

Maryland State Commission on Criminal Sentencing Policy



ANNUAL REPORT 2023

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(12/2023 – Present)
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Criminal Defense Attorney
- ❖ **Melinda Grenier**
Local Detention Center
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Maryland State Commission on
Criminal Sentencing Policy

2023 | Annual Report



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MSCCSP



Maryland State Commission on Criminal Sentencing Policy

Chair

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Hon. Melanie M. Shaw

Sen. Charles E. Sydnor, III

Sen. Chris R. West

Executive Director

David A. Soulé, Ph.D.

January 31, 2024

To: The Honorable Wes Moore, Governor
The Honorable Aruna Miller, Lt. Governor
The Honorable Matthew J. Fader, Chief Justice of Maryland
The Honorable Anthony G. Brown, Attorney General of Maryland
The Honorable Members of the General Assembly of Maryland

Pursuant to Criminal Procedure Article, § 6-209, Annotated Code of Maryland, the Maryland State Commission on Criminal Sentencing Policy (the MSCCSP or Commission) shall annually review sentencing policy and practice and report upon the work of the Commission. Accordingly, we submit respectfully for your review the 2023 Annual Report of the MSCCSP.

The annual report details the activities of the MSCCSP during the past year, highlighted by a report and corresponding recommendations addressing racial differences in guidelines-eligible sentencing events. Further, the annual report summarizes circuit court sentencing practices and trends in Maryland for fiscal year 2023, provides a comprehensive examination of judicial compliance with the State's voluntary sentencing guidelines, describes information provided on the State's sentencing guidelines worksheets, and offers a description of planned activities for 2024. Finally, the annual report includes a detailed report on sentences for crimes of violence as required by Criminal Procedure Article, § 6-209(b)(iii), Annotated Code of Maryland. We hope that this report and the other resources provided by the MSCCSP help inform and promote fair, proportional, and non-disparate sentencing practices throughout Maryland.

The MSCCSP acknowledges and thanks those agencies and individuals whose contributions to the sentencing guidelines and corresponding guidelines worksheets enabled us to complete our work and produce this report. If you have any questions or comments regarding the annual report, please contact Dr. Soulé or me.

Sincerely,

[Dana Middleton](#)

Judge Dana M. Middleton
Chair

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EXECUTIVE SUMMARY

The Judiciary introduced the concept of judicial sentencing guidelines in Maryland in the late 1970s. The Court of Appeals formed a committee in May 1978 to review recent developments in sentencing in the United States, study the major proposals for reform (e.g., determinate sentencing, mandatory sentencing, sentencing guidelines, sentencing councils), and consider sentencing practices in Maryland. The sentencing guidelines were developed based on extensive collection and analysis of data on past sentencing practices in Maryland, and their design accounts for both offender and offense characteristics in determining the appropriate sentence range. Beginning in June 1981, four jurisdictions representing a diverse mix of geographic areas piloted the sentencing guidelines. At the conclusion of the test period in May 1982, the Judicial Conference decided to continue using sentencing guidelines in the pilot jurisdictions for an additional year, given the initial success of the guidelines. After two years of experience with sentencing guidelines in Maryland on a test basis, in 1983 the Judicial Conference voted favorably on (and the Maryland General Assembly approved) the guidelines, adopting them formally statewide.

The voluntary sentencing guidelines cover most circuit court cases and provide recommended sentence ranges for three broad categories of offenses: person, drug, and property. The guidelines recommend whether to incarcerate an individual and if so, provide a recommended sentence length range, based largely on the available data for how Maryland circuit court judges have sentenced similar convictions. The sentencing guidelines are advisory, and judges may, at their discretion, impose a sentence outside the guidelines. Judges are, however, required to document the reason or reasons for sentencing outside of the guidelines if they do so.

The Maryland General Assembly created the Maryland State Commission on Criminal Sentencing Policy (MSCCSP or Commission) in 1999 to oversee sentencing policy and to monitor the State's voluntary sentencing guidelines. The General Assembly established six goals to guide the Commission's work:

- (1) Sentencing should be fair and proportional and sentencing policies should reduce unwarranted disparity;
- (2) Sentencing policies should help citizens understand how long a criminal will be confined;
- (3) The preservation of meaningful judicial discretion;
- (4) Sentencing guidelines should be voluntary;
- (5) The prioritization of prison usage for violent and career criminals; and

(6) The imposition of the most appropriate criminal penalties.

The Commission consists of 19 members, including members of the Judiciary, justice partners, members of the Senate of Maryland and the House of Delegates, and representatives of the public. The primary responsibilities of the MSCCSP include collection and automation of the sentencing guidelines worksheets, maintaining the sentencing guidelines database, and conducting training and orientation for criminal justice personnel. In addition, the Commission monitors judicial compliance with the guidelines and may adopt changes to the guidelines consistent with the sentencing practices of Maryland circuit court judges.

In 2023, the MSCCSP:

- Reviewed new and amended criminal laws from the 2023 Legislative Session;
- Reviewed and classified previously unclassified offenses;
- Made changes to the Guidelines Offense Table consistent with the decriminalization of cannabis;
- Replaced the term “inmate” with “incarcerated individual” in the Guidelines Offense Table;
- Revised the seriousness categories for select subsequent drug offenses;
- Clarified the definition of single criminal event;
- Published a report on racial differences in guidelines-eligible sentencing events;
- Modified the guidelines instructions to clarify that animals may not be considered victims for the purposes of applying the multiple victims stacking rule;
- Modified guidelines scoring for offenses with statutorily mandated consecutive sentences;
- Reviewed seriousness categories for select offenses with statutorily mandated consecutive sentences;
- Clarified guidelines scoring for sentences to probation before judgment (PBJ) pursuant to Criminal Procedure Article (CP), § 6-220(c), Annotated Code of Maryland;
- Modified offense score calculations for person offenses involving a feigned weapon;
- Reviewed common guidelines departure reasons and drafted a survey to solicit feedback from the judiciary; and
- Reviewed a request from the Office of the Maryland State Prosecutor (OSP) to consider a sentencing guidelines enhancement for offenses involving an abuse of a position of trust.

In fiscal year 2023, the MSCCSP received guidelines worksheets for 10,448 sentencing events in the State's circuit courts. A worksheet was submitted for 95.6% of guidelines-eligible cases. With a handful of exceptions, fiscal year 2023 worksheets were submitted electronically using the Maryland Automated Guidelines System (MAGS). The most common disposition of sentencing events was an other plea agreement¹ (42.3%), followed by an MSCCSP binding plea agreement (28.9%) and a plea with no agreement (23.9%). The majority (82.5%) of sentencing events resulted in a sentence to incarceration, and the median sentence length among those incarcerated (excluding suspended time) was 1.5 years. Commission-defined corrections options were used in 7.6% of sentencing events, and other alternatives to incarceration were used in 6.7% of sentencing events.

The overall guidelines compliance rate in fiscal year 2023 was 82.3%, which exceeded the Commission's goal of 65% compliance. When departures occurred, they were more often below the guidelines than above. All eight of the trial court judicial circuits met the benchmark rate of 65% compliance, with compliance rates ranging from 74% in the First Circuit to 95.4% in the Eighth Circuit. Departures were least likely for property offenses, followed closely by drug offenses. A comparison of judicial compliance rates by type of disposition (plea agreement, plea with no agreement, bench trial, and jury trial) showed that compliance was most likely in cases adjudicated by a bench trial. In contrast, compliance was least likely in cases adjudicated by a jury trial. When considering compliance rates by defendant race (i.e., Black, White, Hispanic, Other), rates were similar across racial categories. Guidelines compliance ranged from 81.8% for White defendants to 90.8% for Other defendants. Similarly, compliance rates were comparable for male (83.6%) and female (86.1%) defendants. The most cited reason for departures below the guidelines was that the parties reached a plea agreement that called for a reduced sentence. In comparison, the most cited reason for departures above the guidelines was the State's Attorney or Division of Parole and Probation's recommendation.

The 2023 Annual Report includes a detailed report on sentences for crimes of violence (COV) as required by Section 6-209 of the Criminal Procedures Article, Annotated Code of Maryland. In fiscal year 2023, the MSCCSP received sentencing guidelines worksheets for 1,848 sentencing events that involved COV. Within these sentencing events, there were 2,873 total COV. Similar to all sentencing events, the vast majority of COV were resolved by either an other plea agreement (38.4%), an MSCCSP binding plea agreement (29.6%), or a plea with no

¹ "Other plea agreements" include any plea agreement that did not include an agreement to a specific amount of active time (if any) and/or the agreement was not approved by, and thus not binding on, the court.

agreement (16.7%). The overall guidelines compliance rate for sentencing events involving COV declined from 73.7% in fiscal year 2022 to 65.8% in fiscal year 2023, which just exceeds the Commission's goal of 65% compliance. Three of the eight trial court judicial circuits (the Sixth, Seventh, and Eight Circuits) met the benchmark rate of 65% compliance. The decline in compliance was largely due to a change in the definition of a guidelines-compliant binding plea agreement, which affected guidelines compliance calculations. Departures both below and above the guidelines increased from fiscal years 2022 to 2023. When departures occurred, they were more often below the guidelines than above. The most cited reason for departures below the guidelines in sentencing events involving COV was that the parties reached a plea agreement that called for a reduced sentence. The most cited reason for departures above the guidelines in sentencing events involving COV was the State's Attorney or Division of Parole and Probation's recommendation.

The MSCCSP has several important activities planned for 2024. The MSCCSP will continue to administer the sentencing guidelines by collecting sentencing guidelines worksheets, maintaining the sentencing guidelines database, monitoring judicial compliance with the guidelines, and providing sentencing guidelines education and training. Additionally, the MSCCSP will review all criminal offenses and changes in the criminal laws passed by the General Assembly during the 2024 Legislative Session and adopt seriousness categories for new and revised offenses as needed. Furthermore, the MSCCSP will update the crimes of violence data dashboard to describe fiscal year 2023 sentences and add a data download tool to the MSCCSP website. Finally, the MSCCSP has identified additional important activities that the Commission plans to address in 2024.

THE MARYLAND STATE COMMISSION ON CRIMINAL SENTENCING POLICY

Guidelines Background

History of the Maryland Sentencing Guidelines

The Maryland Judiciary introduced sentencing guidelines in the late 1970s in response to nation-wide concerns about unwarranted disparities in sentencing. The Court of Appeals formed the Judicial Committee on Sentencing in May 1978 to review recent developments in sentencing in the United States, study the major proposals for reform (e.g., determinate sentencing, mandatory sentencing, sentencing guidelines, sentencing councils), and consider sentencing practices in Maryland. In its report to the Maryland Judicial Conference, the Judicial Committee on Sentencing recommended a system of voluntary, descriptive sentencing guidelines for use in circuit courts only. The Judicial Conference unanimously approved this proposal in April 1979. Later that year, Maryland received a grant from the National Institute of Justice to participate in a multijurisdictional field test of sentencing guidelines. Under this grant, a system of sentencing guidelines for Maryland's circuit courts was created, and an Advisory Board was established to oversee the guidelines. The sentencing guidelines were developed based on analyses of Maryland sentencing data and surveys of judges who were asked to report on factors that they would consider at sentencing in a series of hypothetical scenarios. Guided by these analyses, sentencing guidelines were designed to account for both offender and offense characteristics in determining the appropriate sentence range. Beginning in June 1981, four geographically diverse jurisdictions in Maryland piloted these sentencing guidelines. At the conclusion of the test period in May 1982, the Judicial Conference decided to continue using sentencing guidelines in the pilot jurisdictions for an additional year, given their initial success. In 1983, after two years of the pilot sentencing guidelines, the Judicial Conference voted favorably on (and the Maryland General Assembly approved) adopting the guidelines statewide.

The Judicial Committee on Sentencing established that the sentencing guidelines are primarily descriptive; that is, the guidelines are informed by analysis of actual sentencing practices and are designed to illustrate to judges how their colleagues are sentencing, on average, a typical case. In 1991, the Sentencing Guidelines Revision Committee of the Judiciary's Guidelines Advisory Board established an expectation that two-thirds of sentences would fall within the recommended sentencing range; and when sentencing practice resulted in departures from the recommended range in more than one-third of the cases, guidelines revisions should be

considered. Based on this policy, the Commission adopted the goal of 65% as the benchmark standard for sentencing guidelines compliance. Over the years, the MSCCSP has maintained the primarily descriptive nature of the guidelines, while allowing for the Commission to make nuanced policy decisions to ensure the guidelines are consistent with legislative intent and that the guidelines are scored consistently statewide. The guidelines are not intended to be static. Therefore, the Commission may amend the guidelines when the data indicate that sentencing practices are not consistent with the recommended ranges.

The Present Sentencing Guidelines

Pursuant to Criminal Procedure Article (CP), § 6-216, Annotated Code of Maryland, the circuit courts shall consider the sentencing guidelines in deciding the proper sentence. The voluntary sentencing guidelines apply to cases prosecuted in Maryland circuit courts generally, with a few key exceptions. The guidelines were designed to apply to incarcerable offenses for which the circuit court has original jurisdiction. Therefore, the following categories of circuit court cases are excluded from the guidelines: prayers for jury trials from the District Court in which a pre-sentence investigation (PSI) was not ordered, criminal appeals from the District Court in which a PSI was not ordered, crimes that carry no possible penalty of incarceration, criminal nonsupport and criminal contempt cases, cases adjudicated in a juvenile court, sentencing hearings in response to a violation of probation, violations of public local laws and municipal ordinances, and cases in which the individual was found not criminally responsible (NCR). Prayers for jury trials and criminal appeals from the District Court in which a PSI is ordered are defined as guidelines-eligible cases because they generally involve more serious and/or incarcerable offenses. Reconsiderations/modifications and three-judge panel reviews involving COV are also defined as guidelines-eligible cases if there is an adjustment made to the individual's active sentence. Table 1 provides a complete description of guidelines-eligible and ineligible cases.

Table 1. Guidelines-Eligible and Ineligible Cases

For Cases Originating in Circuit Court	
Guidelines-Eligible	Guidelines-Ineligible
Offenses originally prosecuted in Circuit Court	Violations of public local laws and municipal ordinances
	Offenses that carry no possible penalty of incarceration
	Criminal nonsupport and criminal contempt
	Cases adjudicated in a juvenile court
All pleas, including binding pleas, nonbinding pleas, and pleas of <i>nolo contendere</i> (no contest) by the defendant	Cases in which the defendant was found not criminally responsible (NCR)
Sentences to probation before judgment (PBJ)	Sentencing hearings in response to a violation of probation
Initial sentences with a condition of drug court or an inpatient commitment under Health-General Article, Title 8, Subtitle 5, Annotated Code of Maryland	Reconsiderations/modifications not involving a crime violence
Reconsiderations/modifications involving 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	Reconsiderations/modifications involving a crime of violence if there is <u>NOT</u> an adjustment to the active sentence
	Three-judge panel reviews not involving a crime of violence
Three-judge panel reviews involving a crime of violence if there is an adjustment to the active sentence	Three-judge panel reviews involving a crime of violence if there is <u>NOT</u> an adjustment to the active sentence
For Cases Originating in District Court	
Guidelines-Eligible	Guidelines-Ineligible
Prayers for a jury trial if a pre-sentence investigation (PSI) is ordered	Prayers for a jury trial if a PSI is <u>NOT</u> ordered
Appeals from District Court if a PSI is ordered	Appeals from District Court if a PSI is <u>NOT</u> ordered

The sentencing guidelines cover three broad categories of offenses: person, drug, and property. The guidelines recommend whether to incarcerate an individual and if so, provide a recommended sentence range based on the available data for how Maryland circuit court judges have sentenced similar convictions. Each offense category (drug, person, and property) has a unique sentencing matrix that includes recommended sentencing ranges in each grid cell. The matrices for drug, person, and property offenses are provided in Appendix A. The grid cell corresponding to an individual's offender score and the offense seriousness category (for drug and property offenses) or offense score (for person offenses) determines the sentence recommendation. The offense seriousness category is an offense ranking that ranges from I to VII, where I designates the most serious criminal offenses and VII designates the least serious criminal offenses. For person offenses, the offense score is determined by the seriousness

category, the physical or psychological injury to the victim, the presence of a weapon, and any special vulnerability of the victim (such as being under 11 years old, 65 years or older, or physically or cognitively impaired). The offender score is a measure of the individual's criminal history, determined by whether the individual was in the criminal justice system at the time the offense was committed (i.e., on parole, probation, or temporary release from incarceration, such as work release), has a juvenile record or prior criminal record as an adult, and has any prior adult parole or probation violations.

The guidelines sentence range represents only non-suspended time. The sentencing guidelines are advisory and judges may, at their discretion, impose a sentence outside the guidelines. If a judge chooses to depart from the sentencing guidelines, the Code of Maryland Regulations (COMAR) 14.22.01.05A states that the judge shall document the reason or reasons for imposing a sentence outside of the recommended guidelines range.

MSCCSP Background

The Maryland General Assembly created the MSCCSP in May 1999, after a study commission (the Maryland Commission on Criminal Sentencing Policy) recommended creating a permanent commission in its final report to the General Assembly. The MSCCSP assumed the functions of the Sentencing Guidelines Advisory Board of the Judicial Conference, initially established in 1979 to develop and implement Maryland's sentencing guidelines. The General Assembly created the MSCCSP to oversee sentencing policy and to maintain and monitor the State's voluntary sentencing guidelines. CP, § 6-202 outlines six goals for the MSCCSP, stating "[t]he General Assembly intends that:

- (1) sentencing should be fair and proportional and that sentencing policies should reduce unwarranted disparity, including any racial disparity, in sentences for criminals who have committed similar crimes and have similar criminal histories;
- (2) sentencing policies should help citizens to understand how long a criminal will be confined;
- (3) sentencing policies should preserve meaningful judicial discretion and sufficient flexibility to allow individualized sentences;
- (4) sentencing guidelines be voluntary;
- (5) the priority for the capacity and use of correctional facilities should be the confinement of violent and career criminals;
- (6) sentencing judges in the State should be able to impose the most appropriate criminal penalties, including corrections options programs for appropriate criminals."

The General Assembly designed the MSCCSP to fulfil the above legislative intentions. The General Assembly authorized the MSCCSP to “adopt existing sentencing guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for defendants who plead guilty or nolo contendere to, or who were found guilty of crimes in a circuit court” (1999 Md. Laws, Chap. 648). The MSCCSP also has authority to “adopt guidelines to identify defendants who would be appropriate for participation in corrections options programs” (1999 Md. Laws, Chap. 648). The sentencing court is to consider these guidelines in selecting either the guidelines sentence for an individual or sanctions under corrections options.

Pursuant to CP, § 6-210, the MSCCSP collects sentencing guidelines worksheets, monitors sentencing practice, and adopts changes to the sentencing guidelines. The Maryland sentencing guidelines worksheet enables the MSCCSP to collect criminal sentencing data from State and local agencies involved in criminal sentencing. Justice partners complete worksheets for all guidelines-eligible criminal cases prosecuted in circuit court to determine the recommended sentencing outcome and to record sentencing data. Appendix B illustrates the current Maryland sentencing guidelines worksheet. The courts shall review worksheets to confirm that the guidelines reflected on the worksheets were considered in the respective cases (COMAR 14.22.01.03F(4)). The electronic worksheets are completed and submitted via MAGS. The Commission staff is responsible for monitoring all data collected via the sentencing guidelines worksheets. Data collected by the Commission enable analyses of sentencing trends related to particular offenses, demographics, criminal histories, geographic variation, and compliance with the guidelines. The MSCCSP uses the guidelines data to monitor circuit court sentencing practices and, when necessary, to adopt changes to the guidelines consistent with legislative intent.

The legislation that established the Commission also authorizes the MSCCSP to conduct guidelines training and orientation for criminal justice system participants and other interested parties. The MSCCSP administers the guidelines system and provides fiscal and statistical information on proposed legislation concerning sentencing and correctional practice.

MSCCSP Structure

The MSCCSP consists of 19 members, including members of the Judiciary, justice partners, members of the Maryland Senate and House of Delegates, as well as public representatives.



MSCCSP Chair, The Honorable
Dana M. Middleton

On December 12, 2023, Governor Wes Moore appointed the Honorable Dana M. Middleton, Judge, Circuit Court for Baltimore City, 8th Judicial Circuit, as the chair of the MSCCSP. Judge Middleton replaced the Honorable Brian L. DeLeonardo, who served as the chair of the MSCCSP from July 2022 through December 2023. Other Governor appointees include Kyle E. Scherer, an attorney with Venable LLP, and Larry L. Johnson, Special Agent In-Charge, Office of Investigations, Department of Social Security Administration, who serve as the two public representatives on the Commission; Richard E. Gibson, Deputy Police Chief, Westminster Police

Department, who serves as the law enforcement representative; Robert H. Harvey, Jr., State's Attorney for Calvert County, who serves as the representative for the Maryland State's Attorneys' Association; Rodney Davis, Correctional Officer, Department of Pretrial and Detention Services, who serves as the local correctional facilities representative; Richard A. Finci, a criminal defense attorney, who serves as the representative for the Maryland Criminal Defense Attorneys' Association; Alethea P. Miller, Forensic Interviewer/Victim Advocate for the Harford County State's Attorney's Office, who serves as the victims' advocacy group representative; and Dr. Brian D. Johnson, Professor, University of Maryland Department of Criminology and Criminal Justice (CCJS), who serves as the criminal justice/corrections policy expert.

The Chief Justice of the Supreme Court of Maryland is responsible for three appointments to the Commission: the Honorable Melanie M. Shaw, Judge, Appellate Court of Maryland, 4th Appellate Judicial Circuit, Prince George's County; the Honorable Michelle R. Saunders, Judge, District Court of Maryland, District 4, Calvert County; and the Honorable Brian L. DeLeonardo, Judge, Circuit Court for Carroll County, 5th Judicial Circuit.

The President of the Senate is responsible for two appointments: Senators Charles E. Sydnor, III and Christopher R. West. The Speaker of the House is also responsible for two appointments: Delegates David Moon and J. Sandy Bartlett.

Finally, ex-officio members include the State's Attorney General, Anthony G. Brown; the State's Public Defender, Natasha Dartigue; and the Secretary of the Department of Public Safety and Correctional Services (DPSCS), Carolyn J. Scruggs.

In 2023, four of the Commissioners participated as members of the Sentencing Guidelines Subcommittee (Guidelines Subcommittee). The Honorable Shannon E. Avery chaired the Guidelines Subcommittee. The other members included Robert H. Harvey, Jr., Richard A. Finci, and Senator Charles E. Sydnor, III. Each year, the Guidelines Subcommittee reviews all new and revised offenses created by the General Assembly and provides recommendations to the full Commission for seriousness category classification. Additionally, the Guidelines Subcommittee reviews suggested revisions to the sentencing guidelines and routinely reports to the overall Commission on guidelines compliance data.

The MSCCSP is a state agency within the Executive Branch of Maryland, with its office in College Park. To allow the Commission to benefit from the shared resources of the University of Maryland, the Commission established its staff office with guidance from the Department of Criminology and Criminal Justice. The University of Maryland connection reinforces the independent status of the Commission by ensuring non-partisan review and analyses of sentencing data. The MSCCSP and University of Maryland's relationship is mutually beneficial. The University provides administrative and information technology support. The MSCCSP employs a graduate research assistant from the University of Maryland to fulfill its policy analyst position. The University benefits from opportunities for graduate research assistants to develop research and practical skills through their experience at the MSCCSP.

Recognition of Prior Commissioners

The MSCCSP would like to recognize several prior Commissioners whose terms concluded in 2023. First, the Commission recognizes one of the longest serving Commissioners, Judge Shannon Avery, who began her most recent term as the Commission's circuit court representative, Vice-Chair of the MSCCSP, and Chair of the Commission's Sentencing Guidelines Subcommittee in July 2015 and continued to serve two four-year terms through

December 2023. Judge Avery also served on the MSCCSP for four years, from 2007 to 2010, as the designated representative of the Secretary of the Maryland DPSCS.

The Commission appreciates Judge Avery's steady and thoughtful guidance of the Guidelines Subcommittee as the Subcommittee tackled several important tasks including, but not limited to: 1) an assessment of racial differences in Maryland guidelines-eligible sentencing events; 2) the adoption of revisions to the sentencing matrices for drug and property offenses; 3) the adoption of revised scoring instructions for the juvenile record to reduce the impact of disparate commitment practices; and 4) a study on alternatives to incarceration and corresponding recommendations to enhance awareness about the availability of appropriate alternative sanctions.

The MSCCSP also thanks Judge Brian DeLeonardo for his service as Chair of the MSCCSP from July 2022 through December 11, 2023. Fortunately for the Commission, Chief Justice Fader appointed Judge DeLeonardo to continue with the Commission as the new circuit court representative and the successor to Judge Avery in that role. This appointment is Judge DeLeonardo's third position on the Commission, first serving as state's attorney's representative, then Chair.

Finally, the Commission would like to recognize former DPSCS Secretary Robert L. Green, former local correctional facilities representative Melinda Grenier, former public member representative Lisa Spicknall-Horner, and former law enforcement representative Douglas DeLeaver, whose service concluded in 2023. The Commission thanks them for their service and appreciates their thoughtful input, as their participation contributed greatly to a more informed and fair sentencing guidelines process. All prior Commissioners offered invaluable insight and experience which significantly benefited the work and the mission of the MSCCSP.

MSCCSP ACTIVITIES IN 2023

The MSCCSP held four meetings in 2023, on May 9, July 11, September 12, and December 5. The July 11 and September 12 meetings were held via videoconference, while the May 9 and December 5 meetings were held in person at the Maryland Judicial Center in Annapolis. In addition, the Commission held its annual public comments hearing on December 5. In compliance with the Public Meetings Act, meeting details were published to the MSCCSP website. Additionally, all meetings were livestreamed through the [MSCCSP's YouTube channel](#). The minutes for all Commission meetings are available on the Commission's website (www.msccsp.org).² The following discussion provides a review of the Commission's activities in 2023.

Review of New and Amended Offenses Passed During the 2023 Legislative Session

The MSCCSP reviewed new criminal laws from the 2023 Legislative Session to identify new and amended offenses requiring the adoption or modification of seriousness categories. The MSCCSP determines new and revised seriousness categories by reviewing the seriousness categories for similar offenses (i.e., offenses with similar penalties, misdemeanor/felony classification, and crime type) previously classified by the Commission.

New Offenses Passed During the 2023 Legislative Session

The MSCCSP reviewed five new offenses passed during the 2023 Legislative Session and voted for their respective seriousness categories, shown in Table 2, during its July 11 meeting. After promulgating the proposed classifications for the new offenses through the COMAR review process, the MSCCSP adopted these updates effective November 13, 2023.

² The minutes for the December 5 meeting will be available on the MSCCSP website after the Commission reviews and approves the minutes at its next meeting, scheduled for May 7, 2024.

Table 2. Guidelines Offense and Adopted Seriousness Category Related to New Offenses, 2023 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category	Offense Type
Chapter 546 (SB0470)	NR, §3-215(h)	False Statements, Other False statement – in loan application under the Local Land Trust Revolving Loan program	5 years	VII	Property
Chapters 698 and 699 (HB0745/SB0340)	CR, §9-501.1(c)(1)	False Statements, Other False Statement – of an emergency of crime with reckless disregard of causing bodily harm to an individual	3 years	VII	Person
Chapters 689 and 699 (HB0745/SB0340)	CR, §9-501.1(c)(2)	False Statements, Other False statement – of an emergency or crime resulting in serious physical injury or death to a person	10 years	V	Person
Chapter 680 (SB0001)	CR, §4-111	Weapons Crimes – In General Wear, carry, or transport a firearm in an area for children or vulnerable individuals, a government or public infrastructure area, or a special purpose area ³	1 year ⁴	VII	Person
Chapter 680 (SB0001)	CR, §6-411	Weapons Crimes – In General Wear, carry, or transport a firearm while entering or trespassing in the dwelling or on the property of another without owner's consent ³	1 year ⁴	VII	Person

Amended Offenses Passed During the 2023 Legislative Session

In 2023, the MSCCSP revised the offense seriousness categories for three offenses and removed one offense from the Guidelines Offense Table due to changes made during the 2023 Legislative Session. House Bill 824 alters CR, §4-203(c)(2)(i) and CR, §4-203(c)(2)(ii) to increase from three years to five years the maximum incarceration penalty that may be imposed for a violation of the prohibition against wearing, carrying, or transporting a handgun when the person has no prior convictions under §§ 4-203 (wearing, carrying, or transporting a handgun), 4-204 (use of a firearm in the commission of a felony or crime of violence), 4-101 (wearing or carrying dangerous weapons), or 4-102 (carrying or possessing deadly weapons on school property) of the Criminal Law Article. Given those changes, the MSCCSP revised the

³ There is a current US District Court injunction against enforcing (1) the “special purpose area” provision of CR, §4-111, if the location is licensed to sell or dispense alcohol for onsite consumption, and (2) the “trespass on the property of another” provision of CR, §6-411 (9-29-2023). See Kipke et al. v. Moore et al., No. GLR-23-1293, ECF No. 12; Novotny et al. v. Moore et al., No. GLR-23-1295, ECF No. 24.

⁴ By MSCCSP rule, any offense with a maximum incarceration penalty of one year or less is automatically assigned a seriousness category VII (COMAR 14.22.01.09B(2)(f)) unless the Commission chooses to adopt a different seriousness category. The Commission added these offenses to the Guidelines Offense Table because it expects they will be prosecuted in the circuit courts.

seriousness category for this offense from a VII to a VI at its July 11 meeting. Senate Bill 54 repealed the crime of unnatural or perverted sexual practice effective October 1, 2023. Because the guidelines apply only to criminal offenses, the MSCCSP removed this offense from the Guidelines Offense Table. After promulgating these revisions through the COMAR review process, the MSCCSP adopted these revisions effective November 13, 2023.

Table 3. Amended Offenses with Changes to the Incarceration Penalty, 2023 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category	Offense Type
Chapter 651 (HB0824)	CR, §4-203(c)(2)(i)	Handguns – In General Handgun – unlawful wearing, carrying, etc., 1 st weapon offense, generally	3 years / VII	5 years / VI	Person
Chapter 651 (HB0824)	CR, §4-203(c)(2)(i)	Handguns – In General Handgun – unlawful wearing, carrying, etc., a loaded handgun, 1 st weapon offense	3 years / VII	5 years / VI	Person
Chapter 651 (HB0824)	CR, §4-203(c)(2)(ii)	Handguns – In General Handgun – unlawful wearing, carrying, etc., on a school property, 1 st weapon offense	3 years / VII	5 years / VI	Person
Chapter 797 (SB0054)	CR, §3-322	Sexual Crimes Perverted sexual practices	10 years / VI	N/A	Person

Additional Modifications to the Guidelines Offense Table

Changes to Cannabis Offenses

The MSCCSP revised the Guidelines Offense Table to reflect the classification of a new cannabis cultivation offense enacted by Ch. 26 (H.B. 837), Acts of 2022. This revision was adopted in COMAR effective July 1, 2023, and is shown in Table 4. For the purposes of the sentencing guidelines, Ch. 26 (H.B. 837), Acts of 2022 also: (1) substituted the term *marijuana* with *cannabis*, (2) reduced the maximum penalty from 5 years to 3 years for *Unlawfully possess with intent to distribute, manufacture, possess production equipment – cannabis* (in response to the decreased penalty, the MSCCSP revised the seriousness category for this offense from a IV to a V), and (3) decriminalized *Possess or distribute controlled paraphernalia – cannabis*. After promulgating these revisions through the COMAR review process, the MSCCSP adopted these revisions (shown in Table 5) and issued a new version of the Maryland Sentencing Guidelines Manual (MSGM, version 15.0) effective April 1, 2023.

Table 4. Classification of New Cannabis Cultivation Offense

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category
Chapter 26 (HB0837)	CR, §5-601.2	CDS and Paraphernalia Cannabis cultivation in violation of requirements provided in CR, §5-601.2	3 years	V

Table 5. Summary of Other Changes to the Guidelines Offense Table from Ch. 26 (H.B. 837), Acts of 2022

Legislation	Annotated Code of Maryland	Offense	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category	Explanation
Chapter 26 (HB0837)	CR, §5-602(b)1 CR, §5-603(b) CR, §5-607(a)(2) (penalty)	CDS and Paraphernalia Unlawfully possess with the intent to distribute, manufacture, possess production equipment - cannabis	5 years / IV	3 years / V	In response to the decrease in the maximum penalty from 5 years to 3 years, the MSCCSP revised the offense seriousness category from IV to V, effective April 1, 2023.
Chapter 26 (HB0837)	CR, §5-602(d)2	CDS and Paraphernalia Paraphernalia—possess or distribute controlled paraphernalia—cannabis	1 year / VII	N/A	This offense is decriminalized, effective January 1, 2023. Because the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table.

Classification of Previously Unclassified Offenses

During its July 11 meeting, the MSCCSP reviewed three unclassified offenses with penalties greater than one year. The Commission's policy is to classify any offense with a penalty greater than one year. The first previously unclassified offense is a violation of CR, §3-601(c)(1), which penalizes a person convicted of 1st or 2nd degree child abuse (not resulting in the death of a victim), who has previously been convicted of 1st or 2nd degree child abuse. The Commission classified this offense as a seriousness category II person offense. The second previously unclassified offense is penalized under Environment Article (EN), §9-343(a)(1)(ii), which penalizes a subsequent violation of any provision of or failure to perform any duty imposed by a rule, regulation, order, or permit adopted or issued under Environment Article, Title 9, Subtitle 2. The Commission classified this offense as a seriousness category VII property offense. The third previously unclassified offense is penalized under Natural Resources Article (NR), §5-704(a) and prohibits a person from willfully, maliciously, or with intent, setting fire, or causing to

be set on fire any woods, brush, grass, grain, or stubble. The Commission classified this offense as a seriousness category VI property offense.

Table 6. Previously Unclassified Offenses

Annotated Code of Maryland	Offense	Statutory Maximum	Offense Type	Adopted Seriousness Category
CR, §3-601(c)(1)	Abuse and Other Offensive Conduct Child Abuse – physical, previous conviction for child abuse	25 years	Person	II
EN, §9-343(a)(1)(i) (penalty)	Public Health and Safety, Crimes Against Violation of any provision of or failure to perform any duty imposed by a rule, regulation, order, or permit adopted or issued under Environment Article, Title 9, Subtitle 2, 1 st offense	1 year ⁵	Property	VII
EN, §9-343(a)(1)(ii) (penalty)	Public Health and Safety, Crimes Against Violation of any provision of or failure to perform any duty imposed by a rule, regulation, order, or permit adopted or issued under Environment Article, Title 9, Subtitle 2, subsequent	2 years	Property	VII
NR, §5-704(a)	Public Health and Safety, Crimes Against Willfully, maliciously, or with intent, setting on fire, or causing to be set on fire, any woods, brush, grass, grain, or stubble	5 years	Property	VI

Replaced the Term “Inmate” with “Incarcerated Individual”

The MSCCSP replaced all instances of “inmate” in the Guidelines Offense Table with the term “incarcerated individual.” The MSCCSP made these revisions in response to Chapter 721 (S.B. 293), Acts of 2023 which required that the term “inmate” be replaced with “incarcerated individual” in every law, executive order, rule, regulation, policy, or document created by any official, employee, or unit of this State. Six offenses in the Guidelines Offense Table were impacted by this change.

Revised the Seriousness Categories for Select Subsequent Drug Offenses

The MSCCSP increased the seriousness category for subsequent drug offenses with 40-year statutory maximum penalties effective November 13, 2023 (see Table 7). Prior to these changes, an assistant state’s attorney brought to the attention of the MSCCSP staff that,

⁵ By MSCCSP rule, any offense with a maximum incarceration penalty of one year or less automatically receives a seriousness category VII (COMAR 14.22.01.09B(2)(f)) unless the Commission chooses to adopt a different seriousness category. For clarity, the MSCCSP added the first violation to the Guidelines Offense Table along with the subsequent violation.

although the penalty for these subsequent drug offenses is greater than that for first-time drug offenses (40 years versus 20 years, respectively), they were classified in the same seriousness categories as first-time offenses. The classifications were not an issue prior to the implementation of the Justice Reinvestment Act (JRA) (Chapter 515 (S.B. 763), Acts of 2016), as these offenses then carried a 40-year mandatory minimum penalty that replaced the lower and upper limits of the guidelines. As such, the guidelines for subsequent offenses were always greater than the guidelines for first-time offenses. Effective October 1, 2017, the JRA eliminated these mandatory minimum penalties and, instead, made them statutory maximum penalties. Therefore, the lower and upper limits of the guidelines for subsequent offenses are no longer replaced by the mandatory minimum; and the guidelines for subsequent offenses are the same as the guidelines for first-time offenses.

The Guidelines Subcommittee reviewed data for these offenses and possible reclassifications at its November 16, 2022, and April 25, 2023, meetings. The MSCCSP reviewed possible reclassifications at its December 6, 2022, and May 9, 2023, meetings. The MSCCSP voted, at its May 9, 2023, meeting, to increase by one the seriousness category for each of the subsequent drug offenses with a 40-year statutory maximum penalty to make their classifications consistent with those of comparable offenses. After promulgating the proposed revisions through the COMAR review process, the MSCCSP adopted the revised classifications effective November 13, 2023.

Table 7. Revised Seriousness Categories for Select Subsequent Drug Offenses

Annotated Code of Maryland	Offense	Statutory Maximum	Prior Seriousness Category	New Seriousness Category
CR, §5-602(a) CR, §5-603(a) CR, §5-604 CR, §5-605 CR, §5-606 CR, §5-608(d) CR, §5-609(d) (penalty)	CDS and Paraphernalia Unlawfully distribute, PWID, manufacture, possess production equipment, distribute counterfeit, PWID counterfeit, possess counterfeiting equipment, keep common nuisance, possess false prescription—narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, fentanyl, and methadone), subsequent	40 years	III-B	III-C
CR, §5-602(a) CR, §5-603(a) CR, §5-604 CR, §5-605 CR, §5-606 CR, §5-609(d) (penalty)	CDS and Paraphernalia Unlawfully distribute, PWID, manufacture, possess production equipment, distribute counterfeit, PWID counterfeit, possess counterfeiting equipment, keep common nuisance, possess false prescription—MDMA (methylenedioxymethamphetamine), 750 grams or more, subsequent	40 years	III-A	III-B

Annotated Code of Maryland	Offense	Statutory Maximum	Prior Seriousness Category	New Seriousness Category
CR, §5-627	CDS and Paraphernalia Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, subsequent	40 years	III-B	III-C

Clarified the Definition of *Single Criminal Event*

Over the years, the MSCCSP staff has received several inquiries as to whether specific scenarios qualify as a single criminal event versus multiple criminal events. The distinction between a single criminal event and multiple criminal events is an important one, as the overall sentencing guidelines are calculated at the sentencing event level by summing the guidelines ranges across criminal events. Drawing on guidance provided in a 2022 Supreme Court opinion, *Wooden v. United States*, 595 U.S. 360, 369 (2022), the MSCCSP voted at its September 13, 2022, meeting to clarify the definition of a single criminal event to read as follows:

“In determining whether multiple crimes are committed in the course of the same transaction, the person filling out the guidelines worksheet shall consider whether the crimes: (1) are committed close in time, in an uninterrupted course of conduct; (2) occur in the same location; and (3) are similar in nature or intertwined (for example, whether they share a common scheme or purpose).”

While the revised definition did not alter the guidelines rules, it provides further guidance to justice partners who must determine whether multiple crimes were committed during the same transaction. After promulgating the proposed revisions through the COMAR review process, the MSCCSP adopted the revised definition of a single criminal event effective February 1, 2023.

Modified Guidelines Instructions to Clarify that Animals May Not be Considered Victims for the Purposes of Applying the Multiple Victims Stacking Rule

In recent years, the MSCCSP staff has received multiple questions involving animal cruelty cases, specifically whether an animal meets the criteria for a “victim” for the purposes of applying the multiple victims “stacking” rule (MVSR) in a criminal event with multiple counts of animal cruelty, each involving a different animal. Presently, Chapter 10.1 of the MSGM provides instructions for the MVSR and states:

“When there is a 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 for the criminal event.”

Depending on the number of unique animals involved in the case, the application of the MVSR has the potential to affect considerably the calculation of the overall guidelines range. The Commission discussed this issue during its December 6, 2022, and May 9, 2023, business meetings. Summarizing the current state of Maryland law, the Commission concluded that most definitions of the term “victim” specifically cite references to a “person” or an “individual” and do not outwardly encompass animals. Given this expression of legislative intent, the MSCCSP voted at its May 9, 2023, meeting to adopt language in the MSGM and COMAR that explicitly excludes animals from the MVSR. The new language was submitted in May 2023 for promulgation through the COMAR review process, with an anticipated effective date of February 1, 2024.

Modified Guidelines Scoring for Offenses with Statutorily Mandated Consecutive Sentences

The MSCCSP modified the instructions for calculating the guidelines for an offense with a statutorily mandated consecutive sentence to instruct practitioners to stack the upper limits of the guidelines for the offense and the offense to which its sentence must run consecutive. The Commission adopted this rule to reflect the increased severity of sentencing events involving offenses with mandatory consecutive sentences. Currently, the law prescribes mandatory consecutive sentences for 10 offenses (see Table 8). The Guidelines Subcommittee reviewed sentencing guidelines data and the proposed enhancement for these offenses at its November 16, 2022, and April 25, 2023, meetings. The MSCCSP discussed the proposed enhancement at its December 6, 2022, and May 9, 2023, meetings. The MSCCSP voted unanimously to adopt the enhancement at its May 9, 2023, meeting. The proposed revisions were submitted in May 2023 for promulgation through COMAR, with an expected effective date of February 1, 2024.

Table 8. Offenses with Statutorily Mandated Consecutive Sentences

Annotated Code of Maryland	Offense	Statutory Maximum Penalty	Seriousness Category	Offense Type
CR, §3-601.1	Abuse and Other Offensive Conduct Commit crime of violence in the presence of a minor	5Y	VI	Person
CR, §4-306(b)(3)	Assault Weapons Use of assault weapon, rapid fire trigger activator, or magazine with a capacity of more than 10 rounds in the commission of a felony or crime of violence, subsequent	20Y	II	Person
CR, §5-608.1	CDS and Paraphernalia Knowingly violated CR, §5-602 with a mixture of heroin and fentanyl or any analogue of fentanyl; or fentanyl or any analogue of fentanyl	10Y	IIIC	Drug
CR, §5-627	CDS and Paraphernalia Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, 1st offense	20Y	IIIB	Drug
CR, §5-627	CDS and Paraphernalia Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, subsequent	40Y	IIIC	Drug
CR, §9-804(f)(1)(i)	Criminal Organizations Participate as member of criminal organization 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	15Y	One category more serious than most serious underlying offense. If no conviction on underlying offense, category = IV	Person
CR, §9-804(f)(1)(ii)	Criminal Organizations Participate as member of criminal organization in commission of crime—resulting in death of victim	25Y	One category more serious than most serious underlying offense. If no conviction on underlying offense, category = III	Person
CR, §9-805	Criminal Organizations Organize, supervise, finance, or manage a criminal organization	20Y	III	Person
CR, §5-621(c)	Weapons Crimes—In General Possess, use, wear, carry, or transport a firearm in a drug offense, subsequent	20Y	III	Person
CR, §4-204(c)(2)	Weapons Crimes—In General Unlawful use of firearm in commission of felony or crime of violence, subsequent	20Y	II	Person

Reviewed Seriousness Categories for Select Offenses with Mandatory Consecutive Sentences

The Guidelines Subcommittee reviewed the seriousness categories for three offenses for which the penalty must run consecutive to that of another offense. These three offenses include: (1) *Knowingly violated CR, §5-602 with a mixture of heroin and fentanyl or any analogue of fentanyl; or fentanyl or any analogue of fentanyl*; (2) *Unlawful use of firearm in commission of felony or crime of violence, subsequent*; and (3) *Use of assault weapon, rapid fire trigger activator, or magazine with a capacity of more than 10 rounds in the commission of a felony or crime of violence, subsequent*. The Guidelines Subcommittee reviewed these three offenses following its May 9, 2023, vote to adopt a rule instructing practitioners to stack the upper limits of the guidelines for an offense with a statutorily mandated consecutive sentence and the offense to which its sentence must run consecutive. During the May 9, 2023, meeting, Commissioners expressed concern that the rule change would effectively double-penalize individuals convicted of these three offenses because the MSCCSP classified these offenses in higher seriousness categories than comparable offenses due to their mandatory consecutive penalties. The Commission referred the issue to the Guidelines Subcommittee. The Guidelines Subcommittee reviewed sentencing guidelines data and possible reclassifications for these three offenses at its November 15, 2023, meeting. The Subcommittee deferred recommending any changes to the seriousness categories for these three offenses until sufficient data have been collected to evaluate the impact of the rule change. The rule is being promulgated through COMAR, with an expected effective date of February 1, 2024. The MSCCSP anticipates that it will be at least two years before it collects sufficient data to reevaluate these offense classifications.

Clarified Guidelines Scoring for Sentences to Probation Before Judgment (PBJ) Pursuant to CP, § 6-220(c)

The MSCCSP clarified guidelines scoring for sentences to probation before judgment (PBJ) pursuant to CP, § 6-220(c), Annotated Code of Maryland. Effective October 1, 2023, CP, § 6-220(c) authorized a new form of PBJ that allows individuals to plead not guilty while still maintaining the benefits of a traditional PBJ. Under the traditional PBJ, when a defendant enters a plea of guilty or nolo contendere—or is found guilty at trial—the court can stay the entering of a judgment of conviction and place the individual on PBJ under certain circumstances.⁶ A person who complies with the terms of this PBJ is discharged from probation without a conviction. While a successfully completed traditional PBJ is not considered a conviction for many state purposes, federal definitions of what constitutes a “conviction” are often broad

⁶ A court may still impose a traditional PBJ, pursuant to CP, § 6-220(b).

enough to include the traditional Maryland PBJ, causing some individuals who receive a Maryland PBJ to suffer unintended adverse federal consequences (e.g., deportation or ineligibility for certain social service programs). To address this situation, the Maryland General Assembly introduced and passed Senate Bill 211 during the 2023 Legislative Session.

Senate Bill 211, which went into effect October 1, 2023, amended CP, § 6-220 to create an additional type of probation before judgment that allows individuals to plead not guilty while still maintaining the benefits of a traditional PBJ, thus allowing them to avoid the adverse Federal consequences of a traditional PBJ. The MSCCSP affirmed at its September 12, 2023, meeting that a new PBJ would count towards the calculation of an individual's prior adult criminal record score (part C of the offender score; MSGM, Chapter 7.1.C).⁷ Additionally, to provide clarity to practitioners, the MSCCSP adopted at its September 12, 2023, meeting three sets of revisions to the MSGM and COMAR: (1) to add an explicit reference to the new PBJ in the definition of adjudication; (2) to replace all references to "adjudication of guilt" with simply "adjudication"; and (3) to replace references to "conviction" with "adjudication" in instances where the intended meaning of "conviction" includes both types of PBJs. These revisions are being promulgated through COMAR, with an anticipated effective date of February 1, 2024.

Modified Offense Score Calculations for Person Offenses Involving a Feigned Weapon

The MSCCSP modified the instructions for scoring weapon presence points for part C of the offense score when the offense involves the presence of a feigned weapon. The MSCCSP adopted this modification in response to an assistant state's attorney who, in 2022, notified the MSCCSP staff of an inconsistency in the instructions for scoring weapon presence points for person offenses involving a feigned weapon. Weapon presence is scored on a scale from zero to two points, with one point scored for a weapon other than a firearm or explosive and two points scored for a firearm or explosive (MSGM, Chapter 6.1.C). The MSGM (Chapter 6.1.C) defines weapon presence as "the presence of an article or device which *reasonably appears capable of causing injury*." (emphasis added). Currently, the instructions for scoring weapon presence provide that the score shall be zero points if "a weapon was feigned but no weapon was actually present." Taken together, these instructions may cause confusion among

⁷ The prior adult criminal record component of the offender score (part C) includes all PBJs, both traditional and new, unless the adjudication was 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 the 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 (MSGM, Chapter 7.1.C).

practitioners. Although feigned weapons are not real weapons, they can still appear reasonably capable of causing injury.

The Guidelines Subcommittee and Commission discussed this issue over the course of four meetings. The Guidelines Subcommittee first discussed this issue at its June 21, 2023, meeting. Subsequently, the Subcommittee recommended to the full Commission at its July 11 meeting to instruct users to score 1 point for the presence of a feigned weapon. At that time, the Commission voted to send the issue back to the Guidelines Subcommittee to consider adding a definition of feigned weapon to the recommended revisions to the MSGM and COMAR. The Subcommittee discussed possible definitions for a feigned weapon at its August 30, 2023, meeting. Finally, the Subcommittee presented to the full Commission at its September 12, 2023, meeting potential definitions. At that time, the Commission voted to instruct users to score 1 point for weapon presence if the individual intentionally created the false impression that there was an actual weapon present, including: a finger used to simulate a gun, a written note stating that there is a dangerous weapon present, or a verbal statement that there is a dangerous weapon present. The revised instructions are being promulgated through COMAR, with an anticipated effective date of February 1, 2024.

Reviewed Guidelines Departure Reasons and Drafted Survey to Solicit Feedback from the Judiciary

During its May 9, 2023, meeting, the MSCCSP proposed a review of the currently listed reasons for sentencing guidelines departures. The purpose of the review is to consider how the Commission might update the list of common departure reasons to (1) more closely align with the reasons reflected in the current guidelines data, (2) provide greater insight into the circumstances of the case, and (3) help the MSCCSP identify potential sentencing guidelines revisions. During its December 5, 2023, meeting, the MSCCSP voted to approve a survey that will solicit feedback from Maryland circuit court judges regarding potential changes to these listed departure reasons.

The MSCCSP staff drafted the approved survey after conducting research on how other jurisdictions record their listed reasons for sentencing guidelines departures. The Commission approved the following framework for the survey:

- Part 1. Introduction and survey purpose
- Part 2. Questions regarding currently listed departure reasons
- Part 3. Questions regarding departure reasons not currently listed

Part 4. Opportunity for additional comments and suggestions.

The MSCCSP will distribute the survey to circuit court judges during the April 2024 Judicial Conference. Feedback from the survey will guide the MSCCSP's future revisions to the listed departure reasons.

Reviewed a Request from the OSP to Consider a Sentencing Guidelines Enhancement for Offenses Involving an Abuse of a Position of Trust

In a letter dated August 31, 2023, the Office of the Maryland State Prosecutor (OSP) requested that the MSCCSP consider a sentencing guidelines enhancement for offenses involving an abuse of a position of trust, including *Misconduct in office*. The Commission referred the request to the Guidelines Subcommittee for review. The MSCCSP staff prepared for the Subcommittee an analysis of guidelines-eligible offenses prosecuted by the OSP and *Misconduct in office* convictions prosecuted throughout the State. The Subcommittee met in November 2023 to discuss the proposed enhancement and invited attorneys from the OSP to join the Subcommittee meeting to explain the reasons for the proposed enhancement. The OSP explained that the rationale for the recommended enhancement was primarily due to concerns that the sentencing guidelines for offenses involving an abuse of a position of trust are relatively low given the particularly egregious nature of these offenses. The guidelines for individuals convicted of these crimes are typically lower than the guidelines for other individuals convicted of similar crimes because most individuals convicted of offenses involving an abuse of a position of trust have no prior criminal record. The OSP suggested that an enhancement in these scenarios would be appropriate to account for the status of the individual when they committed the offense and the inherent abuse of power. The OSP emphasized that the guidelines play a significant role in cases involving individuals who abuse positions of trust because these cases are often resolved pre-indictment. OSP attorneys use the guidelines as a framework for pre-indictment negotiations and suggested that the proposed enhancement would create wider guidelines ranges for such negotiations and sentencing.

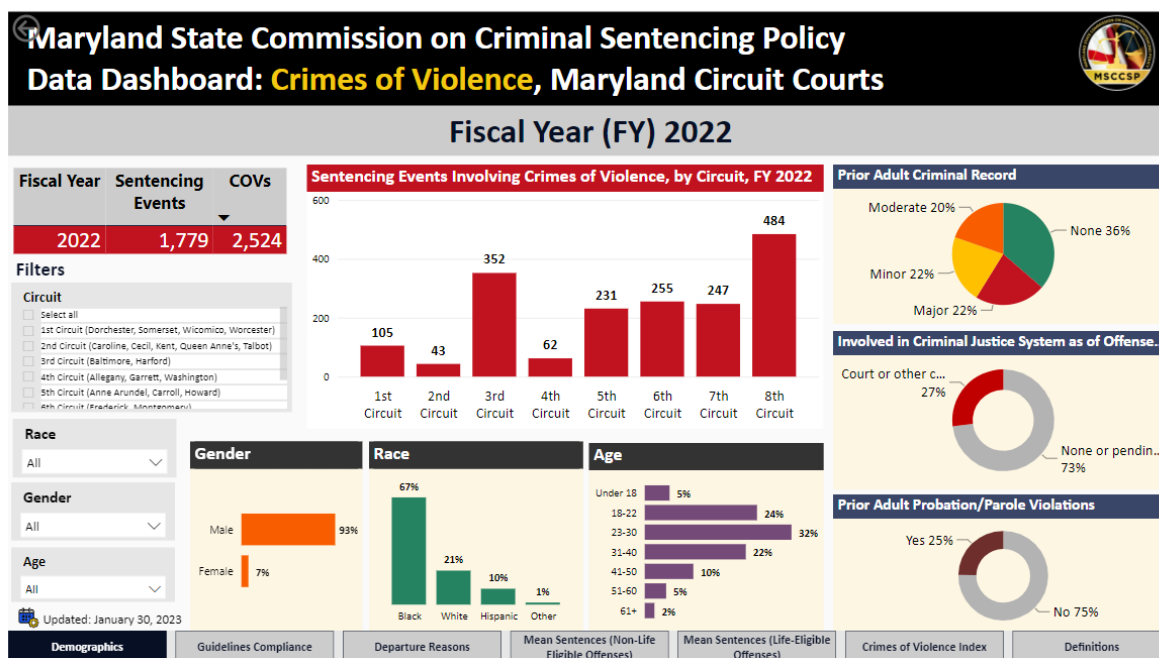
During the Subcommittee discussion and subsequent full Commission discussion at the December 5, 2023, meeting, members noted that the Commission would be taking a prescriptive approach to the guidelines if it were to adopt an enhancement. Thus, the enhancement would be contrary to the primarily descriptive nature of the sentencing guidelines. The Commission concluded that the Legislature is better positioned than the MSCCSP to address enhancements for offenses involving an abuse of a position of trust. Further, given that

Misconduct in office is currently a common law offense, the Legislature could, if it wishes, codify the offense and assign it a penalty. In the meantime, the Commission sent the issue back to the Subcommittee for further review in 2024. The Subcommittee's next review will focus only on whether the Commission should consider a more stringent seriousness category classification for the offense of *Misconduct in office*. Finally, the MSCCSP agreed to research ways to obtain data for offenses involving the abuse of a position of trust.

Publication of Crimes of Violence (COV) Data Dashboard

The MSCCSP launched the [Crimes of Violence \(COV\) Data Dashboard](#) on its website on January 31, 2023, fulfilling the requirements of Chapter 141 (S.B. 763), Acts of 2022 (see Image 1). The dashboard provides demographic and sentence information for all guidelines-eligible COV sentenced in Maryland circuit courts in fiscal year 2022. The MSCCSP will update the dashboard annually each January.

Image 1. Crimes of Violence Data Dashboard



Released Report on Racial Differences in Guidelines-Eligible Sentencing Events

The MSCCSP released its report on race and sentencing, titled [An Assessment of Racial Differences in Maryland Guidelines-Eligible Sentencing Events](#), on July 14, 2023. One of the primary goals of the MSCCSP is that sentencing should be fair and proportional and that

sentencing policies should reduce unwarranted disparity, including any racial disparity, in sentences for individuals who have committed similar crimes and have similar criminal histories. Consistent with this goal, the MSCCSP initiated analyses in 2020 to examine the components of the sentencing guidelines to assess racial differences at sentencing. In 2021, the MSCCSP staff completed a preliminary review of sentencing guidelines worksheet data for guidelines-eligible individuals sentenced in circuit courts in calendar years 2018 through 2020. The preliminary results of these analyses were presented to the MSCCSP at its December 7, 2021, meeting. During the February 2022 review of the MSCCSP's fiscal year 2023 budget, the Maryland Department of Legislative Services (DLS) recommended that the MSCCSP prepare a report addressing the extent to which Maryland sentences are influenced by racial bias.

The report was released in July 2023 and is the culmination of the MSCCSP's analysis of race and sentencing, which began in 2020, and its response to the DLS recommendation. It provides a descriptive analysis of racial and ethnic differences in sentencing for guidelines-eligible sentencing events in Maryland from 2018 through 2020. Although the report identified differences in sentencing outcomes by race, the observed racial differences were largely explained by offense severity and prior criminal record. The report concluded with recommended actions for the MSCCSP and other State and local agencies.

Training and Education

The MSCCSP provides sentencing guidelines and MAGS training to promote the consistent application of the guidelines and accurate completion of the sentencing guidelines worksheet. Guidelines trainings provide a comprehensive overview of the sentencing guidelines calculation process, instructions for calculating the offender and offense scores, advice for avoiding common mistakes/omissions, several examples of more complicated sentencing guidelines scenarios, a demonstration of MAGS and the Guidelines Calculator Tool (GLCT), and a focus on recent and upcoming guidelines related updates. The majority of 2023 guidelines trainings and MAGS orientations were conducted remotely through interactive online webinars, allowing the MSCCSP to reach a broader audience in terms of the total number of individuals who can view and/or participate in the online training sessions.

MAGS and Sentencing Guidelines 101 webinars were held for various criminal justice partners throughout February and September of 2023. Similar webinars were provided to the State's Attorney's Offices for St. Mary's and Prince George's Counties in April and July, respectively. Additionally, in an effort to meet the MSCCSP's goal of promoting the accurate completion of

the sentencing guidelines worksheet, sentencing guidelines and MAGS orientation is provided annually to circuit court law clerks throughout the State, as they play a pivotal role in the guidelines worksheet completion process. As such, multiple webinars were completed for law clerks, judges and other judicial court staff in February and September of 2023. The Judicial College also invited the MSCCSP to lead a webinar training for judges titled, *Utilizing Guidelines to Support Fair and Just Criminal Sentencing*. Fifteen judges participated in the live interactive webinar on June 16, 2023. Following these webinars, recordings of the law clerk/court staff orientation and *Utilizing Guidelines to Support Fair and Just Criminal Sentencing* were made available to all law clerks and judges through the Judicial College's digital library.

Lastly, in November 2023, the MSCCSP staff introduced a new question and answer (Q&A) webinar format. Participants in the Q&A sessions were invited to submit questions in advance and given the opportunity to ask any guidelines or MAGS-related questions during the sessions. The MSCCSP staff designed these webinars to be short sessions to answer some of the more common questions that the Commission receives.

In total, the MSCCSP provided 12 guidelines training sessions in 2023. Approximately 325 individuals participated in these sessions, including circuit court judges, judicial staff, prosecutors, public defenders, Parole and Probation agents, and private defense attorneys. To allow for practitioners to view the trainings on demand, the MSCCSP uploads all completed webinar recordings to the MSCCSP's [training page](#) and [YouTube channel](#).

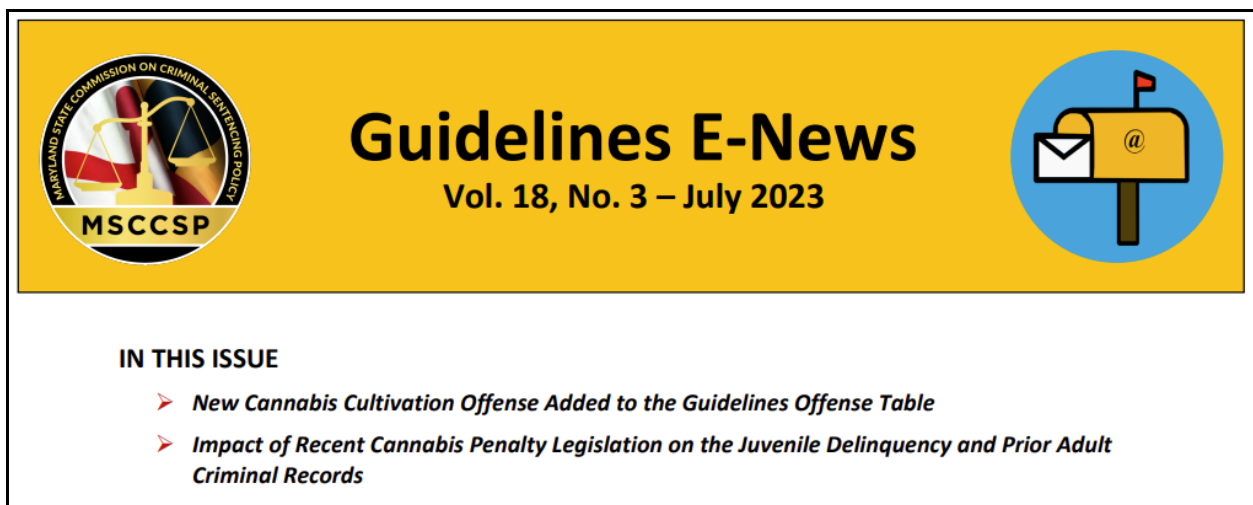
This past year, the MSCCSP Executive Director, Dr. David Soulé, met with the circuit court judges and/or judicial court staff in 13 of Maryland's 24 jurisdictions (Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Garrett, Harford, Howard, Montgomery, Prince George's and Washington Counties and Baltimore City). The meetings provided an opportunity to review sentencing guidelines-related data with the individual jurisdictions, offer status reports on guidelines worksheet submission rates, and receive feedback from the judges on areas of interest or concern regarding the guidelines and the activities of the MSCCSP.

The MSCCSP released four updates to the MSGM in 2023. MSGM 14.3 (released February 1, 2023) clarified the definition of a single criminal event. MSGM 15.0 (released April 1, 2023) revised the MSGM, Guidelines Offense Table, and prior adult criminal record to account for cannabis penalty legislation that went into effect in early 2023. MSGM 15.1 (released July 1, 2023) added a new cannabis cultivation offense to the Guidelines Offense Table. MSGM 15.2 (released November 13, 2023) revised the Guidelines Offense Table to reflect the classification

of new and amended offenses passed during the 2023 Legislative Session; the classification of three previously unclassified offenses; revised seriousness categories for subsequent drug offenses with a 40-year maximum penalty; and other minor edits to the table.

In 2023, the MSCCSP continued to deliver timely notice of guidelines-relevant information via the dissemination of the [Guidelines E-News](#). The *Guidelines E-News* (see Image 2) is a periodic newsletter delivered electronically to criminal justice partners throughout Maryland. The *Guidelines E-News* notifies justice partners of changes to the guidelines and informs them of sentencing policy decisions. For example, the [July 2023 edition](#) highlighted the new cannabis cultivation offense added to the Guidelines Offense Table, as well as guidance regarding the impact of recent cannabis penalty legislation on the scoring of the juvenile delinquency and prior adult criminal records.

Image 2. Guidelines E-News, Vol.18, Issue No. 3



Information, Data Requests, and Outreach

The MSCCSP strives to be a valuable resource for both our criminal justice partners and others interested in sentencing policy. To aid public understanding of the sentencing process in Maryland, the MSCCSP responds to inquiries for information related to sentencing in the State's circuit courts. In 2023, the Commission responded to approximately 50 requests for data and/or specific information related to the sentencing guidelines and sentencing trends throughout the State. A variety of individuals, including legislators/legislative staff, judges/court staff, prosecutors, defense attorneys, Parole and Probation agents, victims and their family members, defendants and their family members, faculty/students of law and criminal justice, and media personnel submit requests for information and/or data. To respond to data requests, the

MSCCSP typically provides the requester an electronic data file created from the information collected on the sentencing guidelines worksheets. In early 2024, the MSCCSP website will include a data download tool that will permit individuals to directly download an Excel file containing all available sentencing guidelines data.

In 2023, the MSCCSP provided sentencing information and/or data to several committees/agencies including, but not limited to, the Maryland Department of Legislative Services, the Maryland Department of Public Safety & Correctional Services, the Circuit Court for Prince George's County, the Frederick County State's Attorneys' Office, the Howard County State's Attorneys' Office, the Montgomery County State's Attorneys' Office, the Baltimore City Mayor's Office of Neighborhood Safety & Engagement, the Virginia Criminal Sentencing Commission, and multiple private criminal defense attorneys.

Additionally, the MSCCSP published three issues of the [*Sentencing Snapshot*](#) in 2023. The *Sentencing Snapshot* is a series of topical mini-reports. The MSCCSP hopes these mini-reports aid the public's understanding of sentencing policy and practices. Additionally, the MSCCSP completes an annual topical report titled, [*Maryland Sentencing Guidelines Compliance and Average Sentence for the Most Common Person, Drug, and Property Offenses*](#). This report summarizes sentencing guidelines compliance and average sentences for the five most common single count offenses in each crime category (person, drug, and property). Both the *Sentencing Snapshot* and the common offense report are available on the MSCCSP website. Appendix C provides an abbreviated version of the common offense report.

The Commission also responds to the Maryland Department of Legislative Services' requests for information to help produce fiscal estimate worksheets for sentencing-related legislation. This is an annual task performed while the General Assembly is in session. In 2023, the Commission provided information for 70 bills that proposed modifications to criminal penalties or sentencing/correctional policies in the State.

Finally, the MSCCSP conducts outreach with other criminal justice stakeholders to provide updates about the activities completed by the Commission and to exchange information, ideas, and experiences on issues related to sentencing policies, guidelines, and other criminal justice related activities. In September 2023, the MSCCSP Executive Director, Dr. Soulé, presented information regarding the sentencing guidelines and training resources for the Joint Meeting Conference of Circuit Court Judges and District Court Chief Judge's Committee. On October 20, 2023, Dr. Soulé presented to the Task Force to Study Crime Classification and on November

14, 2023, Dr. Soulé presented to the Task Force to Study Transparency Standards for State's Attorneys. Finally, on December 7, 2023, Dr. Soulé was appointed to the Criminal Law and Sentencing Reform Committee for the Maryland Equal Justice Collaborative and participated in their first committee meeting on December 14, 2023.

Data Collection, Oversight, and Verification

The MSCCSP staff is responsible for compiling and maintaining the Maryland sentencing guidelines database, which contains data from guidelines worksheets submitted via MAGS, as well as data previously submitted via paper sentencing guidelines worksheets. The MSCCSP staff conducts periodic reviews of the guidelines worksheets. The staff verifies accurate completion of the worksheets to reduce the likelihood of repeated mistakes, and contacts individuals who prepared inaccurate worksheets to discuss detected errors. When possible, the MSCCSP staff resolves detected errors.

Each year, the staff reviews the data maintained within the Maryland sentencing guidelines database to maximize the accuracy of the data. These data verification activities involve identifying cases in the database with characteristics likely to have resulted from data entry error (e.g., sentence outliers), reviewing the sentencing guidelines worksheets for these cases, and, when necessary, making corrections to the records in the database. The MSCCSP staff also routinely verifies key variables through the Maryland Judiciary Case Search website and the Maryland Electronic Courts system (MDEC). Finally, the MSCCSP staff regularly verifies and updates the database containing the guidelines offenses. Checking and updating the data on a regular basis throughout the year allow for increased confidence in the accuracy of the data and permit more reliable offense-specific analyses of the data.

Maryland Automated Guidelines System (MAGS)

MAGS is a web-based application that permits completion and submission of sentencing guidelines worksheets. MAGS calculates the appropriate sentencing guidelines range based on the offense and offender characteristics. The automated system was designed to mimic the flow of the paper guidelines worksheet. The State's Attorney's Office, Office of the Attorney General, Office of the Maryland State Prosecutor, or a Parole and Probation agent initiates the worksheet in MAGS. Defense attorneys can view, but not edit the initiated worksheet. MAGS creates a printable PDF of the sentencing guidelines worksheet that can be presented at sentencing. The sentencing judge or his/her designee enters the appropriate sentence information and then electronically submits the completed worksheet and provides a copy to the Clerk's Office for

distribution. MAGS provides many benefits in comparison to the paper worksheet process. MAGS simplifies sentencing guidelines calculations, reduces calculation errors, improves the accuracy and completeness of data, enables timely and accurate assessment of sentencing policy and practice, and allows the MSCCSP to monitor completion and submission of guidelines worksheets. MAGS users are encouraged to contact the MSCCSP staff with questions, feedback, or suggestions by phone (301-403-4165) or e-mail (msccsp@umd.edu).

MAGS was first deployed as a pilot project in the Montgomery County Circuit Court in April 2012. Effective January 27, 2014, the Conference of Circuit Judges (CCJ) approved the permanent adoption of MAGS through a gradual roll-out on a jurisdiction-by-jurisdiction basis. Effective October 1, 2019, MAGS is available for use in all 24 circuit courts. Appendix F provides a MAGS deployment schedule. MAGS is accessible from the MSCCSP website at: www.msccsp.org/MAGS (see Image 3).

Image 3. MAGS Page of MSCCSP Website



In June 2022, MAGS and the Guidelines Calculator Tool (GLCT) were programmed to account for revisions to the sentencing matrices for drug and property offenses taking effect July 1, 2022. To encourage proper calculation of the guidelines, an alert message was programmed to populate on the Offense/Offender Score tab when the sentencing event involved an offense seriousness category and offender score combination for which the guidelines range was revised effective July 1, 2022. MAGS prompted users to select whether the sentence date would take place on or after July 1, 2022, and calculated the guidelines accordingly. Further, on the GLS/Overall Sentence tab, MAGS automatically updated the guidelines, when necessary, to correspond to those in effect based on the sentencing date entered.

Given that most of the sentencing guidelines worksheets initiated now have a sentence date after July 1, 2022, the alert message was removed from the Offense/Offender Score tab effective March 29, 2023. Moving forward, MAGS automatically calculates the guidelines to

reflect the revised ranges that are currently in effect. If a sentence date is entered on the GLS/Overall Sentence tab that precedes July 1, 2022, MAGS automatically updates the guidelines to reflect the range that was in effect based on the sentencing date.

Throughout 2023, the MSCCSP staff actively collaborated with DPSCS programmers to update MAGS in response to feedback from criminal justice partners. These forthcoming updates will enhance the overall function and usability of the application. The updates include features such as simplifying the sentence screen to make it easier for court staff to data-enter sentence information, adding a feature to re-create previously submitted worksheets for subsequent sentence modifications, adding a feature to easily identify generally suspended sentences, and reflecting the count number and worksheet ID on the worksheet PDF. The MSCCSP anticipates deploying an updated version of MAGS in 2024.

In calendar year 2023, there were approximately 56,000 MAGS user logins, an increase of 8% from calendar year 2022 (see Figures 1 and 2). The majority (95%) of the user logins in 2023 originated from either prosecutors or the circuit courts. Additionally, the GLCT was accessed nearly 8,000 times in calendar year 2023, a 10% percent increase from calendar year 2022.

Figure 1. MAGS and GLCT User Logins, April 2013 through December 2023

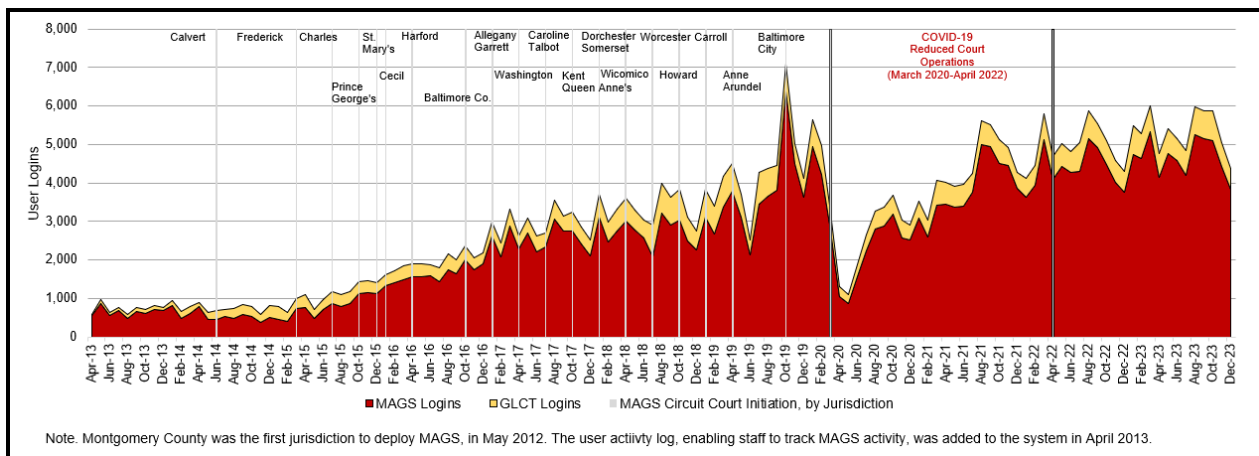
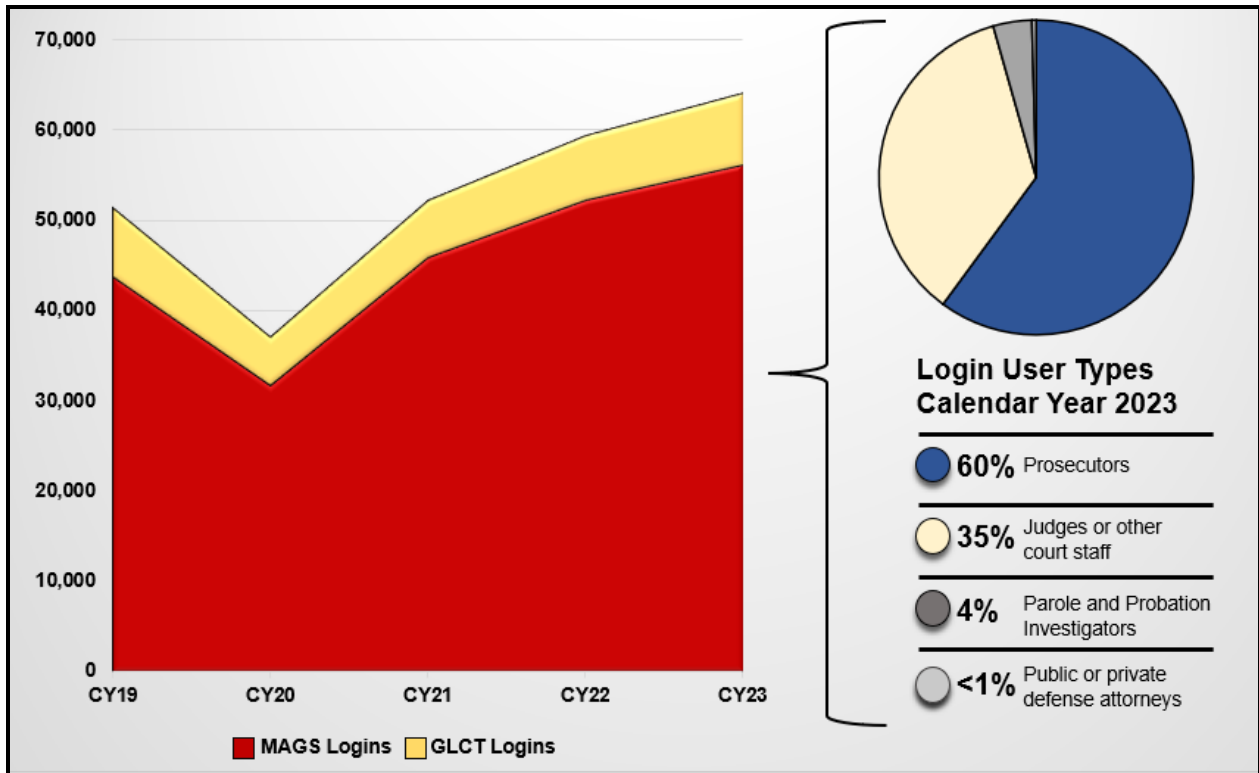


Figure 2. MAGS User Logins, by User Type, Calendar Years 2019 through 2023

The GLCT (see Image 4) is a stand-alone, publicly available tool that can be used to calculate sample sentencing guidelines. The GLCT does not require login information, nor does it save or store any of the entered information. Figure 1 indicates that, though the statewide deployment of MAGS was completed in October 2019, the GLCT is still frequently used.

Image 4. Guidelines Calculator Tool (GLCT)

GLCT GUIDELINES CALCULATOR TOOL

Last Name: SMITH First Name: JOHN SID:

Offender Information **Offender Score** **List of Offenses**

Maryland Guidelines Calculator Tool Previous

Add Offense

Event #	Count	Offense Description	Guidelines	Case #	Select
1	1	CDS Possession - Cocaine, 1st offense (SENTENCE DATE on/after 10/1/17)	P to 4M	C14CR21001145	
1	2	Misdemeanor theft or theft scheme, at least \$100 but less than \$1,500, 1st offense (SENTENCE DATE on/after 10/1/17)	P to 6M	C14CR21001145	

Overall Guidelines Range: P to 6M

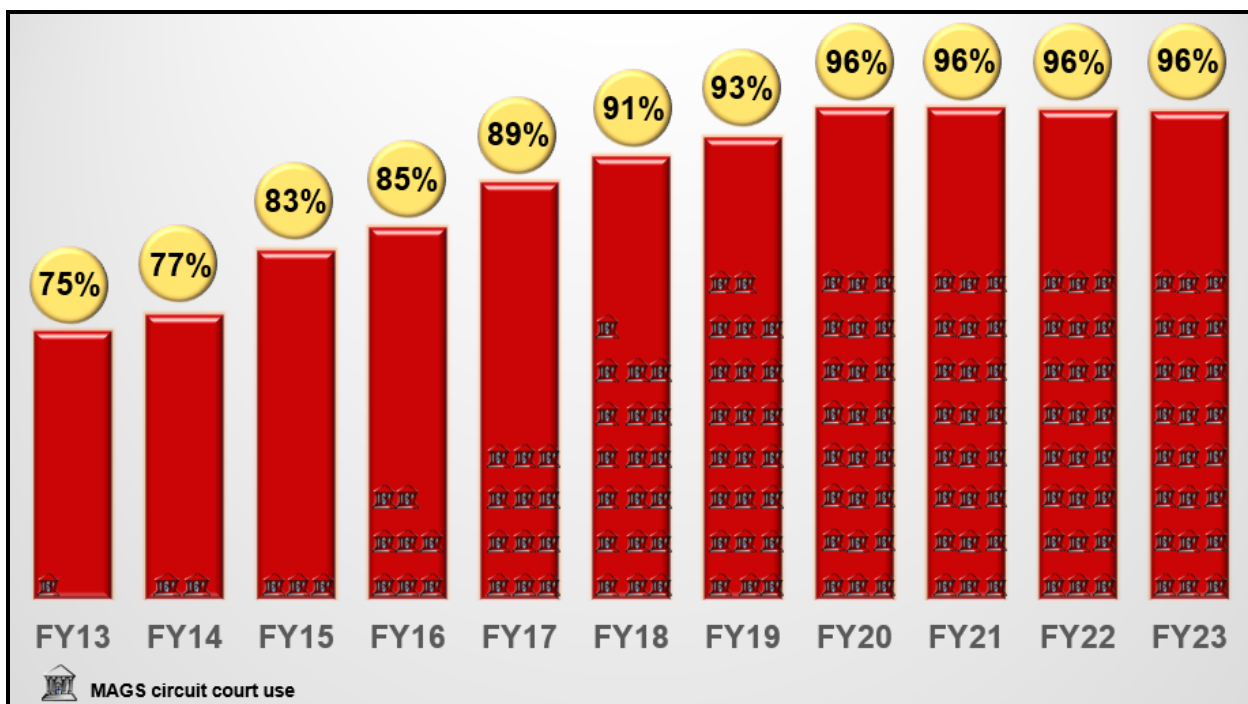
To aid in guidelines worksheet submission, in 2014 the MSCCSP staff began working with various State agencies to identify all guidelines-eligible cases sentenced in circuit courts, match these cases to guidelines worksheets received by the MSCCSP, and provide feedback

regarding worksheet submission rates to individual jurisdictions. Each month, the AOC sends the MSCCSP a dataset containing limited case-level information for all guidelines-eligible cases sentenced in circuit courts during the previous month.⁸ The MSCCSP staff links these datasets to sentencing guidelines worksheet data. Using this data, the MSCCSP staff calculates worksheet submission rates for each jurisdiction.

The MSCCSP sends to each Maryland jurisdiction a monthly status report indicating the number of guidelines-eligible cases sentenced in their jurisdiction during the previous month, the number of worksheets submitted via MAGS, and the number of and case information for worksheets not submitted. These status reports provide worksheet submission updates for the most recent two months. Biannually, the MSCCSP sends to each jurisdiction an additional status report detailing case information for worksheets not submitted during the previous six months. Since the MSCCSP began providing MAGS status reports to individual jurisdictions, the worksheet submission rate has increased from 75% in fiscal year 2013 to 96% in fiscal year 2023 (see Figure 3). Additionally, the MSCCSP is coordinating with the AOC to implement a statewide, aggregated worksheet status report, though that implementation has been delayed until full deployment of the MDEC system. The MSCCSP anticipates that, in providing individual jurisdictions with feedback, worksheet submission rates will continue to near 100 percent, thus improving the completeness and reliability of the MSCCSP's data.

⁸ For a complete description of guidelines-eligible cases, see *The Present Sentencing Guidelines* section of this report, starting at page 2.

Figure 3. Worksheet Submission Rates, by MAGS Circuit Court Usage, Fiscal Years 2013 through 2023



Public Comments Hearing

The MSCCSP recognizes the importance of providing a forum for the public to discuss sentencing-related issues. As such, the MSCCSP holds an annual public comments hearing. The 2023 public comments hearing occurred on December 5, 2023, at the Maryland Judicial Center in Annapolis. Prior to the hearing, the MSCCSP emailed hearing invitations to key criminal justice stakeholders throughout the State via the Commission's listserv. Additionally, the MSCCSP announced the hearing on the Commission's website, on the Maryland Register, on the Maryland General Assembly's hearing schedule, and through a press release by the DPSCS.

At the start of the public comments hearing, Commissioners introduced themselves and briefly explained their role on the Commission. The MSCCSP's Executive Director, Dr. Soulé, then provided a brief presentation on the history and mission of the MSCCSP. Registered speakers were then invited to present their comments.

Dr. Stanley Andrisse, Executive Director of the Prisons-to-Professionals (P2P) program based in Baltimore City, spoke first. Dr. Andrisse suggested that sentenced individuals should be included as members of the Sentencing Commission, stating that formerly incarcerated

individuals bring unique insight into the sentencing process. After Dr. Andrisse's comments, Commissioners noted that the members of the Commission do not control who is appointed to the Sentencing Commission. Rather, the Maryland Legislature determines the composition of the Commission. The Maryland Governor, Legislature, and the Chief Justice of the Supreme Court of Maryland then appoint members to the Commission. Dr. Andrisse concluded by stating that, in addition to MSCCSP matters, he would also be interested in partnering with Commissioners on the work he does with his non-profit.

Sarah David, Deputy State Prosecutor at the OSP, spoke next. Ms. David requested, on behalf of the OSP, that the MSCCSP consider a sentencing enhancement for crimes that involve an abuse of a position of trust. Ms. David provided examples of these crimes and explained the proposal's relevance to the MSCCSP's mission. Ms. David then responded to questions from Commissioners. Ms. David added that the proposed enhancement would allow the Commission to better identify offenses involving an abuse of a position of trust, which would then allow the Commission to analyze sentencing trends for these offenses.

Abigail Ticse, Assistant State Prosecutor at the OSP, spoke next to further comment on the proposed enhancement for crimes involving an abuse of a position of trust. Ms. Ticse clarified the difference between the crime of misconduct in office and crimes involving an abuse of a position of trust. She explained that misconduct in office is reserved for public officials acting in their official capacity, whereas abuse of a position of trust captures a much broader range of activity. Ms. Ticse suggested that the federal guidelines serve as a starting point for defining a position of trust and any potential enhancement. Ms. Ticse then responded to questions and comments from Commissioners.

Mary Setzer, Assistant State Prosecutor at the OSP, spoke last to comment on the OSP's proposed enhancement. Ms. Setzer requested, on behalf of the OSP, that the Commission apply this enhancement broadly to all crimes involving an abuse of a position of trust, and not limit it to particular crimes (e.g., misconduct in office). Ms. Setzer suggested that the enhancement would increase the upper guidelines limits for these offenses and, thus, provide prosecutors with more room to negotiate pre-indictment plea agreements. Commissioners expressed concern that the prescriptive nature of the sentencing enhancement request contradicts the primarily descriptive nature of the guidelines. Ms. Setzer reiterated that without the enhancement, the Commission has no way to identify these offenses and, therefore, no data to analyze sentencing trends for these offenses. Ms. Setzer suggested that, if the Commission identified these offenses, it may find that judges impose sentences above the recommended

guidelines due to the abuse of a position of trust. Ms. Setzer's remarks concluded the public comments hearing. The Commission discussed further the OSP's requested enhancement during its business meeting, held immediately after the public comments hearing.

The MSCCSP will publish to its website minutes for the December 5, 2023, public comments hearing after the Commission reviews and approves the minutes at its next meeting, scheduled for May 7, 2024. The MSCCSP welcomes testimony from members of the public, as public participation is essential to creating awareness of sentencing issues.

SENTENCES REPORTED IN FY 2023

The MSCCSP collects sentencing guidelines worksheets and automates the information to monitor sentencing practice and adopt changes to the sentencing guidelines as warranted. From July 1983 through June 2000, the AOC maintained the sentencing guidelines worksheet data. Beginning in July 2000, the MSCCSP assumed this responsibility. The MSCCSP routinely updates the sentencing guidelines worksheet data, checks it for errors, makes corrections to the database, and incorporates additionally submitted worksheets. These updates and corrections may affect the data and figures presented in previous reports. The data and figures presented in this report reflect only guidelines-eligible sentencing events for which the MSCCSP received a sentencing guidelines worksheet as of December 21, 2023.

Sentencing Guidelines Worksheets Received

In fiscal year 2023, the MSCCSP received sentencing guidelines worksheets for 10,448 sentencing events.⁹ With a handful of exceptions, all the fiscal year 2023 worksheets were submitted electronically using MAGS.¹⁰ The second and third columns of Table 9 illustrate the number and percentage of sentencing guidelines worksheets submitted in fiscal year 2023 by judicial circuit. Image 5 identifies the individual jurisdictions in each judicial circuit. The Third Circuit (Baltimore and Harford Counties) submitted the largest number of sentencing guidelines worksheets (2,134), while the Second Circuit (Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties) submitted the fewest (483).

In fiscal year 2023, the AOC identified 11,310 guidelines-eligible cases, and the MSCCSP received a MAGS submission or paper worksheet for 10,807 (95.6%) of the guidelines-eligible cases.^{11,12} The sixth column of Table 9 indicates the percentage of guidelines-eligible cases with

⁹ A sentencing event will include multiple sentencing guidelines worksheets if the individual is being sentenced for more than three offenses and/or multiple criminal events. Sentencing guidelines worksheet totals throughout this report treat multiple worksheets for a single sentencing event as one worksheet.

¹⁰ Eight of the 10,448 worksheets were submitted by e-mail to the MSCCSP. Rarely, a criminal justice partner cannot use MAGS to initiate and/or submit a sentencing guidelines worksheet. This typically happens only in the rare instance where an offense in the sentencing event is not included in the MAGS offense table.

¹¹ Whereas most of this section refers to worksheets or sentencing events that may consist of several case numbers, a guidelines-eligible case is defined as one unique case number. Because case numbers, rather than sentencing events, are used to compute the number of guidelines-eligible cases, the number of guidelines-eligible cases received is greater than the total number of worksheets received.

¹² The circuit court in Prince George's County (from July 2022 through September 2022) identified guidelines-eligible cases using data from their individual case management system. The AOC identified

a submitted worksheet in fiscal year 2023 by judicial circuit. Worksheet submission rates ranged from 92.0% in the Third Circuit to 99.7% for in the Fifth Circuit. Worksheet submission rates varied by individual jurisdictions within each judicial circuit. As Figure 4 illustrates, the number of criminal sentencings in the past decade has fluctuated, while worksheet submission rates increased with the statewide expansion of MAGS. With the statewide deployment of MAGS completed in October 2019, the MSCCSP anticipates that worksheet submission rates will continue to near 100 percent.

Table 9. Number and Percentage of Sentencing Guidelines Worksheets and Cases Submitted by Circuit, Fiscal Year 2023

Circuit	Number of Worksheets Submitted	Percent of Total Worksheets Submitted	Number of Guidelines-Eligible Cases Submitted	Total Number of Guidelines-Eligible Cases	Percent of Guidelines-Eligible Cases with Submitted Worksheet
1	773	7.4%	794	804	98.8%
2	483	4.6%	491	493	99.6%
3	2,134	20.4%	2,168	2,357	92.0%
4	680	6.5%	693	740	93.6%
5	1,450	13.9%	1,508	1,513	99.7%
6	1,245	11.9%	1,287	1,300	99.0%
7	1,780	17%	1,830	2,045	89.5%
8	1,903	18.2%	2,036	2,058	98.9%
TOTAL	10,448	100.0%	10,807	11,310	95.6%

eligible cases in Baltimore City using mainframe data. The AOC identified eligible cases in all other jurisdictions using data entered into MDEC.

Figure 4. Number and Percentage of Sentencing Guidelines Worksheets Submitted by Fiscal Year, Fiscal Years 2014 through 2023

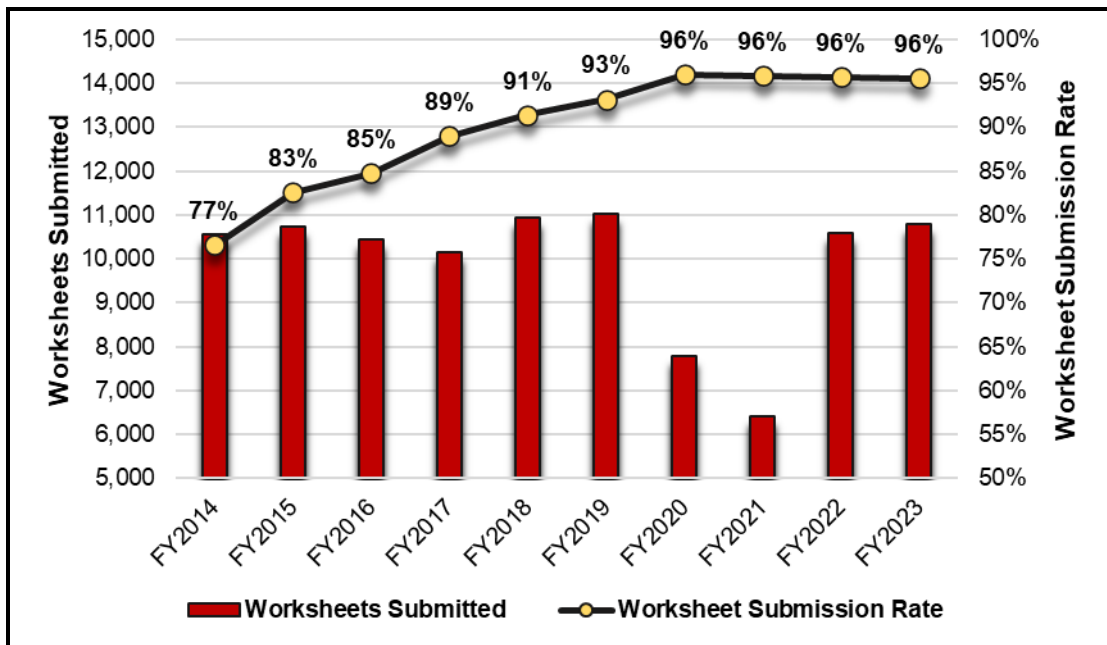


Image 5. Maryland Judicial Circuits



Source: <http://www.courts.state.md.us/clerks/circuitmap2.jpg> (extracted December 2010)

Characteristics of Sentenced Individuals

Figures 5 through 10 summarize the characteristics of sentenced individuals from the 10,448 sentencing guidelines worksheets submitted for fiscal year 2023. Most sentenced individuals were male (88.4%) and Black (63.9%). Approximately 8% were of Hispanic or Latino origin. The median age of sentenced individuals at the date of the offense was 30 years. The youngest individual was 14, while the oldest was 83 years of age. Fewer than 2% of sentenced individuals were under 18 years of age; 21% were 18-22 years old; 31% were 23-30 years old; 26% were 31-40 years old; and the remaining 20% were 41 years or older. The most common type of legal representation was a public defender (48.6%), followed closely by a private defense attorney (48.3%). Only 3.1% of sentenced individuals received court appointed representation or represented themselves.

Figure 5. Distribution of Guidelines Sentencing Events by Gender, Fiscal Year 2023

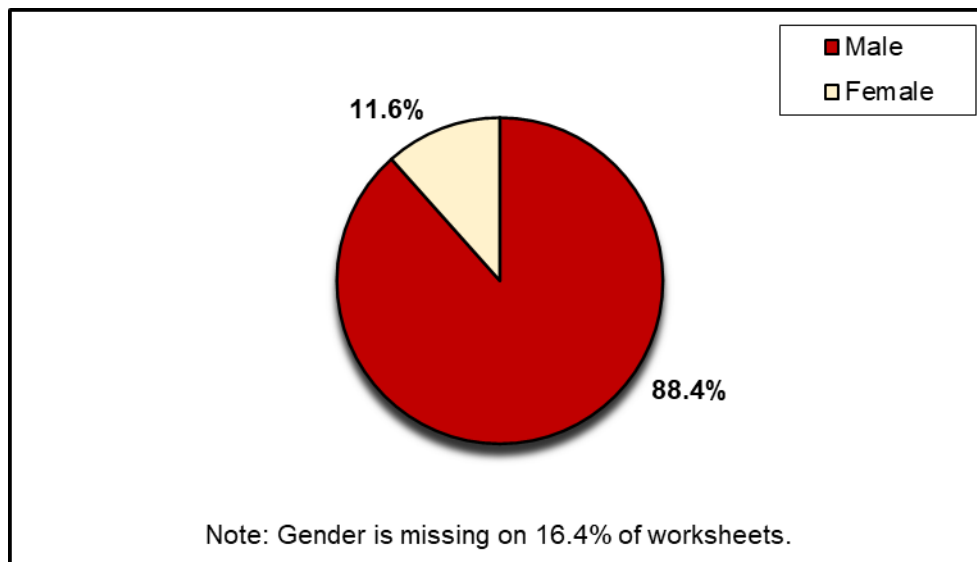


Figure 6. Distribution of Guidelines Sentencing Events by Race, Fiscal Year 2023¹³

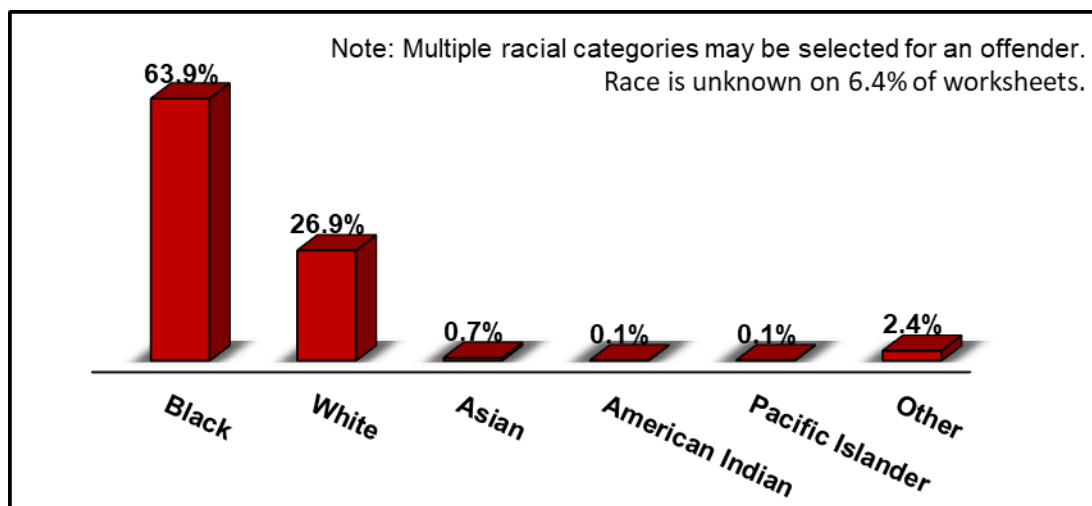
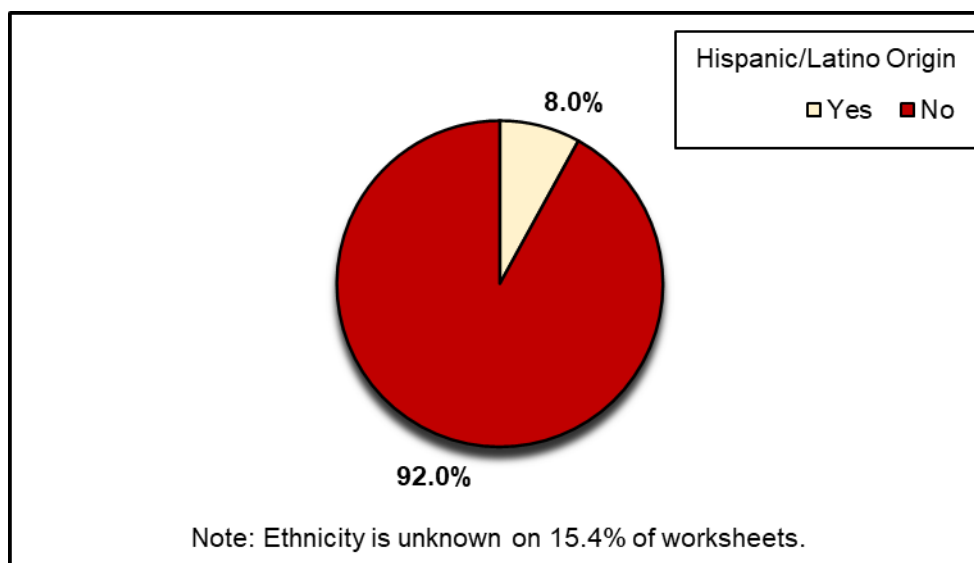


Figure 7. Distribution of Guidelines Sentencing Events by Ethnicity, Fiscal Year 2023¹⁴



¹³ The racial categories on the sentencing guidelines worksheets comply with the requirements specified in State Government Article (SG), § 10-603. Effective July 1, 2019, the worksheet permits multiracial responses. Effective April 1, 2021, race is a mandatory field in MAGS; however, users may select “unknown” as a valid response category.

¹⁴ Effective April 1, 2021, ethnicity is a mandatory field in MAGS; however, users may select “unknown” as a valid response category.

Figure 8. Distribution of Guidelines Sentencing Events by Age, Fiscal Year 2023

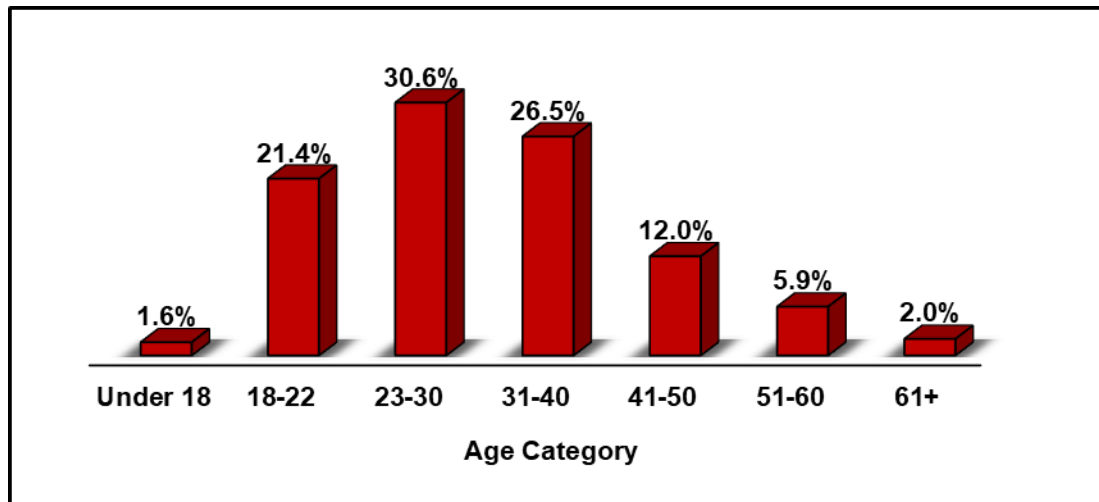


Figure 9. Distribution of Guidelines Sentencing Events by Type of Legal Representation, Fiscal Year 2023

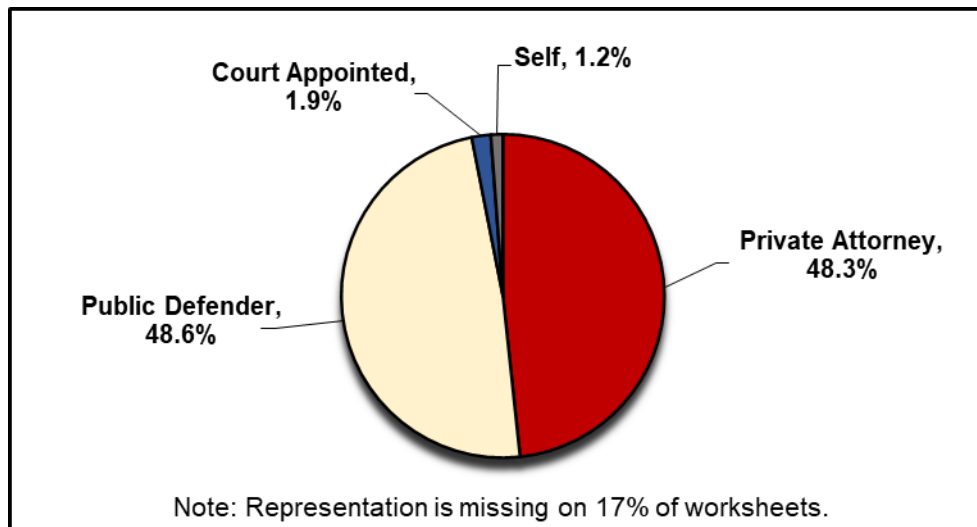
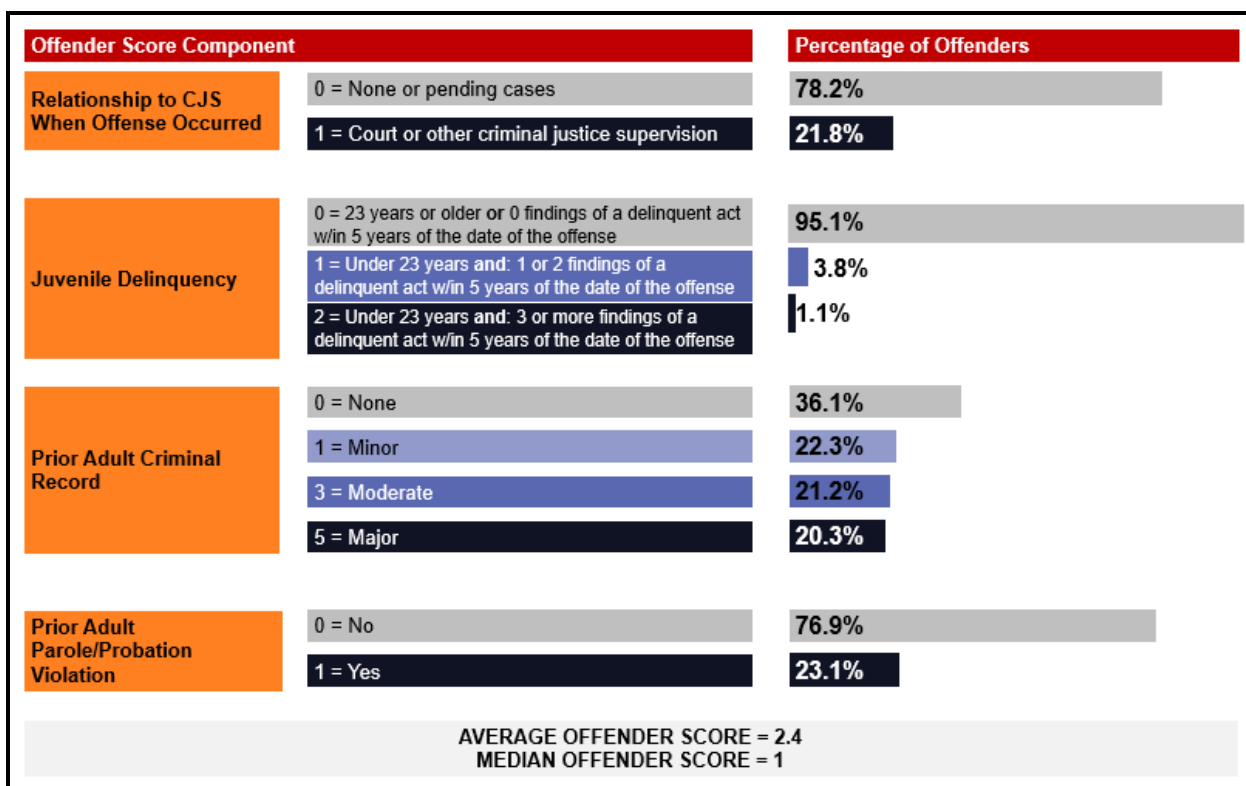


Figure 10 shows the distribution of guidelines sentencing events by the four components of the offender score. The offender score provides a measure of the sentenced individual's prior criminal history and ranges from 0 to 9. The second column of Figure 10 details the point values for each component of the offender score. The average offender score in fiscal year 2023 was 2.4. The median or middle score was 1. Approximately one-third (32.8%) of individuals had an offender score of 0, indicating no prior involvement in the criminal justice system. Turning to the four individual components of the offender score, more than three-quarters of sentenced individuals had no relationship to the criminal justice system when the instant offense occurred (78.2%). Similarly, 76.9% had no prior adult parole or probation violations, and just under 5% received points for a juvenile record. Greater variability was observed for the prior adult criminal

record component of the offender score, with 36.1% of individuals with no record and the remaining offenders distributed similarly among the minor (22.3%), moderate (21.2%), and major (20.3%) prior adult criminal record categories. Lastly, the criminal record decay factor was applied in 4.2% of sentencing events. The application of the decay factor reduces the prior adult criminal record by one level (from Major to Moderate, from Moderate to Minor, or from Minor to None) for individuals who have lived in the community for at least ten years prior to the instant offense without criminal justice system involvement.

Figure 10. Distribution of Guidelines Sentencing Events by Offender Score, Fiscal Year 2023

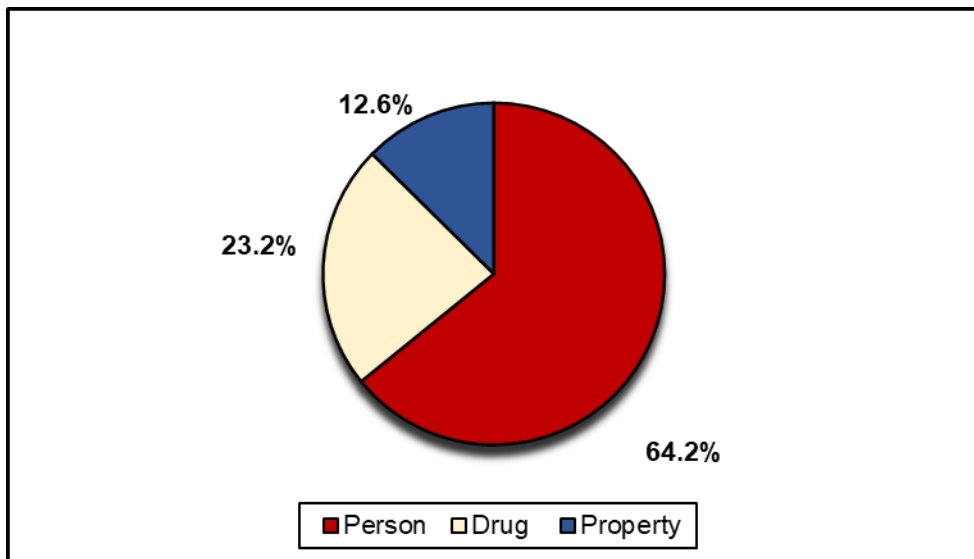


Offense Characteristics

Figures 11 through 16 summarize the offense characteristics from the 10,448 sentencing guidelines worksheets submitted for individuals sentenced in fiscal year 2023. Figure 11 illustrates the distribution of guidelines sentencing events by crime category. For sentencing events involving multiple offenses, the figure considers only the most serious offense. Sentencing events involving a person offense were most common (64.2%), followed by those involving a drug offense (23.2%). In 12.6% of sentencing events, the most serious offense was a property crime. The distribution of sentencing events by crime category followed a similar

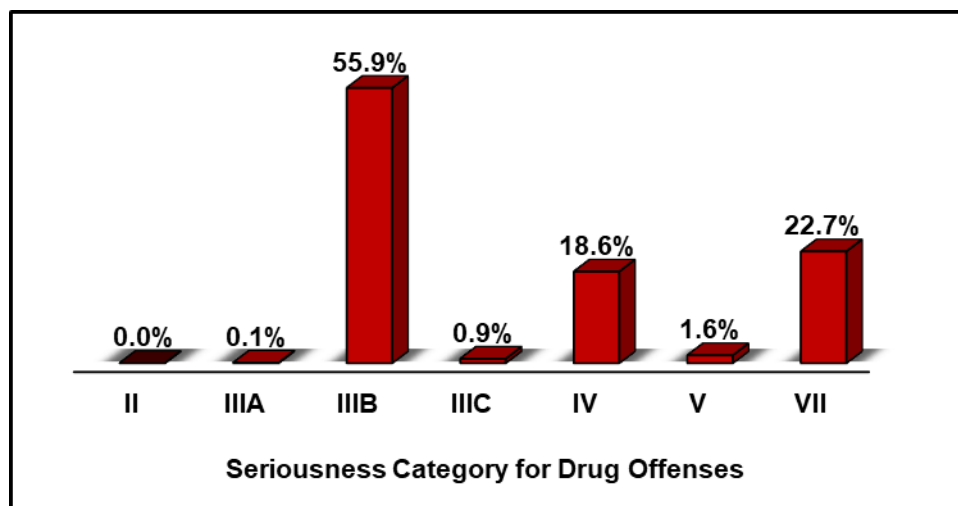
pattern when limiting the analysis to individuals sentenced to incarceration (67.5% person, 21.4% drug, 11.1% property).¹⁵

Figure 11. Distribution of Guidelines Sentencing Events by Crime Category, Fiscal Year 2023



Figures 12, 13, and 15 display the distribution of guidelines offenses by offense seriousness category for each of the three crime categories. Among drug offenses, offenses with seriousness categories IIIB (55.9%), VII (22.7%), and IV (18.6%) were most common. The five most frequent drug offenses were *Distribution of cocaine* (IIIB), *Distribution of fentanyl* (IIIB), *Distribution of cannabis* (IV), *Possession of cocaine* (VII), and *Possession of cannabis* (VII).

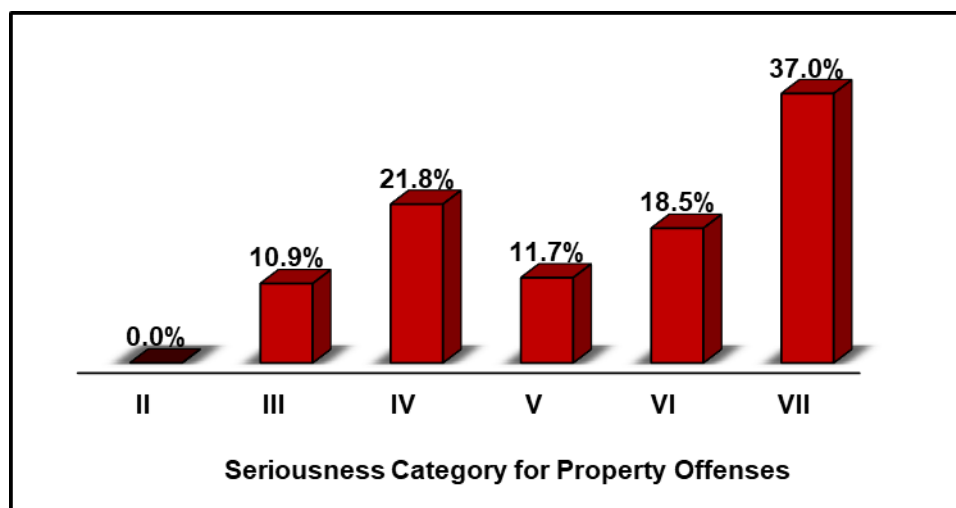
Figure 12. Distribution of Drug Offenses by Seriousness Category, Fiscal Year 2023



¹⁵ Incarceration includes home detention and credited time, as well as post-sentence jail/prison time.

Figure 13 provides the distribution of property offenses by seriousness category. Offenses with a seriousness category VII were most common (37%). In contrast, none of the reported property offenses in fiscal year 2023 were seriousness category II offenses. The five most frequent property offenses were *Burglary, 2nd degree* (IV); *Felony theft or theft scheme of at least \$1,500 but less than \$25,000* (VI); *Burglary, 4th degree* (VII); *Burglary, 1st degree* (III); and *Misdemeanor theft or theft scheme of at least \$100 but less than \$1,500* (VII).

Figure 13. Distribution of Property Offenses by Seriousness Category, Fiscal Year 2023



CP, § 6-214 directs the MSCCSP to include an entry location on the sentencing guidelines worksheet to allow for the reporting of the specific dollar amount, when available, of the economic loss to the victim for theft and related crimes under Title 7 of the Criminal Law Article and fraud and related crimes under Title 8 of the Criminal Law Article.¹⁶ In fiscal year 2023, sentencing guidelines worksheets reported 826 sentences for theft, fraud, and related crimes. Figure 14 shows that in 485 (58.7%) of these sentences, an actual dollar amount to indicate the economic loss to the victim was recorded. *Unknown amount* was marked for 341 (41.3%) of 826 theft and fraud related offenses. When reported, economic loss ranged in value from a minimum of no loss to a maximum of \$2,074,813. The mean (average) amount of loss was \$23,855, while the median (middle) amount of loss was \$800. The fact that the mean is larger than the median indicates that the distribution of economic loss has a positive skew, with a few extremely large loss amounts pulling the mean above the median. *Felony theft or theft scheme of at least*

¹⁶ The MSCCSP adopted the following definition of economic loss: the amount of restitution ordered by a circuit court judge or, if not ordered, the full amount of restitution that could have been ordered (COMAR 14.22.01.02B(6-1)).

\$1,500 but less than \$25,000 was the most common offense for which the amount of economic loss was reported on the sentencing guidelines worksheet.

Figure 14. Economic Loss for Theft- and Fraud-Related Offenses, Fiscal Year 2023

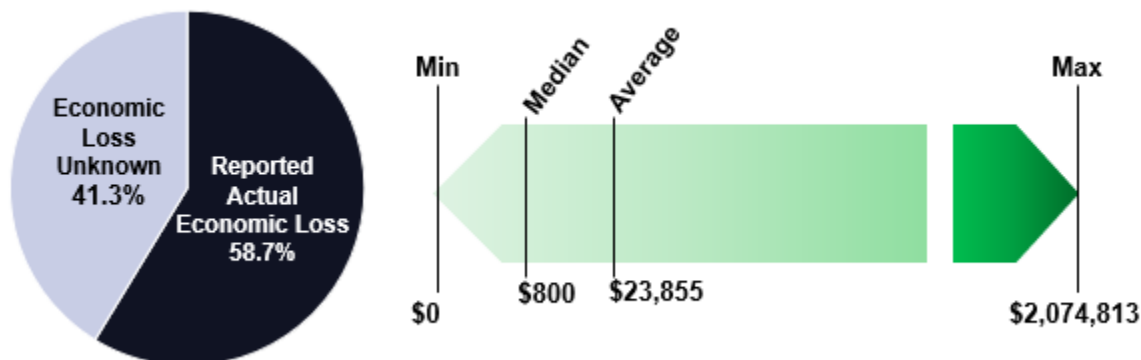


Figure 15 summarizes the distribution of person offenses by seriousness category. Offenses with a seriousness category V were most common (32.5%), followed by offenses with a seriousness category III (18.7%). The five most frequent offenses were *Assault, 2nd degree* (V); *Possession of a regulated firearm by a restricted person* (VI); *Assault, 1st degree* (III); *Wear, carry, or transport a handgun* (VII); and *Firearm use in a felony or crime of violence* (III).

Figure 15. Distribution of Person Offenses by Seriousness Category, Fiscal Year 2023

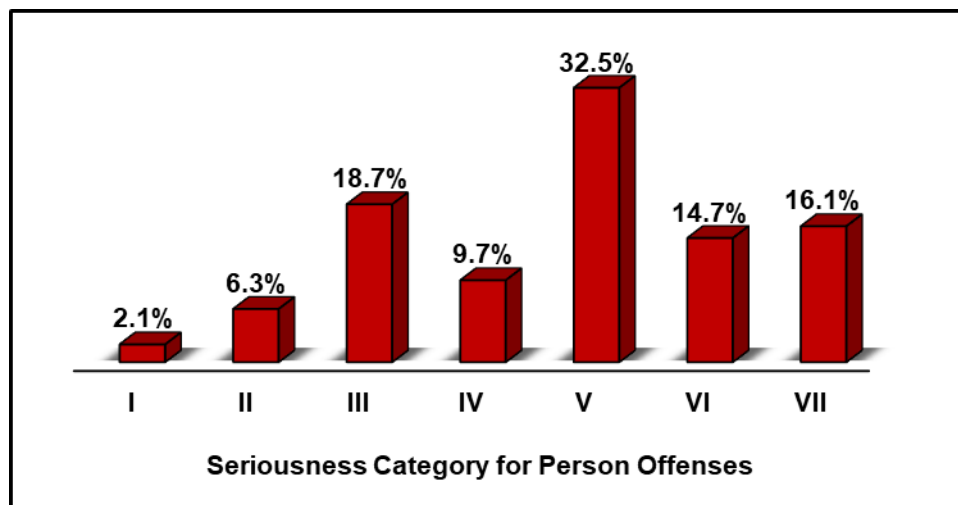
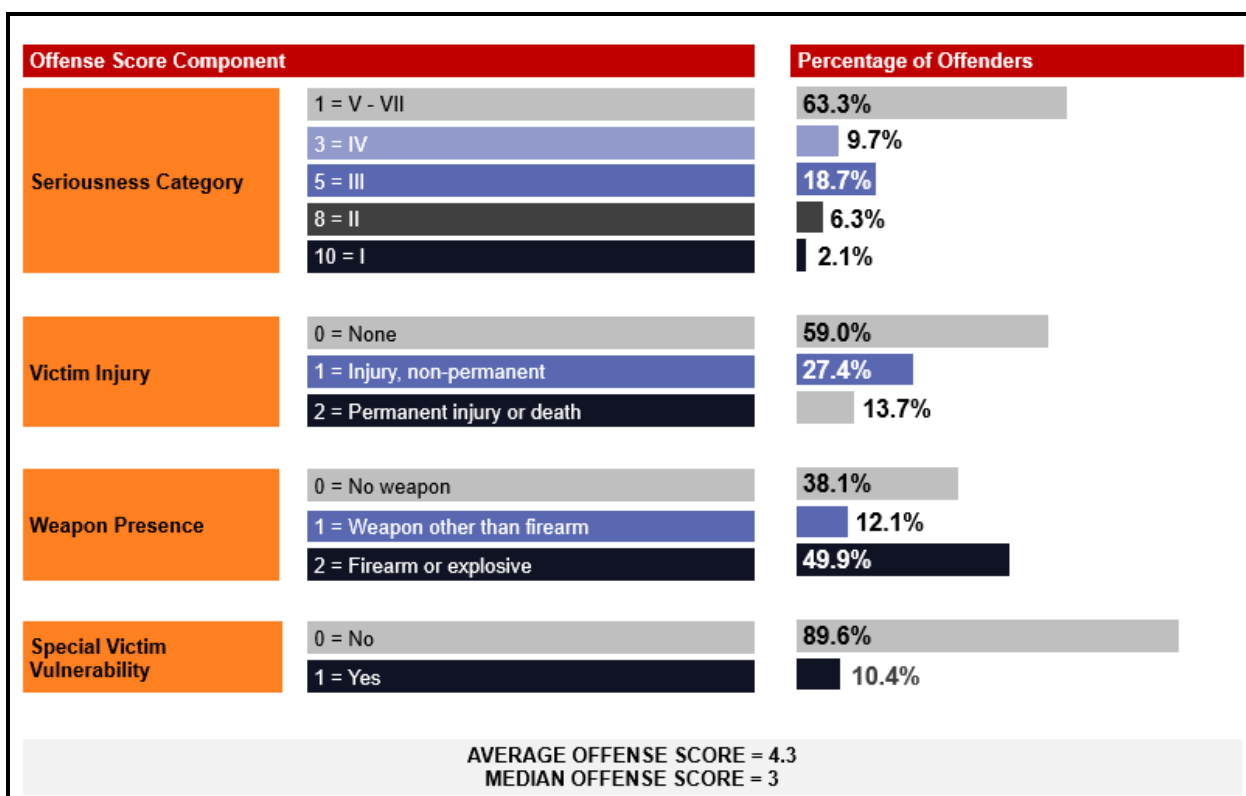


Figure 16 displays the distribution of person offenses by the four components of the offense score. The offense score provides a measure of the seriousness of an offense against a person and ranges from 1 to 15. The second column of Figure 16 details the point values for each of

the components of the offense score for person offenses. The average offense score for person offenses in fiscal year 2023 was 4.3. The median or middle score was 3. Most person offenses (63.3%) had a seriousness category of V, VI, or VII. Approximately 59% of person offenses involved no injury to the victim, although more than half (61.9%) involved a weapon. Finally, 10.4% of person offenses were committed against vulnerable victims (defined as those under 11 years old, 65 years or older, or physically or cognitively impaired).

Figure 16. Distribution of Person Offenses by Offense Score, Fiscal Year 2023



Victim Information

The sentencing guidelines worksheet includes multiple victim-related items to describe the role of victims at sentencing and to ascertain whether 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. Figures 17 through 19 detail the responses to these items in fiscal year 2023. Unfortunately, the victim-related items are often not reported by the individuals who initiate the sentencing guidelines worksheet. For example, whether victim-related court costs were imposed was left blank on 47.1% of worksheets, and more than half of all worksheets (52.7%) were missing information on whether there was a victim. The figures presented here are limited to the subset of cases with valid victim-related data.

Figure 17 indicates that victim-related court costs were imposed in 33.8% of sentencing events. These court costs may be imposed for all crime types, not just those involving a direct victim. 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. Figure 18 illustrates that 60.4% of worksheets with valid information on the victim-related questions indicated there was a victim.

Figure 17. Distribution of Guidelines Sentencing Events by Whether Victim-Related Court Costs Imposed, Fiscal Year 2023

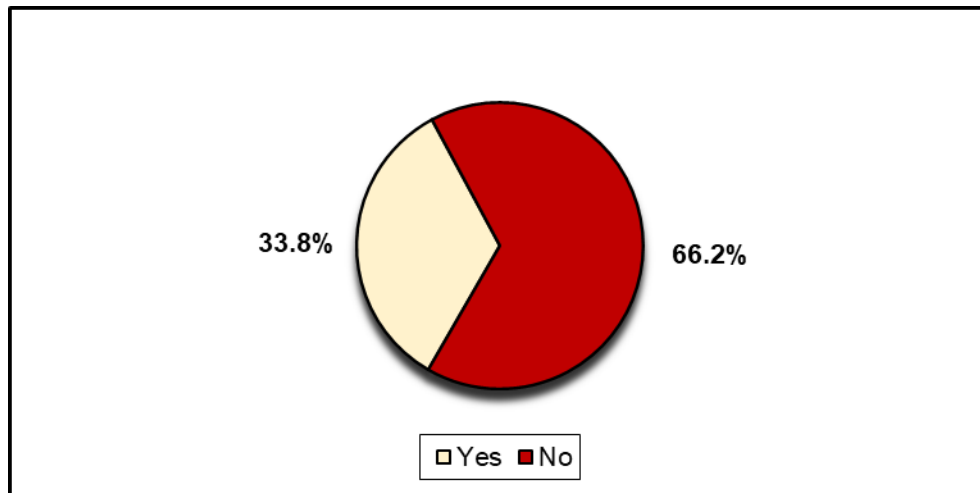


Figure 18. Distribution of Guidelines Sentencing Events by Whether Victim Involved, Fiscal Year 2023

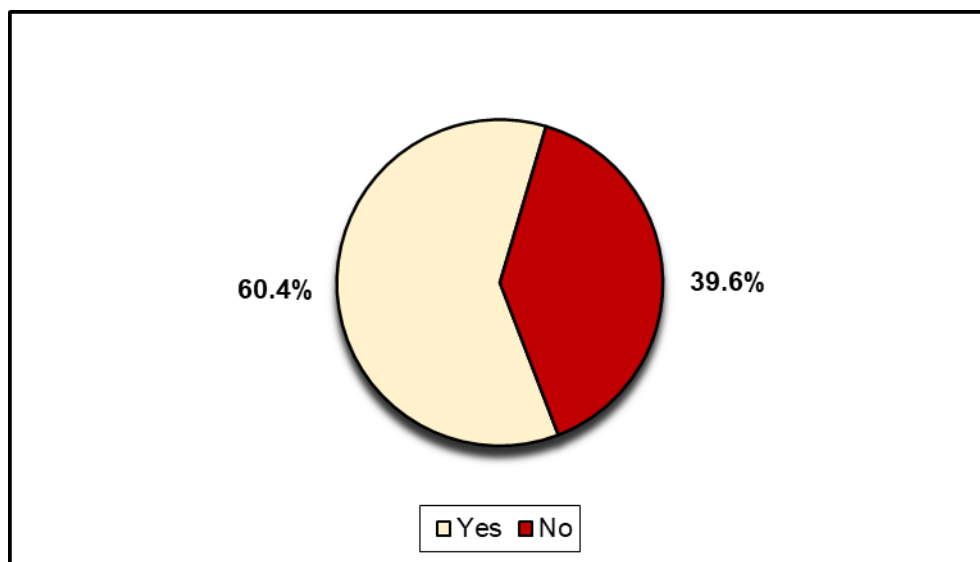
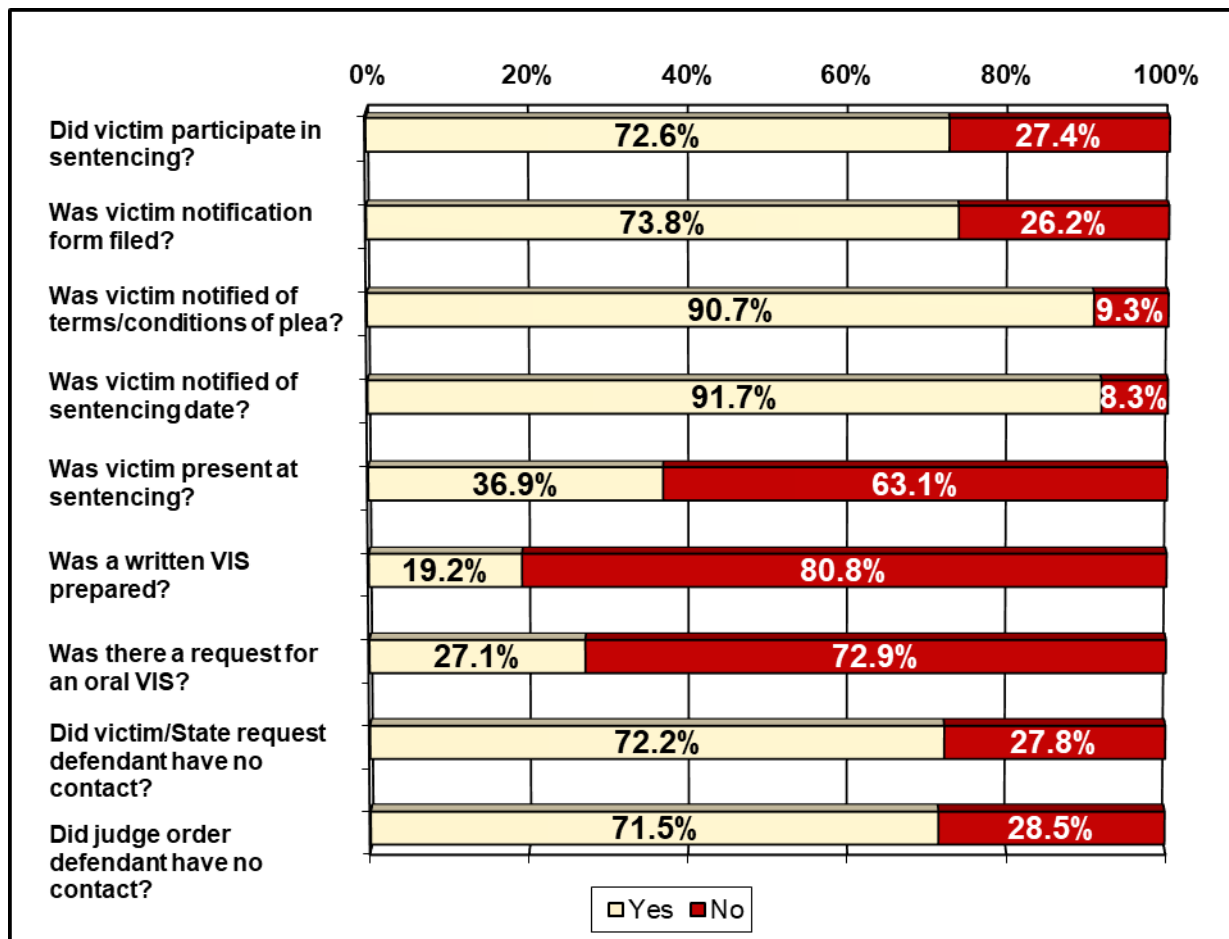


Figure 19 summarizes the responses to the items in the *Victim Information* section of the worksheet for sentencing events involving a victim. In 27.4% of sentencing events involving a

victim, the victim did not participate, was not located, did not maintain contact with involved parties, or waived his/her rights. The victim filed a Crime Victim Notification and Demand for Rights form in 73.8% of sentencing events. Most victims (90.7%) were notified of the terms and conditions of a plea agreement before the defendant entered a plea. Similarly, 91.7% of victims were notified of the court date for sentencing. Approximately one-third of victims (36.9%) were present at sentencing. A written Victim Impact Statement (VIS) was prepared in 19.2% of sentencing events involving a victim, while the victim or State made a request for an oral VIS in 27.1% of sentencing events. Finally, the victim or State made a request that the sentenced individual have no contact with the victim in 72.2% of sentencing events, and the sentencing judge ordered the sentenced individual to have no contact with the victim in 71.5% of sentencing events involving a victim.

Figure 19. Distribution of Guidelines Sentencing Events by Victim Information, Fiscal Year 2023



Disposition and Sentence Characteristics

Figures 20 through 24 and Tables 10 through 12 summarize the disposition and sentence characteristics, including the use of corrections options and other alternatives to incarceration, from the 10,448 sentencing guidelines worksheets submitted for individuals sentenced in fiscal year 2023. Figure 20 shows the distribution of guidelines sentencing events by disposition type (Appendix D contains a description of the five major disposition types listed on the sentencing guidelines worksheet). The most common disposition of sentencing events was an other plea agreement (42.3%), followed by an MSCCSP binding plea agreement (28.9%) and a plea with no agreement (23.9%). The remaining 5% of sentencing events were resolved by either a bench or jury trial (0.7% and 4.3%, respectively).

Figure 20. Distribution of Guidelines Sentencing Events by Disposition, Fiscal Year 2023

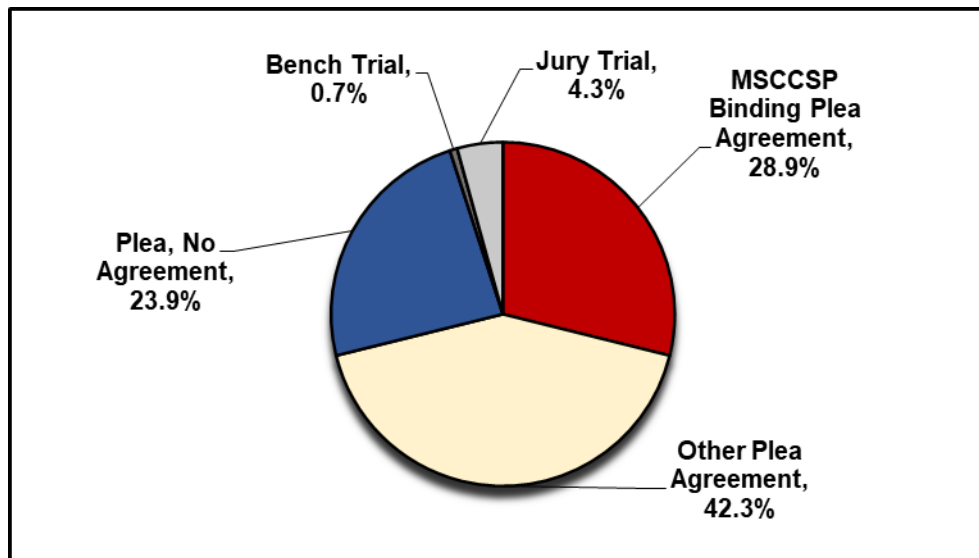
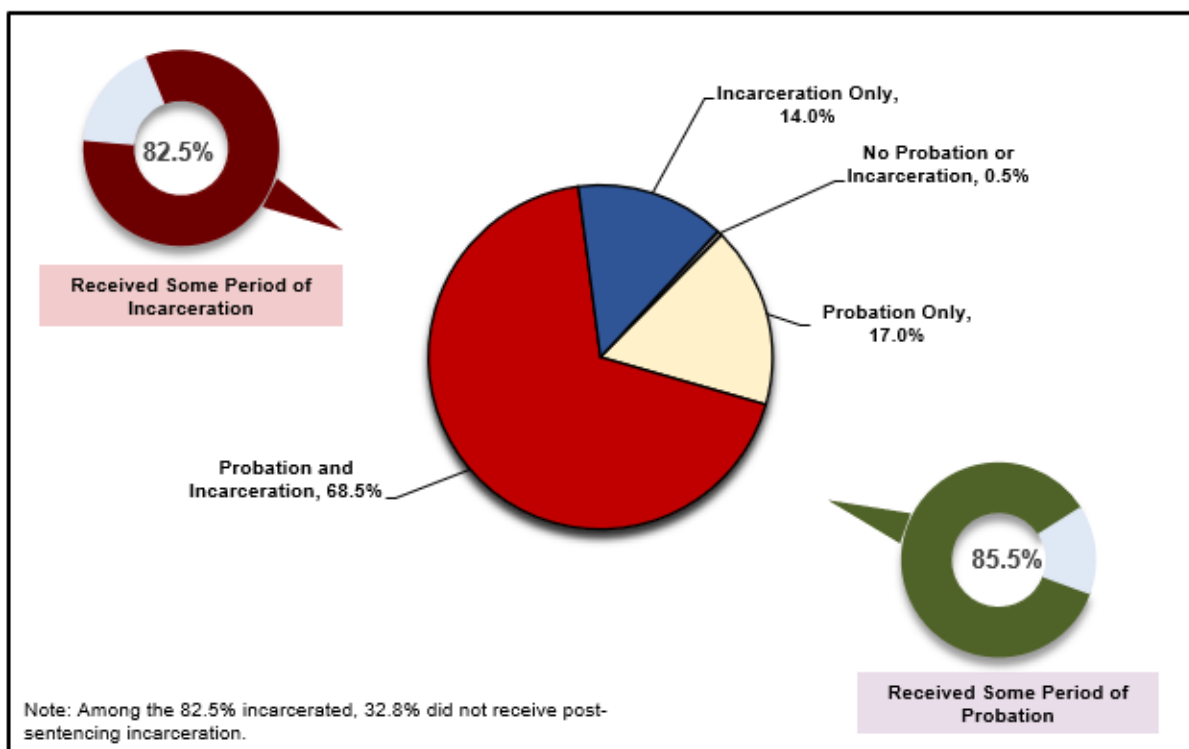


Figure 21 displays the distribution of guidelines sentencing events by sentence type. Note that incarceration includes home detention and credited time, as well as post-sentence jail/prison time. Few individuals (0.5%) received a sentence that did not include either incarceration or probation. Approximately 17% received sentences to probation only, while 14% of sentenced individuals received incarceration only. The majority (68.5%) of sentencing events resulted in a sentence to both incarceration and probation. Among those incarcerated, 32.8% did not receive post-sentencing incarceration.

Figure 21. Distribution of Guidelines Sentencing Events by Sentence Type, Fiscal Year 2023



Figures 22a and 22b review incarceration for the past ten fiscal years (2014-2023). Fig. 22a shows the percentage of guidelines sentencing events resulting in incarceration, and Fig. 22b shows the typical (mean and median) sentence length among those incarcerated. As in the previous figure, incarceration excludes suspended sentence time and includes jail/prison time, home detention time, and credit for time served (except where noted). For individuals with multiple offenses sentenced together, the figures consider the sentence across all offenses.

Figure 22a indicates that the percentage of individuals sentenced to incarceration during the past ten fiscal years was lowest in fiscal year 2021 (72.6%), a decrease of more than 5 percentage points from 78.2% in fiscal year 2020. Similarly, the percentage of individuals incarcerated post-sentence was at its lowest in fiscal year 2021 (45.2%), declining nearly 9 percentage points from 54% in fiscal year 2020. As previously reported, these decreases were likely related to the COVID-19 pandemic and concerted efforts to divert individuals from incarceration when feasible to minimize the risk of COVID-19 transmission in jails and prisons. In contrast, the percentage incarcerated was at its highest in fiscal year 2023 (82.5%), and the percentage incarcerated post-sentence increased to pre-pandemic levels in fiscal year 2023 (55.5%).

Figure 22a. Incarceration Rates for Guidelines Sentencing Events, by Fiscal Year

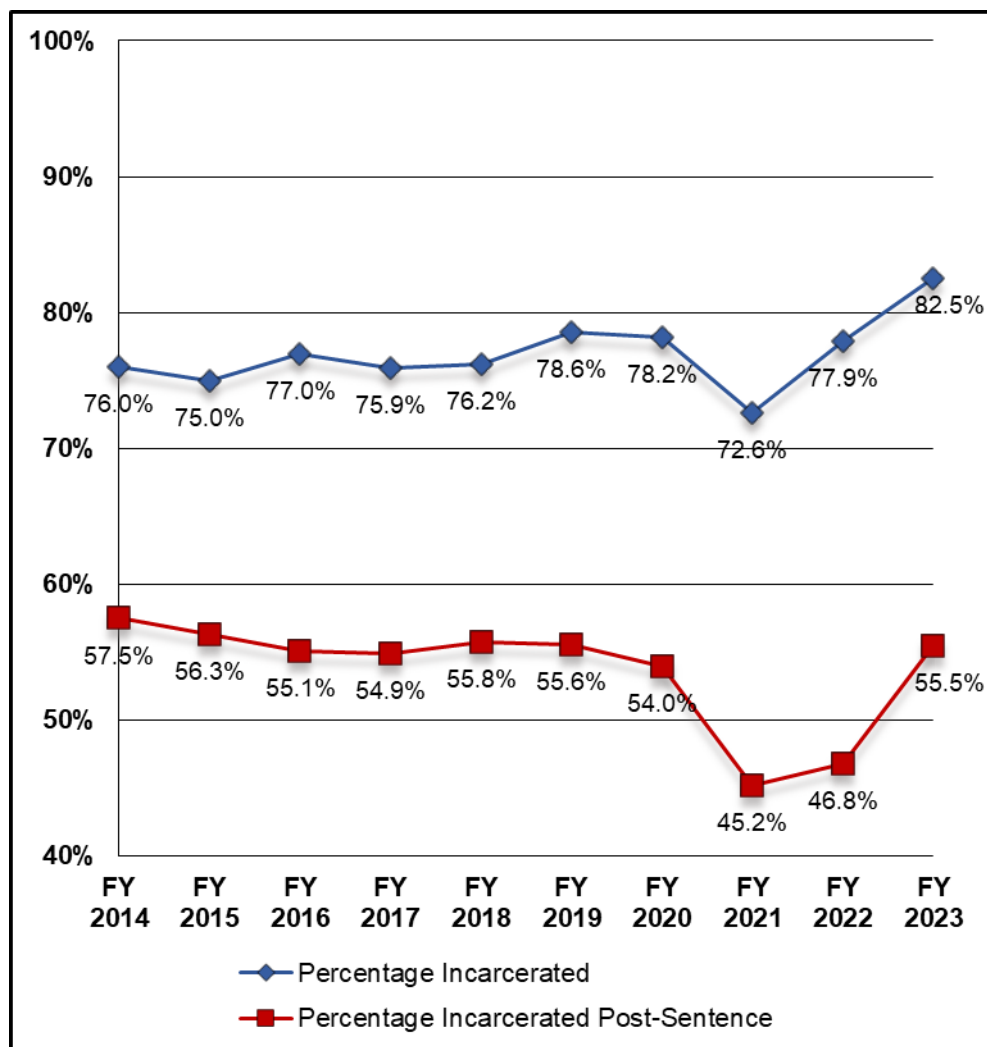


Figure 22b indicates a similar increase in the typical sentence length among those incarcerated. Sentence lengths increased in the past fiscal year from 4.1 years to 5 years, with the median (middle) sentence also increasing from 1.2 year to 1.5 years. The fact that the mean is larger than the median indicates that the distribution of sentences has a positive skew, with a few extremely long sentences pulling the mean above the median.

Figure 22b. Length of Sentence for Guidelines Sentencing Events, by Fiscal Year

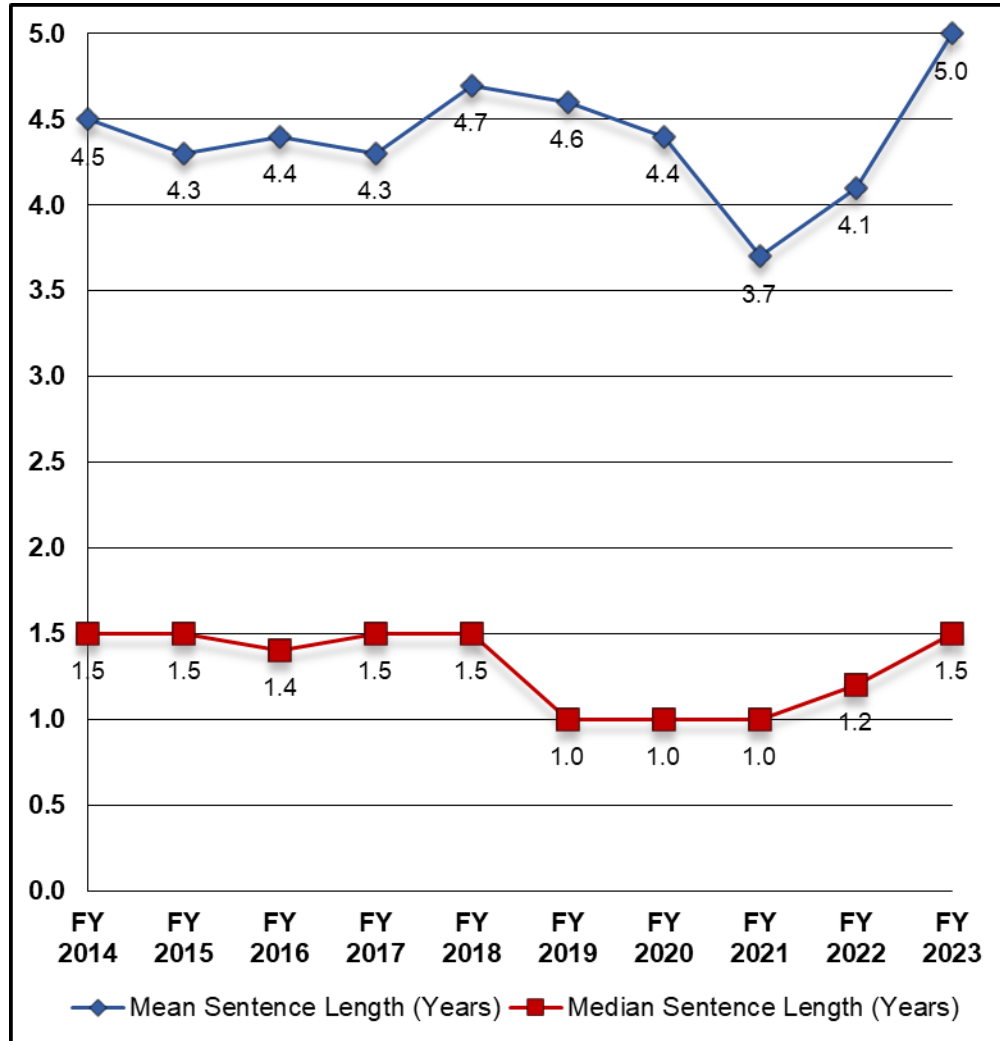
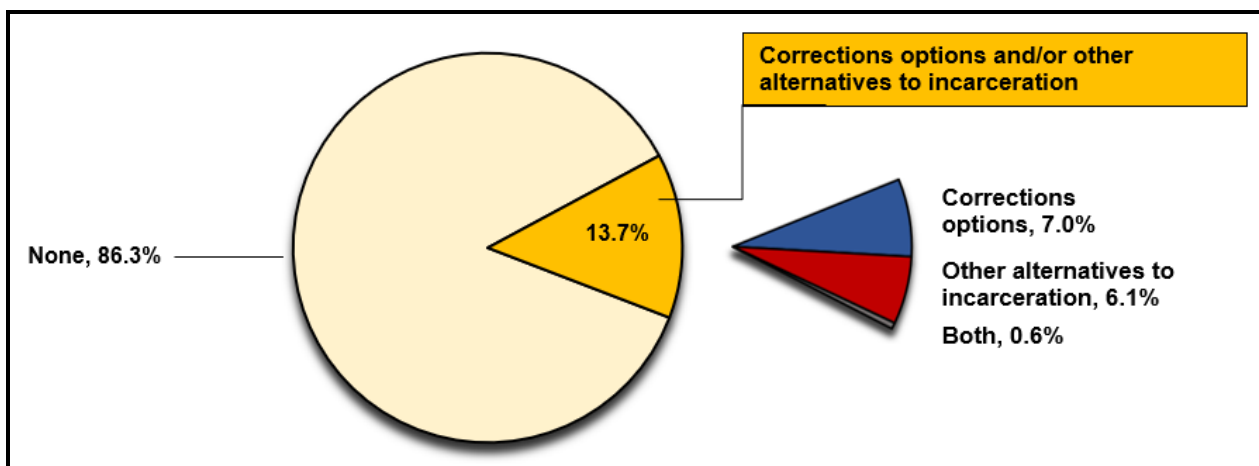


Figure 23 displays the percentage of sentencing events that used one or more corrections options or other alternatives to incarceration. The MSCCSP defines corrections options as home detention, work release, weekend (or other discontinuous) incarceration, inpatient substance abuse treatment, inpatient mental health treatment, an HG, § 8-507 order, a suspended sentence per CR, § 5-601(e), drug court, and other problem-solving courts. Other alternatives to incarceration include outpatient substance abuse treatment, outpatient mental health treatment, and other programs. A sentence may include multiple corrections options and/or alternatives to incarceration. In fiscal year 2023, 13.7% of guidelines-eligible sentencing events involved corrections options and/or other alternatives to incarceration, with 7% of sentencing events involving corrections options, 6.1% involving other alternatives to incarceration, and less than 1% involving both corrections options and other alternatives to incarceration.¹⁷

Figure 23. Corrections Options and Other Alternatives to Incarceration Utilized, Fiscal Year 2023



¹⁷ The MSCCSP data underrepresent the utilization of certain corrections options, specifically drug courts, other problem-solving courts, and HG, § 8-507 commitments. Sentences are often deferred for individuals who participate in drug court and other problem-solving courts; therefore, their use is not recorded in the guidelines data because no sentence has been imposed. Similarly, HG, § 8-507 commitments are often ordered after the initial sentencing; therefore, they are not captured in the sentencing guidelines data. Finally, any criminal case that results in pre-sentence diversion is not included in the sentencing guidelines data because no sentence has been imposed.

Table 10 details the specific type of corrections options imposed. Among those sentencing events involving one or more corrections options, the most common corrections option was home detention (59.5%), followed by drug court (11.9%) and inpatient substance abuse treatment (8.7%).

Table 10. Corrections Options Utilized, Fiscal Year 2023

Corrections Options	Percent of Total Sentencing Events	Percent of Sentencing Events that Involve One or More Corrections Options
<i>One or more corrections option imposed</i>	7.6%	---
Home detention	4.5%	59.5%
Drug court	0.9%	11.9%
Inpatient substance abuse treatment	0.7%	8.7%
HG, § 8-507 order	0.6%	8.2%
Work release	0.4%	5.8%
Inpatient mental health treatment	0.4%	5.6%
Weekend (or other discontinuous) incarceration	0.3%	4.0%
Other problem-solving court	0.2%	2.3%
Suspended sentence per CR, § 5-601(e)	<0.1%	0.3%

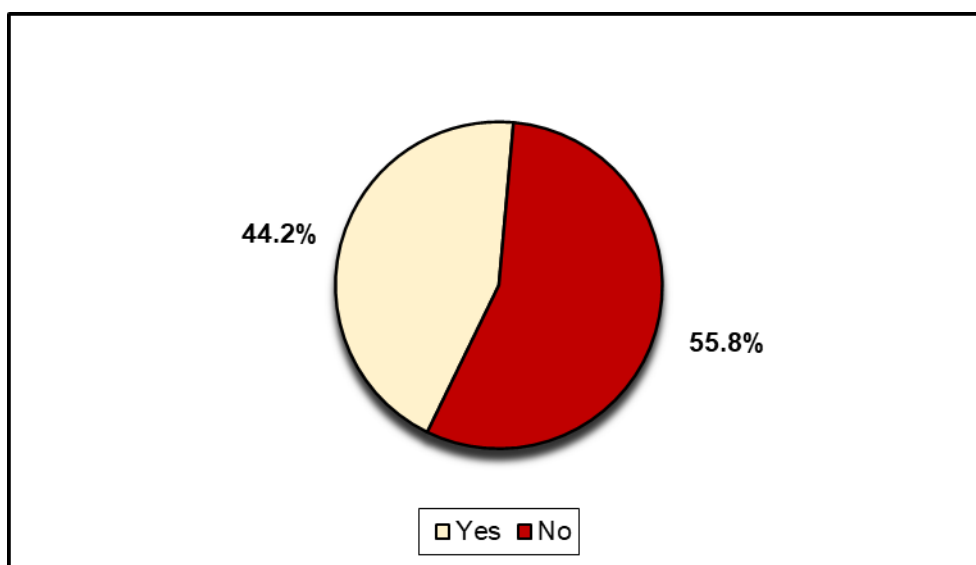
Table 11 details the specific other alternatives to incarceration used. Outpatient substance abuse treatment was the most common other alternative to incarceration. Over half (53.4%) of sentencing events involving other alternatives to incarceration involved outpatient substance abuse treatment. Among sentencing events involving other alternatives to incarceration, 29% included outpatient mental health treatment. Approximately 42.3% of sentencing events involving other alternatives to incarceration included other programs. Commonly cited other programs included domestic violence programs, sex offender supervision and/or treatment, forfeiture of items, and anger management classes.

Table 11. Other Alternatives to Incarceration Utilized, Fiscal Year 2023

Other Alternatives to Incarceration	Percent of Total Sentencing Events	Percent of Sentencing Events that Involve One or More Other Alternatives to Incarceration
<i>One or more other alternatives to incarceration imposed</i>	6.7%	---
Outpatient substance abuse treatment	3.6%	53.4%
Outpatient mental health treatment	1.9%	29.0%
Other alternatives to incarceration	2.8%	42.3%

Pursuant to CP, § 6-217, when a sentence of confinement is imposed for a violent crime as defined in Correctional Services Article (CS), § 7-101, Annotated Code of Maryland, for which the individual will be eligible for parole under CS, § 7-301(c) or (d), the court shall state in open court the minimum time the individual must serve before becoming eligible for parole and before becoming eligible for conditional release under mandatory supervision under CS, § 7-501. The sentencing guidelines worksheet includes an entry location to report whether this announcement was made for sentences involving a violent crime. In fiscal year 2023, 1,794 sentencing guidelines events included a sentence of confinement for a violent crime. Figure 24 indicates that among these sentencing events, the court announced the minimum time the individual must serve in 44.2% of guidelines eligible sentencings.

Figure 24. Distribution of Guidelines Sentencing Events by Whether 50% Announcement Was Made, Fiscal Year 2023



CP, § 6-209(b)(1)(iii-iv) requires the MSCCSP's annual report to (1) review reductions or increases in original sentences that have occurred because of reconsiderations of sentences¹⁸ imposed for COV, as defined under § 14-101 of the Criminal Law Article, and (2) categorize the number of reconsiderations by crime and judicial circuit. Table 12 reviews reconsidered sentences for COV reported to the MSCCSP in fiscal year 2023, by judicial circuit and crime. Reconsidered sentences were reported for 124 guidelines-sentenced individuals and 232 offenses. *Firearm use in a felony or crime of violence* (N=50) was the most common COV in

¹⁸ Maryland Rule 4-345(e) indicates that upon a motion filed within 90 days after imposition of a sentence (A) in the District Court, if an appeal has not been perfected or has been dismissed, and (B) in a circuit court, whether or not an appeal has been filed, the court has revisory power over the sentence except that it may not revise the sentence after the expiration of five years from the date the sentence originally was imposed on the defendant and it may not increase the sentence.

reconsidered cases reported to the MSCCSP in fiscal year 2023, followed by *Assault, 1st degree* (N=41) and *Robbery with a dangerous weapon* (N=34).

Table 12. Reconsiderations/Modifications for Crimes of Violence (CR, § 14-101), Fiscal Year 2023¹⁹

Circuit	Offense	N
FIRST	Assault, 1 st Degree	4
	Firearm Use in Felony or Crime of Violence	1
	Kidnapping	1
	Robbery	1
SECOND	Arson, 1 st Degree	1
	Assault, 1 st Degree	3
	Murder, 2 nd Degree, Attempted	1
THIRD	Assault, 1 st Degree	1
	Child Abuse, Sexual	1
	Home Invasion	1
	Murder, 1 st Degree	1
	Robbery with Dangerous Weapon	3
FOURTH	Assault, 1 st Degree	2
	Firearm Use in Felony or Crime of Violence	1
	Murder, 1 st Degree, Attempted	3
FIFTH	Assault, 1 st Degree	12
	Carjacking, Unarmed	2
	Child Abuse, Physical, 1 st Degree	1
	Firearm Use in Felony or Crime of Violence	4
	Kidnapping	1
	Kidnapping, Child Under 16	1
	Murder, 1 st Degree	2
	Murder, 2 nd Degree, Attempted	2
	Robbery	10
	Robbery with Dangerous Weapon	13
SIXTH	Assault, 1 st Degree	7
	Carjacking, Armed	1
	Child Abuse, Physical, 1 st Degree with Death	1
	Child Abuse, Sexual	1
	Firearm Use in Felony or Crime of Violence	3
	Murder, 1 st Degree	1
	Murder, 2 nd Degree	1
	Murder, 2 nd Degree, Attempted	1
	Robbery	1
	Robbery with Dangerous Weapon	2
	Sex Offense, 2 nd Degree	3

¹⁹ Table 10 identifies reconsidered sentences for 124 guidelines-sentenced individuals and 232 offenses.

Circuit	Offense	N
SEVENTH	Assault, 1 st Degree	2
	Carjacking, Armed	3
	Carjacking, Unarmed	1
	Child Abuse, Physical, 1 st Degree with Death	1
	Child Abuse, Sexual	1
	Firearm Use in Felony or Crime of Violence	8
	Home Invasion	3
	Murder, 1 st Degree	7
	Murder, 2 nd Degree	2
	Rape, 1 st Degree	1
	Rape, 1 st Degree, Attempted	1
	Robbery	5
	Robbery with Dangerous Weapon	4
EIGHTH	Assault, 1 st Degree	10
	Carjacking, Armed	2
	Carjacking, Unarmed	3
	Child Abuse, Sexual	1
	Firearm Use in Felony or Crime of Violence	33
	Kidnapping	1
	Murder, 1 st Degree	17
	Murder, 1 st Degree, Attempted	7
	Murder, 2 nd Degree	4
	Murder, 2 nd Degree, Attempted	3
	Rape, 1 st Degree	2
	Rape, 2 nd Degree	1
	Robbery	2
	Robbery with Dangerous Weapon	12

JUDICIAL COMPLIANCE WITH MARYLAND'S VOLUNTARY SENTENCING GUIDELINES

The MSCCSP's governing legislation mandates the Commission to examine judicial compliance based on data extracted from the sentencing guidelines worksheets submitted after circuit courts sentence individuals. The following provides a detailed examination of judicial compliance with Maryland's voluntary sentencing guidelines.

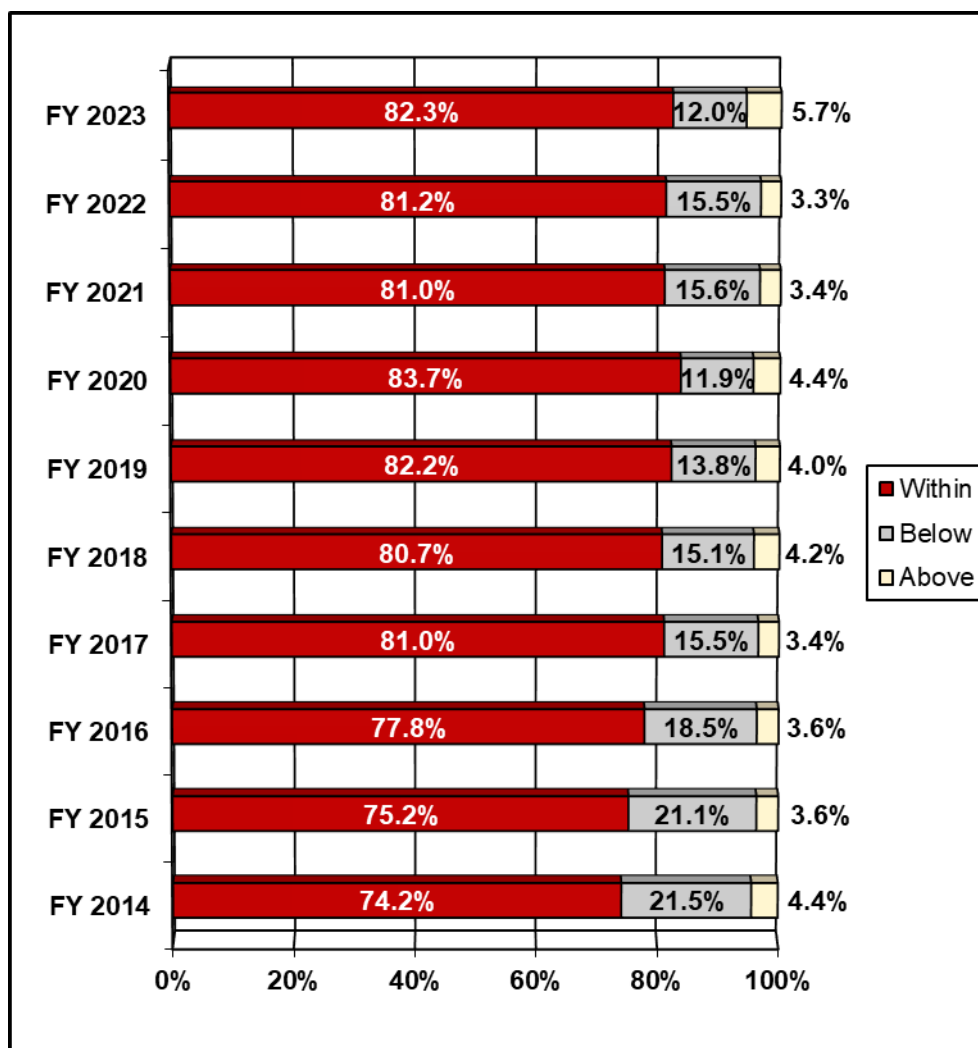
Judicial Compliance Rates Overall

The MSCCSP deems a sentence compliant with the guidelines if the initial sentence (defined as the sum of incarceration, credited time, and home detention) falls within the applicable guidelines range. In addition, the MSCCSP deems a sentence compliant if the judge sentenced an individual 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 guidelines range for the sentencing event. The MSCCSP deems sentences to corrections options programs (e.g., drug court; HG, § 8-507 commitments; home detention) compliant provided that the initial sentence plus any suspended sentence falls within or above the applicable guidelines range and the sentencing event does not include a crime of violence, child sexual abuse, or escape. By doing so, the Commission recognizes the State's interest in promoting these alternatives to incarceration. Finally, sentences pursuant to an MSCCSP binding plea agreement are guidelines-compliant (COMAR 14.22.01.17).²⁰ The MSCCSP adopted the binding plea agreement compliance policy in 2001 to acknowledge that binding plea agreements reflect the consensus of the local view of an appropriate sentence within each specific community. The corrections options and binding plea agreement compliance policies allow the court to set a guidelines-compliant sentence that considers the specific needs of the individual, such as substance abuse treatment, as opposed to incarceration.

Figure 25 illustrates the overall guidelines compliance rates for the past ten fiscal years (2014-2023). The figure indicates that in all ten years, the overall rate of compliance exceeded the Commission's benchmark standard of 65% compliance. The aggregate compliance rate was highest in fiscal year 2020 (83.7%).

²⁰ For sentencing events prior to April 1, 2021, "binding plea agreement" refers to sentences resolved by an ABA plea agreement. For sentencing events on or after April 1, 2021, "binding plea agreement" refers to sentences resolved by an MSCCSP binding plea agreement. See Appendix D for definitions.

**Figure 25. Overall Sentencing Guidelines Compliance by Fiscal Year
(All Sentencing Events)**

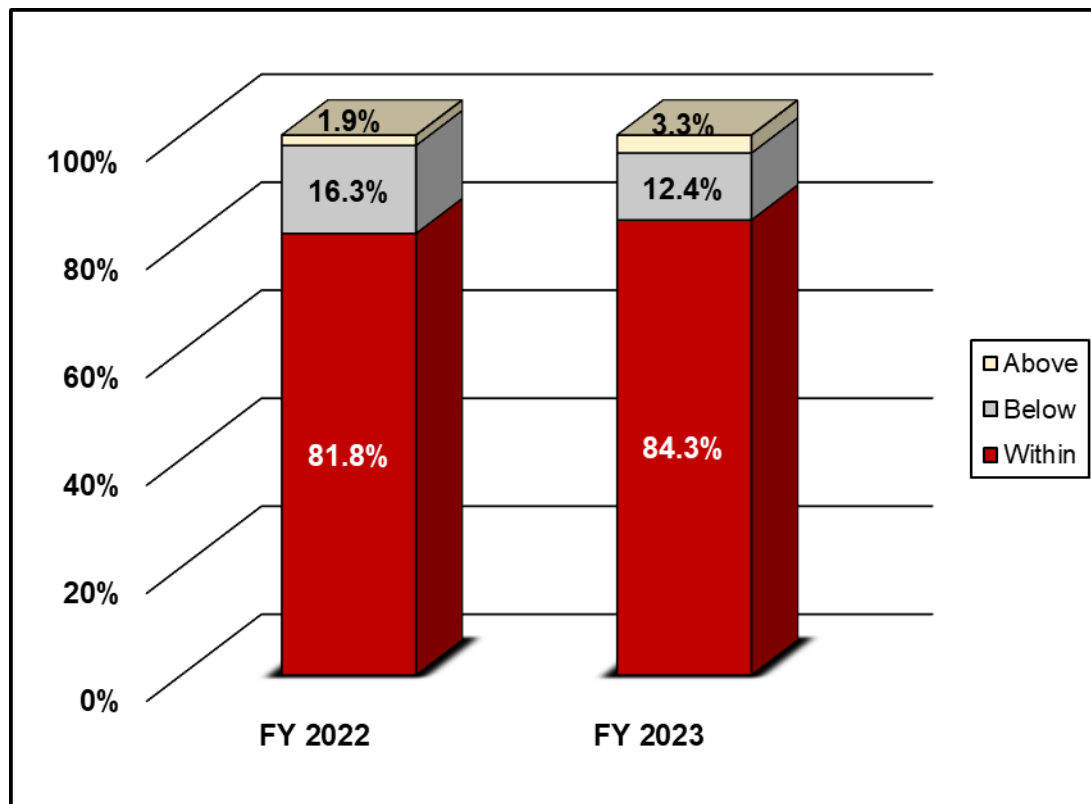


Analyses of judicial compliance in Maryland traditionally focus on sentences for single-count convictions, excluding reconsiderations, modifications, and three-judge panel reviews, because they permit the most direct comparison of compliance by crime category and by offense type within the applicable cell of the sentencing matrix.²¹ Because multiple-count convictions can consist of any combination of person, drug, and property offenses, meaningful interpretations of sentencing patterns within matrices are not possible. Thus, the figures from this point forward focus on sentences for single-count convictions during fiscal years 2022 and 2023. Of the 10,448 sentencing guidelines worksheets submitted to the MSCCSP in fiscal year 2023, 7,294 (70%) pertained to single-count convictions.

²¹ Of the 10,448 worksheets received in fiscal year 2023, 131 (1.3%) were reconsiderations/modifications and 4 (0.04%) were three-judge panel reviews.

Figure 26 provides the overall guidelines compliance rates for fiscal years 2022 and 2023 based on single-count convictions. More than 80% of sentencing events were compliant in both fiscal years, with compliance increasing slightly from 81.8% in 2022 to 84.3% in 2023. When departures occurred, they were more often below the guidelines than above.

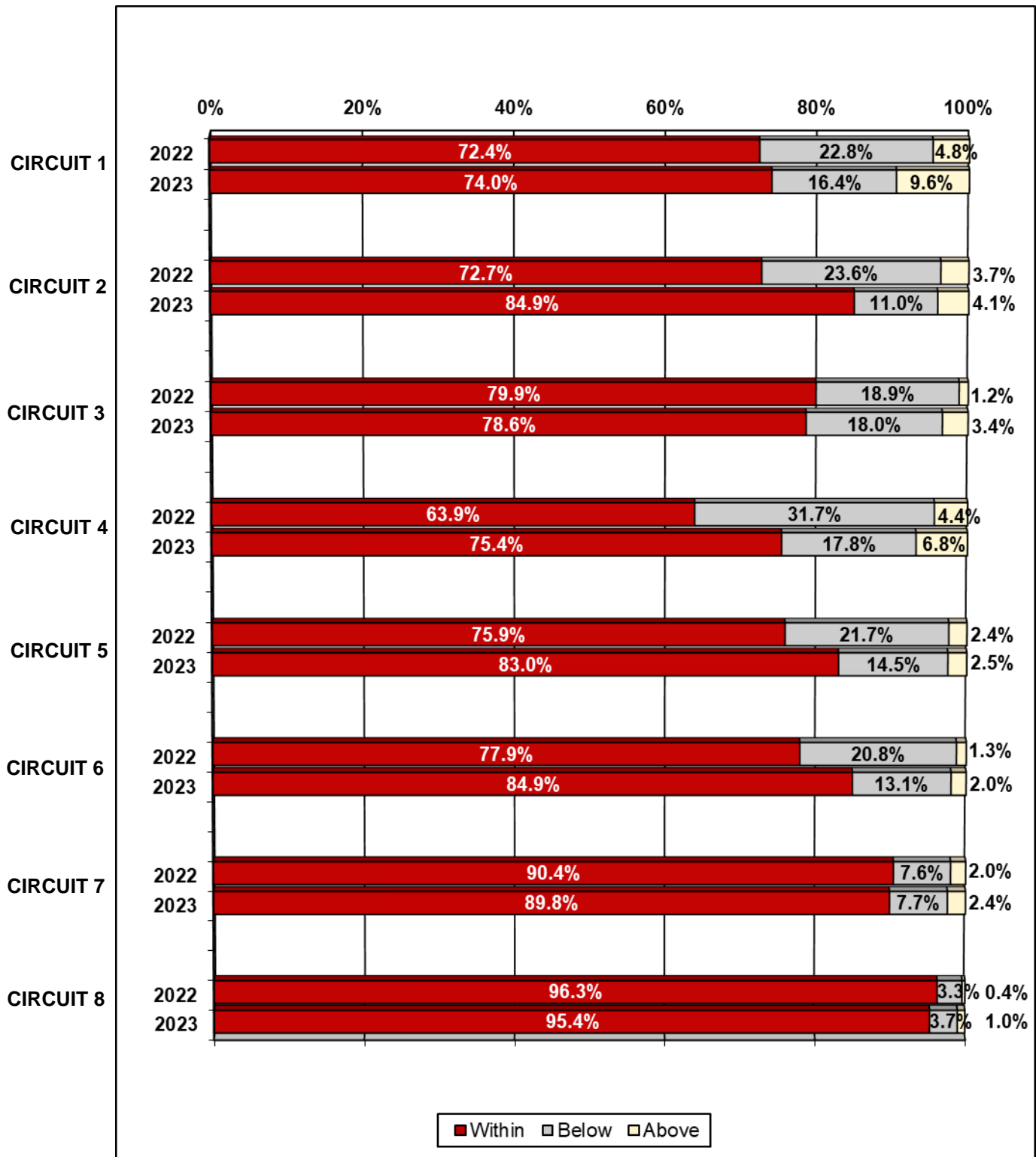
Figure 26. Overall Sentencing Guidelines Compliance by Fiscal Year (Single-Count Convictions)



Judicial Compliance Rates by Circuit

As shown in Figure 27, all eight trial court judicial circuits met the 65% compliance benchmark in fiscal year 2023. Compliance rates ranged from 74% in the First Circuit to 95.4% in the Eighth Circuit. The largest change in the compliance rate occurred in the Second Circuit, where the rate increased more than 12 percentage points from 72.7% in fiscal year 2022 to 84.9% in fiscal year 2023. A similar increase in compliance was observed in the Fourth Circuit where the compliance rate rose from below the 65% benchmark in 2022 to 75.4% in 2023.

Figure 27. Sentencing Guidelines Compliance by Circuit and Fiscal Year

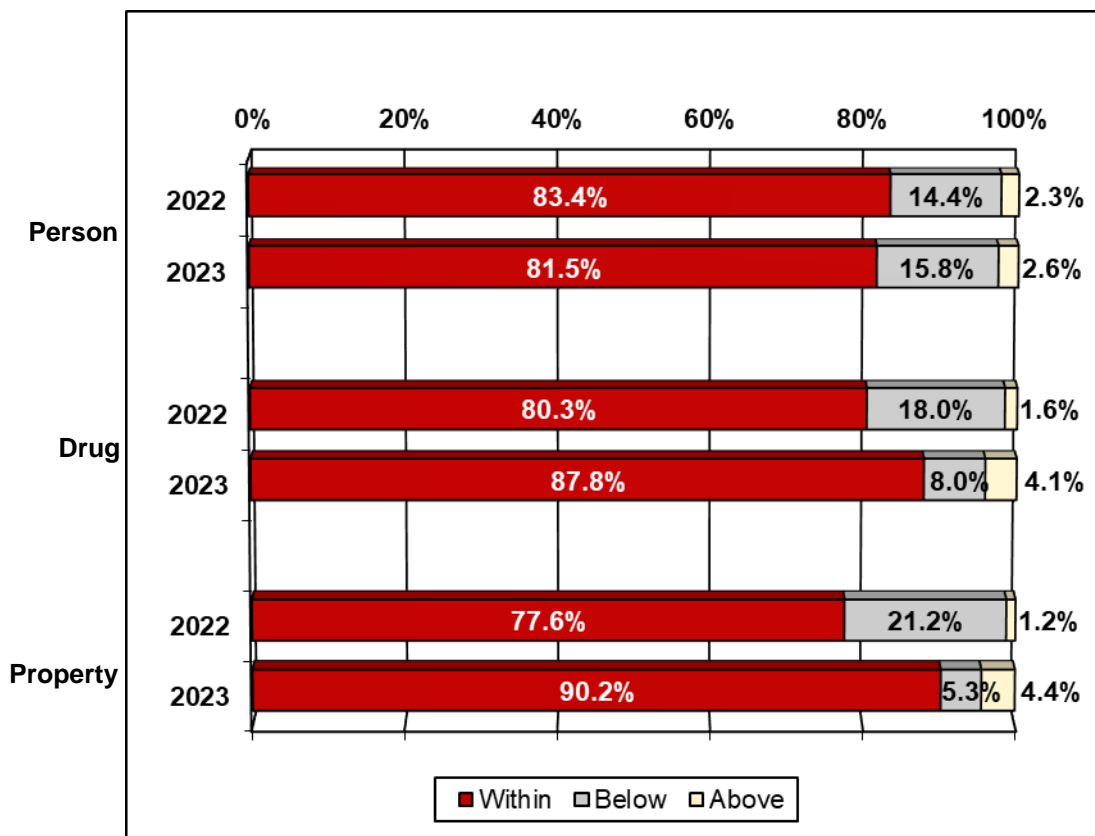


Judicial Compliance Rates by Crime Category

Figure 28 shows judicial compliance by crime category for fiscal years 2022 and 2023.

Compliance rates were high across all three crime categories, ranging from 81.5% for person offenses to 90.2% for property offenses.²² A slight decrease was observed in compliance from fiscal year 2022 to fiscal year 2023 for person offenses, while a notable increase was observed for both drug and property offenses. The compliance rate rose 7.5 percentage points for drug offenses and 12.6 percentage points for property offenses. These increases are largely due to revisions to the sentencing matrices for drug and property offenses that the Commission adopted effective July 1, 2022 (the start of fiscal year 2023). The revisions, which are noted in Appendix A, more accurately reflect current sentencing practices while also maintaining proportionality across the rows and columns of the sentencing matrices.²³

Figure 28. Sentencing Guidelines Compliance by Crime Category and Fiscal Year



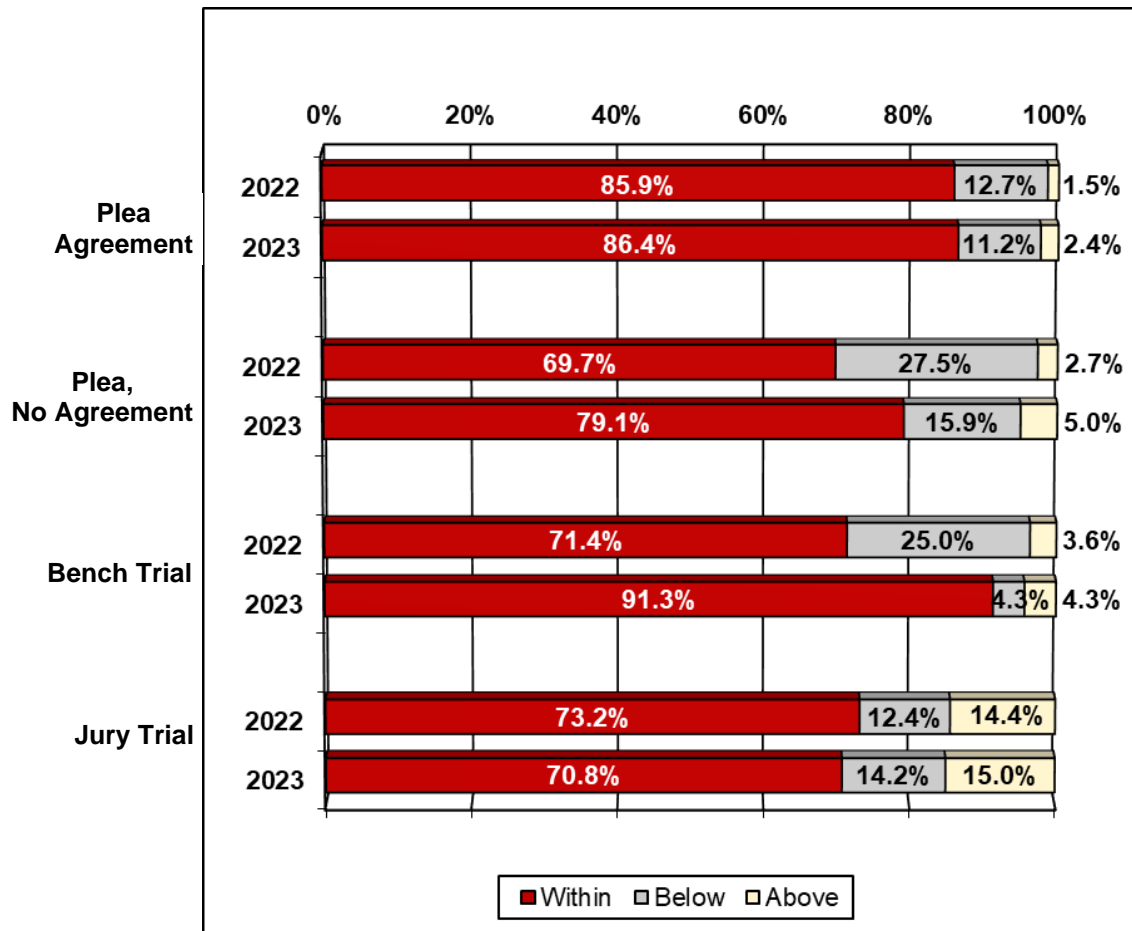
²² See Appendix C for sentencing guidelines compliance and average sentence for the five most common offenses in each crime category among single-count sentencing events.

²³ The [MSCCSP 2021 annual report](#) further details the process of how the Commission completed the cell-by-cell compliance analysis that culminated in the adoption of revisions to the sentencing matrices for drug and property offenses.

Judicial Compliance Rates by Type of Disposition

Figure 29 examines the extent to which judicial compliance rates varied by type of disposition (i.e., plea agreement, plea with no agreement, bench trial, and jury trial). Bench trials accounted for the highest percentage of compliant sentencing events in fiscal year 2023, and bench trials also saw the biggest increase in compliance from fiscal year 2022 (71.4%) to fiscal year 2023 (91.3%). A similarly high fiscal year 2023 compliance rate (86.4%) was observed for sentencing events resolved by a plea agreement. This is not surprising given that the plea agreement category includes binding plea agreements, which are compliant by definition. Downward departures were more common than upward departures for the two plea dispositions, while bench and jury trials saw more equal percentages of downward and upward departures in fiscal year 2023. It is important to note that some of the rates are based on a very small number of cases. For example, the MSCCSP received only 23 worksheets in fiscal year 2023 for single-count sentencing events adjudicated by a bench trial. Small numbers limit the ability to provide meaningful interpretation.

Figure 29. Sentencing Guidelines Compliance by Type of Disposition and Fiscal Year



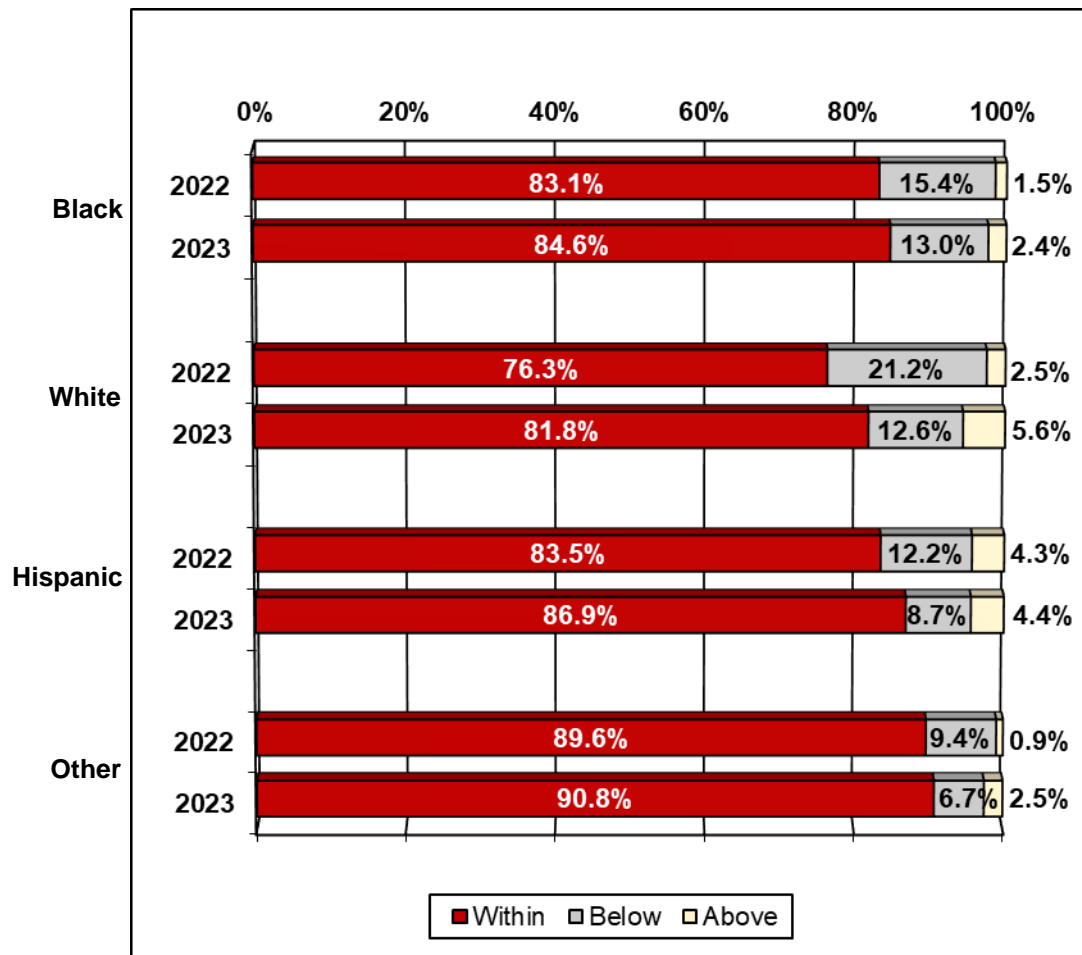
Judicial Compliance Rates by Race/Ethnicity

Figure 30 displays compliance rates by the sentenced individual's race/ethnicity for fiscal years 2022 and 2023. Consistent with the requirements specified in State Government Article (SG), § 10-603, the sentencing guidelines worksheet provides for the following defendant racial categories: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander, and White. Prior to July 1, 2019, racial categories on the worksheet were mutually exclusive, permitting selection of no more than a single category. Effective July 1, 2019, the sentencing guidelines worksheet permits multiracial responses. Additionally, per the requirements specified in SG, § 10-603, the worksheet includes a separate question about whether the defendant is of Hispanic or Latino origin.

For the purposes of the analysis presented here, the racial categories American Indian/Alaska Native, Asian, and Native Hawaiian/other Pacific Islander were combined in a single category labeled "Other." This was done because of the small number of cases in each of these racial groups. In addition, because there were fewer than 1% of defendants with multiple racial categories indicated, they too were included in the category labeled "Other." Because some respondents may not distinguish between race and ethnicity, defendants identified as being of Hispanic or Latino origin in the separate ethnicity question were labeled "Hispanic" regardless of the racial category selected.

Figure 30 indicates that compliance rates in both fiscal years and across race/ethnicity categories well exceeded the 65% benchmark. In fiscal year 2023, guidelines compliance ranged from a low of 81.8% for White defendants to a high of 90.8% for Other race defendants. When departures occurred, below departures were more common than above departures across all race/ethnicity categories.

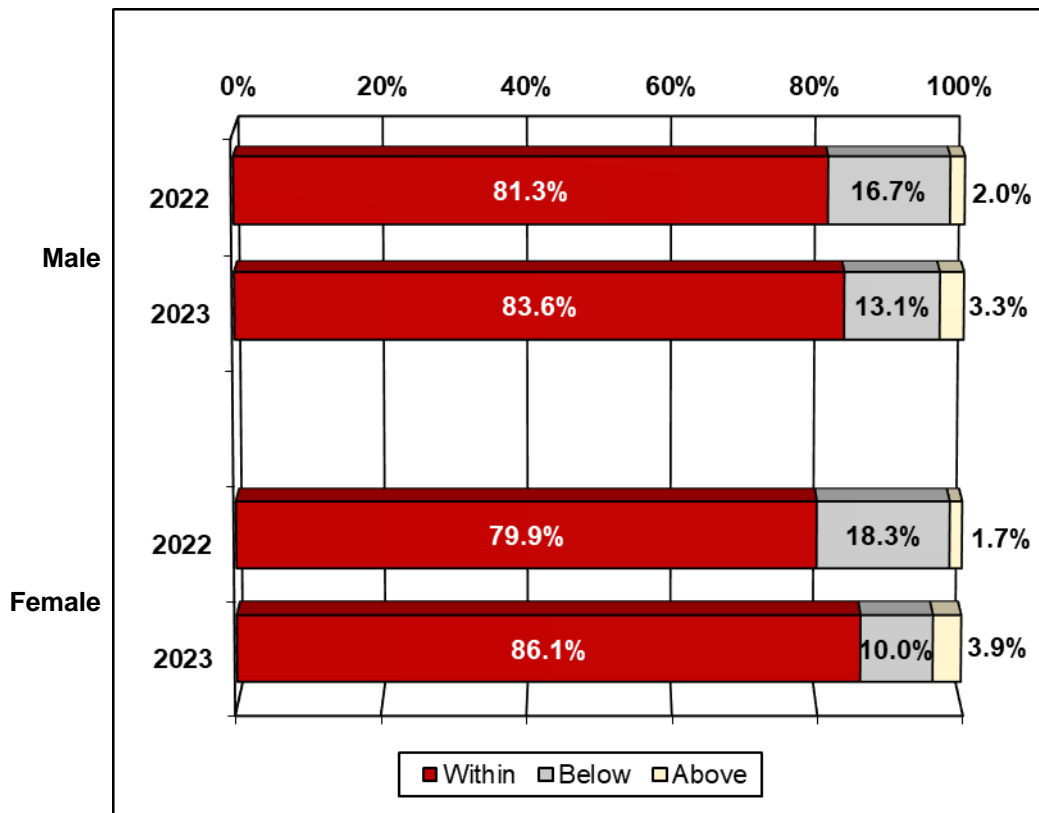
Figure 30. Sentencing Guidelines Compliance by Race/Ethnicity and Fiscal Year



Judicial Compliance Rates by Gender

Figure 31 displays compliance rates by the sentenced individual's gender for fiscal years 2022 and 2023. Compliance rates were similar between male and female defendants in both years, and rates increased slightly for both groups in fiscal year 2023 (to 83.6% for males and 86.1% for females). As with compliance rates by race/ethnicity, when departures occurred, below departures were more common than above departures.

Figure 31. Sentencing Guidelines Compliance by Gender and Fiscal Year



Departure Reasons

COMAR 14.22.01.05A directs the sentencing judge to document the reason or reasons for imposing a sentence outside of the recommended guidelines range on the sentencing guidelines worksheet. To facilitate the reporting of mitigating and aggravating departure reasons on the sentencing guidelines worksheet, the MSCCSP provides judges with a reference card listing the more common departure reasons and including the accompanying numerical departure code (Appendix E contains a list of these departure reasons).²⁴ The common departure reasons and corresponding codes are listed in MAGS as well. The worksheet allows for up to three departure codes and provides a space for the judge to report other reasons not contained on the reference card. Additionally, MAGS ensures the collection of reasons for all departures, as the departure reason is a required field necessitating completion before the electronic submission of any sentence identified as a departure from the guidelines. It is important for judges to provide the reason for departure because those reasons may help inform the Commission's consideration of potential guidelines revisions.

²⁴ As noted earlier in this report, the MSCCSP plans to solicit feedback from circuit court judges at the Judicial Conference in April 2024 regarding potential revisions to the listed common departure reasons.

Tables 13 and 14 display the reasons given for departures from the guidelines in fiscal year 2023. The tables include the reasons listed on the reference card as well as the majority of the “other” cited reasons. Table 13 provides a rank order of the mitigating reasons judges provided for sentencing events where the sentence resulted in a downward departure. The most commonly cited reasons for downward departures were: 1) the parties reached a plea agreement that called for a reduced sentence; 2) recommendation of the State’s Attorney or Division of Parole and Probation; and 3) offender’s commitment to substance abuse treatment or other therapeutic program.

Table 13. Departure Reasons for Sentencing Events Below the Guidelines, Fiscal Year 2023²⁵

Mitigating Reasons	Percent of Departures Where Reason is Cited
The parties reached a plea agreement that called for a reduced sentence	47.5%
Recommendation of State’s Attorney or Division of Parole and Probation	35.3%
Offender’s commitment to substance abuse treatment or other therapeutic program	8.9%
Offender made restorative efforts after the offense	6.3%
Judicial discretion	4.7%
Offender had diminished capability for judgment	2.7%
Offender’s age/health	2.1%
Offender’s minor role in the offense	2.0%
Victim’s participation in the offense lessens the offender’s culpability	2.0%
Offender’s prior criminal record not significant	1.4%
Victim requested a more lenient sentence or victim unavailable or not willing to cooperate	1.1%
Offender had good behavior while under supervision or pretrial conditions	1.1%
Offender was influenced by coercion or duress	0.7%
Offender’s family responsibilities/circumstances	0.6%
Offender serving or facing sentence in another case	0.6%

²⁵ Each sentencing event may cite multiple reasons, therefore the cited percentages will exceed a total of 100%.

Mitigating Reasons	Percent of Departures Where Reason is Cited
Nature/circumstances of the offense	0.6%
Offender waived credit for time served	0.6%
Offender cooperated with authorities	0.4%
Offender expressed remorse	0.3%
Offender employed	0.3%
Other reason (not specified above)	4.6%

Table 14 provides a rank order of the aggravating reasons judges provided for sentencing events where the sentence resulted in an upward departure. The most commonly cited reasons for departures above the guidelines were: 1) recommendation of the State's Attorney or Division of Parole and Probation; 2) offender's major role in the offense; and 3) offender's significant participation in major controlled substance offense.

**Table 14. Departure Reasons for Sentencing Events Above the Guidelines,
Fiscal Year 2023²⁶**

Aggravating Reasons	Percent of Departures Where Reason is Cited
Recommendation of State's Attorney or Division of Parole and Probation	56.4%
Offender's major role in the offense	13.6%
Offender's significant participation in major controlled substance offense	11.4%
The level of harm was excessive	10.6%
The vicious or heinous nature of the conduct	9.3%
Special circumstances of the victim	6.8%
The parties reached a plea agreement	4.7%
Offender exploited a position of trust	3.8%
Offender's prior criminal record significant	3.0%
Judicial discretion	3.0%
Nature/circumstances of the offense	1.7%
Offender is serving time for another offense/pending sentencing for another offense	1.7%
Sentence consistent with prior guidelines	0.8%
Offender committed a "white collar" offense	0.4%
Other reason (not specified above)	4.7%

²⁶ Each sentencing event may cite multiple reasons, therefore the cited percentages will exceed a total of 100%.

CRIMES OF VIOLENCE

Section 6-209 of the Criminal Procedures Article, Annotated Code of Maryland, requires the MSCCSP to include in its annual report certain statistics for sentences for crimes of violence (COV).²⁷ The following analyses detail sentences for COV. These figures and additional information may be found on the [Crimes of Violence Data Dashboard](#) on the MSCCSP's website.

Crimes of Violence by Judicial Circuit and Offense

In fiscal year 2023, the MSCCSP received sentencing guidelines worksheets for 1,848 sentencing events involving 2,873 COV, representing a 3.8% increase in COV sentencing events and a 13.8% increase in COV offenses from fiscal year 2022. Table 15 provides the number of sentencing events and offenses involving COV, by judicial circuit. As illustrated, the greatest number of sentencing events involving a COV took place in the Third Circuit (Baltimore and Harford Counties) and Eighth Circuit (Baltimore City). The fewest sentencing events involving COV took place in the Second Circuit (Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties).

Table 15. Number and Percentage of Sentencing Guidelines Events and Offenses Involving Crimes of Violence by Circuit, Fiscal Year 2023

Circuit	Total Sentencing Events	Sentencing Events Involving Crimes(s) of Violence			Total Offenses	Crimes of Violence		
	#	#	% in State	% in Circuit	#	#	% in State	% in Circuit
1	773	113	6.1%	14.6%	1,238	178	6.2%	14.4%
2	483	37	2.0%	7.7%	664	49	1.7%	7.4%
3	2,134	366	19.8%	17.2%	2,780	494	17.2%	17.8%
4	680	45	2.4%	6.6%	872	59	2.1%	6.8%
5	1,450	248	13.4%	17.1%	2,093	367	12.8%	17.5%
6	1,245	272	14.7%	21.8%	2,035	431	15.0%	21.2%
7	1,780	323	17.5%	18.1%	2,822	500	17.4%	17.7%
8	1,903	444	24.0%	23.3%	2,930	795	27.7%	27.1%
Total	10,448	1,848	100.0%	17.7%	15,434	2,873	100.0%	18.6%

²⁷ COV are defined here pursuant to CR, § 14-101.

Table 16 provides frequencies, in descending order, for each COV for which the MSCCSP received a worksheet in fiscal year 2023 (see Appendix G, Table 1, for this table broken down by judicial circuit and offense). The most common COV reported in fiscal year 2023 was *Assault, 1st Degree*, followed by *Use of a Firearm in COV or Select Felony, Robbery*, and *Robbery with a Dangerous Weapon*.

Table 16. Number of Crimes of Violence by Offense, Fiscal Year 2023

Crime of Violence	Number of Offenses
Assault, 1st Degree	672
Firearm Use in COV/Felony	488
Robbery w/Dangerous Weapon	313
Robbery	309
Child Sexual Abuse	214
Murder, 1st Degree	171
Rape, 2nd Degree ²⁸	125
Murder, 2nd Degree	94
Murder, 1st Degree, Attempt	80
Carjacking, Unarmed	69
Murder, 2nd Degree, Attempt	58
Manslaughter	49
Carjacking, Armed	45
Arson, 1st degree	42
Home Invasion	38
Sex Offense, 2nd Degree ^{28,29}	32
Continuing Course of Conduct	28
Rape, 1st Degree ²⁸	19
Child Abuse, Physical, 1st Degree	12
Kidnapping	11
Sex Trafficking	3
Abduction	1
Assault w/Intent to Murder, etc.	0
Maiming	0
Sex Offense, 1st Degree ^{28,29}	0
Total	2,873

²⁸ Due to the small number of attempted offenses, figures presented for *Rape, 1st Degree*, *Rape, 2nd Degree*, *Sex Offense, 1st Degree*, and *Sex Offense, 2nd Degree*, include both completed offenses and attempts.

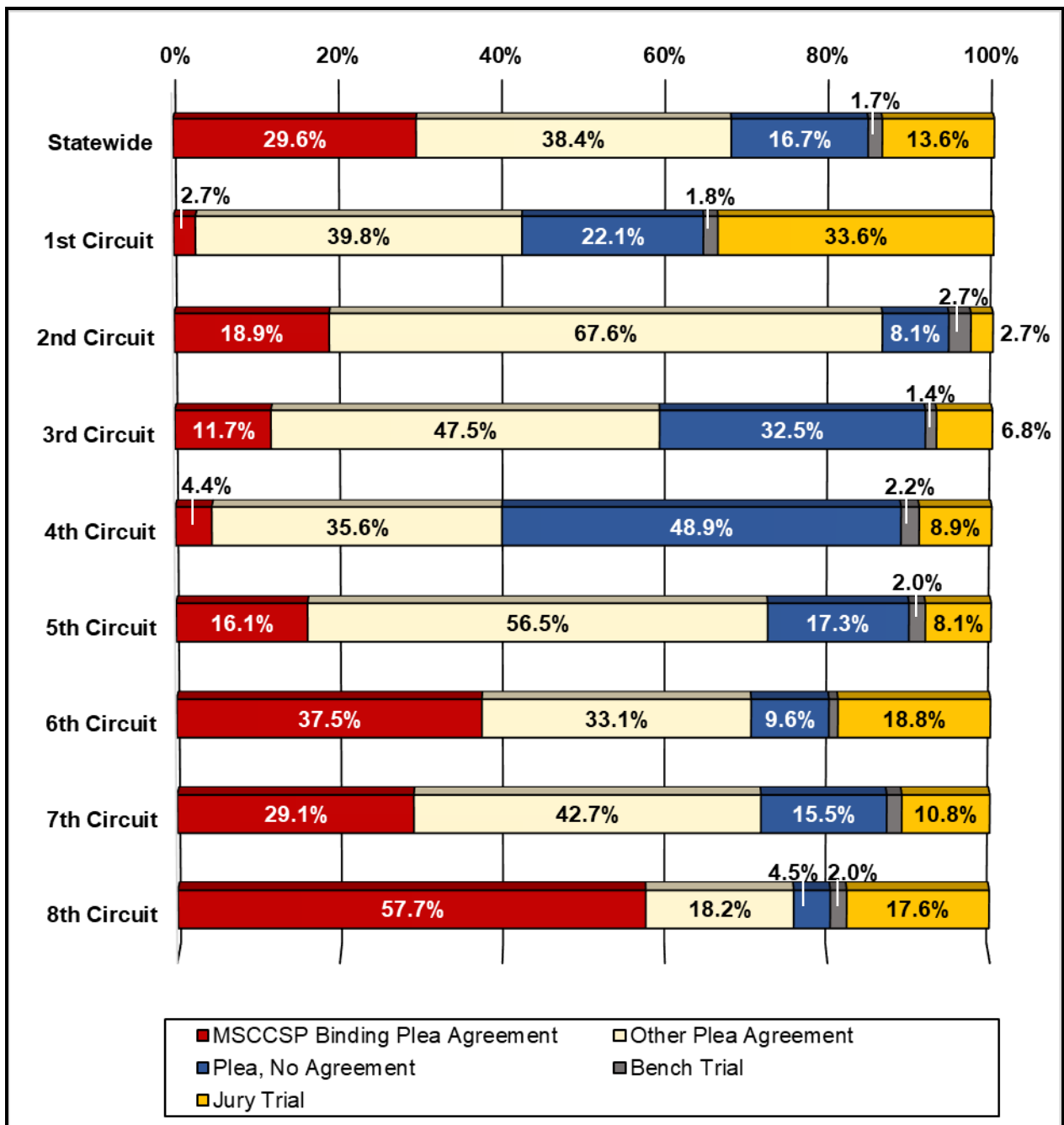
²⁹ Effective October 1, 2017, *Sex Offense, 1st Degree*, and *Sex Offense, 2nd Degree*, were reclassified as *Rape, 1st Degree*, and *Rape, 2nd Degree*, respectively. The *Sex Offense, 1st Degree*, and *Sex Offense, 2nd Degree*, figures referred to in this report were committed prior to October 1, 2017, and were sentenced or had their original sentence modified in fiscal year 2023.

Disposition and Sentence Characteristics for Crimes of Violence

Figures 32 through 39 summarize disposition and sentence characteristics from the 1,848 sentencing guidelines events and 2,873 offenses involving COV submitted for individuals sentenced in fiscal year 2023.

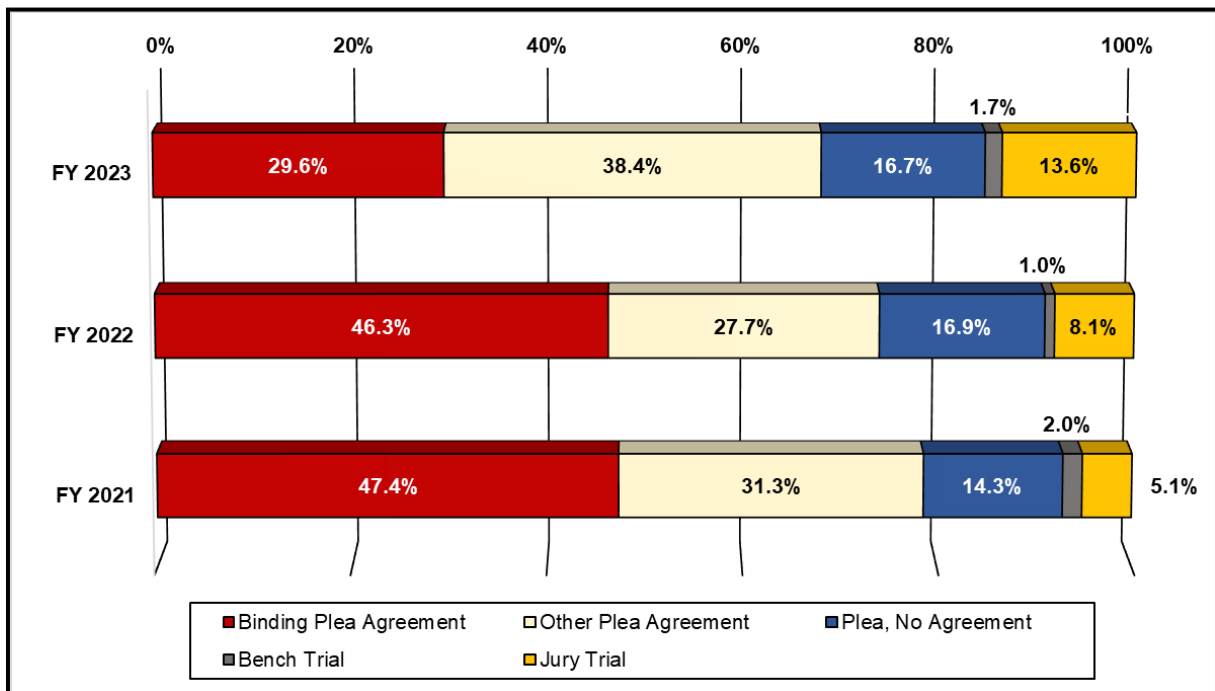
Figure 32 shows the distribution of guidelines sentencing events involving one or more COV by disposition type and judicial circuit (Appendix D contains a description of the five major disposition types listed on the sentencing guidelines worksheet; see Appendix G, Table 2, for the number and percentage of sentencing events by disposition and judicial circuit). The majority of sentencing events involving COV in every circuit were resolved via either an other plea agreement (38.4%), an MSCCSP binding plea agreement (29.6 %), or a plea with no agreement (16.7%). An additional 15.3% of sentencing events were resolved by a bench or jury trial (1.7% and 13.6%, respectively). Jury trials were more frequent among sentencing events involving COV relative to all sentencing events (13.6% versus 4.3%, respectively, see Figure 20).

Figure 32. Distribution of Guidelines Sentencing Events Involving Crimes of Violence by Disposition and Judicial Circuit, Fiscal Year 2023



Statewide, the reported use of MSCCSP binding plea agreements for sentencing events involving COV declined substantially from 46.3% in fiscal year 2022 to 29.6% in fiscal year 2023 (see Figure 33). The decline began in fiscal year 2021 and relates to the MSCCSP's April 2021 revisions to disposition type. Effective April 1, 2021, the disposition type ABA plea agreement was replaced with MSCCSP binding plea agreement. Although both disposition types involve an agreement between all parties, the definition of an MSCCSP binding plea agreement is more restrictive than that of an ABA plea agreement.³⁰ Therefore, courts reported fewer binding plea agreements following the revisions.

Figure 33. Distribution of Guidelines Sentencing Events Involving Crimes of Violence, by Disposition and Fiscal Year



³⁰ The primary difference between an ABA plea agreement and an MSCCSP binding plea agreement is that an MSCCSP binding plea agreement requires agreement between all parties as to a specific period of active incarceration (if any), while an ABA plea agreement had no such requirement.

An ABA plea was defined as “[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).” (MSGM, Version 12.4, Chapter 2).

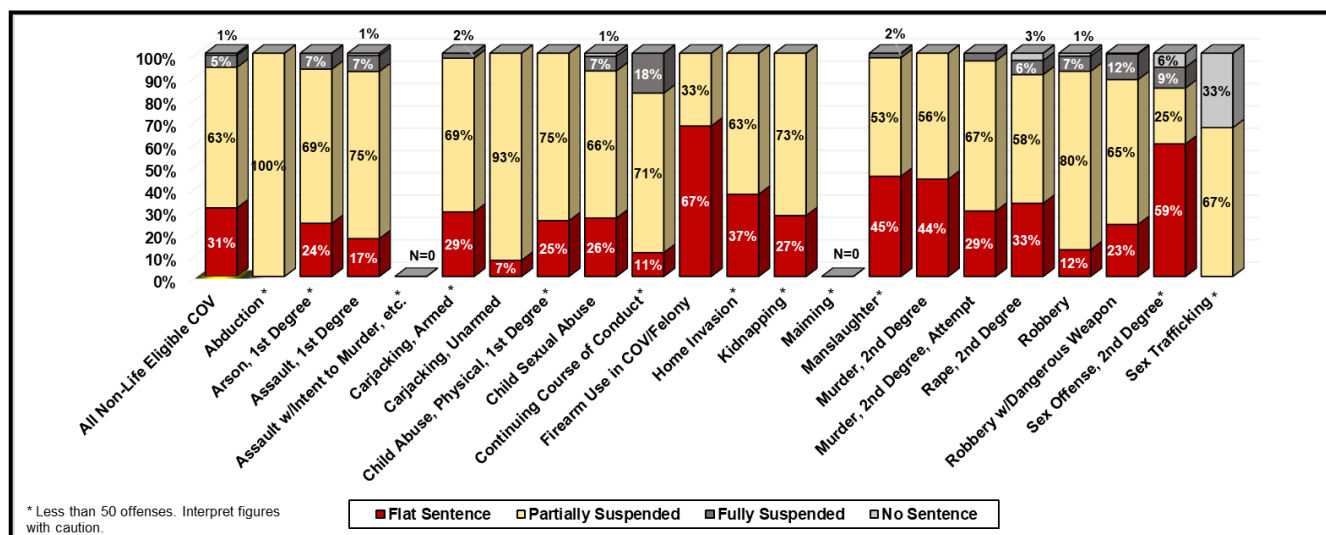
An MSCCSP binding plea agreement is defined as “[a] plea agreement presented to the court in agreement by an attorney for the government and the defendant’s attorney, or the defendant when proceeding pro se, that a court has approved relating to a particular sentence and disposition. An MSCCSP binding plea agreement means an agreement to a specific amount of active time (if any), not merely a sentence cap or range. The court has the discretion to accept or reject the plea. The agreement is binding on the court under Maryland Rule 4-243(c) if the court accepts the plea.” (MSGM, Version 15.2, Chapter 2).

Figure 34 displays the distribution of COV that have a statutory maximum penalty that is less than life imprisonment (i.e., “non-life” eligible) by sentence type (see Appendix G, Tables 3a through 3i, for these figures broken down by judicial circuit and offense).³¹

- A flat sentence includes incarceration only and no suspended time.
- A partially suspended sentence includes incarceration, suspended time, and typically a period of probation.
- A fully suspended sentence includes suspended time, typically a period of probation, and no incarceration.
- No sentence includes no incarceration, no suspended time, and no period of probation.

Incarceration includes home detention and credited time, as well as post-sentence jail/prison time. Few COV received no sentence (0.8%). The majority of COV received a partially suspended sentence (63%), followed by a flat sentence (30.7%). Approximately 5.5% of COV received a fully suspended sentence.

Figure 34. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type and Offense, Fiscal Year 2023



³¹ Non-life-eligible offenses have a statutory maximum penalty that is less than life imprisonment. Life-eligible offenses have a statutory maximum penalty of life imprisonment. This report presents figures for non-life eligible and life-eligible offenses separately as it is impossible to quantify the total sentence and percentage of the total sentence suspended when the total sentence is life imprisonment.

Figure 35 illustrates the mean total sentence lengths and non-suspended sentence lengths for non-life eligible COV by offense (see Appendix G, Tables 4a through 4e, for these figures broken down by judicial circuit and offense).

Figure 35. Mean Total Sentence and Non-Suspended Sentence Lengths (in Years) for Non-Life Eligible Crimes of Violence by Offense, Fiscal Year 2023

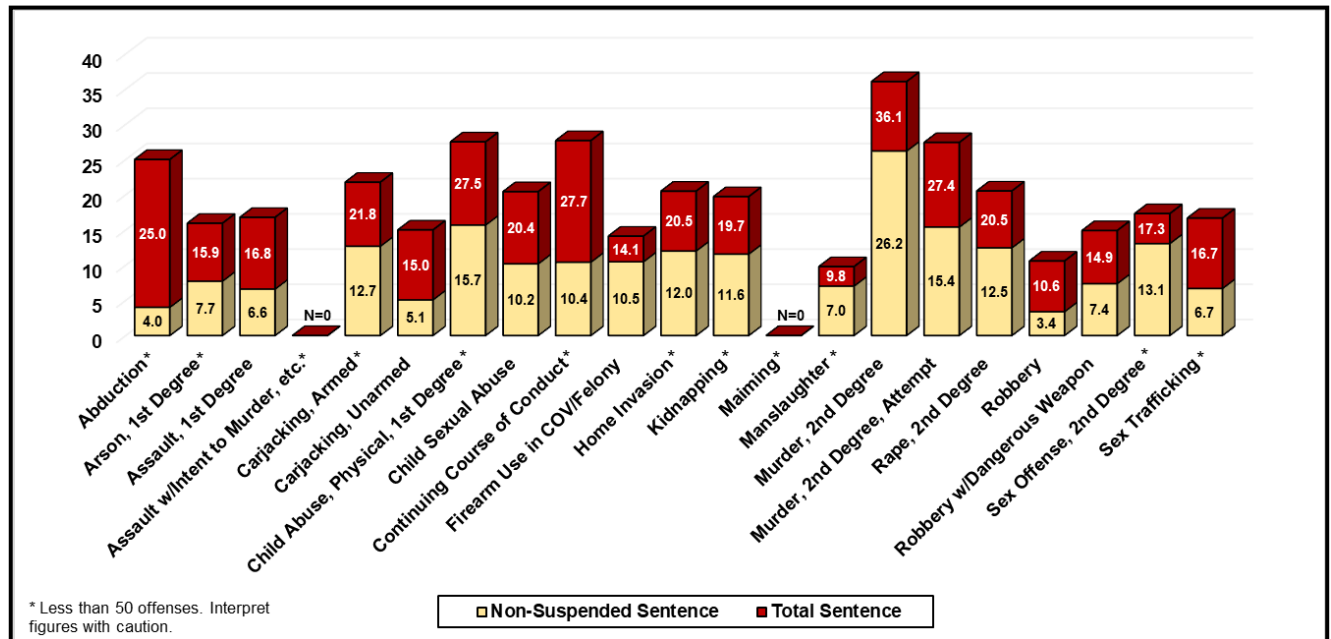


Figure 36 illustrates the mean percentage of the total sentence suspended for non-life eligible COV that received partially or fully suspended sentences, by offense (See Appendix G, Tables 5a through 5c, for these figures broken down by judicial circuit and offense).

Figure 36. Mean Percentage of the Total Sentence Suspended for Non-Life Eligible Crimes of Violence that Received Partially or Fully Suspended Sentences, by Offense, Fiscal Year 2023

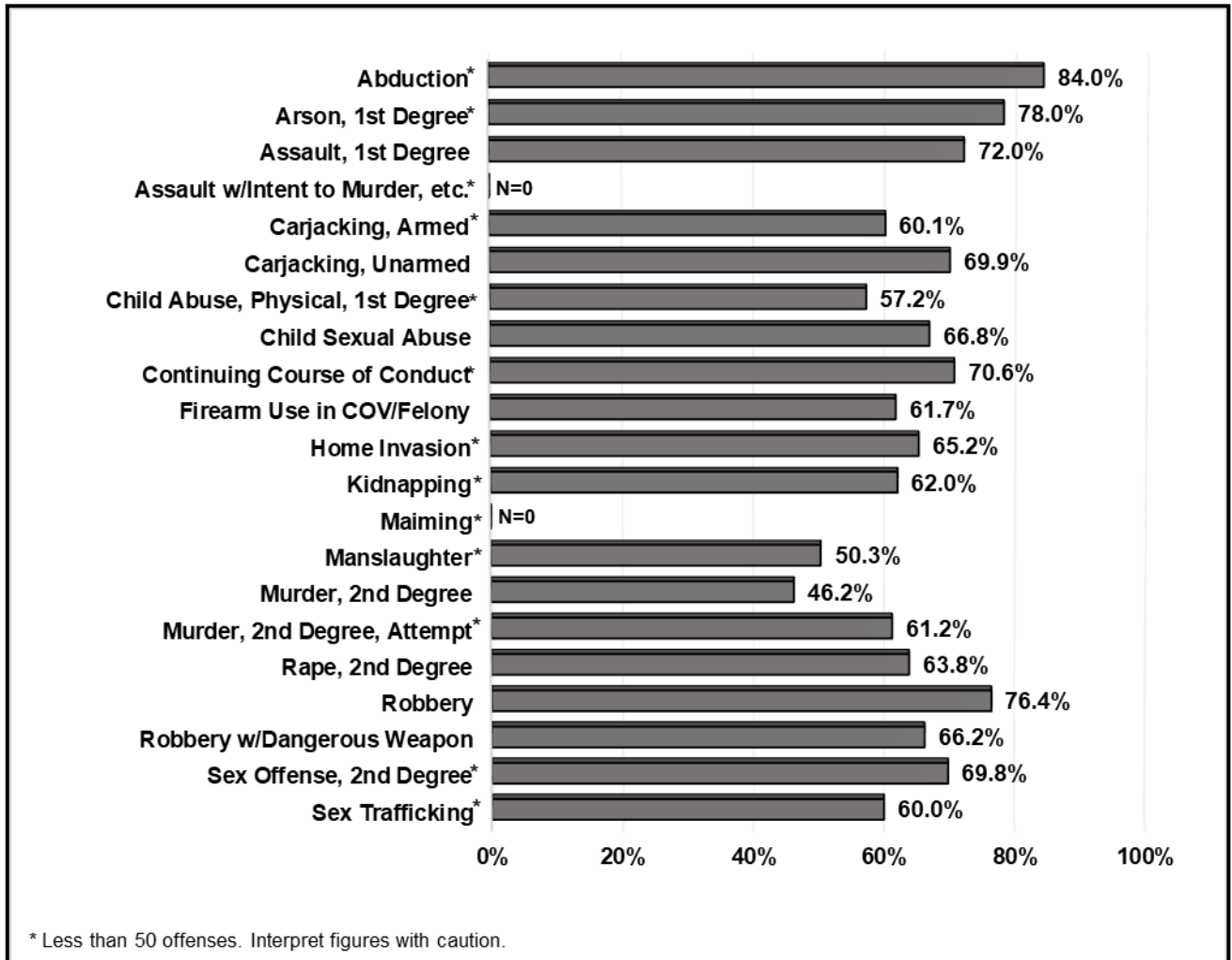


Figure 37 displays the distribution of life-eligible COV by sentence type (see Appendix G, Tables 6a through 6c, for these figures broken down by judicial circuit and offense). Life-eligible offenses include *Murder, 1st Degree*; *Murder, 1st Degree, Attempt*; *Rape, 1st Degree*; *Rape, 1st Degree, Attempt*; *Sex Offense, 1st Degree*; and *Sex Offense, 1st Degree, Attempt*.

- A life (active) sentence consists of life imprisonment, with or without parole, and no suspended time.
- A life, partially suspended sentence consists of a life sentence, a portion of which is suspended, and typically a period of probation.
- A non-life sentence includes a defined period of imprisonment that is less than life, a portion of which may be suspended, and may include a period of probation.

The majority (58.9%) of life-eligible COV sentenced in fiscal year 2023 were imposed a non-suspended sentence length that was less than life imprisonment.

Figure 37. Distribution of Life-Eligible Crimes of Violence by Sentence Type and Offense, Fiscal Year 2023

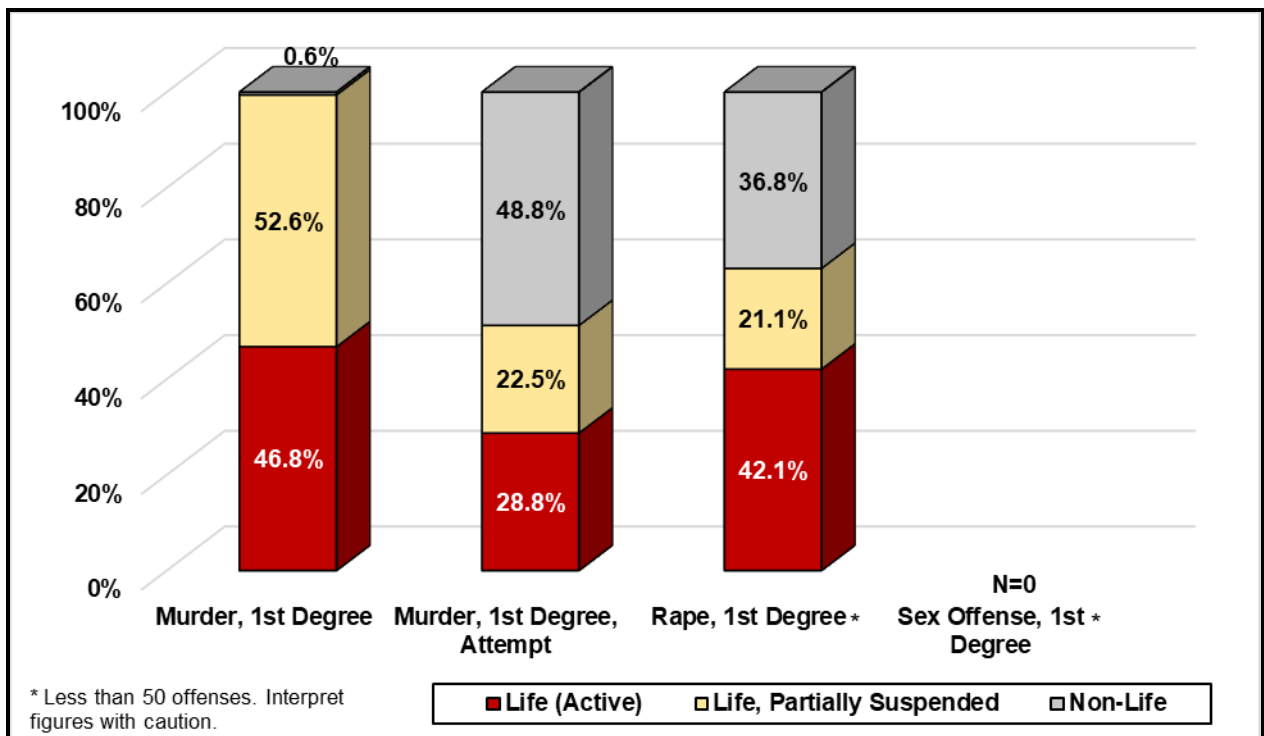
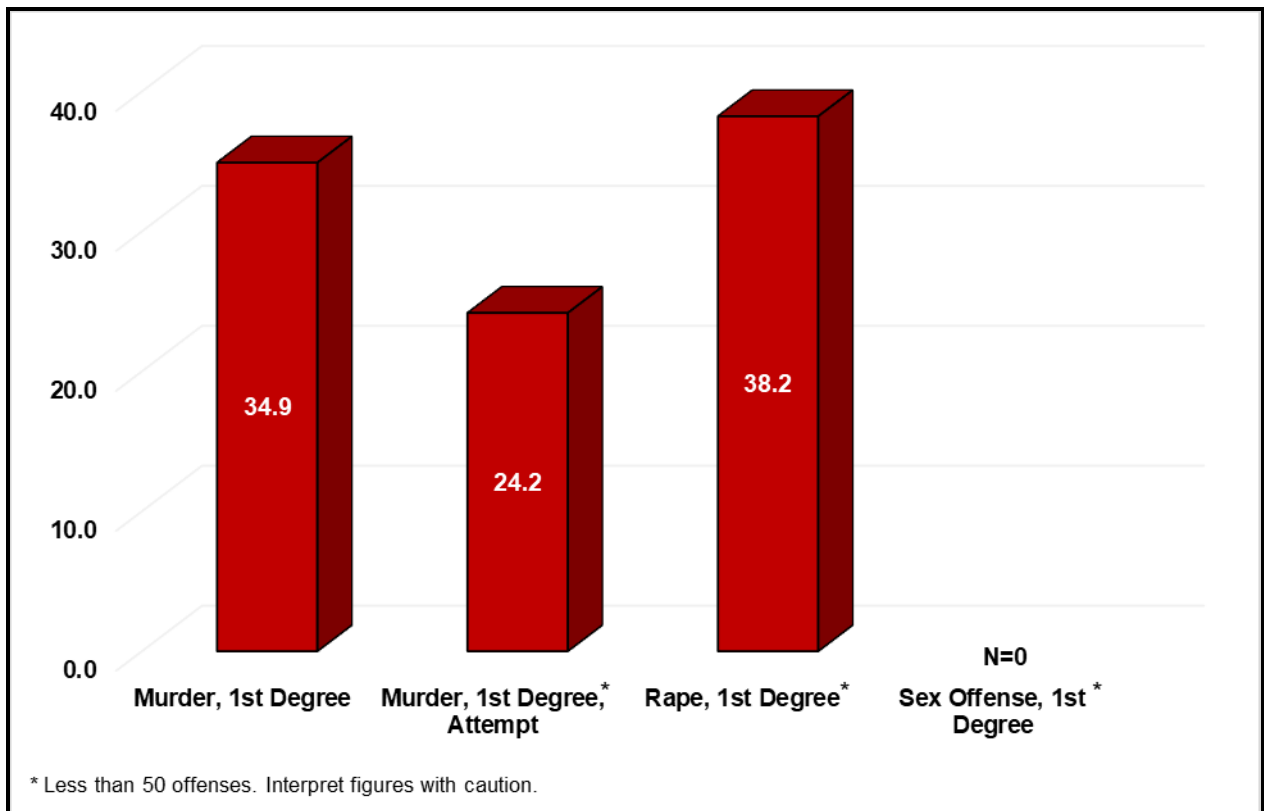


Figure 38 illustrates the mean non-suspended sentence lengths for life-eligible COV that received partially suspended life sentences (See Appendix G, Table 7, for these figures broken down by judicial circuit and offense).³²

Figure 38. Mean Non-Suspended Sentence Lengths (in Years) for Life-Eligible Crimes of Violence that Received Partially Suspended Life Sentences, by Offense, Fiscal Year 2023



³² No life-eligible COV received a fully suspended life sentence in fiscal year 2023.

Figure 39 illustrates the mean total sentence and non-suspended sentence lengths for life-eligible COV that received non-life sentences (See Appendix G, Table 8, for these figures broken down by judicial circuit and offense).

Figure 39. Mean Total Sentence and Non-Suspended Sentence Lengths (in Years) for Life-Eligible Crimes of Violence that Received Non-Life Sentences, by Offense, Fiscal Year 2023

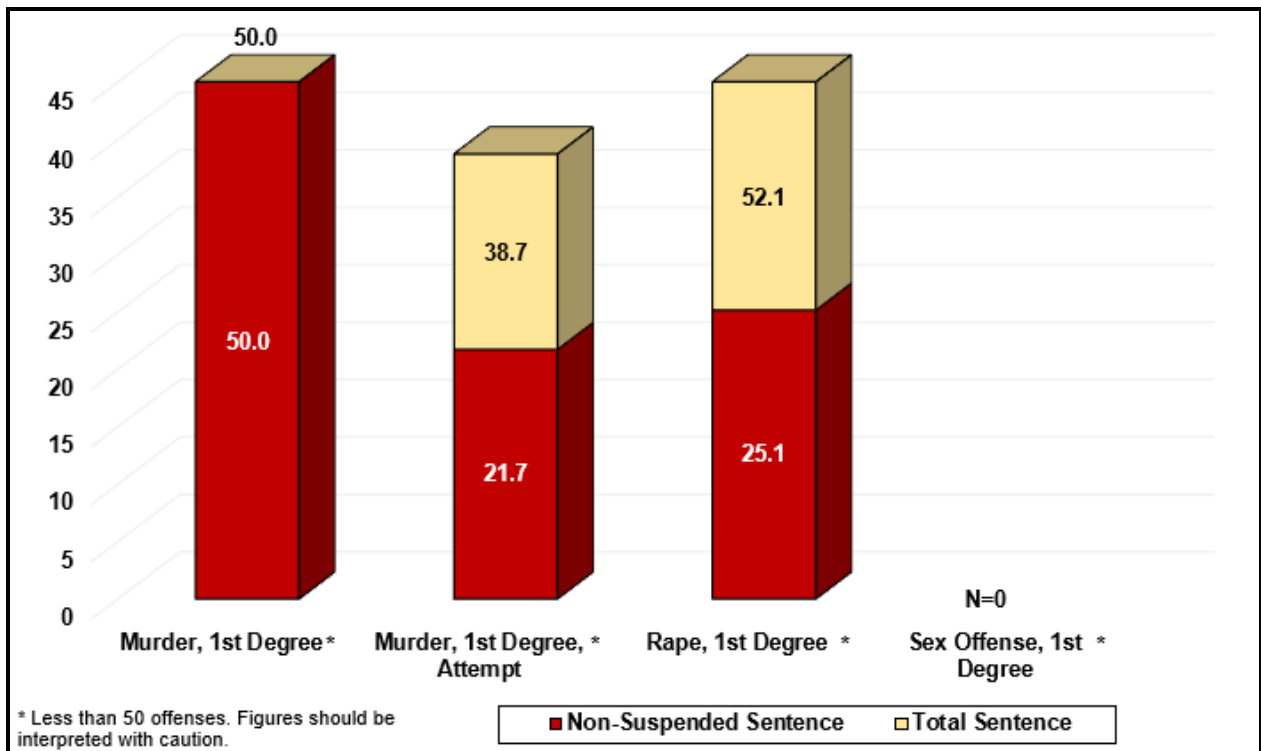
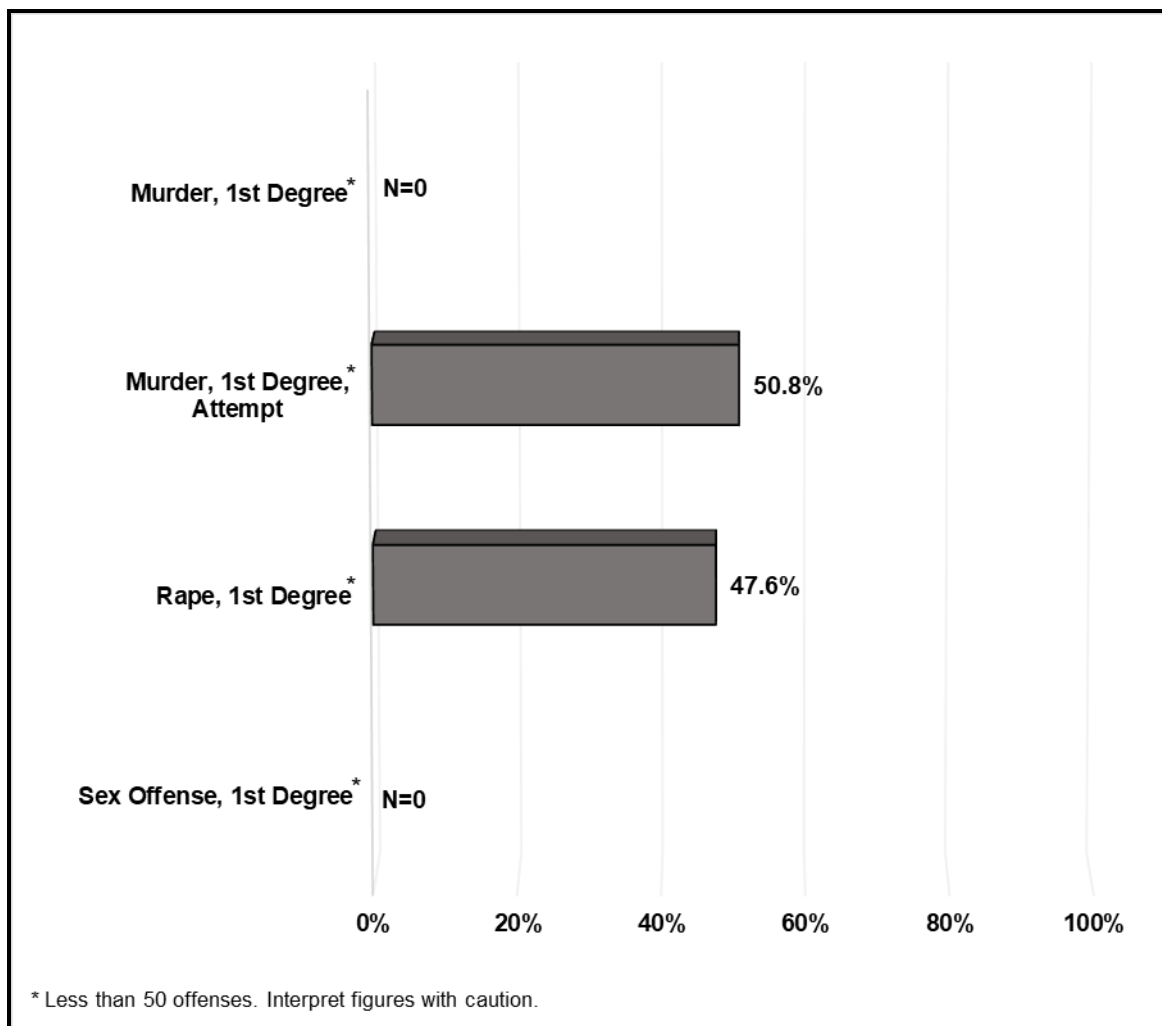


Figure 40 illustrates the mean percentage of the total sentence suspended for life-eligible COV that received partially suspended non-life sentences by offense (See Appendix G, Table 9, for these figures broken down by judicial circuit and offense).³³

Figure 40. Mean Percentage of Sentence Suspended for Life-Eligible Crimes of Violence that Received Partially Suspended Non-Life Sentences, by Offense, Fiscal Year 2023

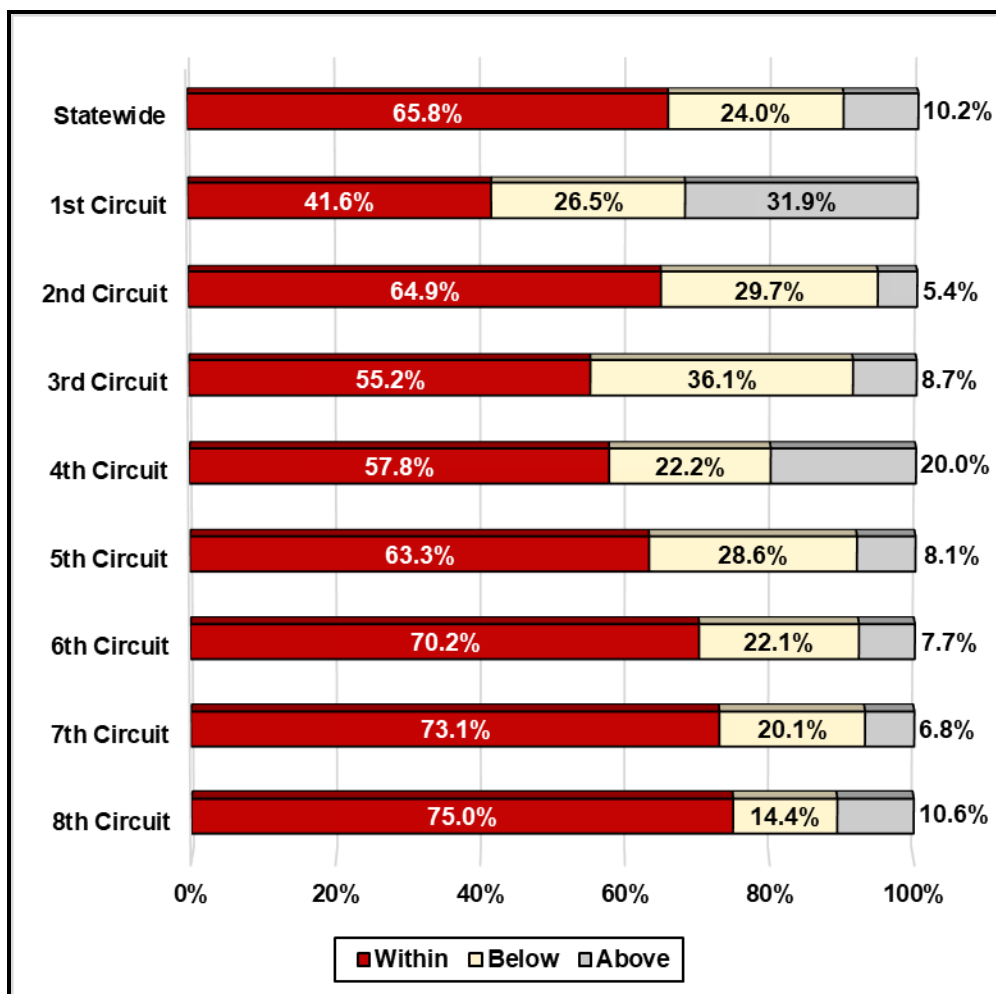


³³ No life-eligible COV received a fully suspended non-life sentence in fiscal year 2023.

Judicial Compliance Rates for Crimes of Violence

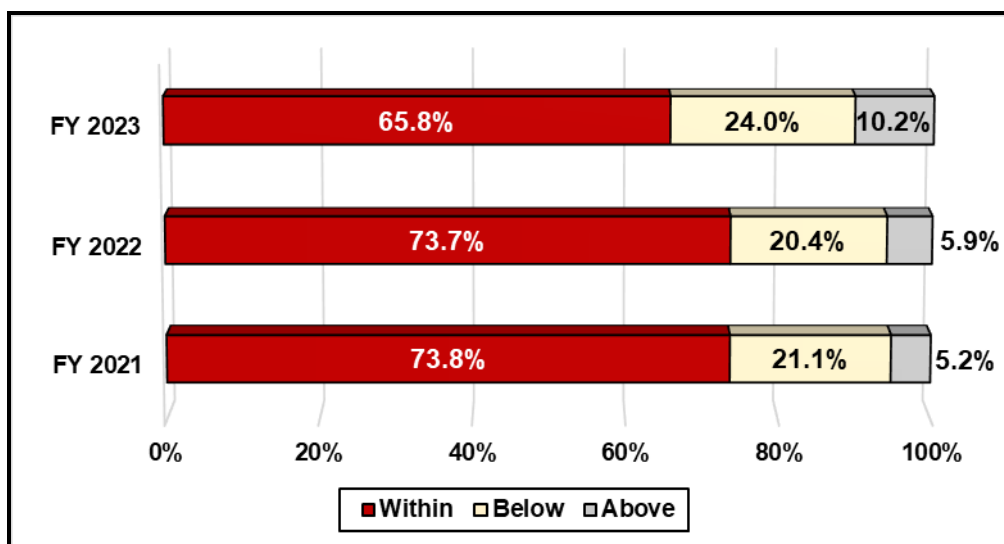
Figure 41 provides the judicial compliance rates for sentencing events involving COV by judicial circuit (see Appendix G, Table 10, for the number and percentage of sentencing events by guidelines compliance category and judicial circuit).³⁴ Overall, 65.8% sentencing events involving COV were guidelines-compliant in fiscal year 2023, while 24% departed below the guidelines, and 10.2% departed above the guidelines. Compliance rates varied among the judicial circuits, ranging from 41.6% in the First Circuit to 75% in the Eighth Circuit. The compliance rate for sentencing events involving COV met the Commission's benchmark standard of 65% compliance in three of eight judicial circuits. When departures occurred, they were more often below the guidelines than above.

Figure 41. Sentencing Guidelines Compliance for Sentencing Events Involving Crimes of Violence by Judicial Circuit, Fiscal Year 2023



³⁴ The compliance rates for sentencing events involving COV include both single and multiple-count sentencing events.

Figure 42. Sentencing Guidelines Compliance for Sentencing Events Involving Crimes of Violence by Fiscal Year



Statewide, sentencing guidelines compliance rates for sentencing events involving COV decreased substantially from fiscal years 2022 to 2023. The guidelines compliance rate for sentencing events involving COV decreased from 73.7% in fiscal year 2022 to 65.8% in fiscal year 2023 (see Figure 42). This decrease relates to the April 2021 revisions to disposition type that led to a decrease in the reported use of binding plea agreements and, in turn, a decrease in guidelines compliance. As discussed previously, effective April 1, 2021, the disposition type ABA plea agreement was replaced with MSCCSP binding plea agreement. Although both disposition types involve an agreement between all parties, the definition of an MSCCSP binding plea agreement is more restrictive than that of an ABA plea agreement.³⁵ Therefore, fewer binding plea agreements were reported following the revisions. This decrease, in turn, led to a decline in guidelines compliance rates because sentences imposed via a binding plea agreement are automatically deemed guidelines-compliant. Sentences for COV imposed via ABA binding plea agreements were more likely than COV sentences imposed via other plea agreements to involve non-suspended sentence lengths that fell outside of the recommended guidelines ranges.³⁶ Therefore, limiting the definition of binding plea agreement led to more

³⁵ See Footnote 31.

³⁶ The non-suspended sentence length fell above or below the guidelines in 51.2% of sentencing events involving COV that were disposed of via ABA plea agreements versus 48.9% of sentencing events involving COV that were disposed of via other plea agreements in fiscal year 2021 (the last year in which disposition type included ABA plea agreement).

sentences defined as other plea agreements and more guidelines departures. Both upward and downward departure rates for COV increased from fiscal years 2022 to 2023.³⁷

Departure Reasons for Crimes of Violence

Tables 17 and 18 display the guidelines departure reasons given for sentencing events involving COV in fiscal year 2023. The tables include the reasons listed on the reference card provided to circuit court judges (see Appendix E). Table 17 provides a rank order of the mitigating reasons judges provided for sentencing events involving COV where the sentence resulted in a downward departure (see Appendix G, Table 11, for these figures broken down by judicial circuit). The most cited reasons for downward departures in sentencing events involving COV were: 1) the parties reached a plea agreement that called for a reduced sentence; and 2) recommendation of the State's Attorney or Division of Parole and Probation.

Table 17. Departure Reasons for Sentencing Events Involving COV, Below the Guidelines, Fiscal Year 2023³⁸

Mitigating Reasons	Percent of Departures Where Reason is Cited
The parties reached a plea agreement that called for a reduced sentence	47.0%
Recommendation of State's Attorney or Division of Parole and Probation	33.4%
Offender's commitment to substance abuse treatment or other therapeutic program	7.4%
Offender made restorative efforts after the offense	5.4%
Offender had diminished capability for judgment	4.1%

³⁷ The change in definition of binding plea agreement had a greater impact on guidelines compliance among COV relative to other offense types for three reasons. First, effective July 1, 2022, the guidelines for most drug and property offenses were revised to better align with current sentencing trends. As result, the guidelines compliance rates for drug and property offenses increased from fiscal years 2022 to 2023. Second, the decline was greater for COV relative to non-COV person offenses because COV were more likely than non-COV person offenses to be disposed of via ABA binding plea agreements. Approximately 47.4% of sentencing events involving COV versus 41.3% of sentencing events involving only non-COV person offenses were disposed of via binding plea agreements in fiscal year 2021 (the last year in which disposition type included ABA plea agreement). Third, sentences imposed for COV were more likely than sentences imposed for non-COV person offenses to fall outside of the recommended guidelines range. The non-suspended sentence length fell above or below the guidelines in 50.5% of sentencing events involving COV versus 36% of sentencing events involving only non-COV person offenses in fiscal year 2021.

³⁸ Each sentencing event may cite multiple reasons, therefore the cited percentages will exceed a total of 100%.

Mitigating Reasons	Percent of Departures Where Reason is Cited
Offender's minor role in the offense	1.1%
Victim's participation in the offense lessens the offender's culpability	1.1%
Offender influenced by coercion or duress	0.5%
Other reason (not specified above) ³⁹	21.2%

Table 18 provides a rank order of the aggravating reasons judges provided for sentencing events involving COV where the sentence resulted in an upward departure (see Appendix G, Table 12, for these figures broken down by judicial circuit). The most cited reasons for departures above the guidelines in sentencing events involving COV were: 1) recommendation of the State's Attorney or Division of Parole and Probation; 2) the vicious or heinous nature of the conduct; 3) the level of harm was excessive; and 4) the offender's major role in the offense.

Table 18. Departure Reasons for Sentencing Events Involving COV, Above the Guidelines, Fiscal Year 2023⁴⁰

Aggravating Reasons	Percent of Departures Where Reason is Cited
Recommendation of State's Attorney or Division of Parole and Probation	38.9%
The vicious or heinous nature of the conduct	35.7%
The level of harm was excessive	34.1%
Offender's major role in the offense	33.5%
Special circumstances of the victim	11.4%
Offender exploited a position of trust	8.1%

³⁹ Other reasons for departure included, but were not limited to, judicial discretion (4.7%), the age/health of the guidelines-sentenced individual (3.8%), victim/witness unavailable/victim request (2%), the individual's prior criminal record (1.4%), good behavior (0.9%), individual waived credit for time served (0.7%), the nature/circumstances of the offense (0.5%), the individual pled guilty/cooperated with authorities (0.5%), the individual expressed remorse (0.5%), and the individual was sentenced or is pending sentence for another offense or case (0.2%).

⁴⁰ Each sentencing event may cite multiple reasons, therefore the cited percentages will exceed a total of 100%.

Aggravating Reasons	Percent of Departures Where Reason is Cited
Offender's significant participation in major controlled substance offense	0.0%
Offender committed a "white collar" offense	0.0%
Other reason (not specified above) ⁴¹	15.7%

⁴¹ Other reasons for departure included, but were not limited to, the guidelines-sentenced individual's prior criminal record (3.8%), the nature/circumstances of the offense (2.7%), judicial discretion (2.2%), plea agreement (1.6%), and the individual's lack of remorse (0.5%).

PLANNED ACTIVITIES FOR 2024

The MSCCSP's work in 2024 will be determined, in part, by emerging policy issues and concerns that develop throughout the course of the year. In addition, the MSCCSP will continue to work on the new and previously initiated activities described below.

The MSCCSP will continue to administer Maryland's sentencing guidelines by collecting sentencing guidelines worksheets, maintaining the sentencing guidelines database, monitoring judicial compliance with the guidelines, providing sentencing guidelines education and training, and delivering orientation and instruction on the use of the MAGS application. Additionally, the MSCCSP will review all criminal offenses and changes in the criminal code resulting from the 2024 Legislative Session and adopt seriousness categories for these offenses. Finally, the MSCCSP will continue coordination with the AOC to implement a statewide, aggregated worksheet status report.

The MSCCSP also plans to address the following activities in 2024:

- Update the MSCCSP COV Data Dashboard to provide information about COV sentenced in FY 2023;
- Add a data download tool to the MSCCSP website to make the sentencing guidelines data more accessible;
- Work to address the recommendations from the MSCCSP 2023 report assessing the impact of race/ethnicity at sentencing;
- Present a survey at the 2024 Maryland Judicial Conference to gather feedback from judges regarding the listed common sentencing guidelines departure reasons and to inform the Commission's deliberations regarding potential revisions to the listed departure reasons;
- Review the seriousness category classification for the common law offense of *Misconduct in office*; and
- Deploy an updated version of MAGS that simplifies the sentence screen to make it easier for court staff to data-enter sentencing information.

The activities described above, in combination with work associated with any pressing policy issues and concerns that develop over the year, are but a few of the many tasks that the MSCCSP will consider in 2024 to support consistent, fair, and proportional sentencing in Maryland.

APPENDICES

APPENDIX A:

Sentencing Guidelines Matrices

Sentencing Matrix for Offenses Against Persons								
Offender Score								
Offense Score	0	1	2	3	4	5	6	7 or more
1	P	P	P-3M	3M-1Y	3M-18M	3M-2Y	6M-2Y	1Y-3Y
2	P-6M	P-1Y	P-18M	3M-2Y	6M-3Y	1Y-5Y	18M-5Y	3Y-8Y
3	P-2Y	P-2Y	6M-3Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y
4	P-3Y	6M-4Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y	5Y-12Y
5	3M-4Y	6M-5Y	1Y-6Y	2Y-7Y	3Y-8Y	4Y-10Y	6Y-12Y	8Y-15Y
6	1Y-6Y	2Y-7Y	3Y-8Y	4Y-9Y	5Y-10Y	7Y-12Y	8Y-13Y	10Y-20Y
7	3Y-8Y	4Y-9Y	5Y-10Y	6Y-12Y	7Y-13Y	9Y-14Y	10Y-15Y	12Y-20Y
8	4Y-9Y	5Y-10Y	5Y-12Y	7Y-13Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-25Y
9	5Y-10Y	7Y-13Y	8Y-15Y	10Y-15Y	12Y-18Y	15-25Y	18Y-30Y	20Y-30Y
10	10Y-18Y	10Y-21Y	12Y-25Y	15Y-25Y	15Y-30Y	18Y-30Y	20Y-35Y	20Y-L
11	12Y-20Y	15Y-25Y	18Y-25Y	20Y-30Y	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L
12	15Y-25Y	18Y-25Y	18Y-30Y	20Y-35Y	20Y-35Y	25Y-40Y	25Y-L	25Y-L
13	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L	25Y-L	30Y-L	L	L
14	20Y-L	25Y-L	28Y-L	30Y-L	L	L	L	L
15	25Y-L	30Y-L	35Y-L	L	L	L	L	L

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

Sentencing Matrix for Drug Offenses (Revisions effective 7/2022)								
Offender Score								
Offense Seriousness Category	0	1	2	3	4	5	6	7 or more
VII	P [no change]	P [no change]	P P-1M	P-1M P-3M	P-3M P-4M	P-6M [no change]	3M-6M P-9M	6M-2Y P-1Y
VI	Available for future use. There are currently no seriousness category VI drug offenses.							
V	P-1M [no change]	P-6M P-3M	P-1Y P-4M	1M-1Y P-6M	2M-18M P-9M	3M-2Y P-1Y	4M-3Y 1M-18M	6M-4Y 2M-2Y
IV	P-3M [no change]	P-9M P-4M	1M-1Y P-6M	2M-18M P-9M	3M-2Y P-1Y	4M-2.5Y 1M-18M	6M-3Y 2M-2Y	8M-5Y 3M-3Y
III-A Cannabis import 45 kilograms or more, and MDMA over 750 grams	P-18M P-6M	P-2Y P-9M	6M-2Y P-18M	1Y-4Y 1M-2Y	2Y-6Y 3M-3Y	3Y-8Y 6M-5Y	4Y-12Y 1Y-6Y	10Y-20Y 2Y-8Y
III-B Non-cannabis and non-MDMA, Except Import	6M-3Y P-9M	1Y-3Y P-18M	18M-4Y 1M-2Y	3Y-7Y 3M-3Y	4Y-8Y 6M-5Y	5Y-10Y 1Y-6Y	7Y-14Y 2Y-8Y	12Y-20Y 4Y-12Y
III-C Non-cannabis and non-MDMA, Import	1Y-4Y P-18M	2Y-5Y 1M-2Y	3Y-6Y 3M-3Y	4Y-7Y 6M-5Y	5Y-8Y 1Y-6Y	6Y-10Y 2Y-8Y	8Y-15Y 4Y-12Y	15Y-25Y 6Y-14Y
II	20Y-24Y 16Y-20Y	22Y-26Y 18Y-22Y	24Y-28Y 20Y-24Y	26Y-30Y 22Y-26Y	28Y-32Y 24Y-28Y	30Y-36Y 26Y-30Y	32Y-37Y 28Y-32Y	35Y-40Y 30Y-36Y

P=Probation, M=Months, Y=Years

Sentencing Matrix for Property Offenses (Revisions effective 7/2022)								
Offender Score								
Offense Seriousness Category	0	1	2	3	4	5	6	7 or more
VII	P-1M P	P-3M [no change]	3M-9M P-6M	6M-1Y P-9M	9M-18M P-1Y	1Y-2Y P-18M	1Y-3Y 1M-2Y	3Y-5Y 6M-2.5Y
VI	P-3M [no change]	P-6M [no change]	3M-1Y P-9M	6M-2Y P-1Y	1Y-3Y P-18M	2Y-5Y 1M-2Y	3Y-6Y 3M-3Y	5Y-10Y 9M-5Y
V	P-6M [no change]	P-1Y P-9M	3M-2Y P-1Y	1Y-3Y P-18M	18M-5Y 1M-2Y	3Y-7Y 3M-3Y	4Y-8Y 6M-5Y	8Y-15Y 1Y-6Y
IV	P-1Y P-9M	3M-2Y P-1Y	6M-3Y P-18M	1Y-4Y 1M-2Y	18M-7Y 3M-3Y	3Y-8Y 6M-5Y	5Y-12Y 9M-6Y	10Y-20Y 18M-8Y
III	P-2Y P-1Y	6M-3Y P-18M	9M-5Y 1M-2Y	1Y-5Y 3M-3Y	2Y-8Y 6M-5Y	3Y-10Y 9M-6Y	7Y-15Y 1Y-8Y	15Y-30Y 2Y-9Y
II	2Y-5Y 1Y-3Y	3Y-7Y 18M-4Y	5Y-8Y 2Y-5Y	5Y-10Y 3Y-7Y	8Y-15Y 5Y-8Y	10Y-18Y 5Y-10Y	12Y-20Y 7Y-12Y	15Y-40Y 8Y-15Y

P=Probation, M=Months, Y=Years

APPENDIX B:

Maryland Sentencing Guidelines Worksheet (version MAGS 11.0)

MARYLAND SENTENCING GUIDELINES WORKSHEET				OFFENDER NAME - Last, First, Middle		SID #	SEX M ___ F ___	BIRTHDATE	JURISDICTION
PSI	DATE OF OFFENSE	DATE OF SENTENCING	DISPOSITION TYPE	MODIFICATION TO COV SENTENCES (if applicable)					
YES ___ NO ___ AT THIS SENTENCING NUMBER OF:	CRIMINAL EVENT # _____ WORKSHEET # _____ OF _____ CRIMINAL EVENT # _____	MDCSP binding plea agreement ___ Other plea agreement ___ Plea, no agreement ___ Court trial ___ Jury trial ___	Private ___ Public defender ___ Court appointed ___ Self ___	REPRESENTATION Ethnicity: Hispanic/Latino origin ___ Yes ___ No ___ Unknown ___ Victim Court Costs Imposed ___ Yes ___ No ___	RACE (Select all that apply) American Indian or Alaska Native ___ Black or African American ___ Native Hawaiian or other Pacific Islander ___ White ___ Other ___ Unknown ___				
CONVICTED OFFENSE TITLE					MD CODE, ART, & SECTION	STAT. MAX	MIN TERM	CASE #	
1st Convicted Offense									
2nd Convicted Offense									
3rd Convicted Offense									
OFFENSE SCORE(S) - Offense Against a Person Only					OFFENDER SCORE	ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Program (Drug Court, Home Detention, Etc.)			
1st Off 2nd Off 3rd Off A. Seriousness Category 1 = I 2 = II 3 = III 4 = IV 5 = V 6 = VI 7 = VII B. Victim Injury 1 = No injury 2 = Injury, non-permanent 3 = Injury, permanent 4 = Permanent injury or death C. Weapon Presence 1 = No weapon 2 = Weapon other than firearm 3 = Firearm or explosive D. Special Victim Vulnerability 1 = No 2 = Yes					A. Relationship to C's 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 0 findings of a delinquent act within 5 years of the date of the most recent offense 1 = Under 23 years and 1 or 2 findings of a delinquent act within 5 years of the date of the most recent instant offense 2 = Under 23 years and 3 or more findings of a delinquent act within 5 years of the date of the most recent instant offense C. Prior Adult Criminal Record 0 = None 1 = Minor 2 = Moderate 3 = Major D. Prior Adult Parole/Probation Violation 0 = No 1 = Yes	1st Con. Off. TO 2nd Con. Off. TO 3rd Con. Off. TO Additional Sentence Information Probation ___ Community Service ___ Was the offender sentenced to a Corrections Option under Commission criteria? If yes, select all that apply: <input type="checkbox"/> Drug court <input type="checkbox"/> HG, § 8-507 order <input type="checkbox"/> Home detention <input type="checkbox"/> Suspended sentence per CR, § 5-601(e) <input type="checkbox"/> Inpatient substance abuse treatment <input type="checkbox"/> Work release <input type="checkbox"/> Inpatient mental health treatment <input type="checkbox"/> Weekend (or other discontinuous) incarceration Other (explain): _____ Was the offender sentenced to some other alternative to incarceration? If yes, select all that apply: <input type="checkbox"/> Outpatient substance abuse treatment <input type="checkbox"/> Outpatient mental health treatment <input type="checkbox"/> Other (explain): _____			
VICTIM INFORMATION Victim 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 ___					REASONS FOR GUIDELINES DEPARTURE Departure Code 9 or 18 (Please Explain): _____ _____ _____	Overall Guidelines Range Multiple Counts Only 50% of Sentence Announced for COVs Yes ___ No ___			
DEPARTURE ___ Yes ___ No ___					Parole Notification ___ Yes ___ No ___ Sentencing Judge's Signature _____ Title _____ Sentencing Judge (Please Print) _____ Worksheet Completed By _____				

Version: MAGS 11.0

Court clerks should attach completed copies to the commitment or probation order and also distribute copies to the following: sentencing judge, court file, prosecution, and defense

APPENDIX C:

Sentencing Guidelines Compliance and Average Sentence by Offense Type, Single Count Cases, Fiscal Year 2023 (Most Common Person, Drug, and Property Offenses)

Person Offenses	N	Guidelines Compliance			% Incarc ⁴²	Average Sentence Among Incarcerated	
		Within	Below	Above		Total Sentence	Total, Less Suspended
Assault, 2 nd Degree	1,263	86.1%	10.5%	3.3%	76.2%	5.8 years	1.1 years
Possession of Regulated Firearm by Restricted Person	333	81.4%	18%	0.6%	88.3%	4.2 years	1.6 years
Wear, Carry, or Transport Handgun	328	94.5%	5.5%	---	64.6%	2.5 years	0.6 years
Assault, 1 st Degree	301	64.8%	33.2%	2%	95%	15 years	4.9 years
Robbery	239	78.7%	17.6%	3.8%	94.6%	9.5 years	2.5 years
Drug Offenses							
Distribute, PWID, Manufacture, etc. Cocaine	572	85.8%	11.4%	2.8%	86.4%	7.5 years	1.7 years
Distribute, PWID, Manufacture, etc. Fentanyl	313	83.7%	12.5%	3.8%	81.2%	8.8 years	1.9 years
Distribute, PWID, Manufacture, etc. Cannabis ⁴³	245	91.8%	4.5%	3.7%	44.1%	2.9 years	0.4 years
Possess Cannabis	153	97.4%	---	2.6%	26.8%	0.3 years	0.1 years
Possess Cocaine	126	91.3%	---	8.7%	64.3%	0.8 years	0.3 years
Property Offenses							
Burglary, 2 nd Degree	159	89.3%	6.9%	3.8%	75.5%	7.5 years	1.8 years
Felony Theft or Theft Scheme, At Least \$1,500 but Less Than \$25,000	118	94.9%	2.5%	2.5%	72.9%	3.5 years	1.1 years
Burglary, 4 th Degree	103	90.3%	3.9%	5.8%	66%	2.1 years	0.6 years
Burglary, 1 st Degree	81	79%	12.3%	8.6%	85.2%	7.7 years	1.8 years
Burglary, 3 rd Degree	59	86.4%	10.2%	3.4%	89.8%	5.2 years	1 year

⁴² % *Incarcerated* includes those who are incarcerated pre-trial only, as well as those incarcerated after sentencing.

⁴³ The legislature lowered the maximum penalty for cannabis PWID, manufacture, and possess production equipment from five years to three years effective January 1, 2023. In response, the Commission changed the seriousness category from IV to V effective April 1, 2023. Sentencing events involving this subset of cannabis offenses with a lesser maximum penalty and seriousness category are excluded from the table.

APPENDIX D:

Description of Types of Disposition

Disposition Type	Description
MSCCSP Binding Plea Agreement ⁴⁴	A plea agreement presented to the court in agreement by an attorney for the government and the defendant's attorney, or the defendant when proceeding pro se, that a court has approved relating to a particular sentence and disposition. An MSCCSP binding plea agreement means an agreement to a specific amount of active time (if any), not merely a sentence cap or range. The court has the discretion to accept or reject the plea. The agreement is binding on the court under Maryland Rule 4-243(c) if the court accepts the plea.
Other Plea Agreement	The disposition resulted from a plea agreement reached by the parties that did not include an agreement to a specific amount of active time (if any) and/or the agreement was not approved by, and thus not binding on, the court.
Plea, No Agreement	The defendant pleaded guilty without any agreement from the prosecutor or judge to perform in a particular way.
Bench Trial	The disposition resulted from a trial without a jury in which the judge decided the factual questions.
Jury Trial	The disposition resulted from a trial in which the jury decided the factual questions.

⁴⁴ The name and definition of a guidelines-compliant plea agreement was revised effective April 1, 2021. Prior to April 1, 2021, a guidelines-compliant plea was termed an *ABA plea agreement* and defined as follows: *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).*

APPENDIX E:

Common Departure Reasons Listed on the Sentencing Guidelines Departure Reference Card

Departure Code	Mitigating Reasons
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 reason (not specified above).
Departure Code	Aggravating Reasons
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 reason (not specified above).

APPENDIX F:

Maryland Automated Guidelines System (MAGS) Deployment Schedule

Jurisdiction	Circuit	Deployment Date
Montgomery	6	May 8, 2012
Calvert	7	June 2, 2014
Frederick	6	March 2, 2015
Charles	7	July 1, 2015
Prince George's	7	October 1, 2015
St. Mary's	7	December 1, 2015
Cecil	2	January 1, 2016
Harford	3	April 1, 2016
Baltimore County	3	October 1, 2016
Allegany	4	January 1, 2017
Garrett	4	January 1, 2017
Washington	4	April 1, 2017
Caroline	2	July 1, 2017
Talbot	2	July 1, 2017
Kent	2	October 1, 2017
Queen Anne's	2	October 1, 2017
Dorchester	1	January 1, 2018
Somerset	1	January 1, 2018
Wicomico	1	April 1, 2018
Worcester	1	July 1, 2018
Howard	5	October 1, 2018
Carroll	5	January 1, 2019
Anne Arundel	5	April 8, 2019
Baltimore City	8	October 1, 2019

APPENDIX G:

Additional Crime of Violence (COV) Statistics

Table 1. Crimes of Violence by Offense and Judicial Circuit, FY 2023

	Total	1st Circuit	2nd Circuit	3rd Circuit	4th Circuit	5th Circuit	6th Circuit	7th Circuit	8th Circuit
Abduction	1	0	0	0	0	0	0	1	0
Arson, 1st Degree	42	3	3	3	3	8	9	3	10
Assault, 1st Degree	672	50	8	134	18	92	108	102	160
Assault w/Intent to Murder, etc.	0	0	0	0	0	0	0	0	0
Carjacking, Armed	45	0	0	10	0	0	8	13	14
Carjacking, Unarmed	69	2	0	17	0	6	10	19	15
Child Abuse, Physical, 1st Degree	12	3	0	2	0	2	2	1	2
Child Sexual Abuse	214	25	18	28	6	21	50	25	41
Continuing Course of Conduct	28	0	0	0	4	5	8	3	8
Firearm Use in COV/Felony	488	17	3	69	5	53	36	83	222
Home Invasion	38	2	0	13	0	2	5	8	8
Kidnapping	11	3	0	3	1	2	0	1	1
Maiming	0								
Manslaughter	49	0	0	7	5	1	3	26	7
Murder, 1st Degree	171	11	1	21	1	18	18	32	69
Murder, 1st Degree, Attempt	80	2	1	8	3	18	7	5	36
Murder, 2nd Degree	94	2	2	11	3	11	5	25	35
Murder, 2nd Degree, Attempt	58	3	3	1	0	11	2	8	30
Rape, 1st Degree	19	4	0	2	1	1	1	5	5
Rape, 2nd Degree	125	23	8	17	2	10	45	16	4
Robbery	309	17	1	68	4	51	49	75	44
Robbery w/Dangerous Weapon	313	8	1	75	3	53	41	49	83
Sex Offense, 1st Degree	0	0	0	0	0	0	0	0	0
Sex Offense, 2nd Degree	32	3	0	3	0	2	24	0	0
Sex Trafficking	3	0	0	2	0	0	0	0	1
Total	2,873	178	49	494	59	367	431	500	795

Table 2. Distribution of Sentencing Events Involving Crimes of Violence by Disposition and Judicial Circuit, and Offense, Fiscal Year 2023, Statewide

	Total		1st Circuit		2nd Circuit		3rd Circuit		4th Circuit	
	#	% in State	#	% in Circuit	#	% in Circuit	#	% in Circuit	#	% in Circuit
MSCCSP Binding Plea Agreement	547	29.6%	3	2.7%	7	18.9%	43	11.7%	2	4.4%
Other Plea Agreement	709	38.4%	45	39.8%	25	67.6%	174	47.5%	16	35.6%
Plea, No Agreement	308	16.7%	25	22.1%	3	8.1%	119	32.5%	22	48.9%
Bench Trial	32	1.7%	2	1.8%	1	2.7%	5	1.4%	1	2.2%
Jury Trial	252	13.6%	38	33.6%	1	2.7%	25	6.8%	4	8.9%
Total	1,848		113		37		366		45	

	5th Circuit		6th Circuit		7th Circuit		8th Circuit	
	#	% in Circuit	#	% in Circuit	#	% in Circuit	#	% in Circuit
MSCCSP Binding Plea Agreement	40	16.1%	102	37.5%	94	29.1%	256	57.7%
Other Plea Agreement	140	56.5%	90	33.1%	138	42.7%	81	18.2%
Plea, No Agreement	43	17.3%	26	9.6%	50	15.5%	20	4.5%
Bench Trial	5	2.0%	3	1.1%	6	1.9%	9	2.0%
Jury Trial	20	8.1%	51	18.8%	35	10.8%	78	17.6%
Total	248		272		323		444	

Table 3a. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, Statewide

Statewide						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Arson, 1st Degree	#	42	10	29	3	0
	%	100.0%	23.8%	69.0%	7.1%	0.0%
Assault, 1st Degree	#	672	114	503	48	7
	%	100.0%	17.0%	74.9%	7.1%	1.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	45	13	31	1	0
	%	100.0%	28.9%	68.9%	2.2%	0.0%
Carjacking, Unarmed	#	69	5	64	0	0
	%	100.0%	7.2%	92.8%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	12	3	9	0	0
	%	100.0%	25.0%	75.0%	0.0%	0.0%
Child Sexual Abuse	#	214	56	141	14	3
	%	100.0%	26.2%	65.9%	6.5%	1.4%
Continuing Course of Conduct	#	28	3	20	5	0
	%	100.0%	10.7%	71.4%	17.9%	0.0%
Firearm Use in COV/Felony	#	488	329	159	0	0
	%	100.0%	67.4%	32.6%	0.0%	0.0%
Home Invasion	#	38	14	24	0	0
	%	100.0%	36.8%	63.2%	0.0%	0.0%
Kidnapping	#	11	3	8	0	0
	%	100.0%	27.3%	72.7%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	49	22	26	1	0
	%	100.0%	44.9%	53.1%	2.0%	0.0%
Murder, 2nd Degree	#	94	41	53	0	0
	%	100.0%	43.6%	56.4%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	58	17	39	2	0
	%	100.0%	29.3%	67.2%	3.4%	0.0%
Rape, 2nd Degree	#	125	41	72	8	4
	%	100.0%	32.8%	57.6%	6.4%	3.2%
Robbery	#	309	37	247	21	4
	%	100.0%	12.0%	79.9%	6.8%	1.3%
Robbery w/Dangerous Weapon	#	313	73	203	36	1
	%	100.0%	23.3%	64.9%	11.5%	0.3%
Sex Offense, 2nd Degree	#	32	19	8	3	2
	%	100.0%	59.4%	25.0%	9.4%	6.3%
Sex Trafficking	#	3	0	2	0	1
	%	100.0%	0.0%	66.7%	0.0%	33.3%
Total	#	2,603	800	1,639	142	22
	%	100.0%	30.7%	63.0%	5.5%	0.8%

Table 3b. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, 1st Circuit

	1st Circuit					
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	3	3	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Assault, 1st Degree	#	50	13	35	2	0
	%	100.0%	26.0%	70.0%	4.0%	0.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Unarmed	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	3	2	1	0	0
	%	100.0%	66.7%	33.3%	0.0%	0.0%
Child Sexual Abuse	#	25	14	9	0	2
	%	100.0%	56.0%	36.0%	0.0%	8.0%
Continuing Course of Conduct	#	0	0	0	0	0
	%	-	-	-	-	-
Firearm Use in COV/Felony	#	17	11	6	0	0
	%	100.0%	64.7%	35.3%	0.0%	0.0%
Home Invasion	#	2	2	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Kidnapping	#	3	1	2	0	0
	%	100.0%	33.3%	66.7%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	0	0	0	0	0
	%	-	-	-	-	-
Murder, 2nd Degree	#	2	2	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	3	2	1	0	0
	%	100.0%	66.7%	33.3%	0.0%	0.0%
Rape, 2nd Degree	#	23	14	7	2	0
	%	100.0%	60.9%	30.4%	8.7%	0.0%
Robbery	#	17	6	9	2	0
	%	100.0%	35.3%	52.9%	11.8%	0.0%
Robbery w/Dangerous Weapon	#	8	2	6	0	0
	%	100.0%	25.0%	75.0%	0.0%	0.0%
Sex Offense, 2nd Degree	#	3	3	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
Total	#	161	75	78	6	2
	%	100.0%	46.6%	48.4%	3.7%	1.2%

Table 3c. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, 2nd Circuit

2nd Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	3	0	3	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Assault, 1st Degree	#	8	2	5	1	0
	%	100.0%	25.0%	62.5%	12.5%	0.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Unarmed	#	0	0	0	0	0
	%	-	-	-	-	-
Child Abuse, Physical, 1st Degree	#	0	0	0	0	0
	%	-	-	-	-	-
Child Sexual Abuse	#	18	3	14	1	0
	%	100.0%	16.7%	77.8%	5.6%	0.0%
Continuing Course of Conduct	#	0	0	0	0	0
	%	-	-	-	-	-
Firearm Use in COV/Felony	#	3	1	2	0	0
	%	100.0%	33.3%	66.7%	0.0%	0.0%
Home Invasion	#	0	0	0	0	0
	%	-	-	-	-	-
Kidnapping	#	0	0	0	0	0
	%	-	-	-	-	-
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	0	0	0	0	0
	%	-	-	-	-	-
Murder, 2nd Degree	#	2	1	1	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	3	3	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Rape, 2nd Degree	#	8	3	5	0	0
	%	100.0%	37.5%	62.5%	0.0%	0.0%
Robbery	#	1	0	0	0	1
	%	100.0%	0.0%	0.0%	0.0%	100.0%
Robbery w/Dangerous Weapon	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Sex Offense, 2nd Degree	#	0	0	0	0	0
	%	-	-	-	-	-
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
Total	#	47	13	31	2	1
	%	100.0%	27.7%	66.0%	4.3%	2.1%

Table 3d. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, 3rd Circuit

3rd Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	3	0	3	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Assault, 1st Degree	#	134	15	103	12	4
	%	100.0%	11.2%	76.9%	9.0%	3.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	10	2	8	0	0
	%	100.0%	20.0%	80.0%	0.0%	0.0%
Carjacking, Unarmed	#	17	0	17	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Sexual Abuse	#	28	5	21	2	0
	%	100.0%	17.9%	75.0%	7.1%	0.0%
Continuing Course of Conduct	#	0	0	0	0	0
	%	-	-	-	-	-
Firearm Use in COV/Felony	#	69	49	20	0	0
	%	100.0%	71.0%	29.0%	0.0%	0.0%
Home Invasion	#	13	5	8	0	0
	%	100.0%	38.5%	61.5%	0.0%	0.0%
Kidnapping	#	3	0	3	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	7	3	4	0	0
	%	100.0%	42.9%	57.1%	0.0%	0.0%
Murder, 2nd Degree	#	11	8	3	0	0
	%	100.0%	72.7%	27.3%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Rape, 2nd Degree	#	17	3	9	1	4
	%	100.0%	17.6%	52.9%	5.9%	23.5%
Robbery	#	68	10	54	2	2
	%	100.0%	14.7%	79.4%	2.9%	2.9%
Robbery w/Dangerous Weapon	#	75	12	52	10	1
	%	100.0%	16.0%	69.3%	13.3%	1.3%
Sex Offense, 2nd Degree	#	3	0	1	0	2
	%	100.0%	0.0%	33.3%	0.0%	66.7%
Sex Trafficking	#	2	0	1	0	1
	%	100.0%	0.0%	50.0%	0.0%	50.0%
Total	#	463	112	310	27	14
	%	100.0%	24.2%	67.0%	5.8%	3.0%

Table 3e. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, 4th Circuit

4th Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	3	0	2	1	0
	%	100.0%	0.0%	66.7%	33.3%	0.0%
Assault, 1st Degree	#	18	7	11	0	0
	%	100.0%	38.9%	61.1%	0.0%	0.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Unarmed	#	0	0	0	0	0
	%	-	-	-	-	-
Child Abuse, Physical, 1st Degree	#	0	0	0	0	0
	%	-	-	-	-	-
Child Sexual Abuse	#	6	0	5	1	0
	%	100.0%	0.0%	83.3%	16.7%	0.0%
Continuing Course of Conduct	#	4	0	4	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	5	3	2	0	0
	%	100.0%	60.0%	40.0%	0.0%	0.0%
Home Invasion	#	0	0	0	0	0
	%	-	-	-	-	-
Kidnapping	#	1	1	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	5	5	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Murder, 2nd Degree	#	3	0	3	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	0	0	0	0	0
	%	-	-	-	-	-
Rape, 2nd Degree	#	2	1	1	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Robbery	#	4	0	4	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Robbery w/Dangerous Weapon	#	3	0	3	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Sex Offense, 2nd Degree	#	0	0	0	0	0
	%	-	-	-	-	-
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
Total	#	54	17	35	2	0
	%	100.0%	31.5%	64.8%	3.7%	0.0%

Table 3f. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, 5th Circuit

5th Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	8	3	4	1	0
	%	100.0%	37.5%	50.0%	12.5%	0.0%
Assault, 1st Degree	#	92	16	66	10	0
	%	100.0%	17.4%	71.7%	10.9%	0.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Unarmed	#	6	0	6	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	2	1	1	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Child Sexual Abuse	#	21	5	15	1	0
	%	100.0%	23.8%	71.4%	4.8%	0.0%
Continuing Course of Conduct	#	5	1	4	0	0
	%	100.0%	20.0%	80.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	53	36	17	0	0
	%	100.0%	67.9%	32.1%	0.0%	0.0%
Home Invasion	#	2	1	1	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Kidnapping	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	1	1	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Murder, 2nd Degree	#	11	7	4	0	0
	%	100.0%	63.6%	36.4%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	11	3	8	0	0
	%	100.0%	27.3%	72.7%	0.0%	0.0%
Rape, 2nd Degree	#	10	2	7	1	0
	%	100.0%	20.0%	70.0%	10.0%	0.0%
Robbery	#	51	6	38	7	0
	%	100.0%	11.8%	74.5%	13.7%	0.0%
Robbery w/Dangerous Weapon	#	53	18	23	12	0
	%	100.0%	34.0%	43.4%	22.6%	0.0%
Sex Offense, 2nd Degree	#	2	2	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
Total	#	330	102	196	32	0
	%	100.0%	30.9%	59.4%	9.7%	0.0%

Table 3g. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, 6th Circuit

6th Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	9	1	7	1	0
	%	100.0%	11.1%	77.8%	11.1%	0.0%
Assault, 1st Degree	#	108	12	82	13	1
	%	100.0%	11.1%	75.9%	12.0%	0.9%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	8	2	6	0	0
	%	100.0%	25.0%	75.0%	0.0%	0.0%
Carjacking, Unarmed	#	10	1	9	0	0
	%	100.0%	10.0%	90.0%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Sexual Abuse	#	50	10	34	5	1
	%	100.0%	20.0%	68.0%	10.0%	2.0%
Continuing Course of Conduct	#	8	0	3	5	0
	%	100.0%	0.0%	37.5%	62.5%	0.0%
Firearm Use in COV/Felony	#	36	16	20	0	0
	%	100.0%	44.4%	55.6%	0.0%	0.0%
Home Invasion	#	5	2	3	0	0
	%	100.0%	40.0%	60.0%	0.0%	0.0%
Kidnapping	#	0	0	0	0	0
	%	-	-	-	-	-
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	3	1	2	0	0
	%	100.0%	33.3%	66.7%	0.0%	0.0%
Murder, 2nd Degree	#	5	3	2	0	0
	%	100.0%	60.0%	40.0%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Rape, 2nd Degree	#	45	13	29	3	0
	%	100.0%	28.9%	64.4%	6.7%	0.0%
Robbery	#	49	4	39	5	1
	%	100.0%	8.2%	79.6%	10.2%	2.0%
Robbery w/Dangerous Weapon	#	41	5	27	9	0
	%	100.0%	12.2%	65.9%	22.0%	0.0%
Sex Offense, 2nd Degree	#	24	14	7	3	0
	%	100.0%	58.3%	29.2%	12.5%	0.0%
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
Total	#	405	84	274	44	3
	%	100.0%	20.7%	67.7%	10.9%	0.7%

Table 3h. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, 7th Circuit

7th Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Arson, 1st Degree	#	3	1	2	0	0
	%	100.0%	33.3%	66.7%	0.0%	0.0%
Assault, 1st Degree	#	102	16	83	3	0
	%	100.0%	15.7%	81.4%	2.9%	0.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	13	4	8	1	0
	%	100.0%	30.8%	61.5%	7.7%	0.0%
Carjacking, Unarmed	#	19	2	17	0	0
	%	100.0%	10.5%	89.5%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Sexual Abuse	#	25	4	20	1	0
	%	100.0%	16.0%	80.0%	4.0%	0.0%
Continuing Course of Conduct	#	3	0	3	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	83	45	38	0	0
	%	100.0%	54.2%	45.8%	0.0%	0.0%
Home Invasion	#	8	2	6	0	0
	%	100.0%	25.0%	75.0%	0.0%	0.0%
Kidnapping	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	26	6	19	1	0
	%	100.0%	23.1%	73.1%	3.8%	0.0%
Murder, 2nd Degree	#	25	3	22	0	0
	%	100.0%	12.0%	88.0%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	8	1	7	0	0
	%	100.0%	12.5%	87.5%	0.0%	0.0%
Rape, 2nd Degree	#	16	4	11	1	0
	%	100.0%	25.0%	68.8%	6.3%	0.0%
Robbery	#	75	1	71	3	0
	%	100.0%	1.3%	94.7%	4.0%	0.0%
Robbery w/Dangerous Weapon	#	49	11	35	3	0
	%	100.0%	22.4%	71.4%	6.1%	0.0%
Sex Offense, 2nd Degree	#	0	0	0	0	0
	%	-	-	-	-	-
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
Total	#	458	100	345	13	0
	%	100.0%	21.8%	75.3%	2.8%	0.0%

Table 3i. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, 8th Circuit

8th Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	10	2	8	0	0
	%	100.0%	20.0%	80.0%	0.0%	0.0%
Assault, 1st Degree	#	160	33	118	7	2
	%	100.0%	20.6%	73.8%	4.4%	1.3%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	14	5	9	0	0
	%	100.0%	35.7%	64.3%	0.0%	0.0%
Carjacking, Unarmed	#	15	2	13	0	0
	%	100.0%	13.3%	86.7%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Sexual Abuse	#	41	15	23	3	0
	%	100.0%	36.6%	56.1%	7.3%	0.0%
Continuing Course of Conduct	#	8	2	6	0	0
	%	100.0%	25.0%	75.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	222	168	54	0	0
	%	100.0%	75.7%	24.3%	0.0%	0.0%
Home Invasion	#	8	2	6	0	0
	%	100.0%	25.0%	75.0%	0.0%	0.0%
Kidnapping	#	1	1	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	7	6	1	0	0
	%	100.0%	85.7%	14.3%	0.0%	0.0%
Murder, 2nd Degree	#	35	17	18	0	0
	%	100.0%	48.6%	51.4%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	30	8	20	2	0
	%	100.0%	26.7%	66.7%	6.7%	0.0%
Rape, 2nd Degree	#	4	1	3	0	0
	%	100.0%	25.0%	75.0%	0.0%	0.0%
Robbery	#	44	10	32	2	0
	%	100.0%	22.7%	72.7%	4.5%	0.0%
Robbery w/Dangerous Weapon	#	83	25	56	2	0
	%	100.0%	30.1%	67.5%	2.4%	0.0%
Sex Offense, 2nd Degree	#	0	0	0	0	0
	%	-	-	-	-	-
Sex Trafficking	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Total	#	685	297	370	16	2
	%	100.0%	43.4%	54.0%	2.3%	0.3%

Table 4a. Mean Total Sentence and Non-Suspended Sentence Lengths for Non-Life Eligible Crimes of Violence by Judicial Circuit and Offense, Fiscal Year 2023, Statewide and 1st Circuit

	Statewide			1st Circuit		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
Abduction	1	25.0	4.0	0	-	-
Arson, 1st Degree	42	15.9	7.7	3	20.0	20.0
Assault, 1st Degree	672	16.8	6.6	50	16.7	8.3
Assault w/Intent to Murder, etc.	0	-	-	0	-	-
Carjacking, Armed	45	21.8	12.7	0	-	-
Carjacking, Unarmed	69	15.0	5.1	2	20.0	0.4
Child Abuse, Physical, 1st Degree	12	27.5	15.7	3	21.7	18.3
Child Sexual Abuse	214	20.4	10.2	25	21.2	17.0
Continuing Course of Conduct	28	27.7	10.4	0	-	-
Firearm Use in COV/Felony	488	14.1	10.5	17	16.8	12.8
Home Invasion	38	20.5	12.0	2	25.0	25.0
Kidnapping	11	19.7	11.6	3	21.0	15.5
Maiming	0	-	-	0	-	-
Manslaughter	49	9.8	7.0	0	-	-
Murder, 2nd Degree	94	36.1	26.2	2	32.5	32.5
Murder, 2nd Degree, Attempt	58	27.4	15.4	3	28.3	25.3
Rape, 2nd Degree	125	20.5	12.5	23	28.7	19.2
Robbery	309	10.6	3.4	17	11.4	6.0
Robbery w/Dangerous Weapon	313	14.9	7.4	8	17.1	10.8
Sex Offense, 2nd Degree	32	17.3	13.1	3	46.7	46.7
Sex Trafficking	3	16.7	6.7	0	-	-
Total	2,603			161		

Table 4b. Mean Total Sentence and Non-Suspended Sentence Lengths for Non-Life Eligible Crimes of Violence by Judicial Circuit and Offense, Fiscal Year 2023, 2nd Circuit and 3rd Circuit

	2nd Circuit			3rd Circuit		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
Abduction	0	-	-	0	-	-
Arson, 1st Degree	3	9.3	3.0	3	4.3	0.5
Assault, 1st Degree	8	11.3	4.7	134	14.9	5.2
Assault w/Intent to Murder, etc.	0	-	-	0	-	-
Carjacking, Armed	0	-	-	10	17.0	8.1
Carjacking, Unarmed	0	-	-	17	13.1	4.2
Child Abuse, Physical, 1st Degree	0	-	-	2	17.5	6.5
Child Sexual Abuse	18	20.8	10.7	28	21.7	9.7
Continuing Course of Conduct	0	-	-	0	-	-
Firearm Use in COV/Felony	3	8.7	5.3	69	12.4	9.6
Home Invasion	0	-	-	13	19.3	11.5
Kidnapping	0	-	-	3	19.0	8.1
Maiming	0	-	-	0	-	-
Manslaughter	0	-	-	7	10.0	6.7
Murder, 2nd Degree	2	35.0	30.0	11	30.5	25.3
Murder, 2nd Degree, Attempt	3	30.0	30.0	1	30.0	12.0
Rape, 2nd Degree	8	18.1	11.1	17	15.4	9.1
Robbery	1	0.0	0.0	68	8.9	2.9
Robbery w/Dangerous Weapon	1	12.0	4.0	75	14.1	6.9
Sex Offense, 2nd Degree	0	-	-	3	6.7	0.5
Sex Trafficking	0	-	-	2	12.5	2.5
Total	47			463		

Table 4c. Mean Total Sentence and Non-Suspended Sentence Lengths for Non-Life Eligible Crimes of Violence by Judicial Circuit and Offense, Fiscal Year 2023, 4th Circuit and 5th Circuit

	4th Circuit			5th Circuit		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
Abduction	0	-	-	0	-	-
Arson, 1st Degree	3	20.3	6.7	8	18.5	12.6
Assault, 1st Degree	18	16.3	10.7	92	15.6	5.3
Assault w/Intent to Murder, etc.	0	-	-	0	-	-
Carjacking, Armed	0	-	-	0	-	-
Carjacking, Unarmed	0	-	-	6	16.7	3.3
Child Abuse, Physical, 1st Degree	0	-	-	2	15.0	10.1
Child Sexual Abuse	6	22.5	8.6	21	23.6	11.5
Continuing Course of Conduct	4	30.0	15.5	5	30.0	13.5
Firearm Use in COV/Felony	5	17.0	11.0	53	11.6	8.2
Home Invasion	0	-	-	2	15.0	11.0
Kidnapping	1	30.0	30.0	2	15.0	2.1
Maiming	0	-	-	0	-	-
Manslaughter	5	10.0	10.0	1	10.0	10.0
Murder, 2nd Degree	3	40.0	30.0	11	36.6	28.5
Murder, 2nd Degree, Attempt	0	-	-	11	25.5	13.9
Rape, 2nd Degree	2	16.0	11.0	10	20.5	10.3
Robbery	4	9.3	2.1	51	11.4	4.0
Robbery w/Dangerous Weapon	3	8.3	2.9	53	13.9	6.9
Sex Offense, 2nd Degree	0	-	-	2	20.0	20.0
Sex Trafficking	0	-	-	0	-	-
Total	54			330		

Table 4d. Mean Total Sentence and Non-Suspended Sentence Lengths for Non-Life Eligible Crimes of Violence by Judicial Circuit and Offense, Fiscal Year 2023, 6th Circuit and 7th Circuit

	6th Circuit			7th Circuit		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
Abduction	0	-	-	1	25.0	4.0
Arson, 1st Degree	9	16.2	4.7	3	15.0	10.4
Assault, 1st Degree	108	18.9	6.9	102	18.6	7.4
Assault w/Intent to Murder, etc.	0	-	-	0	-	-
Carjacking, Armed	8	18.8	9.7	13	24.2	13.8
Carjacking, Unarmed	10	9.2	2.4	19	17.3	5.8
Child Abuse, Physical, 1st Degree	2	25.0	20.0	1	40.0	10.0
Child Sexual Abuse	50	20.3	8.5	25	19.8	10.4
Continuing Course of Conduct	8	30.0	7.3	3	30.0	10.0
Firearm Use in COV/Felony	36	15.3	9.1	83	16.8	11.4
Home Invasion	5	21.0	12.3	8	23.8	9.6
Kidnapping	0	-	-	1	30.0	15.0
Maiming	0	-	-	0	-	-
Manslaughter	3	10.0	6.7	26	9.8	6.0
Murder, 2nd Degree	5	37.0	25.7	25	36.5	20.7
Murder, 2nd Degree, Attempt	2	25.0	14.5	8	29.4	12.1
Rape, 2nd Degree	45	17.2	9.4	16	26.0	18.3
Robbery	49	10.7	3.8	75	11.7	2.8
Robbery w/Dangerous Weapon	41	16.1	6.4	49	16.2	7.5
Sex Offense, 2nd Degree	24	14.8	9.8	0	-	-
Sex Trafficking	0	-	-	0	-	-
Total	405			458		

Table 4e. Mean Total Sentence and Non-Suspended Sentence Lengths for Non-Life Eligible Crimes of Violence by Judicial Circuit and Offense, Fiscal Year 2023, 8th Circuit

	8th Circuit		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
Abduction	0	-	-
Arson, 1st Degree	10	16.9	5.9
Assault, 1st Degree	160	16.8	6.9
Assault w/Intent to Murder, etc.	0	-	-
Carjacking, Armed	14	24.6	16.6
Carjacking, Unarmed	15	16.7	8.2
Child Abuse, Physical, 1st Degree	2	55.0	25.0
Child Sexual Abuse	41	17.6	7.7
Continuing Course of Conduct	8	21.9	9.3
Firearm Use in COV/Felony	222	13.9	11.1
Home Invasion	8	19.1	12.0
Kidnapping	1	7.0	7.0
Maiming	0	-	-
Manslaughter	7	9.1	8.7
Murder, 2nd Degree	35	37.1	28.9
Murder, 2nd Degree, Attempt	30	27.3	14.5
Rape, 2nd Degree	4	17.5	8.2
Robbery	44	10.3	3.1
Robbery w/Dangerous Weapon	83	15.1	8.3
Sex Offense, 2nd Degree	0	-	-
Sex Trafficking	1	25.0	15.0
Total	685		

Table 5a. Mean Percent of Sentence Suspended for Non-Life Eligible Crimes of Violence that Received Partially or Fully Suspended Sentences, by Judicial Circuit and Offense, Fiscal Year 2023, Statewide, 1st Circuit, and 2nd Circuit

	Statewide		1st Circuit		2nd Circuit	
	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended
Abduction	1	84.0%	0	-	0	-
Arson, 1st Degree	32	78.0%	0	-	3	73.0%
Assault, 1st Degree	551	72.0%	37	69.0%	6	77.0%
Assault w/Intent to Murder, etc.	0	.	0	-	0	-
Carjacking, Armed	32	60.1%	0	-	0	-
Carjacking, Unarmed	64	69.9%	2	98.0%	0	-
Child Abuse, Physical, 1st Degree	9	57.2%	1	50.0%	0	-
Child Sexual Abuse	155	66.8%	9	51.0%	15	63.0%
Continuing Course of Conduct	25	70.6%	0	-	0	-
Firearm Use in COV/Felony	159	61.7%	6	64.0%	2	50.0%
Home Invasion	24	65.2%	0	-	0	-
Kidnapping	8	62.0%	2	39.0%	0	-
Maiming	0	.	0	-	0	-
Manslaughter	27	50.3%	0	-	0	-
Murder, 2nd Degree	53	46.2%	0	-	1	25.0%
Murder, 2nd Degree, Attempt	41	61.2%	1	36.0%	0	-
Rape, 2nd Degree	80	63.8%	9	71.0%	5	58.0%
Robbery	268	76.4%	11	70.0%	0	-
Robbery w/Dangerous Weapon	239	66.2%	6	48.0%	1	67.0%
Sex Offense, 2nd Degree	11	69.8%	0	-	0	-
Sex Trafficking	2	60.0%	0	-	0	-
Total	1,781		84		33	

Table 5b. Mean Percent of Sentence Suspended for Non-Life Eligible Crimes of Violence that Received Partially or Fully Suspended Sentences, by Judicial Circuit and Offense, Fiscal Year 2023, 3rd Circuit, 4th Circuit, and 5th Circuit

	3rd Circuit		4th Circuit		5th Circuit	
	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended
Abduction	0	-	0	-	0	-
Arson, 1st Degree	3	79.0%	3	63.0%	5	76.0%
Assault, 1st Degree	115	72.0%	11	50.0%	76	76.0%
Assault w/Intent to Murder, etc.	0	-	0	-	0	-
Carjacking, Armed	8	65.0%	0	-	0	-
Carjacking, Unarmed	17	71.0%	0	-	6	81.0%
Child Abuse, Physical, 1st Degree	2	71.0%	0	-	1	98.0%
Child Sexual Abuse	23	68.0%	6	64.0%	16	70.0%
Continuing Course of Conduct	0	-	4	48.0%	4	69.0%
Firearm Use in COV/Felony	20	57.0%	2	75.0%	17	61.0%
Home Invasion	8	63.0%	0	-	1	40.0%
Kidnapping	3	67.0%	0	-	2	85.0%
Maiming	0	-	0	-	0	-
Manslaughter	4	58.0%	0	-	0	-
Murder, 2nd Degree	3	55.0%	3	25.0%	4	56.0%
Murder, 2nd Degree, Attempt	1	60.0%	0	-	8	55.0%
Rape, 2nd Degree	10	59.0%	1	50.0%	8	65.0%
Robbery	56	76.0%	4	76.0%	45	74.0%
Robbery w/Dangerous Weapon	62	64.0%	3	68.0%	35	73.0%
Sex Offense, 2nd Degree	1	93.0%	0	-	0	-
Sex Trafficking	1	80.0%	0	-	0	-
Total	337		37		228	

Table 5c. Mean Percent of Sentence Suspended for Non-Life Eligible Crimes of Violence that Received Partially or Fully Suspended Sentences, by Judicial Circuit and Offense, Fiscal Year 2023, 6th Circuit, 7th Circuit, and 8th Circuit

	6th Circuit		7th Circuit		8th Circuit	
	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended
Abduction	0	-	1	84.0%	0	-
Arson, 1st Degree	8	74.0%	2	90.0%	8	87.0%
Assault, 1st Degree	95	73.0%	86	71.0%	125	72.0%
Assault w/Intent to Murder, etc.	0	-	0	-	0	-
Carjacking, Armed	6	58.0%	9	63.0%	9	55.0%
Carjacking, Unarmed	9	78.0%	17	67.0%	13	57.0%
Child Abuse, Physical, 1st Degree	2	20.0%	1	75.0%	2	55.0%
Child Sexual Abuse	39	68.0%	21	58.0%	26	77.0%
Continuing Course of Conduct	8	76.0%	3	67.0%	6	82.0%
Firearm Use in COV/Felony	20	65.0%	38	61.0%	54	63.0%
Home Invasion	3	70.0%	6	81.0%	6	54.0%
Kidnapping	0	-	1	50.0%	0	-
Maiming	0	-	0	-	0	-
Manslaughter	2	50.0%	20	50.0%	1	30.0%
Murder, 2nd Degree	2	71.0%	22	48.0%	18	42.0%
Murder, 2nd Degree, Attempt	2	40.0%	7	68.0%	22	65.0%
Rape, 2nd Degree	32	65.0%	12	58.0%	3	77.0%
Robbery	44	73.0%	74	79.0%	34	82.0%
Robbery w/Dangerous Weapon	36	71.0%	38	68.0%	58	62.0%
Sex Offense, 2nd Degree	10	67.0%	0	-	0	-
Sex Trafficking	0	-	0	-	1	40.0%
Total	318		358		386	

Table 6a. Distribution of Life-Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, All Life-Eligible Offenses and Murder, 1st Degree

	All Life-Eligible Offenses				Murder, 1st Degree			
	Total	Life (Active)	Life, Partially Suspended	Non-Life	Total	Life (Active)	Life, Partially Suspended	Non-Life
1st Circuit	17	13	4	0	11	8	3	0
		76.5%	23.5%	0.0%		72.7%	27.3%	0.0%
2nd Circuit	2	0	1	1	1	0	1	0
		0.0%	50.0%	50.0%		0.0%	100.0%	0.0%
3rd Circuit	31	16	11	4	21	12	9	0
		51.6%	35.5%	12.9%		57.1%	42.9%	0.0%
4th Circuit	5	1	1	3	1	1	0	0
		20.0%	20.0%	60.0%		100.0%	0.0%	0.0%
5th Circuit	37	24	9	4	18	10	8	0
		64.9%	24.3%	10.8%		55.6%	44.4%	0.0%
6th Circuit	26	7	13	6	18	7	10	1
		26.9%	50.0%	23.1%		38.9%	55.6%	5.6%
7th Circuit	42	14	23	5	32	11	21	0
		33.3%	54.8%	11.9%		34.4%	65.6%	0.0%
8th Circuit	110	36	50	24	69	31	38	0
		32.7%	45.5%	21.8%		44.9%	55.1%	0.0%
Total	270	111	112	47	171	80	90	1
		41.1%	41.5%	17.4%		46.8%	52.6%	0.6%

Table 6b. Distribution of Life-Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, Murder, 1st Degree, Attempt, and Rape, 1st Degree

	Murder, 1st Degree, Attempt				Rape, 1st Degree			
	Total	Life (Active)	Life, Partially Suspended	Non-Life	Total	Life (Active)	Life, Partially Suspended	Non-Life
1st Circuit	2	1	1	0	4	4	0	0
		50.0%	50.0%	0.0%		100.0%	0.0%	0.0%
2nd Circuit	1	0	0	1	0	0	0	0
		0.0%	0.0%	100.0%		-	-	-
3rd Circuit	8	3	2	3	2	1	0	1
		37.5%	25.0%	37.5%		50.0%	0.0%	50.0%
4th Circuit	3	0	0	3	1	0	1	0
		0.0%	0.0%	100.0%		0.0%	100.0%	0.0%
5th Circuit	18	13	1	4	1	1	0	0
		72.2%	5.6%	22.2%		100.0%	0.0%	0.0%
6th Circuit	7	0	3	4	1	0	0	1
		0.0%	42.9%	57.1%		0.0%	0.0%	100.0%
7th Circuit	5	1	1	3	5	2	1	2
		20.0%	20.0%	60.0%		40.0%	20.0%	40.0%
8th Circuit	36	5	10	21	5	0	2	3
		13.9%	27.8%	58.3%		0.0%	40.0%	60.0%
Total	80	23	18	39	19	8	4	7
		28.8%	22.5%	48.8%		42.1%	21.1%	36.8%

Table 6c. Distribution of Life-Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2023, Sex Offense, 1st Degree

	Sex Offense, 1st Degree			
	Total	Life (Active)	Life, Partially Suspended	Non-Life
1st Circuit	0	0	0	0
	-	-	-	-
2nd Circuit	0	0	0	0
	-	-	-	-
3rd Circuit	0	0	0	0
	-	-	-	-
4th Circuit	0	0	0	0
	-	-	-	-
5th Circuit	0	0	0	0
	-	-	-	-
6th Circuit	0	0	0	0
	-	-	-	-
7th Circuit	0	0	0	0
	-	-	-	-
8th Circuit	0	0	0	0
	-	-	-	-
Total	0	0	0	0
	-	-	-	-

Table 7. Mean Non-Suspended Sentence Lengths for Life-Eligible Crimes of Violence that Received Partially Suspended Life Sentences by Judicial Circuit and Offense, Fiscal Year 2023

	Total	Murder, 1st Degree		Murder, 1st Degree, Attempt		Rape, 1st Degree		Sex Offense, 1st Degree	
		#	Mean Non-Suspended Sentence (Years)	#	Mean Non-Suspended Sentence (Years)	#	Mean Non-Suspended Sentence (Years)	#	Mean Non-Suspended Sentence (Years)
1st Circuit	4	3	43.3	1	25.0	0	-	0	-
2nd Circuit	1	1	40.0	0	-	0	-	0	-
3rd Circuit	11	9	36.9	2	15.7	0	-	0	-
4th Circuit	1	0	-	0	-	1	45.0	0	-
5th Circuit	9	8	34.4	1	25.0	0	-	0	-
6th Circuit	13	10	39.0	3	23.3	0	-	0	-
7th Circuit	23	21	31.1	1	50.0	1	25.0	0	-
8th Circuit	50	38	34.8	10	23.4	2	41.4	0	-
Total	112	90	34.9	18	24.2	4	38.2	0	-

Table 8. Mean Total Sentence and Non-Suspended Sentence Lengths for Life-Eligible Crimes of Violence that Received Non-Life Sentences by Judicial Circuit and Offense, Fiscal Year 2023

		Murder, 1st Degree			Murder, 1st Degree, Attempt			Rape, 1st Degree		
	Total	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
1st Circuit	0	0	-	-	0	-	-	0	-	-
2nd Circuit	1	0	-	-	1	25.0	20.0	0	-	-
3rd Circuit	4	0	-	-	3	43.3	21.7	1	30.0	25.0
4th Circuit	3	0	-	-	3	30.0	20.0	0	-	-
5th Circuit	4	0	-	-	4	35.0	25.0	0	-	-
6th Circuit	6	1	50.0	50.0	4	36.3	22.0	1	10.0	6.0
7th Circuit	5	0	-	-	3	50.0	40.0	2	80.0	40.0
8th Circuit	24	0	-	-	21	39.5	18.7	3	55.0	21.7
Total	47	1	50.0	50.0	39	38.7	21.7	7	52.1	25.1

Sex Offense, 1st Degree			
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
1st Circuit	0	-	-
2nd Circuit	0	-	-
3rd Circuit	0	-	-
4th Circuit	0	-	-
5th Circuit	0	-	-
6th Circuit	0	-	-
7th Circuit	0	-	-
8th Circuit	0	-	-
Total	0	-	-

Table 9. Mean Percent of Sentence Suspended for Life-Eligible Crimes of Violence that Received Non-Life Partially or Fully Suspended Sentences by Judicial Circuit and Offense, Fiscal Year 2023

		Murder, 1st Degree		Murder, 1st Degree, Attempt	
		# Offenses w/Susp Sentence	Mean % of Total Sentence Suspended	# Offenses w/Susp Sentence	Mean % of Total Sentence Suspended
	Total				
1st Circuit	0	0	-	0	-
2nd Circuit	1	0	-	1	20.0%
3rd Circuit	4	0	-	3	47.8%
4th Circuit	3	0	-	3	33.3%
5th Circuit	2	0	-	2	55.6%
6th Circuit	3	0	-	2	62.5%
7th Circuit	3	0	-	1	60.0%
8th Circuit	22	0	-	19	53.4%
Total	38	0	-	31	50.8%

	Rape, 1st Degree		Sex Offense, 1st Degree	
	# Offenses w/Susp Sentence	Mean % of Total Sentence Suspended	# Offenses w/Susp Sentence	Mean % of Total Sentence Suspended
1st Circuit	0	-	0	-
2nd Circuit	0	-	0	-
3rd Circuit	1	16.7%	0	-
4th Circuit	0	-	0	-
5th Circuit	0	-	0	-
6th Circuit	1	40.0%	0	-
7th Circuit	2	50.0%	0	-
8th Circuit	3	58.7%	0	-
Total	7	47.6%	0	

Table 10. Sentencing Guidelines Compliance for Sentencing Events Involving Crimes of Violence by Judicial Circuit, Fiscal Year 2023

	Total	Within		Below		Above	
	#	#	% in Circuit	#	% in Circuit	#	% in Circuit
1st Circuit	113	47	41.6%	30	26.5%	36	31.9%
2nd Circuit	37	24	64.9%	11	29.7%	2	5.4%
3rd Circuit	366	202	55.2%	132	36.1%	32	8.7%
4th Circuit	45	26	57.8%	10	22.2%	9	20.0%
5th Circuit	248	157	63.3%	71	28.6%	20	8.1%
6th Circuit	272	191	70.2%	60	22.1%	21	7.7%
7th Circuit	323	236	73.1%	65	20.1%	22	6.8%
8th Circuit	444	333	75.0%	64	14.4%	47	10.6%
Total	1,848	1,216	65.8%	443	24.0%	189	10.2%

Table 11. Reasons Reported for Departures Below the Sentencing Guidelines for Sentencing Events Involving Crimes of Violence, by Judicial Circuit, Fiscal Year 2023

	Statewide		1 st Circuit		2 nd Circuit		3 rd Circuit		4 th Circuit	
	#	Valid %	#	Valid % in Circuit	#	Valid % in Circuit	#	Valid % in Circuit	#	Valid % in Circuit
Plea agreement reached for reduced sentence	208	47.0%	20	66.7%	4	36.4%	68	51.5%	4	40.0%
Minor role in offense	5	1.1%	2	6.7%	0	0.0%	1	0.8%	0	0.0%
Influenced by coercion or duress	2	0.5%	0	0.0%	0	0.0%	1	0.8%	0	0.0%
Diminished capability for judgement	18	4.1%	1	3.3%	0	0.0%	0	0.0%	0	0.0%
Made restorative efforts after offense	24	5.4%	1	3.3%	0	0.0%	1	0.8%	0	0.0%
Victim's participation lessens culpability	5	1.1%	1	3.3%	0	0.0%	1	0.8%	0	0.0%
Commitment to treatment program	33	7.4%	2	6.7%	2	18.2%	4	3.0%	0	0.0%
Recommendation of State's Attorney or Parole/Probation	148	33.4%	16	53.3%	9	81.8%	35	26.5%	5	50.0%
Other	94	21.2%	4	13.3%	3	27.3%	31	23.5%	1	10.0%
Missing	0		0		0		0		0	
Total Below Departures	443		30		11		132		10	

	5 th Circuit		6 th Circuit		7 th Circuit		8 th Circuit	
	#	Valid % in Circuit	#	Valid % in Circuit	#	Valid % in Circuit	#	Valid % in Circuit
Plea agreement reached for reduced sentence	15	21.1%	25	41.7%	37	56.9%	35	54.7%
Minor role in offense	1	1.4%	1	1.7%	0	0.0%	0	0.0%
Influenced by coercion or duress	0	0.0%	0	0.0%	0	0.0%	1	1.6%
Diminished capability for judgement	3	4.2%	5	8.3%	7	10.8%	2	3.1%
Made restorative efforts after offense	10	14.1%	4	6.7%	3	4.6%	5	7.8%
Victim's participation lessens culpability	1	1.4%	1	1.7%	1	1.5%	0	0.0%
Commitment to treatment program	17	23.9%	5	8.3%	1	1.5%	2	3.1%
Recommendation of State's Attorney or Parole/Probation	35	49.3%	14	23.3%	19	29.2%	15	23.4%
Other	7	9.9%	13	21.7%	16	24.6%	19	29.7%
Missing	0		0		0		0	
Total Below Departures	71		60		65		64	

Note. Each sentencing event may cite multiple reasons for departure, therefore the cited percentages will exceed a total of 100%. Valid percentages are based on non-missing data.

Table 12. Reasons Reported for Departures Above the Sentencing Guidelines for Sentencing Events Involving Crimes of Violence, by Judicial Circuit, Fiscal Year 2023

	Total		1st Circuit		2nd Circuit		3rd Circuit		4th Circuit	
	#	%	#	% in Circuit	#	% in Circuit	#	% in Circuit	#	% in Circuit
Major role in offense	62	33.5%	12	34.3%	1	50.0%	4	12.5%	2	22.2%
Excessive level of harm	63	34.1%	14	40.0%	0	0.0%	7	21.9%	2	22.2%
Special circumstances of victim	21	11.4%	6	17.1%	1	50.0%	1	3.1%	2	22.2%
Exploited a position of trust	15	8.1%	8	22.9%	1	50.0%	1	3.1%	0	0.0%
Committed white collar offense	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Significant participation in major controlled substance offense	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Vicious or heinous nature of conduct	66	35.7%	19	54.3%	1	50.0%	11	34.4%	2	22.2%
Recommendation of State's Attorney or Parole/Probation	72	38.9%	14	40.0%	0	0.0%	15	46.9%	4	44.4%
Other	29	15.7%	1	2.9%	0	0.0%	8	25.0%	1	11.1%
Missing	4		1		0		0		0	
Total Above Departures	189		36		2		32		9	

	5th Circuit		6th Circuit		7th Circuit		8th Circuit	
	#	% in Circuit	#	% in Circuit	#	% in Circuit	#	% in Circuit
Major role in offense	6	31.6%	6	30.0%	4	19.0%	27	57.4%
Excessive level of harm	4	21.1%	10	50.0%	8	38.1%	18	38.3%
Special circumstances of victim	2	10.5%	2	10.0%	1	4.8%	6	12.8%
Exploited a position of trust	1	5.3%	1	5.0%	0	0.0%	3	6.4%
Committed white collar offense	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Significant participation in major controlled substance offense	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Vicious or heinous nature of conduct	5	26.3%	5	25.0%	9	42.9%	14	29.8%
Recommendation of State's Attorney or Parole/Probation	10	52.6%	5	25.0%	6	28.6%	18	38.3%
Other	5	26.3%	5	25.0%	5	23.8%	4	8.5%
Missing	1		1		1		0	
Total Above Departures	20		21		22		47	

Note. Each sentencing event may cite multiple reasons for departure, therefore the cited percentages will exceed a total of 100%. Four sentencing events involving COV and above departures did not report reasons for departure.