

# Maryland State Commission on Criminal Sentencing Policy



## Guidelines Offenses with Seriousness Category Changes

Last Updated November 2023

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Abuse and Other Offensive Conduct <i>Child Abuse—physical, 1<sup>st</sup> degree</i>	CR, §3-601(b)(2)(i)	III	II	February 1, 2007
Abuse and Other Offensive Conduct <i>Child Abuse—physical, 1<sup>st</sup> degree with death<sup>1</sup></i>	CR, §3-601(b)(2)(ii)	III	II	July 1, 2001
Abuse and Other Offensive Conduct <i>Child Abuse—physical, 1<sup>st</sup> degree with death, victim younger than 13 years old<sup>1</sup></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 abuse<sup>1</sup></i>	CR, §3-601(c)(2)	II	I	October 1, 2017
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>Contributing to a child being delinquent or in need of supervision</i>	CJ, §3-8A-30	VII	VI	July 1, 2001
Animals, Crimes Against <i>Interfering with an equine</i>	CR, §10-620	VI	VII	November 2, 2020
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, 1<sup>st</sup> degree</i>	CR, §3-202	II	III	July 1, 2001
Assault and Other Bodily Wounding <i>Assault, 2<sup>nd</sup> 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, cannabis (5 to less than 45 kilos)</i>	CR, §5-614(b)	III	IV	July 1, 2001

<sup>1</sup> The Maryland General Assembly created a separate maximum penalty for *Child Abuse—physical, 1<sup>st</sup> degree 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.

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OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
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—possess or distribute controlled paraphernalia—cannabis</i>	CR, §5-620(d)(2)	VII	N/A <sup>2</sup>	April 1, 2023
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
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-cannabis, 1<sup>st</sup> offense<sup>3</sup></i>	CR, §5-601(c)(1)(i)	V	VII	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-cannabis, 2<sup>nd</sup> or 3<sup>rd</sup> offense<sup>3</sup></i>	CR, §5-601(c)(1)(ii)	V	VII	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-cannabis, 4<sup>th</sup> or subsequent offense<sup>3</sup></i>	CR, §5-601(c)(1)(iii)	V	VII	October 1, 2017
CDS and Paraphernalia <i>Possession of less than 10 grams of cannabis</i>	CR, §5-601(c)(2)(ii)	VII	N/A <sup>4</sup>	December 1, 2014

<sup>2</sup> The Maryland General Assembly decriminalized *Possess or distribute controlled paraphernalia—cannabis* effective January 1, 2023. Since the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table. *Possess or distribute controlled paraphernalia—cannabis* occurring on/after January 1, 2023, is not a guidelines offense.

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

<sup>4</sup> The Maryland General Assembly made *Possession of less than 10 grams of cannabis* 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 cannabis* occurring on/after October 1, 2014, is not a guidelines offense.

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OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
CDS and Paraphernalia <i>Unlawfully PWID, manufacture, possess production equipment—cannabis</i>	CR, §5-602(b)(1) CR, §5-603(b) CR, §5-607(a)(2) (penalty)	IV	V	April 1, 2023
CDS and Paraphernalia <i>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 (with 40Y maximum)</i>	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)	III-B	III-C	November 13, 2023
CDS and Paraphernalia <i>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 (with 40Y maximum)</i>	CR, §5-602(a) CR, §5-603(a) CR, §5-604 CR, §5-605 CR, §5-606  CR, §5-609(d) (penalty)	III-A	III-B	November 13, 2023
CDS and Paraphernalia <i>Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, subsequent</i>	CR, §5-627	III-B	III-C	November 13, 2023
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

# Maryland State Commission on Criminal Sentencing Policy



OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
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
Fraud, Miscellaneous <i>Practicing dentistry without a license or misrepresentation as practitioner of dentistry, subsequent</i>	HO, §4-601(a) HO, §4-602 HO, §4-606(a)(1)(ii) (penalty)	VII	VI	November 2, 2020
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
Gambling—General Provisions <i>Play "thimbles", "little joker", "craps", etc. for money</i>	CR, §12-103	VII	N/A <sup>5</sup>	November 4, 2019
Handguns—In General <i>Handgun—unlawful wearing, carrying, etc., 1<sup>st</sup> weapon offense, generally</i>	CR, §4-203(c)(2)(i)	VII	VI	November 13, 2023
Handguns—In General <i>Handgun—unlawful wearing, carrying, etc., a loaded handgun, 1<sup>st</sup> weapon offense</i>	CR, §4-203(c)(2)(i)	VII	VI	November 13, 2023
Handguns—In General <i>Handgun—unlawful wearing, carrying, etc., on school property, 1<sup>st</sup> weapon offense</i>	CR, §4-203(c)(2)(ii)	VII	VI	November 13, 2023
Handguns, in General <i>Handgun—unlawful wearing, carrying, etc., with deliberate purpose to injure or kill, more than two prior weapon offenses</i>	CR, §4-203 (c)(4)(i)2B	V	III	February 27, 2006
Handguns, in General <i>Handgun— unlawful wearing, carrying, etc., under influence</i>	PS, §5-314	VI	VII	July 1, 2001
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

<sup>5</sup> The Maryland General Assembly made *Playing "thimbles", "little joker", "craps", etc. for money* a civil offense punishable by a fine effective October 1, 2019. Since the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table. *Playing "thimbles", "little joker", "craps", etc. for money* occurring on/after October 1, 2019, is not a guidelines offense.

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OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
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
Influencing or Intimidating Judicial Process <i>Induce false testimony (witness or victim intimidation)</i>	CR, §9-302(c)(1)	V	IV	October 1, 2018
Influencing or Intimidating Judicial Process <i>Intimidating or corrupting jurors, etc.; obstructing justice</i>	CR, §9-305(c)(1)	V	IV	October 1, 2018
Influencing or Intimidating Judicial Process <i>Retaliation for testimony, reporting a crime, performance of juror's or officer of the court's duties</i>	CR, §9-303(c)(1)	V	IV	October 1, 2018
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 impaired by CDS, 1<sup>st</sup> 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
Manslaughter and Related Crimes <i>Negligent homicide by motor vehicle or vessel while impaired by drugs, 1<sup>st</sup> offense</i>	CR, §2-505(c)(1)	VI	V	November 4, 2019
Manslaughter and Related Crimes <i>Negligent homicide by motor vehicle or vessel while impaired by drugs, subsequent</i>	CR, §2-505(c)(2)	V	IV	November 4, 2019
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
Motor Vehicle Offense <i>Conduct the business of an automotive dismantler and recycler or a scrap processor without a license, subsequent</i>	TR, §15-502(e)(2)	VI	VII	April 1, 2009
Motor Vehicle Offense <i>Driving while impaired by alcohol, while transporting a minor, 2<sup>nd</sup> offense</i>	TR, §21-902(b)(2)(ii)(2)	VII	VI	November 4, 2019
Motor Vehicle Offense <i>Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 2<sup>nd</sup> offense</i>	TR, §21-902(c)(2)(ii)(2)	VII	VI	November 4, 2019

# Maryland State Commission on Criminal Sentencing Policy



OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Obscene Matter <i>Child pornography, 1<sup>st</sup> offense</i>	CR, §11-207(b)(1)	V	IV	July 1, 2001
Obscene Matter <i>Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, 1<sup>st</sup> 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>Affirmation to two contradictory statements</i>	CR, §9-101(c)	V	IV	October 23, 2006
Perjury <i>Perjury</i>	CR, §9-101(a)	V	IV	October 23, 2006
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
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
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

# Maryland State Commission on Criminal Sentencing Policy



OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Sexual Crimes <i>Continuing course of conduct which includes 3 or more acts involving 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree sex offense or 1<sup>st</sup> or 2<sup>nd</sup> degree rape over a period of 90 days or more, with a victim younger than 14 years old</i>	CR, §3-315	III	II	February 1, 2007
Sexual Crimes <i>Incest</i>	CR, §3-323	V	IV	February 1, 2007
Sexual Crimes <i>Perverved sexual practices</i>	CR, §3-322	VI	N/A <sup>6</sup>	November 13, 2023
		VII	VI	July 1, 2001
Sexual Crimes <i>Sex Offense, 3<sup>rd</sup> degree (a)(1) employ or display a dangerous weapon, etc.; (a)(2) with substantially cognitively impaired, mentally incapacitated, or physically helpless individual</i>	CR, §3-307(a)(1) CR, §3-307(a)(2)	V	IV	February 1, 2007
Sexual Crimes <i>Sex Offense, 3<sup>rd</sup> degree (a)(3), (a)(4), (a)(5) —age based elements</i>	CR, §3-307(a)(3) CR, §3-307(a)(4) CR, §3-307(a)(5)	V	IV	February 1, 2022
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
Sexual Crimes <i>Sodomy</i>	CR, §3-321	IV	N/A <sup>7</sup>	November 2, 2020
		V	IV	February 1, 2007
Telecommunications and Electronics, Crimes Involving <i>Use of electronic communication to alarm or seriously annoy another; or to inflict serious emotional distress on a minor or place a minor in fear of death or serious bodily injury; or that has the effect of intimidating or harassing a minor and causing physical injury or serious emotional distress</i>	CR, §3-805(b)(1)-(5) CR, §3-805(e)(1) (penalty) <sup>8</sup>	VII	VI	November 4, 2019

<sup>6</sup> The Maryland General Assembly repealed the crime of perverted sexual practices effective October 1, 2023. Since the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table. *Perverved sexual practice* occurring on/after October 1, 2023, is not a guidelines offense.

<sup>7</sup> The Maryland General Assembly repealed the crime of sodomy effective October 1, 2020. Since the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table. *Sodomy* occurring on/after October 1, 2020, is not a guidelines offense.

# Maryland State Commission on Criminal Sentencing Policy



OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
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

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<sup>8</sup> The Maryland General Assembly expanded the list of crimes involving telecommunications and electronics effective October 1, 2019.