

Maryland State Commission on Criminal Sentencing Policy



Guidelines Offenses with Non-Suspendable Mandatory Minimum Penalties

Last Updated October 2018

OFFENSE	SOURCE	TYPE	LEVEL	CAT	MAX	MIN
Assault Weapons <i>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, 1st offense</i>	CR, §4-306(b)(2)	Person	Misd.	III	20Y	5Y
CDS and Paraphernalia <i>Unlawful distribution, manufacture, etc.; counterfeiting, etc.; manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, Schedules I through V non-narcotics (e.g., amphetamines, marijuana, diazepam, MDMA under 750 grams, and Valium), and buprenorphine, subsequent</i> <i>[sentence date prior to 10/1/17¹]</i>	CR, §5-607(b)	Drug	Felony	IV	5Y	2Y
CDS and Paraphernalia <i>Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone), subsequent</i> <i>[sentence date prior to 10/1/17¹]</i>	CR, §5-608(b) CR, §5-609(b) CR, §5-608(c) CR, §5-609(c) CR, §5-608(d) CR, §5-609(d)	Drug	Felony	IIIB	1 st = 20Y 2 nd = 25Y 3 rd = 40Y	1st = 10Y 2nd = 25Y 3rd = 40Y
CDS and Paraphernalia <i>Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, MDMA (methylenedioxymethamphetamine), 750 grams or more, subsequent</i> <i>[sentence date prior to 10/1/17¹]</i>	CR, §5-609(b) CR, §5-609(c) CR, §5-609(d)	Drug	Felony	IIIA	1 st = 20Y 2 nd = 25Y 3 rd = 40Y	1st = 10Y 2nd = 25Y 3rd = 40Y
CDS and Paraphernalia <i>Manufacture, distribute, dispense, or possess certain Schedule I through V non-narcotics, large amounts as specified in CR, §5-612</i>	CR, §5-612	Drug	Felony	IV	5Y	5Y
CDS and Paraphernalia <i>Manufacture, distribute, dispense, or possess certain Schedule I or II controlled dangerous substances, large amounts as specified in CR, §5-612</i>	CR, §5-612	Drug	Felony	IIIB	20Y	5Y

¹ Minimum repealed effective October 1, 2017. Prior to October 1, 2017, a court may depart from this proscribed mandatory minimum sentence if the court finds and states on the record that, giving due regard to the nature of the crime, the history and character of the defendant, and the defendant's chances of successful rehabilitation: (1) imposition of the mandatory minimum sentence would result in substantial injustice to the defendant; and (2) the mandatory minimum sentence is not necessary for the protection of the public.



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(continued)**

OFFENSE	SOURCE	TYPE	LEVEL	CAT	MAX	MIN
CDS and Paraphernalia <i>Drug distribution—drug kingpin</i>	CR, §5-613	Drug	Felony	II	40Y	20Y
CDS and Paraphernalia <i>Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, subsequent</i>	CR, §5-627	Drug	Felony	IIIB	40Y	5Y
Crime of Violence (COV), 4 th 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 rd 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 nd 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 <i>Handgun—unlawful wearing, carrying, etc., a loaded handgun, 2nd weapon offense</i>	CR, §4-203(c)(3)(ii)2	Person	Misd.	III	10Y	1Y
Handguns—In General <i>Handgun—unlawful wearing, carrying, etc., a loaded handgun, more than two prior weapon offenses</i>	CR, §4-203(c)(4)(ii)2	Person	Misd.	III	10Y	3Y
Sexual Crimes <i>Rape, 1st 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>Sex offense, 1st 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>Rape, 2nd degree, adult offender with victim younger than 13 years old</i>	CR, §3-304(c)(2)	Person	Felony	II	LIFE	15Y
Sexual Crimes <i>Sex offense, 2nd degree, adult offender with victim younger than 13 years old</i>	CR, §3-306(c)(2)	Person	Felony	II	LIFE	15Y
Weapons Crimes, In General <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 <i>Possess, use, wear, carry, or transport a firearm in a drug offense, subsequent</i>	CR, §5-621(c)	Person	Felony	III	20Y	10Y



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OFFENSE	SOURCE	TYPE	LEVEL	CAT	MAX	MIN
Weapons Crimes, In General <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
Weapons Crimes, In General <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	20Y
Weapons Crimes, In General <i>Possession of regulated firearm after having been convicted of a crime of violence or select drug crimes²</i>	PS, §5-133(c)	Person	Felony	V	15Y	5Y
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

² At the time of the offense, if more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction of a crime of violence or select drug crimes (including all imprisonment, mandatory supervision, probation, and parole), the imposition of the mandatory minimum sentence is within the discretion of the court.