



Guidelines E-News

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Clarified Instructions for Scoring Special Victim Vulnerability

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) has clarified the instructions in the Maryland Sentencing Guidelines Manual (MSGM) for scoring the special victim vulnerability component of the offense score. Part D of the offense score, special victim vulnerability, instructs that one point shall be scored for person offenses if the victim is a vulnerable victim, which is defined as anyone younger than 11 years old, 65 years or older, or having a temporary or permanent physical or mental handicap, including an individual who is physically or mentally limited in a material way. In recent years, multiple practitioners have contacted the MSCCSP to inquire as to whether certain conditions constitute a special victim vulnerability, in particular pregnancy, intoxication, and sleep. Based on the frequency of questions and feedback from the criminal justice community, the Commission voted to revise the definition of special victim vulnerability to provide examples of temporary physical or mental limitations including, but not limited to, **instances when the offender knew or should have known the victim was pregnant, unconscious, asleep, or intoxicated.** Additionally, the Commission voted to revise the term “handicap” to read “disability.”

The above revisions were adopted in the applicable sections of the Code of Maryland Regulations (COMAR) effective February 1, 2021. The affected sections of the [MSGM](#) (version 12.4) are as follows:

- MSGM ¶ 2 Definitions
 - Definition of special vulnerability of victim (page 6; pages 3-5 text for all definitions shifted due to formatting changes)
- MSGM ¶ 6.1. Computation of the Offense Score
 - D. Special Vulnerability of Victim (pages 21-22)

Sentencing Guidelines Training Opportunities

The MSCCSP routinely provides interactive webinar trainings on the sentencing guidelines and Maryland Automated Guidelines System (MAGS) to promote the consistent application of the guidelines and accurate completion of the sentencing guidelines worksheet.

Upcoming training dates and various training resources, including recordings of prior trainings, are available on the [MSCCSP website](#).

