

Maryland State Commission on Criminal Sentencing Policy



Guidelines Offenses with Seriousness Category Changes

Last Updated December 2017

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Abuse and Other Offensive Conduct <i>Child Abuse—physical, 1st degree</i>	CR, §3-601(b)(2)(i)	III	II	February 1, 2007
Abuse and Other Offensive Conduct <i>Child Abuse—sexual</i>	CR, §3-602(b)	III	II	February 1, 2007
		IV	III	March 28, 2005
Abuse and Other Offensive Conduct <i>Child Abuse—physical, with death¹</i>	CR, §3-601(b)(2)(ii)	III	II	July 1, 2001
Abuse and Other Offensive Conduct <i>Child Abuse—physical, with death, victim younger than 13 years old¹</i>	CR, §3-601(b)(2)(iii)	II	I	October 1, 2017
Abuse and Other Offensive Conduct <i>Child Abuse—physical, with death, previous conviction for child abuse¹</i>	CR, §3-601(c)(2)	II	I	October 1, 2017
Abuse and Other Offensive Conduct <i>Contributing to a child being delinquent or in need of supervision</i>	CJ, §3-8A-30	VII	VI	July 1, 2001
Arson and Burning <i>Arson—threat of</i>	CR, §6-107(a)	IV	V	July 1, 2001
Arson and Burning <i>Burning property with intent to defraud</i>	CR, §6-106(a)	VII	VI	July 1, 2001
Assault and Other Bodily Wounding <i>Assault, 1st degree</i>	CR, §3-202	II	III	July 1, 2001
Assault and Other Bodily Wounding <i>Assault, 2nd degree</i>	CR, §3-203	IV	V	July 1, 2001
Bad Check <i>Felony bad check, \$100,000 or greater</i>	CR, §8-103 CR, §8-106(a)(3)	V	III	October 1, 2017
CDS and Paraphernalia <i>Controlled dangerous substance importation into State, marijuana (5 to less than 45 kilos)</i>	CR, §5-614(b)	III	IV	July 1, 2001
CDS and Paraphernalia <i>Paraphernalia—deliver drug paraphernalia to minor by adult who is 3 or more years older</i>	CR, §5-619(d)(4)	III	IV	July 1, 2001
CDS and Paraphernalia <i>Paraphernalia—deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, subsequent</i>	CR, §5-619(d)(2)(ii)	IV	VII	July 1, 2001
CDS and Paraphernalia <i>Paraphernalia—use or possess with intent to use drug paraphernalia, subsequent</i>	CR, §5-619(c)(3)(ii)	V	VII	July 1, 2001

¹ The Maryland General Assembly created a separate maximum penalty for *Child Abuse—physical, with death, victim younger than 13 years old* (LIFE) and increased the maximum penalty for *Child Abuse—physical, with death, previous conviction for child abuse* (LIFE) effective October 1, 2017.



Guidelines Offenses with Seriousness Category Changes (continued)

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
CDS and Paraphernalia <i>Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 1st offense²</i>	CR, §5-601(c)(1)(i)	VII	V	October 1, 2017
CDS and Paraphernalia <i>Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 2nd or 3rd offense²</i>	CR, §5-601(c)(1)(ii)	VII	V	October 1, 2017
CDS and Paraphernalia <i>Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 4th or subsequent offense²</i>	CR, §5-601(c)(1)(iii)	VII	V	October 1, 2017
CDS and Paraphernalia <i>Possession of less than 10 grams of marijuana</i>	CR, §5-601(c)(2)(ii)	VII	N/A ³	December 1, 2014
Credit Card Crimes <i>Felony credit card crimes, \$100,000 or greater</i>	CR, §8-206(c)(1)(iii) CR, §8-207(b)(1)(iii) CR, §8-209(b)(1)(iii)	V	III	October 1, 2017
Extortion and Other Threats <i>Extortion—by false accusation</i>	CR, §3-704(a)	VI	V	February 27, 2006
False Statements, Other <i>False Statement—rumor as to bomb</i>	CR, §9-504(b)	VII	V	July 1, 2001
False Statements, Other <i>Fraud—willful failure to file income tax return</i>	TG, §13-1001(c)	VII	VI	July 1, 2001
False Statements, Other <i>Fraud—willful failure to withhold income tax</i>	TG, §13-1007(b)	VII	VI	July 1, 2001
False Statements, Other <i>Fraud—willful preparation of false income tax return</i>	TG, §13-1004	VII	VI	July 1, 2001

² The Maryland General Assembly created separate maximum penalties for *Possession—non-marijuana, 1st offense* (1 year), 2nd or 3rd offense (18 months), and 4th or subsequent offense (2 years) effective October 1, 2017.

³ The Maryland General Assembly made *Possession of less than 10 grams of marijuana* a civil offense punishable by a fine effective October 1, 2014. Since the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table. *Possession of less than 10 grams of marijuana* occurring on/after October 1, 2014 is not a guidelines offense.

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Guidelines Offenses with Seriousness Category Changes (continued)

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Fraud, Miscellaneous <i>Violate certain provisions of Health Occupations Article, Title 8 (Nurses), Subtitle 7 (Prohibited Acts; Penalties)</i>	HO, §8-710 (penalty)	VII	VI	November 1, 2016
Fraud, Financial Crimes Against Vulnerable Adults <i>Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, \$100,000 or greater</i>	CR, §8-801(c)(1)(iii)	II	III	October 1, 2017
Handguns, in General <i>Handgun—wearing, carrying, etc., under influence</i>	PS, §5-314	VI	VII	July 1, 2001
Handguns, in General <i>Handgun—unlawful wearing, carrying, etc. with deliberate purpose to injure or kill</i>	CR, §4-203 (c)(4)(i)2B	V	III	February 27, 2006
Identity Fraud <i>Possess, obtain personally identifying information or willfully assume the identity of another, benefit \$100,000 or greater</i>	CR, §8-301(b), (c) CR, §8-301(g)(1)(iii) (penalty)	II	III	October 1, 2017
Identity Fraud <i>Use a re-encoder or skimming device for purpose of identity theft, benefit \$100,000 or greater</i>	CR, §8-301(d) CR, §8-301(g)(1)(iii) (penalty)	II	III	October 1, 2017
Kidnapping and Related Crimes <i>Abduction—child younger than 16 years old by relative outside State more than 30 days</i>	FL, §9-305(a) FL, §9-307(c) (penalty)	VII	VI	November 1, 2009
Manslaughter and Related Crimes <i>Negligent homicide by motor vehicle or vessel while under the influence of alcohol</i>	CR, §2-503	VI	V	July 1, 2001
Manslaughter and Related Crimes <i>Negligent homicide by motor vehicle or vessel while impaired by CDS, 1st offense</i>	CR, §2-506(c)(1)	VI	V	December 1, 2017
Manslaughter and Related Crimes <i>Negligent homicide by motor vehicle or vessel while impaired by CDS, subsequent</i>	CR, §2-506(c)(2)	V	IV	December 1, 2017
Motor Vehicle Offense <i>Conduct the business of an automotive dismantler and recycler or a scrap processor without a license, subsequent</i>	TR, §27-101(i)(2) TR, §15-502(a)	VI	VII	April 1, 2009
Obscene Matter <i>Child pornography, 1st offense</i>	CR, §11-207(b)(1)	V	IV	July 1, 2001

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Guidelines Offenses with Seriousness Category Changes (continued)

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Obscene Matter <i>Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, 1st offense</i>	CR, §11-208(b)(1)	VI	V	November 1, 2009
		VII	VI	January 1, 2008
Obscene Matter <i>Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, subsequent</i>	CR, §11-208(b)(2)	V	IV	November 1, 2009
		VI	V	January 1, 2008
Perjury <i>Perjury</i>	CR, §9-101(a)	V	IV	October 23, 2006
Perjury <i>Affirmation of two contradictory statements</i>	CR, §9-101(c)	V	IV	October 23, 2006
Prescription Drugs and Other Substances <i>Possession—compounding or selling different drug, controlled dangerous substance, medicine, etc.</i>	CR, §5-702	VI	VII	July 1, 2001
Prescription Drugs and Other Substances <i>Possession—prescription drugs—manufacture, distribute, etc.; obtain by fraud, etc., forgery, etc., label property, destruction</i>	CR, §5-701(d)	VI	VII	July 1, 2001
Prescription Drugs and Other Substances <i>Harmful substances—distribution; possession with intent to distribute; instruction in the unlawful inhaling; or distribution of butane can to minor, subsequent</i>	CR, §5-709	VII	V	July 1, 2001
Prostitution and Related Crimes <i>Abduction—Persuade, entice, secrete, or harbor individual younger than 16 years old for the purpose of committing a sexual crime</i>	CR, §11-305	III	II	December 1, 2014
Prostitution and Related Crimes <i>Prostitution, etc.—Human trafficking, take, harbor, or unlawfully detain another for prostitution</i>	CR, §11-303(c)(1)	IV	III	January 1, 2008
Public Fraud <i>Perjury—Public Assistance fraud in application</i>	CR, §8-504(b) CR, §9-101 (penalty)	V	IV	February 1, 2007
		IV	V	July 1, 2001
Robbery <i>Carjacking—unarmed</i>	CR, §3-405(b)	II	III	July 1, 2001
Sexual Crimes <i>Continuing course of conduct which includes 3 or more acts involving 1st, 2nd, or 3rd degree sex offense or 1st or 2nd degree rape over a period of 90 days or more, with a victim younger than 14 years old</i>	CR, §3-315	III	II	February 1, 2007



Guidelines Offenses with Seriousness Category Changes (continued)

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Sexual Crimes <i>Incest</i>	CR, §3-323	V	IV	February 1, 2007
Sexual Crimes <i>Perverted sexual practices</i>	CR, §3-322	VII	VI	July 1, 2001
Sexual Crimes <i>Sex Offense, 3rd degree (a)(1) employ or display a dangerous weapon, etc.; (a)(2) with substantially cognitively impaired, mentally incapacitated, or physically helpless individual</i>	CR, §3-307(a)(1) CR, §3-307(a)(2)	V	IV	February 1, 2007
Sexual Crimes <i>Sodomy</i>	CR, §3-321	V	IV	February 1, 2007
Sexual Crimes <i>Sexual Solicitation of a minor or law enforcement officer posing as a minor</i>	CR, §3-324	V	IV	February 1, 2007
Theft, Crimes Involving <i>Felony theft or theft-scheme, \$100,000 or greater</i>	CR, §7-104(g)(1)(iii)	II	III	October 1, 2017
Unlawful Use of Goods <i>Unauthorized removal of property</i>	CR, §7-203	V	VI	July 1, 2001