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### Revisions to the Guidelines Offense Table

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) has revised the Guidelines Offense Table to reflect:

- (1) new offenses passed during the 2012 Legislative Session;
- (2) amended offenses passed during the 2012 Legislative Session; and
- (3) minor edits to the table.

These changes were adopted in the Code of Maryland Regulations (COMAR) **effective November 1, 2012**. They are summarized briefly below. A print friendly version of the updated Guidelines Offense Table (Appendix A of the Maryland Sentencing Guidelines Manual) is available on the MSCCSP website at: [www.msccsp.org/Files/Guidelines/offensetable.pdf](http://www.msccsp.org/Files/Guidelines/offensetable.pdf). This file is searchable by key word, CJIS Code, Source, etc. Please discard any prior versions of the Guidelines Offense Table, as information in prior versions may no longer be accurate.

#### New Offenses, 2012 Legislative Session

Legislation	Statute	Offense	Statutory Maximum	Adopted Seriousness Category
Chapter 193/194 SB 214/HB 350	CR, §5-601(c)(2)(ii)	<b>CDS and Paraphernalia</b> Possession of less than 10 grams of marijuana	90 days	VII

#### Amended Offenses, 2012 Legislative Session

Legislation	Statute	Offense	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category
Chapter 249/250 SB 521/HB 604	CR, §3-601(b)(2)(ii)	<b>Abuse and Other Offensive Conduct</b> Child Abuse—physical, with death	30 years / II	40 years / II
Chapter 434 HB 1334	CR, §3-211(f)	<b>Assault and Other Bodily Woundings</b> Cause a life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance	2 years / VI	3 years / VI

**New Sentencing Guidelines Worksheet Released**

The MSCCSP has revised the *50% of sentence announced* field on the Maryland Sentencing Guidelines Worksheet to more clearly indicate that the field pertains to cases involving a crime of violence. The language on the worksheet was amended from “50% of Sentence Announced” to “50% of Sentence Announced for COVs” (see below).

This field is intended to capture 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.

<b>VICTIM INFORMATION</b>	<b>SENTENCE DEPARTURE INFORMATION</b>	<b>Range</b> Multiple Counts Only	<b>Drug Court</b> ___ Yes ___ No <b>Other</b> ___ Yes ___ No	Worksheet Completed By  Title  Sentencing Judge (Please Print)  Sentencing Judge's Signature
Victim ___ Yes ___ No Victim Unavailable ___ Yes ___ No NRF ___ 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 with Victim ___ Yes ___ No CICB Cost Imposed ___ 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.  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <b>Departure Code 9 or 18 (Please Explain):</b>	_____ TO _____ <b>50% of Sentence Announced for COVs</b> ___ Yes ___ No	<b>Additional Information or Institutional/Parole Recommendation</b>   <b>Parole Notification</b> ___ Yes ___ No	

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

7/2012 (1.7)

The above revision to the worksheet is effective immediately, but do not discard your current supply of worksheets. Please use all existing worksheets before placing a new order. The revised page of the Maryland Sentencing Guidelines Manual is attached for your convenience (p. 9). It may be printed and inserted in place of the affected page of your hard copy of the May 2010 Guidelines Manual.

**Revision to the Computation of Prior Adult Criminal Record regarding Medical Marijuana Convictions**

The MSCCSP has revised the instructions for computation of the prior adult criminal record when calculating the offender score. As of November 1, 2012, COMAR 14.22.01.10.B(3)(a)(i) states [new language is underlined]:

The prior adult criminal record includes all adjudications preceding the current sentencing event, whether the offense was committed before or after the instant one. Unless expunged from the record, or proven by the defense to have been eligible for expungement prior to the date of offense pursuant to Criminal Procedure Article, §§10-101 —10-105, Annotated Code of Maryland, probations before judgment (PBJ) and convictions under the Federal Youth Corrections Act (FYCA) shall be included. The individual completing the worksheet may not consider violations of public local laws, municipal infractions, contempt, criminal non-support, marijuana possession or marijuana paraphernalia possession convictions that qualify for a non-incarceration penalty due to evidence of medical necessity, and non-incarcerable traffic offenses as part of a prior adult criminal record.

The above revision was made in response to the June 1, 2011 reduction in the maximum penalty to a \$100 fine for a medical marijuana conviction for those that qualify. The revised pages of the Maryland Sentencing Guidelines Manual are attached for your convenience (pp. 23-34). They may be printed and inserted in place of the affected pages of your hard copy of the May 2010 Guidelines Manual.



## C. Prior Adult Criminal Record

The prior adult criminal record includes all adjudications preceding the current sentencing event, whether the offense was committed before or after the instant one. Unless expunged from the record or proven by the defense to have been eligible for expungement prior to the date of offense pursuant to Criminal Procedure Article §§10-101 – 10-105, Annotated Code of Maryland, probations before judgment (PBJ) and convictions under the Federal Youth Corrections Act (FYCA) shall be included. The individual completing the worksheet may not consider violations of public local laws, municipal infractions, contempt, criminal non-support, marijuana possession or marijuana paraphernalia possession convictions that qualify for a non-incarceration penalty due to evidence of medical necessity, and non-incarcerable traffic offenses as part of a prior adult criminal record.

### 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 Maryland Annotated Code, 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 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.