

Revisions to the Juvenile Delinquency Scoring Component of the Maryland Sentencing Guidelines, Effective July 1, 2018

IN THIS ISSUE

- *Revisions to the Juvenile Delinquency Scoring Component of the Maryland Sentencing Guidelines*
- *New Maryland Sentencing Guidelines Manual (Version 10.0) and Sentencing Guidelines Worksheet (Version 1.9)*
- *Special Considerations for Maryland Automated Guidelines System (MAGS) Users*

Revisions to the Juvenile Delinquency Scoring Component of the Maryland Sentencing Guidelines

At a Maryland State Commission on Criminal Sentencing Policy's (MSCCSP) Public Comments Hearing, concern was expressed regarding variations in the definition of "commitment" across Maryland jurisdictions when calculating the juvenile delinquency scoring component of the Maryland sentencing guidelines. In response to this concern, the MSCCSP, in partnership with the Maryland Data Analysis Center (MDAC) at the University of Maryland, undertook a [study](#) to examine the validity of the current juvenile delinquency score and to consider whether the existing scoring method could be improved.

The MSCCSP evaluated nine alternative scoring methods based on three criteria: (1) Does the score predict adult recidivism; (2) Does the score effectively differentiate between offenders at low-, medium-, and high-risk of recidivism; and (3) Does the score perform similarly across racial groups. The MSCCSP identified one alternative method that met all three criteria and performed as well or better than the current juvenile delinquency scoring method. The MSCCSP approved during its September 19, 2017 and December 11, 2017, business meetings, revisions to the juvenile delinquency scoring scheme. The revisions will be adopted in the Code of Maryland Regulations (COMAR) **effective July 1, 2018** and should be used for cases sentenced on or after this date.

Please note that the sentencing guidelines and offense seriousness categories in effect at the time of sentencing shall be used to calculate the defendant's sentencing guidelines.
(Maryland Sentencing Guidelines Manual, Preface, Chapter 5.2)

A summary of the current and revised juvenile delinquency scores is presented below. The revised score is based only on adjudications, thereby simplifying the scoring process and minimizing the impact of the potentially disparate use of commitments throughout the State. Additionally, the revised score is limited to findings of a delinquent act that occurred during the 5 years prior to the date of the offense being sentenced.

Current Juvenile Score	Revised Juvenile Delinquency Score (Effective 7/1/2018)
0 points = 23 years or older by the date of offense; OR crime free for 5 years since the last finding of a delinquent act or last adjudication; OR no more than 1 finding of a delinquent act	0 points = 23 years or older by the date of offense; OR zero findings of a delinquent act within 5 years of the date of the most recent instant offense
1 point = Younger than 23 years AND 2 or more findings of a delinquent act or 1 commitment	1 point = Younger than 23 years AND 1 or 2 findings of a delinquent act within 5 years of the date of the most recent instant offense
2 points = Younger than 23 years AND 2 or more commitments	2 points = Younger than 23 years AND 3 or more findings of a delinquent act within 5 years of the date of the most recent instant offense

A finding of a delinquent act is defined as a finding of facts sustained at a juvenile adjudicatory hearing, pursuant to the definitions and procedures set forth in Courts and Judicial Proceedings (CJ) Article, §§ 3-8A-01 and 3-8A-18.

When the defense or State can show that a finding of a delinquent act did not result in the youth's adjudication as delinquent at a juvenile disposition hearing, the finding of a delinquent act shall not be scored as a part of the juvenile record. *Adjudication as delinquent* is defined as a finding, subsequent to a disposition hearing, that a child has committed a delinquent act and is in need of or requires treatment, guidance, or rehabilitation, pursuant to the definitions and procedures set forth in CJ, §§ 3-8A-01 and 3-8A-19.

An incarcerable traffic offense as a juvenile should be treated as part of the offender's juvenile record.

Because guidelines are often calculated in advance of sentencing, this information is being shared with criminal justice practitioners one month prior to the effective date of the revisions. Guidelines calculated in advance of sentencing may need to be recalculated if the sentencing date is postponed or moved up.

New Maryland Sentencing Guidelines Manual (Version 10.0) and Sentencing Guidelines Worksheet (Version 1.9)

A link to the new Maryland Sentencing Guidelines Manual (MSGM, version 10.0) containing revised sample cases and the above revised instructions for calculating the juvenile delinquency score will be posted on the MSCCSP website and emailed to practitioners at the end of June. The MSCCSP is currently printing new sentencing guidelines worksheets (version 1.9) with the revised score for the four jurisdictions still utilizing the paper worksheet as of July 1, 2018. In the nineteen jurisdictions using the Maryland Automated Guidelines System (MAGS) to electronically complete and submit worksheets, there are some special considerations noted on the following page.

Special Considerations for MAGS Users

From June 1, 2018, through June 30, 2018, the Offender Score tab in MAGS will notify users of the impending changes to the juvenile delinquency score (see red text in MAGS screen shot below).

The screenshot shows the 'Offender Score' tab of the Maryland Sentencing Guidelines Worksheet. The navigation bar includes: Offender Information, **Offender Score**, List of Offenses, Victim Information, Sentence, GLS/Overall Sentence, and Departure / Submit. A 'Save this page' button is also present.

*** A. Relationship to CJS When Instant Offense Occurred**

- 0 = None or Pending Cases
- 1 = Court or Other Criminal Justice Supervision

*** B. Juvenile Delinquency**

Effective July 1, 2018, the instructions for the juvenile delinquency score will be revised (see red text below). Please calculate the juvenile delinquency score based on the anticipated date of sentencing.

- 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act
For sentencing on or after July 1, 2018: 0 = 23 years or older or 0 findings of a delinquent act w/in 5 years of the date of the most recent instant offense
- 1 = Under 23 years old and: 2 or more findings of a delinquent act or 1 commitment
For sentencing on or after July 1, 2018: 1 = Under 23 years and: 1 or 2 findings of a delinquent act w/in 5 years of the date of the most recent instant offense
- 2 = Under 23 years and committed 2 or more times
For sentencing on or after July 1, 2018: 2 = Under 23 years and: 3 or more findings of a delinquent act w/in 5 years of the date of the most recent instant offense

*** C. Prior Adult Criminal Record**

- 0 = None
- 1 = Minor
- 3 = Moderate
- 5 = Major

Apply Decay Factor

- No
- Yes

*** D. Prior Adult Parole/Probation Violation**

- 0 = No
- 1 = Yes

Offender Score:

Users who initiate worksheets prior to July 1, 2018, for cases with an expected sentence date on or after July 1, 2018, should complete the juvenile delinquency score using the instructions in red. Please keep in mind that the worksheet PDF for worksheets initiated in MAGS prior to July 1, 2018, will list the current juvenile delinquency score components. The worksheet PDF for worksheets initiated on or after July 1, 2018, will list the revised juvenile delinquency score components.