

# Maryland State Commission on Criminal Sentencing Policy



## Violent Crimes (CS, § 7-101)

Last Updated October 2017

OFFENSE	SOURCE	TYPE	LEVEL	CAT	MAX	MIN
Abuse and Other Offensive Conduct <i>Child Abuse—physical, 1<sup>st</sup> degree</i>	CR, §3-601(b)(2)(i)	Person	Felony	II	25Y	
Abuse and Other Offensive Conduct <i>Child Abuse—physical, with death, victim at least 13 years old</i>	CR, §3-601(b)(2)(ii)	Person	Felony	II	40Y	
Abuse and Other Offensive Conduct <i>Child Abuse—physical, with death, victim younger than 13 years old</i>	CR, §3-601(b)(2)(iii)	Person	Felony	I	LIFE	
Abuse and Other Offensive Conduct <i>Child Abuse—physical, with death, previous conviction for child abuse</i>	CR, §3-601(c)(2)	Person	Felony	I	LIFE	
Abuse and Other Offensive Conduct <i>Child Abuse, sexual (under certain conditions as defined in CR, § 14-101)</i>	CR, §3-602(b)	Person	Felony	II	25Y	
Arson and Burning <i>Arson, dwelling or occupied structure (Arson, 1<sup>st</sup> degree)</i>	CR, §6-102(a)	Property	Felony	III	30Y	
Assault and Other Bodily Woundings <i>Assault, 1<sup>st</sup> degree</i>	CR, §3-202	Person	Felony	III	25Y	
Assault and Other Bodily Woundings <i>Assault by inmate on employee or other inmate of State, local, or sheriff's office correctional facility, 1<sup>st</sup> degree</i>	CR, §3-210	Person	Felony	III	25Y	
Burglary and Related Crimes <i>Burglary, 1<sup>st</sup> degree*</i>	CR, §6-202(c)	Property	Felony	III	20Y	
Burglary and Related Crimes <i>Home invasion</i>	CR, §6-202(d)	Person	Felony	III	25Y	
Burglary and Related Crimes <i>Burglary, 2<sup>nd</sup> degree*</i>	CR, §6-203(c)(1)	Property	Felony	IV	15Y	
Burglary and Related Crimes <i>Burglary, 2<sup>nd</sup> degree, steal or take firearm*</i>	CR, §6-203(c)(2)	Property	Felony	IV	20Y	
Burglary and Related Crimes <i>Burglary, 3<sup>rd</sup> degree*</i>	CR, §6-204	Property	Felony	IV	10Y	
Burglary and Related Crimes <i>Burglary, with explosives*</i>	CR, §6-207	Property	Felony	III	20Y	
Kidnapping and Related Crimes <i>Kidnapping, generally</i>	CR, §3-502(a)	Person	Felony	II	30Y	
Kidnapping and Related Crimes <i>Abduction, child younger than 12 years old</i>	CR, §3-503(a)(1)	Person	Felony	III	20Y	



**Violent Crimes (CS, § 7-101) (continued)**

OFFENSE	SOURCE	TYPE	LEVEL	CAT	MAX	MIN
Kidnapping and Related Crimes <i>Kidnapping, child younger than 16 years old</i>	CR, §3-503(a)(2)	Person	Felony	II	30Y	
Manslaughter and Related Crimes <i>Manslaughter, voluntary</i>	CR, §2-207	Person	Felony	IV	10Y	
Murder <i>1<sup>st</sup> degree generally</i>	CR, §2-201	Person	Felony	I	LIFE	LIFE
Murder <i>1<sup>st</sup> degree during rape, etc.</i>	Common law; CR, §2-201	Person	Felony	I	LIFE	LIFE
Murder <i>1<sup>st</sup> degree perpetration of arson</i>	Common law; CR, §2-201	Person	Felony	I	LIFE	LIFE
Murder <i>1<sup>st</sup> degree burning barn, tobacco house, etc.</i>	Common law; CR, §2-201	Person	Felony	I	LIFE	LIFE
Murder <i>1<sup>st</sup> degree, attempted</i>	CR, §2-205	Person	Felony	II	LIFE	
Murder <i>2<sup>nd</sup> degree</i>	CR, §2-204	Person	Felony	II	40Y	
Murder <i>2<sup>nd</sup> degree, attempted</i>	CR, §2-206	Person	Felony	III	30Y	
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	Person	Felony	II	25Y	
Robbery <i>Carjacking, unarmed</i>	CR, §3-405(b)	Person	Felony	III	30Y	
Robbery <i>Carjacking, armed</i>	CR, §3-405(c)	Person	Felony	II	30Y	
Robbery <i>Robbery</i>	CR, §3-402	Person	Felony	IV	15Y	
Robbery <i>Robbery with a dangerous weapon</i>	CR, §3-403(a)(1)	Person	Felony	III	20Y	
Robbery <i>Robbery by display of written instrument claiming possession of dangerous weapon</i>	CR, §3-403(a)(2)	Person	Felony	III	20Y	
Sexual Crimes <i>Rape, 1<sup>st</sup> degree</i>	CR, §3-303(d)(1)	Person	Felony	I	LIFE	
Sexual Crimes <i>Rape, 1<sup>st</sup> degree, in conjunction with kidnapping child younger than 16 years old</i>	CR, §3-303(d)(2)	Person	Felony	I	LIFE without Parole	



**Violent Crimes (CS, § 7-101) (continued)**

OFFENSE	SOURCE	TYPE	LEVEL	CAT	MAX	MIN
Sexual Crimes <i>Rape, 1<sup>st</sup> degree, subsequent</i>	CR, §3-303(d)(3)	Person	Felony	I	LIFE without Parole	
Sexual Crimes <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 <i>Attempted Rape, 1<sup>st</sup> degree</i>	CR, §3-309(a)	Person	Felony	II	LIFE	
Sexual Crimes <i>Rape, 2<sup>nd</sup> degree</i>	CR, §3-304(c)(1)	Person	Felony	II	20Y	
Sexual Crimes <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	LIFE	15Y
Sexual Crimes <i>Attempted Rape, 2<sup>nd</sup> degree</i>	CR, §3-310(a)	Person	Felony	III	20Y	
Sexual Crimes <i>Sex Offense, 1<sup>st</sup> degree</i>	CR, §3-305(d)(1)	Person	Felony	I	LIFE	
Sexual Crimes <i>Sex Offense, 1<sup>st</sup> degree, in conjunction with kidnapping child younger than 16 years old</i>	CR, §3-305(d)(2)	Person	Felony	I	LIFE without Parole	
Sexual Crimes <i>Sex Offense, 1<sup>st</sup> degree, subsequent</i>	CR, §3-305(d)(3)	Person	Felony	I	LIFE without Parole	
Sexual Crimes <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 <i>Attempted Sexual Offense, 1<sup>st</sup> degree</i>	CR, §3-311(a)	Person	Felony	II	LIFE	
Sexual Crimes <i>Sex Offense, 2<sup>nd</sup> degree</i>	CR, §3-306(c)(1)	Person	Felony	II	20Y	
Sexual Crimes <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	LIFE	15Y
Sexual Crimes <i>Attempted Sexual Offense, 2<sup>nd</sup> degree</i>	CR, §3-312(a)	Person	Felony	III	20Y	
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	Person	Felony	II	30Y	



**Violent Crimes (CS, § 7-101) (continued)**

OFFENSE	SOURCE	TYPE	LEVEL	CAT	MAX	MIN
Weapons Crimes, In General <i>Unlawful use of firearm in commission of felony or crime of violence, 1st offense</i>	CR, §4-204(c)(1)	Person	Misd.	III	20Y	5Y
Weapons Crimes, In General <i>Unlawful use of firearm in commission of felony or crime of violence, subsequent</i>	CR, §4-204(c)(2)	Person	Misd.	II	20Y	5Y

\* Correctional Services Article (CS), § 7-101, Annotated Code of Maryland, defines a violent crime as:

- (1) a crime of violence as defined in § 14-101 of the Criminal Law Article (CR); or
- (2) burglary in the first, second, or third degree.