Involving</b> Removal or attempted removal of human remains from a burial site	3-3932	CR, §10-402(a)	Misd.	5Y		Property	VI	\$10,000
77	<b>Cemeteries and Funerary Objects, Crimes Involving</b> Destruction of funerary objects/structures placed in a cemetery	3-3942	CR, §10-404(a)	Misd.	5Y		Property	VI	\$10,000
78	<b>Cemeteries and Funerary Objects, Crimes Involving</b> Destruction of graveyard plants	3-3946	CR, §10-404(b)	Misd.	2Y		Property	VII	\$500
79	<b>Cemeteries and Funerary Objects, Crimes Involving</b> Disorderly conduct in cemetery	3-3947	CR, §10-404(c)	Misd.	2Y		Property	VII	\$500
80	<b>Commercial Fraud, Other</b> False statement or false entry in records with the intent to deceive a person authorized to examine the affairs of the bank, trust company, or savings bank	1-5581	FI, §5-803(b)	Felony	10Y		Property	V	\$5,000
81	<b>Commercial Fraud, Other</b> Misappropriation, fraudulent conversion, or any fraudulent act in the course of engaging in the mortgage lending business	2-0946	FI, §11-523(c)	Felony	15Y		Property	V	\$100,000
82	<b>Commercial Fraud, Other</b> Fraudulent Insurance Acts— Violation of §27-407 or any other provision of §§27-403, 27-404, 27-405, 27-406, 27-406.1, 27-407, 27-407.1, or 27-407.2 where the value of the fraud is \$300 or greater	1-0625 3-0120 3-0125 3-0126 3-0130 3-0150 3-0160 3-0180	IN, §27-408(a)(1) (penalty)	Felony	15Y		Property	V	\$10,000
82-1	<b>Commercial Fraud, Other</b> Fraudulent Insurance Acts— Violation of §27-407 or any other provision of §§27-403, 27-404, 27-405, 27-406, 27-406.1, 27-407, 27-407.1, or 27-407.2 where the value of the fraud is less than \$300	3-0127 3-0135 3-0140 3-0145 3-0155 3-0165 3-0185	IN, §27-408(a)(2) (penalty)	Misd.	18M		Property	VII	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
83	<b>Commercial Fraud, Other</b> Fail to obtain and maintain a corporate surety bond or irrevocable letter of credit or to hold sums of money in an escrow account	1-0727	RP, §10-305(a)	Felony	15Y		Property	V	\$10,000
84	<b>Commercial Fraud, Other</b> Sales of property, Custom Home Protection Act-willful failure to obtain and maintain a corporate surety bond or to hold sums of money in escrow account; willful failure to make disclosure; willful commission of a breach of trust provided in §10-502		RP, §10-507(b)(2)	Felony	15Y		Property	V	\$10,000
84-1	<b>Commercial Fraud, Other</b> Sales of property, Custom Home Protection Act—any other conduct that fails to comply with RP, Title 10, Subtitle 5	2-1161	RP, §10-507(b)(3)	Misd.	1Y		Property	VII	\$1,000
84-2	<b>Commercial Fraud, Other</b> Commission of mortgage fraud		RP, §7-407(a)	Felony	10Y		Property	V	\$5,000
84-3	<b>Commercial Fraud, Other</b> Commission of mortgage fraud involving victim who is a vulnerable adult under CR, §3-604		RP, §7-407(b)	Felony	15Y		Property	V	\$15,000
84-4	<b>Commercial Fraud, Other</b> Commission of mortgage fraud, engaging in a pattern of mortgage fraud		RP, §7-407(c)	Felony	20Y		Property	IV	\$100,000
84-5	<b>Commercial Fraud, Other</b> Failure of foreclosure consultant to obtain a real estate broker's license		RP, §7-318.1(a) RP, §7-321 (penalty)	Misd.	3Y		Property	VI	\$10,000
84-6	<b>Commercial Fraud, Other</b> Violation of any provision of Business Occupations and Professions Article, Title 17, by foreclosure consultant		RP, §7-318.1(b) RP, §7-321 (penalty)	Misd.	3Y		Property	VI	\$10,000
84-7	<b>Commercial Fraud, Other</b> Violation of certain provisions of the Maryland Real Estate Brokers Act, 1 <sup>st</sup> offense	1-0450 1-0498 1-0499	BO, §17-613(a) (penalty)	Misd.	1Y		Property	VII	\$5,000
84-8	<b>Commercial Fraud, Other</b> Violation of certain provisions of the Maryland Real Estate Brokers Act, 2 <sup>nd</sup> offense		BO, §17-613(d)(1) (penalty)	Misd.	2Y		Property	VII	\$15,000
84-9	<b>Commercial Fraud, Other</b> Violation of certain provisions of the Maryland Real Estate Brokers Act, 3 <sup>rd</sup> or subsequent offense		BO, §17-613(d)(2) (penalty)	Misd.	3Y		Property	VI	\$25,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
84-10	<b>Commercial Fraud, Other</b> Violation of any provisions of Maryland Mortgage Assistance Relief Services Act		RP, §7-509 (penalty)	Misd.	3Y		Property	VI	\$10,000
84-11	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 1 <sup>st</sup> offense	1-0980 1-0981	BR, §5-610(a)(1), (b)(1) (penalty)	Misd.	1Y		Property	VII	\$5,000
84-12	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 2 <sup>nd</sup> offense	1-0980 1-0981	BR, §5-610(a)(2), (b)(2) (penalty)	Misd.	2Y		Property	VII	\$10,000
84-13	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 3 <sup>rd</sup> or subsequent offense	1-0980 1-0981	BR, §5-610(a)(3), (b)(3) (penalty)	Misd.	3Y		Property	VI	\$20,000
84-14	<b>Commercial Fraud, Other</b> Misappropriation or fraudulent conversion of perpetual care trust funds in excess of \$100	1-0982	BR, §5-610(c)	Felony	10Y		Property	V	\$25,000
84-15	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 1 <sup>st</sup> offense	1-0986	BR, §5-904(1) (penalty)	Misd.	1Y		Property	VII	\$5,000
84-16	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 2 <sup>nd</sup> offense		BR, §5-904(2) (penalty)	Misd.	2Y		Property	VII	\$10,000
84-17	<b>Commercial Fraud, Other</b> Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 3 <sup>rd</sup> or subsequent offense		BR, §5-904(3) (penalty)	Misd.	3Y		Property	VI	\$15,000
84-18	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 1 <sup>st</sup> offense	1-0983 1-0984	BR, §5-712(b)(1)(i), (b)(2)(i)	Misd.	1Y		Property	VII	\$10,000
84-19	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 2 <sup>nd</sup> offense	1-0983 1-0984	BR, §5-712(b)(1)(ii), (b)(2)(ii)	Misd.	2Y		Property	VII	\$15,000
84-20	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 3 <sup>rd</sup> or subsequent offense	1-0983 1-0984	BR, §5-712(b)(1)(iii), (b)(2)(iii)	Misd.	3Y		Property	VI	\$20,000
84-21	<b>Commercial Fraud, Other</b> Misappropriation or fraudulent conversion of preneed trust funds in excess of \$100	1-0985	BR, §5-712(c)	Felony	10Y		Property	V	\$25,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
84-22	<b>Commercial Fraud, Other</b> Violations of law relating to returnable containers and returnable textiles, 1 <sup>st</sup> offense		BR, §19-304	Misd.	1Y		Property	VII	\$1,000
84-23	<b>Commercial Fraud, Other</b> Violations of law relating to returnable containers and returnable textiles, <b>subsequent</b>		BR, §19-304	Misd.	3Y		Property	VII	\$2,500
84-24	<b>Commercial Fraud, Other</b> Violations of law relating to plastic secondary packaging, 1 <sup>st</sup> offense	1-0877 1-0878	BR, §19-308(e)(1)	Misd.	1Y		Property	VII	\$1,000
84-25	<b>Commercial Fraud, Other</b> Violations of law relating to plastic secondary packaging, <b>subsequent</b>		BR, §19-308(e)(2)	Misd.	3Y		Property	VII	\$2,500
85	<b>Commercial Fraud, Other</b> Fraud—breach of trust	1-2602	CR, §8-406(a)	Misd.	10Y	1Y	Property	VI	\$500- \$5,000
86	<b>Commercial Fraud, Other</b> Fraud—convert to own use the property of partner, make entries of a partnership transaction	2-2701 3-2607	CR, §8-401(a)	Misd.	10Y		Property	VI	\$5,000
87	<b>Commercial Fraud, Other</b> Fraud, misrepresentation by corporate officer	4-2607	CR, §8-402(a)	Misd.	3Y	6M	Property	VI	\$1,000- \$10,000
88	<b>Commercial Fraud, Other</b> False or misleading statement or omission of material fact in sale of business opportunity	1-0871	BR, §14-127(b)	Felony	5Y		Property	VI	\$10,000
89	<b>Commercial Fraud, Other</b> Offer or sale of franchise without registration		BR, §14-228(b)	Felony	5Y		Property	VI	\$10,000
90	<b>Commercial Fraud, Other</b> Untrue statements or omissions of material fact in connection with an offer to sell or sale of a franchise	1-0870	BR, §14-229(b)	Felony	5Y		Property	VI	\$10,000
91	<b>Commercial Fraud, Other</b> False or misleading statement or omission in prospectus or amendment		BR, §14-230(b)	Felony	5Y		Property	VI	\$10,000
92	<b>Commercial Fraud, Other</b> Untrue statements or omissions of material fact in applications, notices, or reports in sale of franchise		BR, §14-231(b)	Felony	5Y		Property	VI	\$10,000
93	<b>Commercial Fraud, Other</b> Failure to notify Commissioner of material change in sale of franchise		BR, §14-232(b)	Felony	5Y		Property	VI	\$10,000
95	<b>Commercial Fraud, Other</b> Fraud—pyramid, promotional scheme	6-2600	CR, §8-404(b)	Misd.	1Y		Property	VII	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
98	<b>Commercial Fraud, Other</b> Unlawful subleasing of motor vehicle	2-0615	CR, §8-408(b)	Misd.	3Y		Property	VII	\$5,000
98-1	<b>Commercial Fraud, Other</b> Operation of an assisted living program without a license, 1 <sup>st</sup> offense	1-0557	HG, §19-1809(a)(2)(i)	Felony	5Y		Property	VII	\$10,000
98-2	<b>Commercial Fraud, Other</b> Operation of an assisted living program without a license, <b>subsequent</b>		HG, §19-1809(a)(2)(ii)	Felony	5Y		Property	VI	\$20,000
98-3	<b>Commercial Fraud, Other</b> Fraudulently obtaining motor vehicle accident report		TR, §20-110(e)(1)	Felony	15Y		Property	V	\$10,000
98-4	<b>Commercial Fraud, Other</b> Improper disclosure of motor vehicle accident report by law enforcement agent		TR, §20-110(e)(2)	Felony	15Y		Property	V	\$10,000
100	<b>Counterfeiting</b> Counterfeiting any public seal	1-0663	CR, §8-607(b)	Misd.	10Y	2Y	Property	V	
101	<b>Counterfeiting</b> Counterfeiting United States currency	1-0067 1-0069	CR, §8-604	Felony	10Y		Property	V	\$10,000
102	<b>Counterfeiting</b> Forgery, counterfeiting, etc.	1-2502	CR, §8-601(a)	Felony	10Y		Property	V	\$1,000
102-1	<b>Counterfeiting</b> Possession of counterfeit items	1-1502	CR, §8-601(c)(2)	Misd.	3Y		Property	VII	\$1,000
103	<b>Counterfeiting</b> Forgery, counterfeiting, pass forged, etc. of public documents	1-2500 1-2504	CR, §8-605(a)	Felony	10Y	2Y	Property	V	
104	<b>Counterfeiting</b> Orders, etc., for money or goods	1-2501 2-2510 2-2520	CR, §8-609(b)	Felony	10Y	2Y	Property	V	
104-1	<b>Counterfeiting</b> Trademark counterfeiting, less than \$1,500	1-1386	CR, §8-611(d)	Misd.	1Y		Property	VII	\$1,000
105	<b>Counterfeiting</b> Trademark counterfeiting, \$1,500 or greater	1-1385	CR, §8-611(c)	Felony	10Y		Property	V	\$10,000
106	<b>Counterfeiting</b> Issuing or publishing counterfeit documents	1-2513	CR, §8-602	Felony	10Y		Property	V	\$1,000
107	<b>Counterfeiting</b> Counterfeit comptroller stamp	1-2603	CR, §8-608(a)	Misd.	10Y	2Y	Property	V	
109	<b>Counterfeiting</b> Falsifying, destroying, concealing, accessing, etc., public records	2-2504 3-2504 5-2504	CR, §8-606(b)	Misd.	3Y		Property	VII	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
110	<b>Counterfeiting</b> Forge, falsify, or counterfeit the signature of a judge, court officer, or court employee; or use a document with forged signature of a court official	1-1698 1-1699	CR, §8-606.1	Misd.	5Y		Property	VI	\$10,000
112	<b>Counterfeiting</b> Possess or issue counterfeit U.S. currency	1-0494	CR, §8-604.1	Misd.	3Y		Property	VII	\$1,000
113	<b>Counterfeiting</b> Unlawful possession of forged, etc., motor vehicle title	2-0035	CR, §8-603(a)	Misd.	3Y		Property	VII	\$1,000
114	<b>Counterfeiting</b> Make, utter, forge, etc. tickets, coupons, tokens, etc. without the authority of the person or corporation issuing, selling, etc.; assist in making, uttering, forging, etc. of tickets, coupons, tokens, etc.; or utter or pass, knowing it to be so made	3-2502 3-2510	CR, §8-612(b)	Misd.	1Y		Property	VII	
114-1	<b>Credit Card Crimes</b> Felony credit card crimes, \$100,000 or greater	1-1188 1-1189 1-1193 1-1197 1-1351 1-1355	CR, §8-206(c)(1)(iii) CR, §8-207(b)(1)(iii) CR, §8-209(b)(1)(iii)	Felony	20Y		Property	III	\$25,000
114-2	<b>Credit Card Crimes</b> Felony credit card crimes, at least \$25,000 but less than \$100,000	1-1187 1-1190 1-1194 1-1198 1-1352 1-1356	CR, §8-206(c)(1)(ii) CR, §8-207(b)(1)(ii) CR, §8-209(b)(1)(ii)	Felony	10Y		Property	V	\$15,000
114-3	<b>Credit Card Crimes</b> Felony credit card crimes, at least \$1,500 but less than \$25,000	1-1186 1-1191 1-1196 1-1350 1-1354 1-1357	CR, §8-206(c)(1)(i) CR, §8-207(b)(1)(i) CR, §8-209(b)(1)(i)	Felony	5Y		Property	VI	\$10,000
114-4	<b>Credit Card Crimes</b> Misdemeanor credit card crimes, at least \$100 but less than \$1,500	1-1185 1-1192 1-1195 1-1199 1-1353 1-1358	CR, §8-206(c)(2) CR, §8-207(b)(2) CR, §8-209(b)(2)	Misd.	1Y		Property	VII	\$500
115	<b>Credit Card Crimes</b> Misdemeanor credit card crimes, less than \$100	1-0581 1-0582 1-0583 1-0584 1-0585 1-0586	CR, §8-206(c)(3) CR, §8-207(b)(3) CR, §8-209(b)(3)	Misd.	90D		Property	VII	\$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
115-1	<b>Credit Card Crimes</b> Possess incomplete credit card or knowingly possess machinery, plates, etc. to reproduce credit cards	1-0199 1-0200	CR, §8-208	Felony	15Y		Property	V	\$1,000
116	<b>Credit Card Crimes</b> Unlawfully use or disclose credit card number or other payment device number or holder's signature	2-0550 2-0560	CR, §8-214 CR, §8-216 (penalty)	Felony	15Y		Property	V	\$1,000
116-1	<b>Credit Card Crimes</b> Make or cause to be made a false written statement with respect to identity to procure the issuance of a credit card	1-2607	CR, §8-203	Misd.	18M		Property	VII	\$500
116-2	<b>Credit Card Crimes</b> Steal credit card, receive stolen or lost credit card, or sell or buy credit card	1-2399 2-2803 1-2899 1-2605 1-2803	CR, §8-204	Misd.	18M		Property	VII	\$500
117	<b>Credit Card Crimes</b> Falsely make or emboss credit card, transfer or possess falsely made or embossed credit card, or sign credit card with intent to defraud	1-0196 1-0198	CR, §8-205	Felony	15Y		Property	V	\$1,000
118	<b>Credit Card Crimes</b> Publish or cause to be published the number or code of a telephone credit card with intent to defraud	2-2605	CR, §8-210	Misd.	1Y		Property	VII	\$500
119	<b>Crimes Against the Person, Generally</b> Administered controlled dangerous substance before committing crime of violence	2-0710	CR, §5-624(b)	Misd.	1Y		Person	VII	\$2,500
119-1	<b>Criminal Gang Offenses</b> Use of or threat of force to coerce participation or prevent leaving gang	1-1391	CR, §9-802	Misd.	2Y		Person	VII	\$10,000
119-2	<b>Criminal Gang Offenses</b> Use of or threat of force to coerce participation or prevent leaving gang in school or within 1,000 feet of school property	1-1392	CR, §9-803	Misd.	4Y		Person	VI	\$20,000
119-3	<b>Criminal Gang Offenses</b> Participate as member of criminal gang in commission of crime; in receipt and use or investment, of proceeds of \$10,000 or more from underlying crime in the acquisition of real property or establishment or operation of any enterprise; in acquisition or maintenance of any interest or control of any enterprise or property through an underlying crime	1-1394 1-1395 1-1419 1-1421 1-1422 1-1423	CR, §9-804(f)(1)(i)	Felony	15Y		Person	One category more serious than most serious underlying offense. If no conviction on underlying offense, category=IV	\$1,000,000



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
119-4	<b>Criminal Gang Offenses</b> Participate as member of criminal gang in commission of crime—resulting in death of victim	1-1417 1-1418	CR, §9-804(f)(1)(ii)	Felony	25Y		Person	One category more serious than most serious underlying offense. If no conviction on underlying offense, category=III	\$5,000,000
119-5	<b>Criminal Gang Offenses</b> Organize, supervise, finance, or manage a criminal gang	1-1393	CR, §9-805	Felony	20Y		Person	III	\$1,000,000
120	<b>Destructive Devices</b> Explosives—possession without license with intention to use in violation of various statutes	2-0393	PS, §11-114(b) PS, §11-116(a) (penalty)	Felony	20Y		Person	III	\$10,000
121	<b>Destructive Devices</b> Explosives—sale without license with intention to use in violation of various statutes	1-0022	PS, §11-114(c) PS, §11-116(b) (penalty)	Felony	20Y		Person	III	\$10,000
122	<b>Destructive Devices</b> Firearm, explosive on aircraft	2-5203	TR, §5-1008	Felony	10Y		Person	III	
123	<b>Destructive Devices</b> Manufacture, transport, possess, control, store, sell, distribute, or use a destructive device	1-0720	CR, §4-503(a)(1)	Felony	25Y		Person	III	\$250,000
124	<b>Destructive Devices</b> Possess explosive, incendiary, or toxic material with the intent to create a destructive device	1-0725	CR, §4-503(a)(2)	Felony	25Y		Person	III	\$250,000
125	<b>Destructive Devices</b> Explosives—unlawful manufacture or dealing without license	1-0907	PS, §11-114(a)	Misd.	5Y		Person	VI	\$5,000
125-1	<b>Destructive Devices</b> Explosives—possession without license		PS, §11-114(b)	Misd.	5Y		Person	VI	\$5,000
125-2	<b>Destructive Devices</b> Explosives—sale without license		PS, §11-114(c)	Misd.	5Y		Person	VI	\$5,000
125-3	<b>Destructive Devices</b> Explosives—owner of operation that uses explosives dealing without license		PS, §11-114(d)	Misd.	5Y		Person	VI	\$5,000
126	<b>Destructive Devices</b> Explosives—employee possession without license		PS, §11-114(e)	Misd.	5Y		Person	VI	\$5,000
127	<b>Destructive Devices</b> Explosives—violate explosives regulation		PS, §11-114(f)	Misd.	5Y		Person	VI	\$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
127-1	<b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b> Disturbing the peace, disorderly conduct in public place	2-0045 2-0050 2-0055 2-0060 2-0065	CR, §10-201	Misd.	60D		Person	VII	\$500
127-2	<b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b> Affray	3-5399	Common Law	Misd.	LIFE		Person	VI	
128	<b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b> Rioting	3-1314	Common law	Misd.	LIFE		Person	IV	
129	<b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b> Flag—official defacing/desecrate in a manner intended to incite or produce an imminent breach of peace or under circumstances likely to incite or produce an imminent breach of peace	1-0671	CR, 10-704(a)	Misd.	1Y		Property	VII	\$1,000
129-1	<b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b> Willfully violate order given by Governor in time of emergency		PS, §14-114	Misd.	1Y		Person	VII	\$5,000
129-2	<b>Disturbing the Peace, Disorderly Conduct, and Related Crimes</b> Willfully and knowingly fail to comply with order in time of investigation of communicable disease		HG, §18-907(a)	Misd.	1Y		Person	VII	\$3,000
130	<b>Election Offenses</b> False reports by election judge or election official	1-1529 2-0381	EL, §16-601	Felony	10Y	1Y	Property	V	
131	<b>Election Offenses</b> Defacing or removing election records related to voting	2-0382	EL, §16-701	Felony	10Y	1Y	Property	V	
132	<b>Election Offenses</b> Tampering with electronic voting system	1-0785	EL, §16-804	Felony	10Y		Property	V	\$50,000
133	<b>Election Offenses</b> Voting by person convicted of a felony and currently serving a court-ordered sentence of imprisonment	2-0374	EL, §16-202	Felony	5Y	1Y	Property	VI	
134	<b>Election Offenses</b> Tampering with election records	2-0377	EL, §16-302	Felony	5Y	1Y	Property	VI	
135	<b>Election Offenses</b> Adding or deleting votes	2-0378	EL, §16-304	Felony	5Y	1Y	Property	VI	
135-1	<b>Election Offenses</b> Voting offenses	1-1501	EL, §16-201	Misd.	5Y		Property	VII	\$5,000
135-2	<b>Election Offenses</b> Voter registration offenses	2-0372	EL, §16-101	Misd.	5Y		Property	VII	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
135-3	<b>Election Offenses</b> Neglect of official duties by election official or official of political party	2-0376	EL, §16-301	Misd.	3Y	30D	Property	VII	\$50-\$1,000
136	<b>Election Offenses</b> Destruction of voting equipment	1-1532	EL, §16-801	Felony	3Y		Property	VI	\$10,000
136-1	<b>Election Offenses</b> Tampering with voting equipment	1-0783	EL, §16-802	Felony	3Y		Property	VI	\$10,000
136-2	<b>Election Offenses</b> Removal or destruction of equipment or supplies	1-0784	EL, §16-803	Felony	3Y		Property	VI	\$10,000
136-3	<b>Election Offenses</b> Falsely or fraudulently making, defacing, or destroying a certificate of candidacy or nomination	2-0385	EL, §16-901	Misd.	3Y		Property	VI	\$100-\$1,000
136-4	<b>Election Offenses</b> Unlawful actions by an election judge		EL, §16-303	Misd.	2Y	3M	Property	VII	
136-5	<b>Election Offenses</b> Violate any provision of Election Law Article, Title 9 (Voting), Subtitle 3 (Absentee Voting)		EL, §9-312	Misd.	2Y		Property	VII	\$1,000
136-6	<b>Election Offenses</b> Give, receive, etc., any valuable thing to influence vote, etc.		EL, §13-602	Misd.	1Y		Property	VII	\$1,000
136-7	<b>Election Offenses</b> Failure to include name of finance entity and treasurer on campaign material	1-1551	EL, §13-401 EL, §13-602 (penalty)	Misd.	1Y		Property	VII	\$1,000
137	<b>Estates, Crimes Against</b> Embezzling—destroy, conceal will or codicil	2-2700	CR, §8-702(a)	Misd.	15Y	18M	Property	V	
138	<b>Extortion and Other Threats</b> Felony Extortion—by anyone, \$100,000 or greater	1-1207 1-1213	CR, §3-701(c)(3)	Felony	25Y		Property	II	\$25,000
138-1	<b>Extortion and Other Threats</b> Felony Extortion—by anyone, at least \$10,000 but less than \$100,000	1-1206 1-1211	CR, §3-701(c)(2)	Felony	15Y		Property	IV	\$15,000
138-2	<b>Extortion and Other Threats</b> Felony Extortion—by anyone, at least \$1,000 but less than \$10,000	1-1204 1-1210	CR, §3-701(c)(1)	Felony	10Y		Property	V	\$10,000
138-3	<b>Extortion and Other Threats</b> Misdemeanor Extortion—by anyone, less than \$1,000	1-1209 1-1286	CR, §3-701(d)	Misd.	18M		Property	VII	\$1,000
139	<b>Extortion and Other Threats</b> Felony Extortion—by State or local officer, \$100,000 or greater	1-1217	CR, §3-702(e)	Felony	25Y		Property	II	\$25,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
139-1	<b>Extortion and Other Threats</b> Felony Extortion—by State or local officer, at least \$10,000 but less than \$100,000	1-1216	CR, §3-702(d)	Felony	15Y		Property	IV	\$15,000
139-2	<b>Extortion and Other Threats</b> Felony Extortion—by State or local officer, at least \$1,000 but less than \$10,000	1-1215	CR, §3-702(c)	Felony	10Y		Property	V	\$10,000
139-3	<b>Extortion and Other Threats</b> Misdemeanor Extortion—by State or local officer, less than \$1,000	1-1214	CR, §3-702(f)	Misd.	18M		Property	VII	\$500
140	<b>Extortion and Other Threats</b> Extortion—sending, etc. a threatening letter, etc.	1-1705 1-1706 1-1707	CR, §3-706(b)	Felony	10Y		Property	V	\$10,000
141	<b>Extortion and Other Threats</b> Extortion—threatening verbally	1-1702 1-1703 1-1704	CR, §3-705(a)	Felony	10Y		Property	V	\$10,000
142	<b>Extortion and Other Threats</b> Threaten to take the life, kidnap, or cause physical injury to State or local official, deputy or assistant State's Attorney, or assistant Public Defender	1-0477 1-0478	CR, §3-708	Misd.	3Y		Person	VI	\$2,500
143	<b>Extortion and Other Threats</b> Extortion—by false accusation	1-1700 1-1701	CR, §3-704(a)	Misd.	10Y		Property	V	\$10,000
144	<b>Extortion and Other Threats</b> Extortion—by State or local officer or employee against another employee	4-2100	CR, §3-703(a)	Felony	5Y		Property	VI	\$5,000
145	<b>False Advertising and Related Crimes</b> False and fraudulent advertising		CL, §14-2902	Misd.	1Y		Property	VII	\$1,000
146	<b>False Advertising and Related Crimes</b> Bait and switch	5-2607	CL, §14-2903	Misd.	1Y		Property	VII	\$500
146-1	<b>False Statements, Other</b> False statement—to Department of Housing and Community Development, in document required under or to influence action on a Rental Housing Program loan		HS, §4-411	Misd.	5Y		Property	VII	\$50,000
146-2	<b>False Statements, Other</b> False statement—to Department of Housing and Community Development, in document required under or to influence action on an Energy-Efficient Homes Construction Loan Program loan		HS, §4-2005	Misd.	5Y		Property	VII	\$50,000
147	<b>False Statements, Other</b> False Statement—rumor as to bomb	1-5300	CR, §9-504(b)	Felony	10Y		Property	V	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
147-1	<b>False Statements, Other</b> False Statement—manufacture, possess, transport, or place a phony destructive device	2-5215	CR, §9-505	Felony	10Y		Property	V	\$10,000
148	<b>False Statements, Other</b> Fraud—failure to provide or providing false information willfully or with intent to evade taxes	1-0828	TG, §13-1024(a)	Misd.	18M		Property	VI	\$5,000
149	<b>False Statements, Other</b> Fraud—willful failure to file income tax return		TG, §13-1001(c)	Misd.	5Y		Property	VI	\$5,000
150	<b>False Statements, Other</b> Fraud—willful failure to withhold income tax		TG, §13-1007(b)	Misd.	5Y		Property	VI	\$10,000
151	<b>False Statements, Other</b> Fraud—willful preparation of false income tax return	1-0751	TG, §13-1004	Misd.	5Y		Property	VI	\$10,000
151-1	<b>False Statements, Other</b> File false lien or encumbrance or make false statement on lien or encumbrance, 1 <sup>st</sup> offense	1-0651	CR, §3-808(b)(1)	Misd.	1Y		Property	VII	\$10,000
151-2	<b>False Statements, Other</b> File false lien or encumbrance or make false statement on lien or encumbrance, <b>subsequent</b>		CR, §3-808(b)(1)	Misd.	5Y		Property	VI	\$10,000
152	<b>False Statements, Other</b> False statement—on application for funds for Maryland higher education commission	2-5099	CR, §9-506(a)	Misd.	1Y		Property	VII	\$5,000
153	<b>False Statements, Other</b> False Statement—to official or agencies of State or its subdivisions	1-5099	CR, §9-503(a)	Misd.	6M		Property	VII	\$500
154	<b>False Statements, Other</b> False Statement—to peace or police officers	1-0207 1-0690 1-4803	CR, §9-501(a) CR, §9-502(a)	Misd.	6M		Property	VII	\$500
154-1	<b>Fraud, Financial Crimes Against Vulnerable Adults</b> Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, \$100,000 or greater	1-1390	CR, §8-801(c)(1)(iii)	Felony	20Y		Property	III	\$25,000
154-2	<b>Fraud, Financial Crimes Against Vulnerable Adults</b> Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, at least \$25,000 but less than \$100,000	1-1389	CR, §8-801(c)(1)(ii)	Felony	10Y		Property	V	\$15,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
154-3	<b>Fraud, Financial Crimes Against Vulnerable Adults</b> Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, at least \$1,500 but less than \$25,000	1-1388	CR, §8-801(c)(1)(i)	Felony	5Y		Property	VI	\$10,000
154-4	<b>Fraud, Financial Crimes Against Vulnerable Adults</b> Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, less than \$1,500	1-1387	CR, §8-801(c)(2)	Misd.	1Y		Property	VII	\$500
155	<b>Fraud, Miscellaneous</b> Fraud—misuse by lawyer	1-1775	BO, §10-306, BO, §10-606 (b)	Misd.	5Y		Property	V	
156	<b>Fraud, Miscellaneous</b> Forgery—forgery, etc. of prescriptions, etc.	1-0180 2-0262 2-2502 2-2530	CR, §8-610(a), (b)	Misd.	2Y		Property	VI	
157	<b>Fraud, Miscellaneous</b> Fraud—failure to deliver receipts for stored grain	6-2610	CR, §7-116(b)	Misd.	10Y	1Y	Property	VI	\$500- \$5,000
158	<b>Fraud, Miscellaneous</b> Fraudulent actions related to cable TV for payment or offer of pay	2-0290 2-0291 2-0292 2-0293 2-0294 2-0295 4-0248	CR, §7-303(c)	Misd.	5Y		Property	VI	\$5,000
159	<b>Fraud, Miscellaneous</b> Out-of-State unlicensed sellers of alcohol	1-1668	AB, §6-327	Felony	2Y		Property	VI	\$1,000
159-1	<b>Fraud, Miscellaneous</b> Practicing as a Polysomnographic Technologist without authorization, etc.		HO, §14-5C-23(a)	Misd.	1Y		Property	VII	\$1,000
159-2	<b>Fraud, Miscellaneous</b> Violate any provision of Health Occupations Article, Title 19 (Social Workers), Subtitle 4 (Prohibited Acts; Penalties)	1-0888 1-0889 1-0890	HO, §19-407 (penalty)	Misd.	2Y		Person	VII	\$5,000
159-3	<b>Fraud, Miscellaneous</b> Practicing medicine without a license or misrepresentation as practitioner of medicine	1-0891 1-1375	HO, §14-601 HO, §14-602 HO, §14-606(a)(4) (penalty)	Felony	5Y		Person	VI	\$10,000
159-4	<b>Fraud, Miscellaneous</b> Practicing naturopathic medicine without a license		HO, §14-5F-29	Felony	5Y		Person	VI	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
159-5	<b>Fraud, Miscellaneous</b> Violate certain provisions of Health Occupations Article, Title 8 (Nurses), Subtitle 7 (Prohibited Acts; Penalties)	1-1151 1-1152 1-1153 1-1154 1-1155 1-1156 1-1157 1-1158	HO, §8-710 (penalty)	Misd.	5Y		Person	VI	\$10,000
160	<b>Fraud, Miscellaneous</b> Fraud—falsely representing self as lawyer		BO, §10-602 BO, §10-606	Misd.	1Y		Person	VII	\$5,000
160-1	<b>Fraud, Miscellaneous</b> Impersonating a law enforcement officer	1-0604 1-1769	PS, §3-502	Misd.	2Y		Person	VII	\$2,000
160-2	<b>Fraud, Miscellaneous</b> Altering the results of a drug or alcohol screening test, 1 <sup>st</sup> offense	1-0284	CR, §10-111	Misd.	1Y		Property	VI	\$1,000
160-3	<b>Fraud, Miscellaneous</b> Altering the results of a drug or alcohol screening test, <b>subsequent</b>	1-0284	CR, §10-111	Misd.	3Y		Property	V	\$5,000
162	<b>Fraud, Miscellaneous</b> Fraudulently substituting wood alcohol for grain alcohol while in the business of making, manufacturing, etc. drugs, medicines, medicinal or chemical preparations		CR, §8-802(b)	Misd.	1Y		Property	VII	\$100- \$500
162-1	<b>Fraud, Miscellaneous</b> Act as contractor without a license, 1 <sup>st</sup> offense	1-1597 1-1598	BR, §8-601	Misd.	6M		Property	VII	\$1,000
163	<b>Fraud, Miscellaneous</b> Act as contractor without a license, <b>subsequent</b>	2-0256 2-0257	BR, §8-601	Misd.	2Y		Property	VII	\$5,000
163-1	<b>Fraud, Miscellaneous</b> Possession of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid, more than 30 cartons	1-7510	TG, §13-1014(a)(3)	Misd.	1Y		Property	VII	\$1,000
164	<b>Fraud, Miscellaneous</b> Willful transportation of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid	1-0796	TG, §13-1015	Felony	2Y		Property	VII	Mandatory \$150/carton for a first offense, or \$300/carton for a subsequent offense
164-1	<b>Fraud—Telecommunication Service Providers</b> Telecom devices and telecom theft	1-0590	CR, §7-315	Misd.	3Y		Property	VI	\$2,500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
164-2	<b>Fraud—Telecommunication Service Providers</b> Telecom devices and telecom theft, over 100 devices	1-0591	CR, §7-315	Felony	10Y		Property	IV	\$10,000
166	<b>Gambling—General Provisions</b> Rent place for gambling	2-3921	CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500
167	<b>Gambling—General Provisions</b> Fix horse race	1-0433	CR, §12-109(a)	Misd.	3Y		Property	VII	\$5,000
168	<b>Gambling—General Provisions</b> Gambling—betting, wagering, etc.; pools on horses, etc.	1-3901 3-3921	CR, §12-102(a)	Misd.	1Y	6M	Property	VII	\$200- \$1,000
169	<b>Gambling—General Provisions</b> Gambling—keeping gaming table or place	1-3908 1-3921	CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500
170	<b>Gambling—General Provisions</b> Owner/occupier of building knowingly permits gaming table to be kept	2-3908	CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500
171	<b>Gambling—General Provisions</b> Fraud—enter horse in a race under a name other than that assigned and registered; racing horse under a false or unregistered name	3-2600	CR, § 8-904	Misd.	3Y		Property	VII	\$5,000
172	<b>Gambling—General Provisions</b> Play "thimbles", "little joker", "craps", etc. for money	1-3903	CR, §12-103	Misd.	2Y	6M	Property	VII	\$100
173	<b>Gambling—General Provisions</b> Off-shore gambling	6-2620	CR, §12-105(b)	Misd.	1Y		Property	VII	\$200- \$1,000
174	<b>Gambling—General Provisions</b> Keep, etc. slot machine unlawfully	3-3908	CR, §12-302(a)	Misd.	1Y		Property	VII	\$1,000
176-1	<b>Handguns—In General</b> Handgun—unlawful wearing, carrying, etc., 1 <sup>st</sup> weapon offense, generally	1-5212 1-0175	CR, §4- 203(c)(2)(i)	Misd.	3Y	30D	Person	VII	\$250- \$2,500
177	<b>Handguns—In General</b> Handgun—unlawful wearing, carrying, etc., 2 <sup>nd</sup> weapon offense, generally	1-5212 1-0175	CR, §4- 203(c)(3)(i)1	Misd.	10Y	1Y	Person	III	
177-1	<b>Handguns—In General</b> Handgun—unlawful wearing, carrying on school property, etc., 1 <sup>st</sup> weapon offense	1-5212 1-0175	CR, §4- 203(c)(2)(ii)	Misd.	3Y	90D	Person	VII	\$250- \$2,500
178	<b>Handguns—In General</b> Handgun—unlawful wearing, carrying on school property, etc., 2 <sup>nd</sup> weapon offense	1-5212 1-0175	CR, §4- 203(c)(3)(i)2	Misd.	10Y	3Y	Person	III	
179	<b>Handguns—In General</b> Handgun—unlawful wearing, carrying, etc., more than two prior weapon offenses, generally	1-5212 1-0175	CR, §4- 203(c)(4)(i)1	Misd.	10Y	3Y	Person	III	



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
180	<b>Handguns—In General</b> Handgun—unlawful wearing, carrying on school property, etc., more than two prior weapon offenses	1-5212 1-0175	CR, §4-203(c)(4)(i)2A	Misd.	10Y	5Y	Person	III	
181	<b>Handguns—In General</b> Handgun—unlawful wearing, carrying, etc., with deliberate purpose to injure or kill	1-5212 1-0175	CR, §4-203(c)(4)(i)2B	Misd.	10Y	5Y	Person	III	
182	<b>Handguns—In General</b> Handgun—wearing, carrying, etc, under influence	6-5210	PS, §5-314	Misd.	1Y		Person	VII	\$1,000
186	<b>Handguns—In General</b> Sale of a handgun manufactured on or before 12/31/02 with no external safety lock	2-2020	PS, §5-132 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000
187	<b>Handguns—In General</b> Fail to return handgun permit		PS, §5-307(a) PS, §5-308	Misd.	1Y		Person	VII	\$100- \$1,000
192	<b>Harboring, Escape, and Contraband</b> Contraband—deliver, possess, with intent to deliver, conceal, receive weapon	2-1035 2-1040 2-1045 2-1055	CR, §9-414	Felony	10Y		Person	IV	\$5,000
193	<b>Harboring, Escape, and Contraband</b> Contraband—deliver, possess, with intent to deliver, conceal, receive contraband to effect an escape	2-1060 2-1065 2-1070 2-1075	CR, §9-413	Felony	10Y		Person	IV	\$5,000
194	<b>Harboring, Escape, and Contraband</b> Escape, 1 <sup>st</sup> degree	1-0615 2-1010	CR, §9-404	Felony	10Y		Person	IV	\$20,000
195	<b>Harboring, Escape, and Contraband</b> Escape, 2 <sup>nd</sup> degree	1-0766 2-1020 2-1025 2-1030	CR, §9-405	Misd.	3Y		Person	VI	\$5,000
196	<b>Harboring, Escape, and Contraband</b> Resisting or interfering with arrest	1-0600	CR, §9-408	Misd.	3Y		Person	VI	\$5,000
197	<b>Harboring, Escape, and Contraband</b> Contraband—deliver, possess with intent to deliver, knowingly possess contraband	1-1835 2-1080 2-1085	CR, §9-412	Misd.	3Y		Property	VI	\$1,000
198	<b>Harboring, Escape, and Contraband</b> Deliver, possess with intent to deliver, receive alcoholic beverage	1-0724 2-1090 2-1092	CR, §9-415	Misd.	3Y		Property	VI	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
199	<b>Harboring, Escape, and Contraband</b> Deliver, possess with intent to deliver, receive controlled dangerous substance	1-0718 2-1095 2-1097	CR, §9-416	Misd.	3Y		Property	VI	\$1,000
199-1	<b>Harboring, Escape, and Contraband</b> Possess, possess with intent to deliver, receive telecommunication device or accessory	1-1327 1-1328 1-1329 1-1330	CR, §9-417	Misd.	5Y		Property	VI	\$3,000
200	<b>Harboring, Escape, and Contraband</b> Harbor fleeing felon	1-4904	CR, §9-402	Misd.	1Y		Person	VII	\$1,000
201	<b>Harboring, Escape, and Contraband</b> Harbor felon/fugitive	1-0232	CR, §9-402	Misd.	1Y		Person	VII	\$1,000
202	<b>Harboring, Escape, and Contraband</b> Harboring—prison escapee	2-4904	CR, §9-403	Misd.	1Y		Person	VII	\$1,000
203	<b>Harboring, Escape, and Contraband</b> Violate Home Detention Program		CS, §3-409	Misd.	1Y		Person	VII	
204	<b>Hate Crimes</b> Crimes against persons or property because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness—resulting in death	1-0437	CR, §10-304(2)(ii) CR, §10-306(b)(2) (penalty)	Felony	20Y		Person	III	\$20,000
205	<b>Hate Crimes</b> Crimes against persons or property because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness—involving separate felony	1-0437	CR, §10-304(2)(i) CR, §10-306(b)(1) (penalty)	Felony	10Y		Person	IV	\$10,000
206	<b>Hate Crimes</b> Crimes against persons or property because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness	1-0435 1-0436 1-0437 2-0251 2-0252	CR, §10-306(a) (penalty)	Misd.	3Y		Person	V	\$5,000
206-1	<b>Identity Fraud</b> Possess, obtain personally identifying information or willfully assume the identity of another, benefit \$100,000 or greater	1-1359 1-1366 1-1370	CR, §8-301(b), (c) CR, §8-301(g)(1)(iii) (penalty)	Felony	20Y		Property	III	\$25,000
206-2	<b>Identity Fraud</b> Possess, obtain personally identifying information or willfully assume the identity of another, benefit at least \$25,000 but less than \$100,000	1-1360 1-1367 1-1371	CR, §8-301(b), (c) CR, §8-301(g)(1)(ii) (penalty)	Felony	10Y		Property	V	\$15,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
206-3	<b>Identity Fraud</b> Possess, obtain personally identifying information or willfully assume the identity of another, benefit at least \$1,500 but less than \$25,000	1-1361 1-1368 1-1372	CR, §8-301(b), (c) CR, §8-301(g)(1)(i) (penalty)	Felony	5Y		Property	VI	\$10,000
206-4	<b>Identity Fraud</b> Possess, obtain personally identifying information or willfully assume the identity of another, benefit at least \$100 but less than \$1,500	1-1362 1-1369 1-1373	CR, §8-301(b), (c) CR, §8-301(g)(2) (penalty)	Misd.	1Y		Property	VII	\$500
206-5	<b>Identity Fraud</b> Use a re-encoder or skimming device for purpose of identity theft, benefit \$100,000 or greater	1-1374 1-1379	CR, §8-301(d) CR, §8-301(g)(1)(iii) (penalty)	Felony	20Y		Property	III	\$25,000
206-6	<b>Identity Fraud</b> Use a re-encoder or skimming device for purpose of identity theft, benefit at least \$25,000 but less than \$100,000	1-1376 1-1380	CR, §8-301(d) CR, §8-301(g)(1)(ii) (penalty)	Felony	10Y		Property	V	\$15,000
207	<b>Identity Fraud</b> Use a re-encoder or skimming device for purpose of identity theft, benefit at least \$1,500 but less than \$25,000	1-1377 1-1381	CR, §8-301(d) CR, §8-301(g)(1)(i) (penalty)	Felony	5Y		Property	VI	\$10,000
207-1	<b>Identity Fraud</b> Use a re-encoder or skimming device for purpose of identity theft, benefit at least \$100 but less than \$1,500	1-1378 1-1382	CR, §8-301(d) CR, §8-301(g)(2) (penalty)	Misd.	1Y		Property	VII	\$500
207-2	<b>Identity Fraud</b> Intent to manufacture, distribute, or dispense personally identifying information		CR, §8-301(g)(3)	Felony	10Y		Property	V	\$25,000
207-3	<b>Identity Fraud</b> Falsely represent self as another person	1-1364 1-1384	CR, §8-301(c)(1), (f) CR, §8-301(g)(4) (penalty)	Misd.	1Y		Property	VII	\$500
207-4	<b>Identity Fraud</b> Use an interactive computer service to disclose personal identifying information of an individual in order to annoy, threaten, embarrass, or harass	1-1363	CR, §8-301(b-1) CR, §8-301(g)(4) (penalty)	Misd.	1Y		Property	VII	\$500
207-6	<b>Identity Fraud</b> Possess, obtain, or help another obtain a re-encoder or skimming device for purpose of identity theft	1-1383	CR, §8-301(e) CR, §8-301(g)(4) (penalty)	Misd.	1Y		Property	VII	\$500
208	<b>Identity Fraud</b> Sell etc. false ID	1-0432 1-0434	CR, §8-302(b)	Misd.	2Y		Property	VII	\$2,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
209	<b>Influencing or Intimidating Judicial Process</b> Failure to appear in connection with a felony	1-1474	CP, §5-211(c)(1)	Misd.	5Y		Person	V	\$5,000
209 -1	<b>Influencing or Intimidating Judicial Process</b> Failure to appear in connection with a misdemeanor or for appearance as witness	1-1475	CP, §5-211(c)(2)	Misd.	1Y		Person	VII	\$1,000
209 -2	<b>Influencing or Intimidating Judicial Process</b> Induce false testimony or avoidance of a subpoena related to felony violation of Title 5 offense or crime of violence	1-0355	CR, §9-302(c)(2)	Felony	20Y		Person	III	
210	<b>Influencing or Intimidating Judicial Process</b> Induce false testimony (witness or victim intimidation)	1-0354	CR, §9-302(a)	Misd.	5Y		Person	V	\$5,000
211	<b>Influencing or Intimidating Judicial Process</b> Intimidating or corrupting jurors, etc.; obstructing justice	1-0358 1-0362	CR, §9-305(c)(1)	Misd.	5Y		Person	V	\$5,000
212	<b>Influencing or Intimidating Judicial Process</b> Obstructing justice	2-5006	CR, §9-306(a)	Misd.	5Y		Person	V	\$10,000
213	<b>Influencing or Intimidating Judicial Process</b> Retaliation for testimony, reporting a crime, performance of juror's or officer of the court's duties	1-0356 1-0886 1-1145 1-1146	CR, §9-303(c)(1)	Misd.	5Y		Person	V	\$5,000
215-1	<b>Influencing or Intimidating Judicial Process</b> Retaliation for testimony, reporting a crime, performance of juror's or officer of the court's duties, related to felony violation of Title 5 offense or crime of violence	1-0357 1-0887	CR, §9-303(c)(2)	Felony	20Y		Person	III	
215-2	<b>Influencing or Intimidating Judicial Process</b> Intimidating or corrupting jurors in connection with a Title 5 offense or crime of violence	1-0359 1-0363	CR, §9-305(c)(2)	Felony	20Y		Person	III	
215-3	<b>Influencing or Intimidating Judicial Process</b> Tampering with or fabricating physical evidence	1-1332 1-1333 1-1334	CR, §9-307	Misd.	3Y		Person	V	\$5,000
216	<b>Interference with or Misuse of Government Operations</b> Malfeasance, misconduct in office	1-0157 2-0645	Common law	Misd.	LIFE		Person Drug Property	V	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
217	<b>Interference with or Misuse of Government Operations</b> False alarms, fire ambulance or rescue squad calls	1-0208 1-5308	CR, §9-604(a)	Misd.	5Y		Property	V	\$5,000
218	<b>Interference with or Misuse of Government Operations</b> Hinder police officer	1-0043	Common law	Misd.	LIFE		Person	VI	
219	<b>Interference with or Misuse of Government Operations</b> Interference, obstruction or false representation of fire or emergency services personnel	1-0165 2-0249 4-5397 4-5398 4-5399	PS, §6-602 PS, §7-402	Misd.	3Y		Person	VII	
220	<b>Kidnapping and Related Crimes</b> Child younger than 16 years old	4-1005	CR, §3-503(a)(2)	Felony	30Y ♦		Person	II	
221	<b>Kidnapping and Related Crimes</b> Kidnapping—generally	3-1005	CR, §3-502(a)	Felony	30Y ♦		Person	II	
222	<b>Kidnapping and Related Crimes</b> False imprisonment by inmate	3-5730	CS, §8-801(b)	Felony	30Y		Person	II	
223	<b>Kidnapping and Related Crimes</b> Abduction—child younger than 12 years old	1-1005 1-0163	CR, §3-503(a)(1)	Felony	20Y ♦		Person	III	
224	<b>Kidnapping and Related Crimes</b> False imprisonment	1-0042	Common law	Misd.	LIFE		Person	V	
225	<b>Kidnapping and Related Crimes</b> Abduction—child younger than 16 years old by relative in State	1-0364 1-0365 1-0366 2-1005	FL, §9-304 FL, §9-307(a) (penalty)	Misd.	30D		Person	VII	\$250
226	<b>Kidnapping and Related Crimes</b> Abduction—child younger than 16 years old by relative outside State 30 days or less	1-0736 1-0737 1-0738 1-0739	FL, §9-305(a) FL, §9-307(b) (penalty)	Felony	1Y		Person	VII	\$1,000
227	<b>Kidnapping and Related Crimes</b> Abduction—child younger than 16 years old by relative outside State more than 30 days	1-0746 1-0747 1-0748 1-0749	FL, §9-305(a) FL, §9-307(c) (penalty)	Felony	3Y		Person	VI	\$2,500
227-1	<b>Kidnapping and Related Crimes</b> Abduction—International parental kidnapping	1-0906	FL, §9-305(b) FL, §9-307(d) (penalty)	Felony	5Y		Person	V	\$5,000
228	<b>Lotteries</b> Lottery offenses, <b>subsequent</b>	1-0286 1-0287 1-3915 2-3918 4-3921 5-3921	CR, §12-210	Misd.	5Y		Property	VI	\$5,000
229	<b>Lotteries</b> Lotteries—hold lottery or sell lottery device	2-3925 2-3930	CR, §12-203	Misd.	12M	3M	Property	VII	\$200- \$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
230	<b>Lotteries</b> Lotteries—importing lottery device or possession of lottery records or money	1-0286 1-0287 2-3918	CR, §12-205	Misd.	1Y		Property	VII	\$1,000
231	<b>Lotteries</b> Lotteries—keep place for selling lottery device or allow property to be used for selling lottery device	4-3921 5-3921	CR, §12-204	Misd.	1Y		Property	VII	\$1,000
232	<b>Lotteries</b> Prohibited acts relating to State lottery	1-0114 2-1173	SG, §9-124	Misd.	3Y		Property	VII	\$2,500
234	<b>Machine Guns</b> Weapons—possession or use of a machine gun in commission of a crime of violence	2-5299	CR, §4-404	Felony	20Y		Person	III	
235	<b>Machine Guns</b> Possess, use a machine gun for an aggressive purpose	1-1314	CR, §4-405	Misd.	10Y		Person	IV	
236	<b>Malicious Destruction and Related Crimes</b> Throwing missiles into occupied vehicle or instrumentality of public transportation	1-2903	CR, §6-302(a)	Misd.	1Y		Person	VII	\$500
237	<b>Malicious Destruction and Related Crimes</b> Destruction of property, less than \$1,000	3-4025	CR, §6-301(c)	Misd.	60D		Property	VII	\$500
238	<b>Malicious Destruction and Related Crimes</b> Destruction of property, \$1,000 or greater	3-4030 3-4035	CR, §6-301(b)	Misd.	3Y		Property	VII	\$2,500
239	<b>Malicious Destruction and Related Crimes</b> Serial numbers, removing, etc.	1-0291 2-2800	CR, §6-306(a)	Misd.	18M		Property	VII	\$500
239-1	<b>Malicious Destruction and Related Crimes</b> Sell or possess stolen serial number or vehicle identification plate, etc.	2-2810 2-2820	CR, §6-307	Misd.	18M		Property	VII	\$500
240	<b>Manslaughter and Related Crimes</b> Manslaughter—voluntary	1-0910	CR, §2-207	Felony	10Y ♦		Person	IV	\$500
241	<b>Manslaughter and Related Crimes</b> Manslaughter—involuntary	1-0911	CR, §2-207	Felony	10Y		Person	IV	\$500
242	<b>Manslaughter and Related Crimes</b> Manslaughter—by vehicle or vessel, 1 <sup>st</sup> offense	1-0909	CR, §2-209(d)(1)	Felony	10Y		Person	IV	\$5,000
242-1	<b>Manslaughter and Related Crimes</b> Manslaughter—by vehicle or vessel, subsequent		CR, §2-209(d)(2)	Felony	15Y		Person	III	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
242-2	<b>Manslaughter and Related Crimes</b> Criminally negligent manslaughter by vehicle or vessel, 1 <sup>st</sup> offense	1-1611	CR, §2-210(f)(1)	Misd.	3Y		Person	VII	\$5,000
242-3	<b>Manslaughter and Related Crimes</b> Criminally negligent manslaughter by vehicle or vessel, <b>subsequent</b>		CR, §2-210(f)(2)	Felony	5Y		Person	V	\$10,000
243	<b>Manslaughter and Related Crimes</b> Negligent homicide by motor vehicle or vessel while under the influence of alcohol, 1 <sup>st</sup> offense	1-0900	CR, §2-503(c)(1)	Felony	5Y		Person	V	\$5,000
243-1	<b>Manslaughter and Related Crimes</b> Negligent homicide by motor vehicle or vessel while under the influence of alcohol, <b>subsequent</b>		CR, §2-503(c)(2)	Felony	10Y		Person	IV	\$10,000
243-2	<b>Manslaughter and Related Crimes</b> Negligent homicide by motor vehicle or vessel while impaired by alcohol, 1 <sup>st</sup> offense	1-0693	CR, §2-504(c)(1)	Felony	3Y		Person	VI	\$5,000
243-3	<b>Manslaughter and Related Crimes</b> Negligent homicide by motor vehicle or vessel while impaired by alcohol, <b>subsequent</b>		CR, §2-504(c)(2)	Felony	5Y		Person	V	\$10,000
243-4	<b>Manslaughter and Related Crimes</b> Negligent homicide by motor vehicle or vessel while impaired by drugs, 1 <sup>st</sup> offense	1-0755	CR, §2-505(c)(1)	Felony	3Y		Person	VI	\$5,000
243-5	<b>Manslaughter and Related Crimes</b> Negligent homicide by motor vehicle or vessel while impaired by drugs, <b>subsequent</b>		CR, §2-505(c)(2)	Felony	5Y		Person	V	\$10,000
243-6	<b>Manslaughter and Related Crimes</b> Negligent homicide by motor vehicle or vessel while impaired by CDS, 1 <sup>st</sup> offense	1-1436	CR, §2-506(c)(1)	Felony	5Y		Person	V	\$5,000
244	<b>Manslaughter and Related Crimes</b> Negligent homicide by motor vehicle or vessel while impaired by CDS, <b>subsequent</b>		CR, §2-506(c)(2)	Felony	10Y		Person	IV	\$10,000
244-1	<b>Marriage, Crimes Against Bigamy</b>	1-3804	CR, §10-502(b)	Misd.	9Y		Person	VI	
244-2	<b>Maryland Credit Services Businesses Act</b> Violation of any provision of Maryland Credit Services Businesses Act		CL, §14-1915 (penalty)	Misd.	3Y		Property	VI	\$5,000
244-3	<b>Motor Vehicle Offense</b> Driving while impaired by alcohol, 1 <sup>st</sup> offense		TR, §21-902(b)(1)(ii)(1)	Misd.	2M		Person	VII	\$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
244-4	<b>Motor Vehicle Offense</b> Driving while impaired by alcohol, 2 <sup>nd</sup> offense		TR, §21-902(b)(1)(ii)(2)	Misd.	1Y		Person	VII	\$500
244-5	<b>Motor Vehicle Offense</b> Driving while impaired by alcohol, 3 <sup>rd</sup> or subsequent offense		TR, §21-902(b)(1)(ii)(3)	Misd.	3Y		Person	V	\$3,000
245	<b>Motor Vehicle Offense</b> Driving while impaired by alcohol, while transporting a minor, 1 <sup>st</sup> offense		TR, §21-902(b)(2)(ii)(1)	Misd.	6M		Person	VII	\$1,000
245-1	<b>Motor Vehicle Offense</b> Driving while impaired by alcohol, while transporting a minor, 2 <sup>nd</sup> offense		TR, §21-902(b)(2)(ii)(2)	Misd.	1Y		Person	VII	\$2,000
245-2	<b>Motor Vehicle Offense</b> Driving while impaired by alcohol, while transporting a minor, 3 <sup>rd</sup> or subsequent offense		TR, §21-902(b)(2)(ii)(3)	Misd.	4Y		Person	V	\$4,000
245-3	<b>Motor Vehicle Offense</b> Driving while impaired by drugs or drugs and alcohol, 1 <sup>st</sup> offense		TR, §21-902(c)(1)(ii)(1)	Misd.	2M		Person	VII	\$500
245-4	<b>Motor Vehicle Offense</b> Driving while impaired by drugs or drugs and alcohol, 2 <sup>nd</sup> offense		TR, §21-902(c)(1)(ii)(2)	Misd.	1Y		Person	VII	\$500
245-5	<b>Motor Vehicle Offense</b> Driving while impaired by drugs or drugs and alcohol, 3 <sup>rd</sup> or subsequent offense		TR, §21-902(c)(1)(ii)(3)	Misd.	3Y		Person	V	\$3,000
245-6	<b>Motor Vehicle Offense</b> Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 1 <sup>st</sup> offense		TR, §21-902(c)(2)(ii)(1)	Misd.	6M		Person	VII	\$1,000
245-7	<b>Motor Vehicle Offense</b> Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 2 <sup>nd</sup> offense		TR, §21-902(c)(2)(ii)(2)	Misd.	1Y		Person	VII	\$2,000
245-8	<b>Motor Vehicle Offense</b> Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 3 <sup>rd</sup> or subsequent offense		TR, §21-902(c)(2)(ii)(3)	Misd.	4Y		Person	V	\$4,000
245-9	<b>Motor Vehicle Offense</b> Driving while impaired by controlled dangerous substance, 1 <sup>st</sup> offense		TR, §21-902(d)(1)(ii)(1)	Misd.	1Y		Person	VII	\$1,000
245-10	<b>Motor Vehicle Offense</b> Driving while impaired by controlled dangerous substance, 2 <sup>nd</sup> offense		TR, §21-902(d)(1)(ii)(2) TR, §21-902(f)(3)(i)	Misd.	2Y	Within 5 years of prior conviction—MM 5 days	Person	VI	\$2,000



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
245-11	<b>Motor Vehicle Offense</b> Driving while impaired by controlled dangerous substance, 3 <sup>rd</sup> or subsequent offense		TR, §21-902(d)(1)(ii)(3) TR, §27-902(f)(3)(ii)	Misd.	3Y	Within 5 years of prior conviction —MM 10 days	Person	V	\$3,000
245-12	<b>Motor Vehicle Offense</b> Driving while impaired by controlled dangerous substance, while transporting a minor, 1 <sup>st</sup> offense		TR, §21-902(d)(2)(ii)(1)	Misd.	2Y		Person	VI	\$2,000
245-13	<b>Motor Vehicle Offense</b> Driving while impaired by controlled dangerous substance, while transporting a minor, 2 <sup>nd</sup> offense		TR, §21-902(d)(2)(ii)(2) TR, §21-902(f)(3)(i)	Misd.	3Y	Within 5 years of prior conviction —MM 5 days	Person	V	\$3,000
245-14	<b>Motor Vehicle Offense</b> Driving while impaired by controlled dangerous substance, while transporting a minor, 3 <sup>rd</sup> or subsequent offense		TR, §21-902(d)(2)(ii)(3) TR, §21-902(f)(3)(ii)	Misd.	4Y	Within 5 years of prior conviction —MM 10 days	Person	V	\$4,000
245-15	<b>Motor Vehicle Offense</b> Driving while under the influence of alcohol, 1 <sup>st</sup> offense		TR, §21-902(a)(1)(iii)(1)	Misd.	1Y		Person	VII	\$1,000
245-16	<b>Motor Vehicle Offense</b> Driving while under the influence of alcohol, 2 <sup>nd</sup> offense		TR, §21-902(a)(1)(iii)(2) TR, §21-902(f)(2)(i)	Misd.	2Y	Within 5 years of prior conviction —MM 5 days	Person	VI	\$2,000
245-17	<b>Motor Vehicle Offense</b> Driving while under the influence of alcohol, 3 <sup>rd</sup> or subsequent offense		TR, §21-902(a)(1)(iii)(3) TR, §21-902(f)(2)(ii)	Misd.	3Y	Within 5 years of prior conviction —MM 10 days	Person	V	\$3,000
245-18	<b>Motor Vehicle Offense</b> Driving while under the influence of alcohol, while transporting a minor, 1 <sup>st</sup> offense		TR, §21-902(a)(2)(ii)(1)	Misd.	2Y		Person	VI	\$2,000
245-19	<b>Motor Vehicle Offense</b> Driving while under the influence of alcohol, while transporting a minor, 2 <sup>nd</sup> offense		TR, §21-902(a)(2)(ii)(2) TR, §21-902(f)(2)(i)	Misd.	3Y	Within 5 years of prior conviction —MM 5 days	Person	V	\$3,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
245-20	<b>Motor Vehicle Offense</b> Driving while under the influence of alcohol, while transporting a minor, 3 <sup>rd</sup> or subsequent offense		TR, §21-902(a)(2)(ii)(3) TR, §21-902(f)(2)(ii)	Misd.	4Y	Within 5 years of prior conviction —MM 10 days	Person	V	\$4,000
246	<b>Motor Vehicle Offense</b> Fleeing or eluding police, 1 <sup>st</sup> offense		TR, §21-904(f)(1)(i)	Misd.	1Y		Person	VII	\$1,000
247	<b>Motor Vehicle Offense</b> Fleeing or eluding police, <b>subsequent</b>		TR, §21-904(f)(1)(ii)	Misd.	2Y		Person	VI	\$1,000
248	<b>Motor Vehicle Offense</b> Fleeing or eluding police that results in bodily injury to another person		TR, §21-904(d)(1), (f)(2)	Misd.	3Y		Person	V	\$5,000
249	<b>Motor Vehicle Offense</b> Fleeing or eluding police that results in death of another person		TR, §21-904(f)(3)	Misd.	10Y		Person	IV	\$5,000
250	<b>Motor Vehicle Offense</b> Fleeing or eluding police attempting to apprehend driver for commission of crime of violence		TR, §21-904(e), (f)(2)	Misd.	3Y		Person	V	\$5,000
250-1	<b>Motor Vehicle Offense</b> Driver failing to remain at scene of accident that results only in damage to attended vehicle or property		TR, §20-103	Misd.	2M		Property	VII	\$500
251	<b>Motor Vehicle Offense</b> Driver failing to remain at scene of accident that results in bodily injury to another person		TR, §20-102(c)(2)(i)	Misd.	1Y		Person	VII	\$3,000
252	<b>Motor Vehicle Offense</b> Driver failing to remain at scene of accident that results in death of another person		TR, §20-102(c)(2)(ii)	Misd.	5Y		Person	V	\$5,000
253	<b>Motor Vehicle Offense</b> Driver failing to remain at scene of accident with knowledge of serious bodily injury to another person		TR, §20-102(c)(3)(i)	Felony	5Y		Person	V	\$5,000
254	<b>Motor Vehicle Offense</b> Driver failing to remain at scene of accident with knowledge of death of another person		TR, §20-102(c)(3)(ii)	Felony	10Y		Person	IV	\$10,000
254-1	<b>Motor Vehicle Offense</b> Commit or engage another to commit a violation of motor vehicle law for the purpose of recording the violation without permission		TR, §21-1126	Misd.	1Y		Person	VII	\$1,000
254-2	<b>Motor Vehicle Offense</b> Use of text messaging device or handheld telephone while driving that causes an accident resulting in death or serious bodily injury		TR, §21-1124.3	Misd.	1Y		Person	VII	\$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
255	<b>Motor Vehicle Offense</b> Violation of ignition interlock system participation requirements, 1 <sup>st</sup> offense		TR, §16-113(l)(2)(i)	Misd.	1Y		Property	VII	\$1,000
256	<b>Motor Vehicle Offense</b> Violation of ignition interlock system participation requirements, <b>subsequent</b>		TR, §16-113(l)(2)(ii)	Misd.	2Y		Property	VI	\$1,000
256-1	<b>Motor Vehicle Offense</b> Driving without having been issued a license, 1 <sup>st</sup> offense		TR, §16-101(c)(1)	Misd.	60D		Property	VII	\$500
257	<b>Motor Vehicle Offense</b> Driving without having been issued a license, <b>subsequent</b>		TR, §16-101(c)(2)	Misd.	1Y		Property	VII	\$500
258	<b>Motor Vehicle Offense</b> Driving while license is refused, canceled, suspended, or revoked, 1 <sup>st</sup> offense		TR, §16-303(k)(1)(i)	Misd.	1Y		Property	VII	\$1,000
258-1	<b>Motor Vehicle Offense</b> Driving while license is refused, canceled, suspended, or revoked, <b>subsequent</b>		TR, §16-303(k)(1)(ii)	Misd.	2Y		Property	VI	\$1,000
259	<b>Motor Vehicle Offense</b> Driving commercial motor vehicle while license is refused, canceled, suspended, or revoked		TR, §16-808(d)(1)	Misd.	5Y		Property	VI	\$10,000
260	<b>Motor Vehicle Offense</b> Driver of commercial vehicle not in possession of license, 1 <sup>st</sup> offense		TR, §16-808(d)(2)(i)	Misd.	6M		Property	VII	\$1,000
261	<b>Motor Vehicle Offense</b> Driver of commercial vehicle not in possession of license, 2 <sup>nd</sup> offense		TR, §16-808(d)(2)(ii)	Misd.	1Y		Property	VII	\$2,000
262	<b>Motor Vehicle Offense</b> Driver of commercial vehicle not in possession of license, 3 <sup>rd</sup> or subsequent offense		TR, §16-808(d)(2)(iii)	Misd.	2Y		Property	VI	\$3,000
263	<b>Motor Vehicle Offense</b> Obtaining commercial driver's license by misrepresentation		TR, §16-813.1	Misd.	5Y		Property	VI	\$10,000
264	<b>Motor Vehicle Offense</b> Providing false evidence of required security, 1 <sup>st</sup> offense	1-1298	TR, §17-110(b)(1)	Misd.	1Y		Property	VII	\$1,000
265	<b>Motor Vehicle Offense</b> Providing false evidence of required security, <b>subsequent</b>		TR, §17-110(b)(2)	Misd.	2Y		Property	VI	\$1,000
266	<b>Motor Vehicle Offense</b> Drive vehicle or permit another to drive vehicle knowing that vehicle is not covered by the required security, 1 <sup>st</sup> offense		TR, §17-107(d)(1)	Misd.	1Y		Property	VII	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
267	<b>Motor Vehicle Offense</b> Drive vehicle or permit another to drive vehicle knowing that vehicle is not covered by the required security, <b>subsequent</b>		TR, §17-107(d)(2)	Misd.	2Y		Property	VI	\$1,000
267-1	<b>Motor Vehicle Offense</b> Knowingly sell, offer, install, reinstall, import, misrepresent, etc., a counterfeit, nonfunctional, or no airbag		TR, §22-419	Misd.	5Y		Property	VI	\$5,000
268	<b>Motor Vehicle Offense</b> Possession of motor vehicle master key		TR, §14-103	Misd.	1Y		Property	VII	\$500
268-1	<b>Motor Vehicle Offense</b> Conduct the business of a vehicle dealer without a license		TR, §15-302	Misd.	1Y		Property	VII	\$5,000
268-2	<b>Motor Vehicle Offense</b> Conduct the business of an automotive dismantler and recycler or a scrap processor without a license, <b>subsequent</b>		TR, §15-502(e)(2)	Misd.	1Y		Property	VII	\$2,000
268-3	<b>Motor Vehicle Offense</b> Act as a vehicle salesman without a license, <b>subsequent</b>		TR, §15-402(c)(2)	Misd.	1Y		Property	VII	\$2,000
268-4	<b>Motor Vehicle Offense</b> Transportation of hazardous materials, <b>subsequent</b>		TR, §21-1411(d)(2)	Misd.	1Y		Property	VII	\$2,000
276	<b>Murder</b> 1 <sup>st</sup> degree generally	1-0990	CR, §2-201	Felony	LIFE ♦	LIFE	Person	I	
277	<b>Murder</b> 1 <sup>st</sup> degree during rape, etc.	1-0990	CR, §2-201	Felony	LIFE ♦	LIFE	Person	I	
278	<b>Murder</b> 1 <sup>st</sup> degree perpetration of arson	1-0990	CR, §2-201	Felony	LIFE ♦	LIFE	Person	I	
279	<b>Murder</b> 1 <sup>st</sup> degree burning barn, tobacco house, etc.	1-0990	CR, §2-201	Felony	LIFE ♦	LIFE	Person	I	
280	<b>Murder</b> 1 <sup>st</sup> degree, attempted	2-0910	CR, §2-205	Felony	LIFE ♦		Person	II	
280-1	<b>Murder</b> 1 <sup>st</sup> degree, conspiracy	1C0990	Common law	Misd.	LIFE		Person	I	
281	<b>Murder</b> 1 <sup>st</sup> degree, solicitation	1S0990	Common law	Misd.	LIFE		Person	II	
282	<b>Murder</b> 2 <sup>nd</sup> degree	1-1107	CR, §2-204	Felony	40Y ♦		Person	II	
283	<b>Murder</b> 2 <sup>nd</sup> degree, attempted	2-0920	CR, §2-206	Felony	30Y ♦		Person	III	
284	<b>Nudity and Related Sexual Displays</b> Indecent exposure	1-3605	CR, §11-107	Misd.	3Y		Person	VI	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
284-1	<b>Nudity and Related Sexual Displays</b> Indecent exposure of an inmate to correctional officer	2-1133	CS, § 8-803	Misd.	3Y		Person	VI	\$1,000
285	<b>Obscene Matter</b> Child pornography, 1 <sup>st</sup> offense	1-0298 1-0299 1-0300 1-0315 2-3799	CR, §11-207(b)(1)	Felony	10Y		Person	IV	\$25,000
286	<b>Obscene Matter</b> Child pornography-subsequent	1-0298 1-0299 1-0300 1-0315 2-3799	CR, §11-207(b)(2)	Felony	20Y		Person	III	\$50,000
287	<b>Obscene Matter</b> Sending or bringing into State for sale or distribution, publishing, etc., subsequent	1-3705 1-0294 1-0295 1-0296	CR, §11-202(b)(2)	Misd.	3Y		Person	VI	\$5,000
288	<b>Obscene Matter</b> Obscene performances in Anne Arundel, Charles, Howard, Somerset, Wicomico, Worcester counties, subsequent		CR, §11-204(c)(2)	Misd.	3Y		Person	VI	\$5,000
289	<b>Obscene Matter</b> Sale or display of certain items to persons younger than 18 years old, subsequent	1-3799 1-0297	CR, §11-203(d)(2)	Misd.	3Y		Person	VI	\$5,000
290	<b>Obscene Matter</b> Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, subsequent		CR, §11-208(b)(2)	Felony	10Y		Person	IV	\$10,000
291	<b>Obscene Matter</b> Requiring acceptance of obscene matter as condition to sale, etc.; denial of franchise, etc., for failure to accept obscene matter, subsequent		CR, §11-206(b)(2)	Misd.	3Y		Person	VI	\$5,000
292	<b>Obscene Matter</b> Hire minor to distribute obscene material	3-3799	CR, §11-209(a)	Misd.	1Y		Person	VII	\$1,000
293	<b>Obscene Matter</b> Sending or bringing into State for sale or distribution, publishing, etc., 1 <sup>st</sup> offense	1-3705 1-0294 1-0295 1-0296	CR, §11-202(b)(1)	Misd.	1Y		Person	VII	\$1,000
294	<b>Obscene Matter</b> Obscene performances in Anne Arundel, Charles, Howard, Somerset, Wicomico, Worcester counties, 1 <sup>st</sup> offense		CR, §11-204(c)(1)	Misd.	1Y		Person	VII	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
295	<b>Obscene Matter</b> Sale or display of certain items to persons younger than 18 years old, 1 <sup>st</sup> offense	1-3799 1-0297	CR, §11-203(d)(1)	Misd.	1Y		Person	VII	\$1,000
296	<b>Obscene Matter</b> Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, 1 <sup>st</sup> offense	1-1756	CR, §11-208(b)(1)	Misd.	5Y		Person	V	\$2,500
297	<b>Obscene Matter</b> Requiring acceptance of obscene matter as condition to sale, etc.; denial of franchise, etc., for failure to accept obscene matter, 1 <sup>st</sup> offense		CR, §11-206(b)(1)	Misd.	1Y		Person	VII	\$1,000
298	<b>Obscene Matter</b> Obscene advertising, 1 <sup>st</sup> offense		CR, §11-205(b)(1)	Misd.	1Y		Property	VII	\$1,000
299	<b>Obscene Matter</b> Obscene advertising, <b>subsequent</b>		CR, §11-205(b)(2)	Misd.	3Y		Property	VII	\$5,000
300	<b>Perjury</b> Perjury—subornation of perjury	1-5004	CR, §9-102(a)	Misd.	10Y		Person	IV	
301	<b>Perjury</b> Perjury—willfully filing false income tax returns-perjury	2-1180	TG, §13-1002(b)	Misd.	10Y		Property	IV	
302	<b>Perjury</b> Perjury	1-0307 1-0308 1-0309 1-0310 1-5003	CR, §9-101(a)	Misd.	10Y		Property	IV	
303	<b>Perjury</b> Affirmation of two contradictory statements	2-5003	CR, §9-101(c)	Misd.	10Y		Property	IV	
304	<b>Prescription Drugs and Other Substances</b> Harmful substances—distribution; possession with intent to distribute; instruction in the unlawful inhaling; or distribution of butane can to minor	1-0272 1-0273 1-0735 1-3500	CR, §5-709	Misd.	18M		Drug	VII	\$1,000
305	<b>Prescription Drugs and Other Substances</b> Harmful substances—smelling or inhaling harmful substances	1-5599	CR, §5-708(b)	Misd.	6M		Drug	VII	\$500
306	<b>Prescription Drugs and Other Substances</b> Possession—compounding or selling different drug, controlled dangerous substance, medicine, etc.	1-0018	CR, §5-702	Misd.	12M	1M	Drug	VII	\$100-\$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
307	<b>Prescription Drugs and Other Substances</b> Possession—prescription drugs—manufacture, distribute, etc.; obtain by fraud, etc., forgery, etc., label property, destruction	1-0010 1-0264 1-0265 1-0266 1-0267 1-0268 1-0269 1-0270 1-0271	CR, §5-701(d)	Misd.	2Y		Drug	VII	\$1,000
308-1	<b>Prostitution and Related Crimes</b> Abduction—Persuade, entice, secrete, or harbor individual younger than 16 years old for the purpose of committing a sexual crime	1-1336	CR, §11-305	Felony	25Y ♦		Person	II	\$5,000
309-1	<b>Prostitution and Related Crimes</b> Prostitution, etc.—Human trafficking, take, harbor, or unlawfully detain another for prostitution	1-0752 1-0757 1-0759 1-0762 1-1080 1-1082 1-1083	CR, §11-303(c)(1)	Misd.	10Y		Person	III	\$5,000
310	<b>Prostitution and Related Crimes</b> Prostitution, etc.—Human trafficking, take, harbor, or unlawfully detain a minor for prostitution	1-0754 1-0756 1-0758 1-0761 1-0786 1-0787 1-0788 1-0789	CR, §11-303(c)(2)	Felony	25Y		Person	II	\$15,000
313-1	<b>Prostitution and Related Crimes</b> Prostitution, etc.—Receive money for prostitution	1-1090	CR, §11-304(a)	Misd.	10Y		Person	IV	\$10,000
317-1	<b>Prostitution and Related Crimes</b> Prostitution, etc.—General assignation and solicitation	1-1093	CR, §11-306(a)	Misd.	1Y		Person	VII	\$500
318	<b>Public Fraud</b> State health plan fraud, resulting in death	2-2125 2-2165 2-2325 2-2365 2-2990 2-2880 2-2930 2-4125 2-2970	CR, §8-509 CR, §8-510 CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516(a) (penalty)	Felony	LIFE		Person	II	\$200,000
319	<b>Public Fraud</b> State health plan fraud, resulting in serious injury	2-2120 2-2160 2-2320 2-2360 2-2985 2-2875 2-2925 2-4120 2-2965	CR, §8-509 CR, §8-510 CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516(b) (penalty)	Felony	20Y		Person	III	\$100,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
320	<b>Public Fraud</b> Perjury—Public Assistance fraud in application	2-2607	CR, §8-504(b), CR, §9-101(penalty)	Misd.	10Y		Property	IV	\$1,000
321	<b>Public Fraud</b> Use, with intent to defraud, of a facsimile signature, or any reproduction of it, of any authorized officer; or use with intent to defraud, of a facsimile seal, or any reproduction of it, of the State or of any of its political subdivisions	1-0715	SF, §2-305(b)	Felony	10Y		Property	V	\$5,000
322	<b>Public Fraud</b> Violation of Architectural and Engineering Services subtitle	2-1167	SF, §13-322	Felony	10Y		Property	V	\$20,000
322-1	<b>Public Fraud</b> State health plan fraud, less than \$1,500	2-2110 2-2150 2-2190 2-2350 2-2975 2-2865 2-2910 2-4110 2-2955	CR, §8-509 CR, §8-510 CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516(d) (penalty)	Misd.	3Y		Property	VII	\$50,000
323	<b>Public Fraud</b> State health plan fraud, \$1,500 or greater	2-2115 2-2155 2-2195 2-2355 2-2980 2-2870 2-2920 2-4115 2-2960	CR, §8-509 CR, §8-510 CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516(c) (penalty)	Felony	5Y		Property	V	\$100,000
324	<b>Public Fraud</b> Falsification, concealment, etc., of material facts in connection with a procurement contract	2-1166	SF, §11-205.1(c)	Felony	5Y		Property	VI	\$20,000
325	<b>Public Fraud</b> Minority Business Participation—Fraudulently obtain, etc. or hold certification; aid another person in fraudulently obtaining, etc. certification; willfully obstruct, impede, etc., a State official, etc., investigating the qualifications of a business entity that has requested certification; fraud in any minority business enterprise matter under this subtitle	2-1168	SF, §14-308(a)(2)	Felony	5Y		Property	VI	\$20,000
326	<b>Public Fraud</b> Sale or purchase of food stamp benefits; or sale or purchase of merchandise with food stamp benefits, \$1,000 or more		HU, §5-504(c)	Felony	5Y		Property	VI	\$10,000



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
327	<b>Public Fraud</b> Fraud—Public Assistance fraud, generally (with the exception of Medicaid fraud)	7-2607	CR, §8-503(b)	Misd.	3Y		Property	VII	\$1,000
328	<b>Public Fraud</b> Fraud—Falsely obtain legal representation by the Office of the Public Defender	6-2607	CR, §8-521(b)	Misd.	1Y		Property	VII	\$1,000
328-1	<b>Public Fraud</b> Fraud—Housing assistance fraud; Making false statements	1-0419	CR, §8-523(b)	Misd.	3Y		Property	VII	
329	<b>Public Fraud</b> Sale or purchase of food stamp benefits; or sale or purchase of merchandise with food stamp benefits, less than \$1,000	1-1505	HU, §5-504(d)	Misd.	3Y		Property	VII	\$1,000
330	<b>Public Fraud</b> Request or obtain info on HIV and/or AIDS under false pretenses or deception		HG, §18-215(f)(1)(i)	Misd.	5Y		Property	V	\$100,000
330-1	<b>Public Fraud</b> Request or obtain info on HIV and/or AIDS under false pretenses or deception with intent to sell		HG, §18-215(f)(1)(ii)	Misd.	10Y		Property	IV	\$250,000
331	<b>Public Health and Safety, Crimes Against</b> Endangering others	2-0015	EN, §7-265(d)	Felony	15Y		Person	II	\$250,000
332	<b>Public Health and Safety, Crimes Against</b> Hazardous substances—storing, treating, dumping, etc., in other than hazardous substance facility; transporting for treatment, storage, etc. to any place other than hazardous substance facility; falsifying required information; authorizing, directing, etc., any offense listed in this section	1-0012 2-0012 2-0013 2-0014	EN, §7-265(a)	Felony	5Y		Person	V	\$100,000
333	<b>Public Health and Safety, Crimes Against</b> Unlawfully cause or unlawfully dump, deposit, throw, etc., litter greater than 500 lbs. in weight or 216 cubic feet in volume or for commercial purposes	1-0645 1-0646	CR, §10-110(f)(2)(iii)	Misd.	5Y		Property	VI	\$30,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
334	<b>Public Health and Safety, Crimes Against</b> Hazardous Substance—failure to meet requirement for generators; failure to meet standards for hauler certificate or driver certificate; violations of restrictions on transporting controlled hazardous substances	1-0516	EN, §7-265(b) (penalty)	Misd.	3Y		Person	VII	\$50,000
335	<b>Public Health and Safety, Crimes Against</b> Pollutants—dispersing into State waters, 1 <sup>st</sup> offense	1-5516	EN, §9-343(a)(1)(i) (penalty)	Misd.	1Y		Property	VII	\$25,000
336	<b>Public Health and Safety, Crimes Against</b> Pollutants—dispersing into State waters, <b>subsequent</b>		EN, §9-343(a)(1)(ii) (penalty)	Misd.	2Y		Property	VII	\$50,000
337	<b>Public Health and Safety, Crimes Against</b> Pollutants—dispersing into State waters, falsification	1-0895	EN, §9-343(b) (penalty)	Misd.	2Y		Property	VII	\$50,000
338	<b>Public Health and Safety, Crimes Against</b> Unlawfully cause or unlawfully dump, deposit, throw, etc., litter, greater than 100 lbs. in weight or 27 cubic feet in volume	1-0643 1-0644	CR, §10-110(f)(2)(ii)	Misd.	1Y		Property	VII	\$10,000
338-1	<b>Public Health and Safety, Crimes Against</b> Falsifying permits, licenses, etc., to demonstrate compliance with environmental regulatory requirements	1-0554 1-0555	EN, §1-302	Misd.	2Y		Property	VII	\$50,000
338-2	<b>Public Health and Safety, Crimes Against</b> Conducting or attempting to conduct human cloning, etc., 1 <sup>st</sup> offense		83A, §5-2B-12	Misd.	3Y		Person	V	\$50,000
338-3	<b>Public Health and Safety, Crimes Against</b> Conducting or attempting to conduct human cloning, etc., <b>subsequent</b>		83A, §5-2B-13	Felony	10Y		Person	IV	\$200,000
339	<b>Railroads, Crimes Involving</b> Obstruct, break, damage, etc., railroad with intent to obstruct, overthrow and direct from the tracks a railroad vehicle	3-5740 3-5750	CR, §6-502(b)	Felony	10Y		Property	V	\$5,000
340	<b>Railroads, Crimes Involving</b> Shoot at, throw at a railroad locomotive, motor, tender, car	3-5312	CR, §6-505(b)	Misd.	5Y		Property	VI	\$1,000
341	<b>Robbery</b> Carjacking—armed	1-0826	CR, §3-405(c)	Felony	30Y ♦		Person	II	

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342	<b>Robbery</b> Carjacking—unarmed	1-0825	CR, §3-405(b)	Felony	30Y ♦		Person	III	
343	<b>Robbery</b> Robbery	2-0700	CR, §3-402	Felony	15Y ♦		Person	IV	
344	<b>Robbery</b> Robbery with a dangerous weapon	2-0705	CR, §3-403(a)(1)	Felony	20Y ♦		Person	III	
345	<b>Robbery</b> Robbery by display of written instrument claiming possession of dangerous weapon	2-0705	CR, §3-403(a)(2)	Felony	20Y ♦		Person	III	
345-1	<b>Sabotage and Related Crimes</b> Defense related activities— Intentional defective workmanship		CR, §9-703	Felony	10Y		Property	IV	\$10,000
345-2	<b>Sabotage and Related Crimes</b> Defense related activities— Intentional injury or interference with property		CR, §9-702	Felony	10Y		Property	IV	\$10,000
346	<b>Securities Fraud and Related Crimes</b> Securities fraud and other violations of Maryland Securities Act	1-5574 1-5575 1-5576 2-0670 2-0671	CA, §11-705(a)(1) (penalty)	Misd.	3Y		Property	VII	\$50,000
347	<b>Securities Fraud and Related Crimes</b> Use a senior or retiree credential or designation in a way that is misleading in connection with the offer, sale, or purchase of securities, etc.		CA, §11-305 CA, §11-705(a)(2) (penalty)	Misd.	5Y		Property	V	\$100,000
348	<b>Sexual Crimes</b> Rape, 1 <sup>st</sup> degree	1-1102	CR, §3-303(d)(1)	Felony	LIFE ♦		Person	I	
348-1	<b>Sexual Crimes</b> Rape, 1 <sup>st</sup> degree, in conjunction with kidnapping child younger than 16 years old	1-1102	CR, §3-303(d)(2)	Felony	LIFE without Parole ♦		Person	I	
348-2	<b>Sexual Crimes</b> Rape, 1 <sup>st</sup> degree, subsequent	1-1102	CR, §3-303(d)(3)	Felony	LIFE without Parole ♦		Person	I	
348-3	<b>Sexual Crimes</b> Rape, 1 <sup>st</sup> degree, adult offender with victim younger than 13 years old	1-1102	CR, §3-303(d)(4)	Felony	LIFE without Parole ♦	MM*=25Y	Person	I	
349	<b>Sexual Crimes</b> Sex Offense, 1 <sup>st</sup> degree (offense date prior to October 1, 2017)	2-1102	CR, §3-305(d)(1)	Felony	LIFE ♦		Person	I	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
349-1	<b>Sexual Crimes</b> Sex Offense, 1 <sup>st</sup> degree, in conjunction with kidnapping child younger than 16 years old (offense date prior to October 1, 2017)	2-1102	CR, §3-305(d)(2)	Felony	LIFE without Parole ♦		Person	I	
349-2	<b>Sexual Crimes</b> Sex Offense, 1 <sup>st</sup> degree, <b>subsequent</b> (offense date prior to October 1, 2017)	2-1102	CR, §3-305(d)(3)	Felony	LIFE without Parole ♦		Person	I	
349-3	<b>Sexual Crimes</b> Sex Offense, 1 <sup>st</sup> degree, adult offender with victim younger than 13 years old (offense date prior to October 1, 2017)	2-1102	CR, §3-305(d)(4)	Felony	LIFE without Parole ♦	MM*=25Y	Person	I	
350	<b>Sexual Crimes</b> Attempted rape, 1 <sup>st</sup> degree	2-1120	CR, §3-309(a)	Felony	LIFE ♦		Person	II	
351	<b>Sexual Crimes</b> Attempted sexual offense, 1 <sup>st</sup> degree (offense date prior to October 1, 2017)	2-1125	CR, §3-311(a)	Felony	LIFE ♦		Person	II	
352	<b>Sexual Crimes</b> Rape, 2 <sup>nd</sup> degree	2-1103	CR, §3-304(c)(1)	Felony	20Y ♦		Person	II	
352-1	<b>Sexual Crimes</b> Rape, 2 <sup>nd</sup> degree, adult offender with victim younger than 13 years old	2-1103	CR, §3-304(c)(2)	Felony	LIFE ♦	MM*=15Y	Person	II	
353	<b>Sexual Crimes</b> Sex Offense, 2 <sup>nd</sup> degree (offense date prior to October 1, 2017)	2-3600	CR, §3-306(c)(1)	Felony	20Y ♦		Person	II	
353-1	<b>Sexual Crimes</b> Sex Offense, 2 <sup>nd</sup> degree, adult offender with victim younger than 13 years old (offense date prior to October 1, 2017)	2-3600	CR, §3-306(c)(2)	Felony	LIFE ♦	MM*=15Y	Person	II	
354	<b>Sexual Crimes</b> Attempted rape, 2 <sup>nd</sup> degree	2-1110	CR, §3-310(a)	Felony	20Y ♦		Person	III	
355	<b>Sexual Crimes</b> Attempted sexual offense, 2 <sup>nd</sup> degree (offense date prior to October 1, 2017)	2-1115	CR, §3-312(a)	Felony	20Y ♦		Person	III	
356	<b>Sexual Crimes</b> Incest	1-3604	CR, §3-323	Felony	10Y	1Y	Person	IV	
356-1	<b>Sexual Crimes</b> Sex Offense, 3 <sup>rd</sup> degree (a)(1) employ or display a dangerous weapon, etc.; (a)(2) with substantially cognitively impaired, mentally incapacitated, or physically helpless individual	3-3600	CR, §3-307(a)(1) CR, §3-307(a)(2)	Felony	10Y		Person	IV	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
357	<b>Sexual Crimes</b> Sex Offense, 3 <sup>rd</sup> degree (a)(3), (a)(4), (a)(5) —age based elements	3-3600	CR, §3-307(a)(3) CR, §3-307(a)(4) CR, §3-307(a)(5)	Felony	10Y		Person	V	
358	<b>Sexual Crimes</b> Sexual contact with inmates in correctional and juvenile facilities or with person ordered to obtain services	1-1149 2-1130 2-1132	CR, §3-314	Misd.	3Y		Person	V	\$3,000
359	<b>Sexual Crimes</b> Sodomy	5-3600	CR, §3-321	Felony	10Y		Person	IV	
360	<b>Sexual Crimes</b> Solicit to commit 3 <sup>rd</sup> degree sex act		Common law	Misd.	LIFE		Person	V	
360-1	<b>Sexual Crimes</b> Sexual Solicitation of a minor or law enforcement officer posing as a minor	1-1604	CR, §3-324	Felony	10Y		Person	IV	\$25,000
360-2	<b>Sexual Crimes</b> Use of personal identifying information of an individual to invite another to commit sexual crime	1-1340	CR, §3-325	Felony	20Y		Person	IV	\$25,000
361	<b>Sexual Crimes</b> Sex Offender—failing to register and/or providing false information, 1 <sup>st</sup> offense	1-1477 2-1134	CP, §11-721(b)(1)	Misd.	3Y		Person	VI	\$5,000
361-1	<b>Sexual Crimes</b> Sex Offender—failing to register and/or providing false information, <b>subsequent</b>		CP, §11-721(b)(2)	Felony	5Y		Person	V	\$10,000
361-2	<b>Sexual Crimes</b> Sex Offender—violation of restriction barring sex offenders from specified locations where children gather	1-1478 1-1479	CP, §11-722(d)	Misd.	5Y		Person	V	\$5,000
361-3	<b>Sexual Crimes</b> Willfully and knowingly violating conditions of lifetime sexual offender supervision, 1 <sup>st</sup> offense	1-0713	CP, §11-724(b)(1)	Misd.	5Y		Person	V	\$5,000
361-4	<b>Sexual Crimes</b> Willfully and knowingly violating conditions of lifetime sexual offender supervision, <b>subsequent</b>	1-0713	CP, §11-724(b)(2)	Felony	10Y		Person	IV	\$10,000
362	<b>Sexual Crimes</b> Perverted sexual practices	6-3600	CR, §3-322	Misd.	10Y		Person	VI	\$1,000
363	<b>Sexual Crimes</b> Sex Offense, 4 <sup>th</sup> degree	1-1623 1-1624 1-1625 1-1626 4-3600	CR, §3-308(d)(1)	Misd.	1Y		Person	VII	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
363-1	<b>Sexual Crimes</b> Continuing course of conduct which includes 3 or more acts involving 1 <sup>st</sup> , 2 <sup>nd</sup> , or 3 <sup>rd</sup> degree sex offense or 1 <sup>st</sup> or 2 <sup>nd</sup> degree rape over a period of 90 days or more, with a victim younger than 14 years old	2-1136	CR, §3-315	Felony	30Y ♦		Person	II	
363-2	<b>Sexual Crimes</b> Sex Offense, 4 <sup>th</sup> degree, <b>subsequent</b>	1-1623 1-1624 1-1625 1-1626 4-3600	CR, §3-308(d)(2)	Misd.	3Y		Person	VI	\$1,000
364	<b>Sexual Crimes</b> Administered controlled dangerous substance before committing sex offense	2-0715	CR, §5-624(b)	Misd.	1Y		Person	VII	\$25,000
364-1	<b>Stalking and Harassment</b> Stalking	1-6525	CR, §3-802	Misd.	5Y		Person	V	\$5,000
365	<b>Stalking and Harassment</b> Harassment, 1 <sup>st</sup> offense	1-0191 1-5406	CR, §3-803(c)(1)	Misd.	90D		Person	VII	\$500
365-1	<b>Stalking and Harassment</b> Harassment, <b>subsequent</b>	1-0191 1-5406	CR, §3-803(c)(2)	Misd.	6M		Person	VII	\$1,000
365-2	<b>Stalking and Harassment</b> Aiming laser pointer at aircraft	1-1001	CR, §3-807	Misd.	3Y		Person	VI	\$2,500
365-3	<b>Stalking and Harassment</b> Revenge porn	1-1326	CR, §3-809	Misd.	2Y		Person	VII	\$5,000
365-4	<b>Statewide DNA Data Base System, Crimes Involving</b> Improper disclosure of DNA information to a person/agency not entitled to receive the information		PS, §2-512(a), (e)	Felony	5Y		Property	V	\$5,000
365-5	<b>Statewide DNA Data Base System, Crimes Involving</b> Fraudulent obtainment of DNA information from the Statewide DNA data base/repository		PS, §2-512(b), (e)	Felony	5Y		Property	V	\$5,000
366	<b>Statewide DNA Data Base System, Crimes Involving</b> Willfully testing DNA for information not related to identification of individuals		PS, §2-512(c), (e)	Felony	5Y		Property	V	\$5,000
366-1	<b>Surveillance and Other Crimes Against Privacy</b> Visual and camera surveillance, private place	3-5715 1-1759	CR, §3-902 CR, §3-903	Misd.	1Y		Person	VII	\$2,500
367	<b>Surveillance and Other Crimes Against Privacy</b> Wiretapping—breaking and entering, etc., to place, adjust, or remove equipment without a court order	1-5580	CJ, §10-412	Felony	10Y		Property	V	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
368	<b>Surveillance and Other Crimes Against Privacy</b> Wiretapping—unlawful interception of communications	1-5595 1-5705	CJ, §10-402(a)	Felony	5Y		Property	V	\$10,000
369	<b>Surveillance and Other Crimes Against Privacy</b> Divulging contents of communications		CJ, §10-402(e)	Misd.	5Y		Property	VI	\$10,000
370	<b>Surveillance and Other Crimes Against Privacy</b> Manufacture, possession, or sale of intercepting device	1-5579	CJ, §10-403(a)	Felony	5Y		Property	VI	\$10,000
371	<b>Surveillance and Other Crimes Against Privacy</b> Giving notice of interception of wire, oral, or electronic communications in order to obstruct, impede or prevent such interception	2-0647	CJ, §10-414(b)	Felony	5Y		Property	VI	\$10,000
372	<b>Surveillance and Other Crimes Against Privacy</b> Unauthorized disclosure of information obtained or generated by examining licensed persons, etc.		FI, §2-117	Misd.	2Y		Property	VI	\$1,000
372-1	<b>Surveillance and Other Crimes Against Privacy</b> Unauthorized disclosure of information obtained or generated by examining banking institutions and credit unions, etc.		FI, §2-117.1	Misd.	2Y		Property	VI	\$1,000
373	<b>Telecommunications and Electronics, Crimes Involving</b> Motion Picture Theaters—prohibition against audiovisual recording	1-0336	CR, §7-308(e) CR, §7-309	Misd.	1Y		Property	VII	\$2,500
373-1	<b>Telecommunications and Electronics, Crimes Involving</b> Motion Picture Theaters—prohibition against audiovisual recording, <b>subsequent</b>		CR, §7-308(e) CR, §7-309	Misd.	3Y		Property	VI	\$10,000
373-2	<b>Telecommunications and Electronics, Crimes Involving</b> Unlawfully access, attempt to access, cause access to, etc., a computer, computer network, etc.	1-2804	CR, §7-302(d)(1)	Misd.	3Y		Property	VI	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
374	<b>Telecommunications and Electronics, Crimes Involving</b> Unlawfully access, attempt to access, cause access to, etc., a computer, computer network, etc., to cause malfunction, interruption, alteration, damage, etc.; Unlawfully possess, identify, distribute, etc., a valid access code, less than \$10,000	1-0470 1-0471 1-0472 1-0614	CR, §7-302(d)(2)(ii)	Misd.	5Y		Property	V	\$5,000
375	<b>Telecommunications and Electronics, Crimes Involving</b> Unlawfully access, attempt to access, cause access to, etc., a computer, computer network, etc., to cause malfunction, interruption, alteration, damage, etc.; Unlawfully possess, identify, distribute, etc., a valid access code, \$10,000 or greater	1-0495 1-0496 1-0497 1-0714	CR, §7-302(d)(2)(i)	Felony	10Y		Property	IV	\$10,000
376	<b>Telecommunications and Electronics, Crimes Involving</b> Unauthorized computer access for sabotage of State government, public utilities, or other energy infrastructure, less than \$50,000	1-0638	CR, §7-302(d)(3)(ii)	Misd.	5Y		Property	V	\$25,000
376-1	<b>Telecommunications and Electronics, Crimes Involving</b> Unauthorized computer access for sabotage of State government, public utilities, or other energy infrastructure, \$50,000 or greater	1-0639	CR, §7-302(d)(3)(i)	Felony	10Y		Property	IV	\$25,000
377	<b>Telecommunications and Electronics, Crimes Involving</b> Use of electronic communication to alarm or seriously annoy another	2-1135	CR, §3-805(b)(1) CR, §3-805(e) (penalty)	Misd.	1Y		Person	VII	\$500
377-1	<b>Telecommunications and Electronics, Crimes Involving</b> Use an interactive computer service to inflict emotional distress on a minor or place a minor in fear of death or serious bodily injury	1-0653	CR, §3-805(b)(2) CR, §3-805(e) (penalty)	Misd.	1Y		Person	VII	\$500
378	<b>Telecommunications and Electronics, Crimes Involving</b> Record/sell, etc., unauthorized performance, 1 <sup>st</sup> offense	1-0330 1-0331 1-0332 3-2602	CR, §7-308 CR, §7-309	Misd.	1Y		Property	VII	\$2,500
379	<b>Telecommunications and Electronics, Crimes Involving</b> Record/sell, etc., unauthorized performance, <b>subsequent</b>	1-0330 1-0331 1-0332 3-2602	CR, §7-308 CR, §7-309	Misd.	3Y		Property	VII	\$10,000
380	<b>Telecommunications and Electronics, Crimes Involving</b> Telephone, unlawful use of	1-0340 1-0341 1-5309	CR, §3-804(a)	Misd.	3Y		Property	VII	\$500



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
381	<b>Telecommunications and Electronics, Crimes Involving</b> Unauthorized connections, etc.; tampering or interfering with meters, poles, wires, etc.	1-0215 1-0216 1-0217 1-2608	CR, §6-303(c)	Misd.	6M		Property	VII	\$500
381-1	<b>Telecommunications and Electronics, Crimes Involving</b> Obtaining, selling, etc., telephone record without authorization	1-0593	CR, §7-304	Misd.	2Y		Property	VII	\$2,000
382	<b>Telecommunications and Electronics, Crimes Involving</b> Manufacture, sell, use, etc., a code grabbing device with the intent for the code to be used in the commission of a crime		CR, §7-301(b)	Misd.	1Y		Property	VII	\$1,000
382-1	<b>Telecommunications and Electronics, Crimes Involving</b> Electronic security system blockers	1-1472	CR, §7-301(c)	Misd.	1Y		Property	VII	\$1,000
383	<b>Theft, Crimes Involving</b> Felony theft or theft-scheme, \$100,000 or greater	1-1134 1-1303	CR, §7-104(g)(1)(iii)	Felony	20Y		Property	III	\$25,000
384	<b>Theft, Crimes Involving</b> Felony theft or theft scheme, at least \$25,000 but less than \$100,000	1-1135 1-1139	CR, §7-104(g)(1)(ii)	Felony	10Y		Property	V	\$15,000
384-1	<b>Theft, Crimes Involving</b> Felony theft or theft scheme, at least \$1,500 but less than \$25,000	1-1136 1-1160	CR, §7-104(g)(1)(i)	Felony	5Y		Property	VI	\$10,000
384-2	<b>Theft, Crimes Involving</b> Misdemeanor theft or theft scheme, at least \$100 but less than \$1,500, 1 <sup>st</sup> offense	1-1137 1-1161	CR, §7-104(g)(2)(i)(1)	Misd.	6M		Property	VII	\$500
384-3	<b>Theft, Crimes Involving</b> Misdemeanor theft or theft scheme, at least \$100 but less than \$1,500, 2 <sup>nd</sup> or subsequent offense		CR, §7-104(g)(2)(i)(2)	Misd.	1Y		Property	VII	\$500
384-4	<b>Theft, Crimes Involving</b> Misdemeanor theft or theft scheme, less than \$1,500, 5 <sup>th</sup> or subsequent offense		CR, §7-104(g)(4)	Misd.	5Y		Property	VI	\$5,000
385	<b>Theft, Crimes Involving</b> Misdemeanor theft or theft scheme, less than \$100	1-0521 1-1631	CR, §7-104(g)(3)	Misd.	90D		Property	VII	\$500
386	<b>Theft, Crimes Involving</b> Motor vehicle—unlawful taking	2-0480	CR, §7-105	Felony	5Y		Property	V	\$5,000
387	<b>Theft, Crimes Involving</b> Embezzlement, misappropriation by fiduciaries	1-0460 1-2799	CR, §7-113	Misd.	5Y	1Y	Property	V	
387-1	<b>Theft, Crimes Involving</b> Defalcation by officer collecting revenue due State or county		CR, §7-114	Misd.	5Y	1Y	Property	VI	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
387-2	<b>Threat of Mass Violence</b> Threatening to commit or cause a crime of violence that would place others at risk	1-1335	CR, §3-1001	Misd.	10Y		Person	V	\$10,000
387-3	<b>Trespass</b> Trespass on posted property or private property, 1 <sup>st</sup> offense	2-2210 2-2220 2-2230	CR, §6-402(b)(1) CR, §6-403(c)(1)	Misd.	3M		Property	VII	\$500
387-4	<b>Trespass</b> Trespass on posted property or private property, 2 <sup>nd</sup> offense within 2 years after first violation		CR, §6-402(b)(2) CR, §6-403(c)(2)	Misd.	6M		Property	VII	\$1,000
387-5	<b>Trespass</b> Trespass on posted property or private property, 3 <sup>rd</sup> and subsequent offense within 2 years after preceding violation		CR, §6-402(b)(3) CR, §6-403(c)(3)	Misd.	1Y		Property	VII	\$2,500
388-1	<b>Trespass</b> Trespass on railroad vehicle		CR, §6-503(c)	Misd.	6M		Property	VII	
388-2	<b>Unlawful Use of Goods</b> Unauthorized removal of property	2-2411	CR, §7-203	Misd.	4Y	6M	Property	VI	\$50—\$100
388-3	<b>Unlawful Use of Goods</b> Fraud—abandoning or refusing to return leased motor vehicle	1-0220 1-2405	CR, §7-205(a)	Misd.	1Y		Property	VII	\$500
389	<b>Weapons Crimes—In General</b> Possess, use, wear, carry, or transport a firearm in a drug offense, 1 <sup>st</sup> offense	1-0493 1-0487	CR, §5-621(c)	Felony	20Y	MM*=5Y	Person	III	
390	<b>Weapons Crimes—In General</b> Possess, use, wear, carry, or transport a firearm in a drug offense, <b>subsequent</b>	1-0493 1-0487	CR, §5-621(c)	Felony	20Y	MM*=10Y	Person	III	
391	<b>Weapons Crimes—In General</b> Possess, use, wear, carry, or transport a firearm in a drug offense, 1 <sup>st</sup> offense (select firearms)	1-0493 1-0487	CR, §5-621(d)	Felony	20Y	MM*=5Y	Person	III	
392	<b>Weapons Crimes—In General</b> Possess, use, wear, carry, or transport a firearm in a drug offense, <b>subsequent</b> (select firearms)	1-0493 1-0487	CR, §5-621(d)	Felony	20Y	MM*=20Y	Person	III	
392-1	<b>Weapons Crimes—In General</b> Unlawful use of firearm in commission of felony or crime of violence, 1 <sup>st</sup> offense	1-5299	CR, §4-204(c)(1)	Misd.	20Y ♦	MM*=5Y	Person	III	
392-2	<b>Weapons Crimes—In General</b> Unlawful use of firearm in commission of felony or crime of violence, <b>subsequent</b>	1-5299	CR, §4-204(c)(2)	Misd.	20Y ♦	MM*=5Y	Person	II	
392-3	<b>Weapons Crimes—In General</b> Possess or use restricted firearm ammunition in a crime of violence	1-1284	CR, §4-110	Misd.	5Y		Person	V	\$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
393	<b>Weapons Crimes—In General</b> Carrying or possessing firearm, knife, or deadly weapon on school property, other than handgun	1-5203	CR, §4-102	Misd.	3Y		Person	VI	\$1,000
394	<b>Weapons Crimes—In General</b> Wear or carry concealed dangerous weapon; concealed possession of pepper mace by a minor	1-5202	CR, §4-101(c)(1) CR, §4-101(d)(1)	Misd.	3Y		Person	VII	\$1,000
395	<b>Weapons Crimes—In General</b> Wear or carry dangerous weapon, mace, or tear gas device openly with intent to injure; openly wear or carry pepper mace by a minor	1-5200 2-5200	CR, §4-101(c)(2) CR, §4-101(d)(1)	Misd.	3Y		Person	VII	\$1,000
396	<b>Weapons Crimes—In General</b> Wear or carry dangerous weapon openly or concealed with deliberate intent to kill or injure	1-5202 1-5200 2-5200	CR, §4-101(d)(2)	Misd.	3Y	3Y	Person	VI	\$1,000
397	<b>Weapons Crimes—In General</b> Minor carrying dangerous weapon between 1 hour after sunset and 1 hour before sunrise, whether concealed or not (select counties)		CR, §4-101(c)(3)	Misd.	3Y		Person	VII	\$1,000
397-1	<b>Weapons Crimes—In General</b> Illegal possession of electronic control device (e.g., stun gun, taser) while committing a separate crime of violence	1-0596	CR, §4-109(e)(2)	Felony	3Y		Person	VI	\$5,000
398	<b>Weapons Crimes—In General</b> Possession of firearm at a demonstration in a public place	3-5299	CR, §4-208(b)	Misd.	1Y		Person	VII	\$1,000
399	<b>Weapons Crimes—In General</b> Unlawful possession of short-barreled rifle or shotgun	2-5212	PS, §5-203(a)	Misd.	5Y		Person	VI	\$5,000
400	<b>Weapons Crimes—In General</b> Possession of rifle or shotgun by restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)	1-0439	PS, §5-205	Misd.	3Y		Person	VI	\$1,000
400-1	<b>Weapons Crimes—In General</b> Possession of rifle or shotgun after having been convicted of a crime of violence or select drug crimes	1-1610	PS, §5-206	Felony	15Y		Person	V	
401	<b>Weapons Crimes—In General</b> Possess, own, carry, or transport a firearm after conviction of a Title 5 (CDS) offense	1-0692	CR, §5-622(b)	Felony	5Y		Person	VI	\$10,000
402	<b>Weapons Crimes—In General</b> Possession of regulated firearm by restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)	1-1106	PS, §5-133(b) PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
403	<b>Weapons Crimes—In General</b> Possession of regulated firearm after having been convicted of a crime of violence or select drug crimes	1-1609	PS, §5-133(c)	Felony	15Y	MM*=5Y <sup>1</sup>	Person	V	
404	<b>Weapons Crimes—In General</b> Possession of regulated firearm by person younger than 21 years old	1-5285	PS, §5-133(d) PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000
404-1	<b>Weapons Crimes—In General</b> Possession of ammunition by a restricted person or after having been convicted of a crime of violence or select drug crimes	1-1285	PS, §5-133.1	Misd.	1Y		Person	VII	\$1,000
405	<b>Weapons Crimes—In General</b> Sell, rent, or transfer regulated firearm to restricted person (younger than 21 years old, convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)	1-1105	PS, §5-134(b) PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000
406	<b>Weapons Crimes—In General</b> Sell, rent, or transfer regulated firearm ammo to a person younger than 21 years old; or firearm other than regulated firearm, firearm ammo, mace, or another deadly weapon to a minor	1-5270 1-5280	PS, §5-134(d)(1)	Misd.	1Y		Person	VII	\$1,000
407	<b>Weapons Crimes—In General</b> Sell, rent, or transfer a regulated firearm before the expiration of 7 days—dealer	1-5230	PS, §5-123 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000
408	<b>Weapons Crimes—In General</b> Sell, rent, transfer, or purchase a regulated firearm before the expiration of 7 days—person	1-5240	PS, §5-124 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000
409	<b>Weapons Crimes—In General</b> Sell, rent, or transfer a regulated firearm to an applicant whose application is placed on hold	1-5250	PS, §5-125 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000
410	<b>Weapons Crimes—In General</b> Possess, sell, transfer, or otherwise dispose of stolen regulated firearm	1-2801	PS, §5-138 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000
411	<b>Weapons Crimes—In General</b> Transport regulated firearm into State for purpose of unlawfully selling or trafficking	1-5295	PS, §5-140	Misd.	10Y		Person	IV	\$25,000
412	<b>Weapons Crimes—In General</b> Straw purchase of regulated firearm	1-5220	PS, §5-136(b) PS, §5-144 (penalty)	Misd.	5Y		Person	V	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
413	<b>Weapons Crimes—In General</b> Straw purchase of regulated firearm for minor or person prohibited by law from possessing a regulated firearm	1-5290	PS, §5-141	Misd.	10Y		Person	IV	\$25,000
414	<b>Weapons Crimes—In General</b> Multiple purchase of regulated firearms in 30-day period	1-1104	PS, §5-128 PS, §5-129	Misd.	3Y		Person	VI	\$5,000
415	<b>Weapons Crimes—In General</b> Sell, rent, or transfer regulated firearms without license	2-5210	PS, §5-106 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000
415-1	<b>Weapons Crimes—In General</b> Illegal sale, rental, transfer, purchase, possession, or receipt of regulated firearm	1-0642	PS, §5-144	Misd.	5Y		Person	VI	\$10,000
416	<b>Weapons Crimes—In General</b> Give false information in application for firearm or dealer's license	1-5210	PS, §5-139	Misd.	3Y		Person	VI	\$5,000
416-1	<b>Weapons Crimes—In General</b> Failure by licensed firearms dealer to comply with record-keeping and reporting requirements, <b>subsequent</b>		PS, §5-145	Misd.	3Y		Person	VI	\$10,000
417	<b>Weapons Crimes—In General</b> Sell, barter, display, or offer to sell or barter switchblade knife/shooting knife	1-5214	CR, §4-105(a)	Misd.	12M		Person	VII	\$50-\$500
418	<b>Weapons Crimes—In General</b> Disarm law officer	1-1460	CR, §4-103(b)	Felony	10Y		Person	IV	\$10,000
419	<b>Weapons Crimes—In General</b> Wear bulletproof armor in the commission of a crime of violence or a drug trafficking crime	1-1450	CR, §4-106	Misd.	5Y		Person	V	\$5,000
419-1	<b>Weapons Crimes—In General</b> Use, possess, or purchase bulletproof body armor after being convicted of a crime of violence or a drug trafficking crime	1-1449 1-1451	CR, §4-107	Misd.	5Y		Person	V	\$5,000
420	<b>Weapons Crimes—In General</b> Obliterate, remove, change, or alter manufacturer's identification mark or number on firearm	1-1612	PS, §5-142 PS, §5-144 (penalty)	Misd.	5Y		Person	VI	\$10,000

<sup>1</sup> At the time of the offense, if more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction of a crime of violence or select drug crimes (including all imprisonment, mandatory supervision, probation, and parole), the imposition of the mandatory minimum sentence is within the discretion of the court.

MM\* = Non-suspendable mandatory minimum penalty

◆ Defined as a violent crime in Correctional Services Article, §7-101, Annotated Code of Maryland. At the time of imposition of a sentence of incarceration for these offenses, Criminal Procedure Article, §6-217, Annotated Code of Maryland indicates the Court shall state in open court the minimum time the defendant must serve before becoming eligible for parole.

◆◆ Defined as a crime of violence only under certain circumstances specified in Criminal Law Article, §14-101, Annotated Code of Maryland.

#### General Rules:

(a) If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty of 1 year or less, the offense shall be assigned the lowest seriousness category (VII).

(b) If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty greater than 1 year, the individual completing the worksheet shall use the closest analogous offense and the sentencing judge and parties shall be notified.

(c) For Prior Record calculations involving offenses in which the offender has been convicted in another jurisdiction, the individual completing the worksheet shall match the offense as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the individual completing the worksheet shall count the offense in the lowest seriousness category (VII), and shall inform the judge and parties. If the out of jurisdiction conviction is based on act that is not a criminal violation in Maryland (e.g., marijuana possession less than 10 grams), then the out of jurisdiction conviction shall be excluded from the prior adult criminal record. If there is a question as to the analogous guidelines offense for an out-of-State conviction, that question should be brought to the attention of the judge at sentencing.