

# Maryland State Commission on Criminal Sentencing Policy



## Guidelines Offenses with Non-Suspendable Mandatory Minimum Penalties

| OFFENSE   | SOURCE   | TYPE   | LEVEL  | CAT  | MAX   | MIN   |
|---|--|--------|--------|------|---|---|
| Assault Pistols<br><i>Use of assault pistol; magazine with a capacity of more than 20 rounds in the commission of a felony or crime of violence, 1<sup>st</sup> offense</i>   | CR, §4-306(b)(2)   | Person | Misd.  | III  | 20Y   | <b>5Y</b>   |
| CDS and Paraphernalia – Distribution<br><i>Unlawful manufacture, distribution, etc.; counterfeiting, etc. of certain equipment for illegal use; keeping common nuisance, schedule I through V non-narcotics (e.g., amphetamines, marijuana, diazepam, and Valium), subsequent</i> | CR, §5-607(b)  | Drug   | Felony | IV   | 5Y  | <b>2Y</b>   |
| CDS and Paraphernalia – Distribution<br><i>Unlawful manufacture, distribution, etc.; counterfeiting, etc. of certain equipment for illegal use; keeping common nuisance, schedule I or II narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, and LSD), subsequent</i>     | CR, §5-608(b)<br>CR, §5-608(c)<br>CR, §5-608(d)<br>CR, §5-609(b)<br>CR, §5-609(c)<br>CR, §5-609(d) | Drug   | Felony | IIIB | 1 <sup>st</sup> = 20Y<br>2 <sup>nd</sup> = 25Y<br>3 <sup>rd</sup> = 40Y | <b>1<sup>st</sup> = 10Y</b><br><b>2<sup>nd</sup> = 25Y</b><br><b>3<sup>rd</sup> = 40Y</b> |
| CDS and Paraphernalia – Distribution<br><i>Unlawful manufacture, distribution, etc.; counterfeiting, etc. of certain equipment for illegal use; keeping common nuisance, MDMA 750 grams or more, subsequent</i>   | CR, §5-609(b)<br>CR, §5-609(c)<br>CR, §5-609(d)  | Drug   | Felony | IIIA | 1 <sup>st</sup> = 20Y<br>2 <sup>nd</sup> = 25Y<br>3 <sup>rd</sup> = 40Y | <b>1<sup>st</sup> = 10Y</b><br><b>2<sup>nd</sup> = 25Y</b><br><b>3<sup>rd</sup> = 40Y</b> |
| CDS and Paraphernalia – Distribution<br><i>Unlawful manufacture, distribution, etc.; counterfeiting, etc. of certain equipment for illegal use; keeping common nuisance, certain schedule I through V non-narcotics, large amounts</i>  | CR, §5-612(a)  | Drug   | Felony | IV   | 5Y  | <b>5Y</b>   |
| CDS and Paraphernalia – Distribution<br><i>Unlawful manufacture, distribution, etc.; counterfeiting, etc. of certain equipment for illegal use; keeping common nuisance, certain schedule I or II controlled dangerous substances, large amounts</i>                              | CR, §5-612(a)  | Drug   | Felony | IIIB | 20Y   | <b>5Y</b>   |
| CDS and Paraphernalia – Distribution<br><i>Drug kingpin</i>   | CR, §5-613   | Drug   | Felony | II   | 40Y   | <b>20Y</b>  |
| CDS and Paraphernalia – Distribution<br><i>Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, subsequent</i>  | CR, §5-627   | Drug   | Felony | IIIB | 40Y   | <b>5Y</b>   |

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## Guidelines Offenses with Non-Suspendable Mandatory Minimum Penalties (continued)

| OFFENSE  | SOURCE           | TYPE   | LEVEL  | CAT    | MAX                 | MIN  |
|--|------------------|--------|--------|--------|---------------------|------|
| Crime of Violence (COV), 4 <sup>th</sup> conviction (after serving 3 separate terms of confinement as a result of separate convictions of any COV)   | CR, §14-101(c)   | Person | Felony | varies | LIFE                | LIFE |
| Crime of Violence (COV), 3 <sup>rd</sup> conviction (after conviction of COV on 2 prior separate occasions and having served at least 1 term of confinement as a result of a COV conviction)                               | CR, §14-101(d)   | Person | Felony | varies | varies              | 25Y  |
| Crime of Violence (COV), 2 <sup>nd</sup> conviction (after conviction for prior occasion of COV and having served a term of confinement for prior COV conviction)  | CR, §14-101(e)   | Person | Felony | varies | varies              | 10Y  |
| Handguns, In General<br><i>Unlawful use in commission of felony or crime of violence, 1<sup>st</sup> offense</i>   | CR, §4-204(b)(1) | Person | Misd.  | III    | 20Y                 | 5Y   |
| Handguns, In General<br><i>Unlawful use in commission of felony or crime of violence, subsequent</i>   | CR, §4-204(b)(2) | Person | Misd.  | II     | 20Y                 | 5Y   |
| Sexual Crimes<br><i>Rape, 1<sup>st</sup> degree, adult offender with victim younger than 13 years old</i>  | CR, §3-303(d)(4) | Person | Felony | I      | LIFE without parole | 25Y  |
| Sexual Crimes<br><i>Sex offense, 1<sup>st</sup> degree, adult offender with victim younger than 13 years old</i>   | CR, §3-305(d)(4) | Person | Felony | I      | LIFE without parole | 25Y  |
| Sexual Crimes<br><i>Rape, 2<sup>nd</sup> degree, adult offender with victim younger than 13 years old</i>  | CR, §3-304(c)(2) | Person | Felony | II     | 20Y                 | 5Y   |
| Sexual Crimes<br><i>Sex offense, 2<sup>nd</sup> degree, adult offender with victim younger than 13 years old</i>   | CR, §3-306(c)(2) | Person | Felony | II     | 20Y                 | 5Y   |
| Weapons Crimes, In General<br><i>Possess, use, wear, carry, or transport a firearm in a drug offense, 1st offense</i>  | CR, §5-621(c)    | Person | Felony | III    | 20Y                 | 5Y   |
| Weapons Crimes, In General<br><i>Possess, use, wear, carry, or transport a firearm in a drug offense, subsequent</i>   | CR, §5-621(c)    | Person | Felony | III    | 20Y                 | 10Y  |
| Weapons Crimes, In General<br><i>Possess, use, wear, carry, or transport a firearm in a drug offense, 1st offense (if firearm is listed in CR, §4-301 or PS, §5-101, is a machine gun, or is equipped with a silencer)</i> | CR, §5-621(d)    | Person | Felony | III    | 20Y                 | 5Y   |

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| OFFENSE   | SOURCE                                   | TYPE   | LEVEL  | CAT | MAX | MIN        |
|---|--|--------|--------|-----|-----|------------|
| Weapons Crimes, In General<br><i>Possess, use, wear, carry, or transport a firearm in a drug offense, subsequent (if firearm is listed in CR, §4-301 or PS, §5-101, is a machine gun, or is equipped with a silencer)</i> | CR, §5-621(d)                            | Person | Felony | III | 20Y | <b>20Y</b> |
| Weapons Crimes, In General<br><i>Illegal possession of regulated firearm after having been convicted of a crime of violence or select drug crimes</i>   | PS, §5-133(c)<br>PS, §5-143<br>(penalty) | Person | Felony | V   | 5Y  | <b>5Y</b>  |