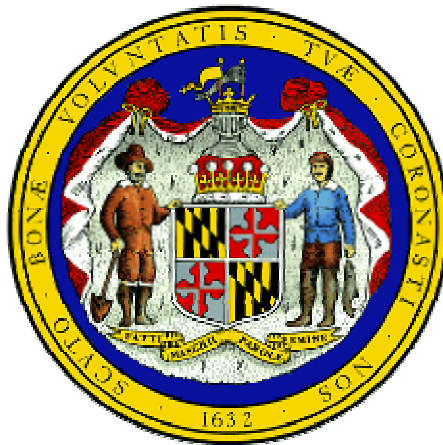


Maryland State Commission on Criminal Sentencing Policy

Annual Report 2006



December 2006

This report is available on the internet at: www.msccsp.org/publications/ar2006.pdf

Maryland State Commission on Criminal Sentencing Policy



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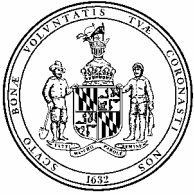
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MARYLAND



SCCSP

State Commission on Criminal Sentencing Policy

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David A. Soulé, Ph.D.

December 2006

To: The Honorable Robert L. Ehrlich, Governor of Maryland
The Honorable Martin J. O'Malley, Governor-Elect of Maryland
The Honorable Robert M. Bell, Chief Justice of Maryland
The Honorable Members of the General Assembly of Maryland
The Citizens of Maryland

Pursuant to Maryland Code (2006), Criminal Procedure Article, §6-209, the State Commission on Criminal Sentencing Policy is required to annually review sentencing policy and practice and report to the General Assembly. In compliance with this statutory mandate, we respectfully submit for your review the 2006 Annual Report of the State Commission on Criminal Sentencing Policy.

This report provides an overview of circuit court sentencing practices and trends in Maryland for fiscal year 2006. The report summarizes the Commission's activities for 2006, examines judicial compliance with the State's voluntary guidelines, describes information provided on the State's sentencing guidelines worksheets, and finally provides a description of planned activities for 2007.

The Commission wishes to acknowledge and thank those agencies and individuals whose contributions to the sentencing guidelines and corresponding guidelines worksheets enable us to produce this report. If you have any questions or comments regarding this report, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Thieme", with a long horizontal flourish extending to the right.

Raymond G. Thieme
Chairman

TABLE OF CONTENTS

Executive Summary	iii
The State Commission on Criminal Sentencing Policy (SCCSP)	1
Guidelines Background	1
Commission Background	2
Commission Structure	3
SCCSP Activities in 2006	5
Modifications Related to New and Amended Offenses Passed During the 2006 Legislative Session	5
Additional Modifications to the Guidelines in 2006	6
Modifications Related to New and Amended Offenses Passed During the 2006 Special Session	7
Offense Seriousness Category Re-Classifications Pending Adoption by COMAR	7
Training and Orientation	8
Information and Data Requests	9
Clarification on Application of Points for Weapon Usage	10
Guidelines E-News	10
Guidelines Subcommittee Work	11
Sentencing/Correctional Simulation Model	11
Automated Sentencing Guidelines System	11
Public Comments Hearing	12
Correctional Options Inventory	12
Sentences Reported in FY2006	14
Worksheets Received	14
Case Characteristics	16
Judicial Compliance with Maryland’s Voluntary Sentencing Guidelines	18
Judicial Compliance Rates Overall	18
Judicial Compliance Rates by Circuit	20
Judicial Compliance Rates by Crime Category	22
Judicial Compliance Rates by Type of Disposition	23
Judicial Compliance Rates by Crime Category and Disposition	24
Departure Reasons	26

TABLE OF CONTENTS (CONTINUED)

Additional Information Collected in Response to Legislative Mandates	29
Report on Adjustments from Reconsidered Sentences	29
Economic Loss in Title 7 and Title 8 Crimes	30
SCCSP Planned Activities for 2007	31
Appendices	33
Appendix A: Sentencing Guidelines Matrices	34
Appendix B: Maryland Sentencing Guidelines Worksheet	37
Appendix C: Description of Types of Disposition	38
Appendix D: Sentencing Guidelines Compliance by Offense Type, FY 2006	39
Appendix E: Common Departure Reasons Listed on the Sentencing Guidelines Departure Reference Card	40

EXECUTIVE SUMMARY

Maryland's voluntary sentencing guidelines were initiated statewide in 1983. In determining the appropriate sentence range, the guidelines were designed to take both offender and offense characteristics into account. The guidelines determine whether an individual should be incarcerated and if so, provide a recommended sentencing range. Maryland's guidelines are voluntary and therefore judges may impose a sentence outside the prescribed guidelines range. However, judges are required to document the reason for sentencing outside the guidelines.

The State Commission on Criminal Sentencing Policy (SCCSP) was created in 1999 to oversee sentencing policy and to monitor the state's voluntary sentencing guidelines. The General Assembly established six objectives to guide the work of the Commission, including, for example: (a) the reduction of unwarranted sentencing disparity; (b) the prioritization of prison usage for violent and career offenders; (c) the preservation of meaningful judicial discretion; and (d) the imposition of the most appropriate criminal penalties. The Commission consists of 19 members, including members of the judiciary, members who are active in the criminal justice system, members of the Senate of Maryland and House of Delegates, and representatives of the public.

The primary responsibilities of the SCCSP include: collection and automation of the sentencing guidelines worksheets, maintaining the sentencing guidelines database, and conducting training and orientation for criminal justice personnel. In addition, the Commission monitors judicial compliance with the guidelines and adopts changes to the guidelines when necessary.

In 2006, the SCCSP classified new and amended offenses passed by the General Assembly during the 2006 Legislative and Special Sessions; reviewed and amended the classification of several current offenses to ensure consistency among offenses with similar penalties; continued reporting on judicial compliance rates, reconsidered sentences, and victims' involvement in sentencing; provided data to State agencies and other interested parties; continued the development of a sentencing/correctional simulation model; and worked with the University of Maryland's Office of International and Executive Programs (OIEP) towards the development of an automated sentencing guidelines system. The SCCSP also provided training and orientation to promote the consistent application of the guidelines, as well as accurate and timely submission of sentencing guidelines worksheets. Finally, the SCCSP took additional steps to ensure the accurate application of guidelines, including: the introduction of the Guidelines

E-News, an electronic newsletter delivered to criminal justice personnel to provide information on changes and/or additions to the guidelines and to provide tips to assist with accurate guidelines worksheet submission; and posting a revised version of the Frequently Asked Questions (FAQs) section of the Commission's website to provide clarification on several issues relevant to the calculation of the guidelines.

In fiscal year 2006, the SCCSP received 11,726 sentencing guidelines worksheets for offenders sentenced in the State's circuit courts. The offenders in these cases averaged 31 years of age, and most were male and African-American. The vast majority of cases were resolved by either an American Bar Association (ABA) plea agreement (55.1%) or a non-ABA plea agreement (27.5%).

The overall guidelines compliance rate in fiscal year 2006 well exceeded the Commission's goal of 65% compliance and increased slightly over the compliance rate in fiscal year 2005. When departures occurred, they were more often below the guidelines rather than above. Between fiscal years 2005 and 2006, four of the eight judicial circuits experienced an increase in guidelines compliance rates, and seven of the eight met the benchmark rate of 65% compliance. The Third Circuit fell just short of the benchmark with a compliance rate of 64.9%.

Departures were least likely for person offenses, followed by drug offenses and property offenses. A comparison of judicial compliance rates by type of disposition (plea agreement, plea with no agreement, bench trial, and jury trial) showed that compliance was most likely in cases adjudicated by a plea agreement and least likely in cases settled by a plea with no agreement. Upward departures were most common among cases resolved by a jury trial, and downward departures were most common among cases adjudicated by a plea with no agreement. When compliance rates by both crime category and disposition were considered, the highest compliance rate was observed for person offenses adjudicated by a plea agreement. Drug offenses adjudicated by a plea with no agreement had the lowest compliance rate, and the majority of cases in this category were sentenced below the guidelines.

Reasons for departure continued to be underreported in fiscal year 2006. When sentences departed from the recommended guidelines range, the reason for departure was missing in the majority of cases sentenced. When reported, the most commonly cited mitigating reason for departures below the guidelines was that the parties reached a plea agreement that called for a reduced sentence. The most commonly cited aggravating reason for departures above the guidelines was a recommendation of the State's Attorney or Division of Parole and Probation.

In 2007, the SCCSP will continue to monitor sentencing practice throughout the State and will perform activities aimed at ensuring the consistent application of the voluntary guidelines system. Specific efforts will be made to provide orientation on additions and modifications to the guidelines made during the past year as well as provide training on the utilization of the automated sentencing guidelines system. Additionally, the SCCSP plans to work with Applied Research Services (ARS) to finalize the development of the sentencing/correctional simulation model. Finally, in addition to the continued development of the automated system and the simulation model, the SCCSP will continue to examine possible adjustments to the sentencing ranges within each cell of the guidelines matrices. This sample of planned activities illustrates some of the efforts to be completed by the SCCSP in 2007 to continue to work diligently to fulfill its legislatively mandated mission to promote statewide fair, proportional, and non-disparate sentencing policies and procedures.

THE STATE COMMISSION ON CRIMINAL SENTENCING POLICY (SCCSP)

Guidelines Background

The State Commission on Criminal Sentencing Policy (SCCSP) was created to oversee sentencing policy in Maryland and is primarily responsible for maintaining and monitoring Maryland's voluntary sentencing guidelines. Maryland was one of the first states to initiate a sentencing guidelines system. The sentencing guidelines have been in effect statewide since 1983.

The concept of judicial sentencing guidelines was introduced in the late 1970s by the judiciary in response to judicial perceptions of unwarranted sentencing disparity. The Judicial Committee on Sentencing was formed by the Court of Appeals and a host of alternative sentencing systems were studied (e.g., determinate sentencing, mandatory sentencing, sentencing councils). In April 1979, the Committee approved a system of voluntary sentencing guidelines for use in circuit courts only. In determining the appropriate sentence range, the guidelines were designed to take both offender and offense characteristics into account.

The voluntary sentencing guidelines cover offenses divided into three categories: person, drug, and property. The guidelines determine whether an individual should be incarcerated and if so, provide a sentence length range. For each offense category there is a separate grid or matrix, and there is recommended sentence range in each cell of the grid. Appendix A includes a copy of the three sentencing matrices. The sentence recommendation is determined in the grid by the cell that is the intersection of an offender's offense score and offender score. In drug and property offenses, the offense score is determined by the seriousness of the offense (or "seriousness category"). In offenses against persons, the offense score is determined by the seriousness of the offense, the physical or mental injury to the victim, the weapon used, and any special vulnerability of the victim, such as being under eleven years old, 65 years or older, or physically or mentally disabled. The offender score is a calculation of the individual's criminal history and is determined by whether or not the offender was in the criminal justice system at the time the offense was committed (i.e., on parole, probation, or on temporary release from incarceration, such as work release), has a juvenile record or prior criminal record as an adult, and has any prior adult parole or probation violations.

The guidelines sentence range represents only non-suspended time. The sentencing guidelines are advisory and judges may, at their discretion, impose a sentence outside the guidelines. If a judge chooses to depart from the sentencing guidelines, the Code of Maryland Regulations (COMAR) 14.22.01.05(A) mandates that the judge document the reason or reasons for imposing a sentence outside of the recommended guidelines range.

Commission Background

The Maryland General Assembly created the State Commission on Criminal Sentencing Policy (SCCSP) in May 1999, after a study commission (the Maryland Commission on Criminal Sentencing Policy) recommended the creation of a permanent commission in its final report to the General Assembly. The enabling legislation for the SCCSP (Criminal Procedure Article, §§6-201-6-214, Annotated Code of Maryland) set out six legislative goals for sentencing in Maryland, stating that:

- Sentencing should be fair and proportional, and sentencing policies should reduce unwarranted disparity, including any racial disparity, in sentences for offenders who have committed similar offenses and have similar criminal histories;
- Sentencing policies should aid citizen understanding of the time that an offender will actually be incarcerated, if any;
- Sentencing guidelines are voluntary, and it is voluntary for the courts to sentence within the guidelines;
- Prison capacity and prison usage should give priority to the incarceration of violent and career offenders;
- Sentencing policies should preserve meaningful judicial discretion in the imposition of sentences and sufficient flexibility to permit individualized sentences; and
- Sentencing judges in every jurisdiction in the State should be able to impose the most appropriate criminal penalties, including corrections options programs for appropriate offenders.

The SCCSP was designed and authorized with the purpose of fulfilling the above legislative intentions. The General Assembly authorized the SCCSP to “adopt existing sentencing guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for defendants who plead guilty or nolo contendere to, or who were found guilty of crimes in a circuit court.” The SCCSP also has authority to “adopt guidelines to identify defendants who would be appropriate for participation in corrections options programs.” These guidelines are to be considered by the sentencing court

in selecting either the ordinary guidelines sentence for a defendant or sanctions under corrections options.

The Commission is responsible for the collection and automation of sentencing guidelines data. All sentencing guidelines data is provided on the sentencing guidelines worksheet, which is completed to determine the recommended sentencing guidelines outcome and to record sentencing data for offenses prosecuted in a circuit court. A copy of the Maryland sentencing guidelines worksheet is provided in Appendix B. After worksheets are completed, the sentencing judge is expected to review the worksheet for completeness and accuracy (COMAR 14.22.01.03.D(4)) and a hard copy is mailed to the Commission's office. The Commission staff is responsible for data entry and monitoring of all data collected within the guidelines worksheets. Data collected by the Commission permit analysis of sentencing trends with respect to compliance with the guidelines, particular offenses, specific types of offenders, and geographic variations. The SCCSP utilizes the guidelines data to monitor circuit court sentencing practice and to adopt changes to the guidelines consistent with legislative intent when necessary. The data collected are also expected to support the legislatively mandated use of a correctional population simulation model designed to forecast prison bed-space and resource requirements. The Legislature mandated that forecasts exceeding available state resources would have to include alternative guidelines recommendations to bring prison populations into balance with state resources.

The Commission's enabling legislation also authorized the SCCSP to conduct guidelines training and orientation for system participants and other interested parties in a timely manner. Additionally, the SCCSP was selected to administer the guidelines system in consultation with the General Assembly and to provide formal fiscal and statistical information on proposed legislation concerning sentencing and correctional practice.

Commission Structure

The Commission consists of 19 members, including members of the judiciary, members who are active in the Maryland criminal justice system, members of the Senate of Maryland and House of Delegates, as well as public representatives.

The Governor is responsible for nine appointments to the Commission: the Honorable Raymond G. Thieme (Chairman), who was appointed by the Governor in August 2003 and continues to lead the State Commission on Criminal Sentencing Policy; Leonard C. Collins, State's Attorney

for Charles County; Richard A. Finci, a criminal defense attorney from Prince George's County; Russell P. Butler from the Maryland Crime Victims' Resource Center, Inc., the victims' advocacy group representative; Chief Gary McLhinney from the Maryland Transportation Authority Police; Dr. Charles F. Wellford from the University of Maryland, the criminal justice or corrections policy expert; Barry Stanton, Director of the Prince George's County Correctional Center; and Laura L. Martin and James V. Antheneilli who serve as public representatives on the Commission.

The Chief Judge of the Court of Appeals of Maryland is responsible for three appointments to the Commission: Judge Arrie W. Davis, Court of Special Appeals of Maryland; Judge John C. Themelis, Circuit Court of Baltimore City; and Judge Timothy J. Doory, District Court of Baltimore City.

The President of the Senate is responsible for two appointments: Senator Delores Kelley and Senator John G. Giannetti. The Speaker of the House is also responsible for two appointments: Delegate Joseph Vallario, Jr. and Delegate Curtis Anderson.

Finally, ex-officio members include the State's Attorney General, J. Joseph Curran, Jr.; the State Public Defender, Nancy S. Forster; and the Secretary of Public Safety and Correctional Services, Mary Ann Saar.

SCCSP ACTIVITIES IN 2006

The SCCSP met four times during 2006. The first three meetings were held at the Judiciary Training Center in Annapolis, MD on January 9, March 6, and June 5. The final meeting of 2006 was held on September 18 at the House Office Building and was followed by the Commission's annual Public Comments Hearing. The minutes for all Commission meetings are posted on the Commission's website (www.msccsp.org). The following discussion provides a review of the Commission's activities in 2006.

Modifications Related to New and Amended Offenses Passed During the 2006 Legislative Session

The SCCSP considered new and amended crime legislation from the 2006 Legislative Session and identified 10 bills which required the adoption of seriousness categories for new and/or altered criminal penalties. Newly adopted seriousness categories were identified by reviewing the seriousness categories for similar offenses (i.e., offenses with similar penalties, misdemeanor/felony classification, crime type, etc.) previously classified by the commission. The 10 new offenses and their respective seriousness categories shown in Table 1 were adopted and added to the Guidelines Offense Table effective October 23, 2006.

Table 1. Guidelines Offenses and Adopted Seriousness Categories Related to New and Amended Offenses, 2006 Legislative Session.

Legislation	Statute	Offense	Adopted Seriousness Category
House Bill 130	CR, §7-304(d)(2)	Obtaining, selling, etc., telephone record without authorization	VII
House Bill 524	TR, §27-101(y)	Driving without having been issued a license, subsequent offense	VII
House Bill 616	TR, §21-1126; TR, §27-101(z)	Commit or engage another to commit a violation of motor vehicle law for the purpose of making recordings of activity without permission	VII
House Bill 957	HO, §14-5C-23(a)	Practicing as a polysomnographic technologist without authorization, etc.	VII

Table 1 continued.

House Bill 1036	HG, §19-1808(2)(i)	Operation of an assisted living program without a license, 1 st offense	VII
House Bill 1036	HG, §19-1808(2)(ii)	Operation of an assisted living program without a license, subsequent offense	VI
Senate Bill 125	EN, §1-302	Falsifying permits, licenses, etc., to demonstrate compliance with environmental regulatory requirements	VII
Senate Bill 144	83A, §5-2B-12	Conducting or attempting to conduct human cloning, etc., 1 st offense	V
Senate Bill 144	83A, §5-2B-13	Conducting or attempting to conduct human cloning, etc., subsequent offense	IV
Senate Bill 521	NR, §10-426(c)	Hunting via an internet connection	VII

Additional Modifications to the Guidelines in 2006

In its continued review of seriousness categories for all criminal offenses sentenced in the State's circuit courts, the SCCSP identified four offenses that the Commission determined were not currently assigned a seriousness category consistent with those for "similar" offenses with "like" maximum penalties. By majority vote, the Commission adopted the changes noted in Table 2. These changes were submitted to the COMAR, and the revised seriousness categories were adopted effective February 27, 2006 for the first two offenses and effective October 23, 2006 for the latter two offenses.

Table 2. Offense Seriousness Categories Modified and Adopted by the SCCSP in 2006.

Statute	Offense	Prior Seriousness Category	New Seriousness Category
CR, §3-704(a)	Extortion by false accusation	VI	V
CR, §4-203(c)(4)(i)2B	Unlawful wearing, carrying, or transporting a handgun with deliberate purpose to injure or kill	V	III
CR, §9-101(a)	Perjury	V	IV
CR, §9-101(c)	Affirmation of two contradictory statements	V	IV

Modifications Related to New and Amended Offenses Passed During the 2006 Special Session

The offenses noted in Table 3 were established by House Bill 2 from the 2006 Special Session and were reviewed at the Commission's September 18 meeting. The Commission voted to adopt the seriousness categories noted below. These categories are consistent with those for "similar" offenses with "like" maximum penalties. The offenses and their respective seriousness categories will be added to the Guidelines Offense Table once their adoption has been finalized through the COMAR submission process. Table 3 outlines these additions and their adoption is expected in February 2007.

Table 3. Guidelines Offenses and Seriousness Categories Related to New and Amended Offenses, House Bill 2, 2006 Special Session, Pending Adoption in COMAR.

Statute	Offense	Seriousness Category
CR, §3-303(c)(4)(i)	Rape, 1 st degree, adult offender with victim under age 13	I
CR, §3-304(c)(2)(i)	Rape, 2 nd degree, adult offender with victim under age 13	II
CR, §3-305(c)(4)(i)	Sex offense, 1 st degree, adult offender with victim under age 13	I
CR, §3-306(c)(2)(i)	Sex offense, 2 nd degree, adult offender with victim under age 13	II
CP, §11-721(b)(1)	Sex offender registration, failing to register and/or providing false information, 1 st offense	VI
CP, §11-721(b)(2)	Sex offender registration, failing to register and/or providing false information, subsequent offense	V
CP, §11-722(d)	Violation of restriction barring sex offender from specified locations where children gather	V

Offense Seriousness Category Re-Classifications Pending Adoption by COMAR

At the Commission's September 18 meeting, the offenses noted in Table 4 were reviewed by the SCCSP for consideration of modification to their currently assigned seriousness categories. The Commission determined these nine offenses were not assigned a seriousness category consistent with those for "similar" offenses with "like" maximum penalties. Accordingly, by

majority vote, the Commission approved the revised seriousness categories noted in Table 4. These changes were submitted to the COMAR and their adoption is expected in February 2007.

Table 4. Offense Seriousness Categories Modified by the SCCSP in 2006, Pending Adoption in COMAR.

Statute	Offense	Prior Seriousness Category	New Seriousness Category
CR, §3-307(a)(1) ¹	Sex offense, 3 rd degree: use of dangerous weapon; suffocate, strangle, disfigure or inflict serious injury; or while aided and abetted by another	V	IV
CR, §3-307(a)(2)	Sex offense, 3 rd degree: with mentally defective, mentally incapacitated, or physically hapless individual	V	IV
CR, §3-321	Sodomy	V	IV
CR, §3-315	Continuing course of conduct which includes 3 or more acts involving 1 st or 2 nd degree rape or 1 st , 2 nd , or 3 rd degree sex offense over a period of 90 days or more with a victim younger than 14 years old	III	II
CR, §3-323	Incest	V	IV
CR, §3-324	Sexual solicitation of a minor	V	IV
CR, §3-602	Child Abuse, sexual	III	II
CR, §3-601(b)(2)(i)	Child Abuse, physical, 1 st degree	III	II
CR, §8-504(b)	Fraudulent statement in application for public assistance	V	IV

Training and Orientation

In an effort to promote the consistent application of the guidelines and accurate completion of the guidelines worksheet, the Commission provides training and orientation to criminal justice personnel who apply the guidelines. At the forefront of the Commission's educational tools is the Commission's website (www.msccsp.org) which was revised and updated in 2006. The re-designed website is updated on a regular basis with all revisions to the guidelines and includes helpful material for criminal justice practitioners regarding the application of the guidelines. The staff develops and revises written materials such as the Maryland Sentencing Guidelines

¹ CR, §§3-307(a)(3)-(a)(5) or the "age-based" elements for sex offense, 3rd degree, remain as a category V offense.

Manual, the Guidelines Offense Table, and a Frequently Asked Questions (FAQ) document in an effort to ensure consistency in the application and interpretation of the guidelines.

In 2006, the Commission staff organized and held seven off-site guidelines training sessions that were attended in total by close to 200 participants, including circuit judges, parole and probation agents, Public Defenders, and State's Attorneys. Specifically, off-site trainings were held at the three different Parole and Probation field offices as well as at the Public Defender's Office and State's Attorney's Office for Baltimore City. In addition, the Commission's Executive Director met with 12 of the 24 county administrative judges to review jurisdiction-specific data and to solicit feedback for the Commission regarding the guidelines. During 2006, the Executive Director also met with all of the judges in the First and Fifth Circuits during their respective Judicial Circuit Conferences to review data relevant to their jurisdictions and to encourage the submission of complete and accurate guidelines worksheets.

Information and Data Requests

In an effort to promote increased visibility and aid public understanding of the sentencing process in Maryland, the SCCSP is available to respond to inquiries for information related to sentencing and guidelines application. In 2006, the Commission responded to approximately 50 requests for data and/or specific information related to sentencing guidelines trends throughout the State. In these instances, the SCCSP was able to provide a copy of the data contained within the Sentencing Guidelines database and/or produce special reports analyzing sentencing trends for specific offenses and/or specific time periods. Requests for information are fielded from a variety of individuals, including legislators, circuit judges, law clerks, defense attorneys, parole and probation agents, defendants and their family members, faculty/students of law and criminal justice, government agencies, media personnel, and other interested citizens. In 2006, the Commission also responded to the Legislature's request for information and submitted a fiscal estimate worksheet for approximately twenty sentencing related bills.

In addition to these requests for data and/or specific information, the Commission staff annually responds to hundreds of questions regarding the guidelines via phone requests. These questions are usually asked by those responsible for completing the guidelines worksheets (i.e., parole and probation agents, State's Attorneys, defense attorneys, and law clerks). Typical questions include asking for assistance in locating a specific offense and its respective seriousness category within the Guidelines Offense Table and clarification on the rules for

calculating an offender's prior adult criminal record score. The Commission staff is available Monday through Friday from 8 am to 5 pm to respond to all guidelines related inquiries.

Finally, the Commission staff also routinely responds to requests for additional packets of the Maryland guidelines worksheet. In 2006, the Commission simplified the worksheet request process by allowing users to submit electronic requests for worksheets via the Commission's website.

Clarification on Application of Points for Weapon Usage

At the March 6 meeting, the SCCSP sought to provide clarification on instructions for the application of points for weapon usage when calculating the offense score for person offenses. The issue arose from multiple phone inquiries to the Commission asking when an offender should receive the additional 2 points in the offense score for firearm usage. More specifically, clarification was sought for the scenario where an offender is charged with wearing, carrying, or transporting a handgun (CR, §4-203). The Commission debated a proposed revision to the language contained within the Frequently Asked Questions (FAQs) section of the Commission's website which addressed whether handgun possession in this scenario was the equivalent of "usage". The Commission decided there should be guidance on this issue so that there is consistency in the application of weapons scoring when determining the recommended guidelines range. By majority vote, the Commission adopted a revised answer to the question which reads, "Yes, weapon points are awarded in any criminal event where a weapon is present". The revised question and answer were posted to the Commission website in the week following the March 6 meeting.

Guidelines E-News

In 2006, the Commission began production and dissemination of the Guidelines E-News. The Guidelines E-News is a periodic report delivered electronically via email to all relevant criminal justice practitioners in the State. The Guidelines E-News provides information on changes and/or additions to the guidelines and contains useful information on guidelines worksheet submission. The Guidelines E-News also provides periodic reports on sentencing trends using data collected from the guidelines worksheets. Anyone interested in being added to the E-News mailing list may do so by contacting the Commission via email at: mccsp@crim.umd.edu.

Guidelines Subcommittee Work

The SCCSP's Subcommittee on Sentencing Guidelines typically plays an important role in reviewing proposals and making an informed recommendation to the full Commission. In 2006, the Subcommittee met prior to each Commission meeting and was responsible for the initial review and consideration of the classification for new and amended offenses noted in Tables 1 and 3. In addition, the Subcommittee reviewed the seriousness categories for all criminal offenses sentenced in the State circuit courts and made recommendations for the reclassification of the offenses described in Tables 2 and 4. Finally, the Subcommittee was responsible for reviewing the application of points for weapon use when calculating an offense score for person offenses. The Subcommittee examined the data on all weapons related offenses and reviewed applicable case law prior to making its recommendation to the full Commission regarding the application of points for weapon usage noted on the previous page.

Sentencing/Correctional Simulation Model

In 2006, the SCCSP continued its work with Applied Research Services, Inc. (ARS) to develop a sentencing/correctional simulation model for the State of Maryland. The purpose of the project is to develop a computer simulation tool that mimics sentencing and correctional populations using different sentencing policies and laws, time-served practices, and sentence options/alternatives. At the March 6 meeting of the Commission, John Spier, the president of ARS, demonstrated a working model of the system using a few example scenarios. The simulation model will provide the ability to analyze the impact of changes in operating policies, sentencing practices, post-release practices, and external system pressures on the system. In the past year, the SCCSP reached a data sharing agreement with Maryland's Department of Public Safety and Correctional Services (DPSCS). The data sharing agreement will allow the Commission to receive regular data downloads from DPSCS and is critical for building length of stay estimates into the simulation model. The Commission expects to begin utilization of the simulation model within the next year.

Automated Sentencing Guidelines System

The SCCSP has been working closely with the University of Maryland's Office of International and Executive Programs (OIEP) to continue the development of an automated (web-based) sentencing guidelines system. The goal of the Commission is to fully automate guidelines calculation in a web-based application that will allow criminal justice practitioners to complete

and submit guidelines worksheets electronically. For example, the automated system will calculate scores automatically and present the appropriate sentencing guidelines range for each case. The automated system will also allow users to run multiple sentencing scenarios where they will be able to determine the appropriate guidelines range under varying sentencing conditions. The automated system will allow a user to print a hard copy of the computed guidelines for each case and send completed forms to the Commission electronically. Access to the automated system will be available through the Commission's website to all judges, prosecutors, public defenders, defense attorneys, and probation and parole officers who register with the Commission and receive a secure user login and password. The Commission is dedicated to completing a pilot test of the automated system in the upcoming year and hopes to make the system available statewide by the end of the year.

Public Comments Hearing

On September 18, 2006, the SCCSP held its annual public comments hearing at the House Office Building in Annapolis, MD. The Commission sent an invitation to various key stakeholders throughout the State and announced the meeting in the Maryland Register to invite all interested parties to discuss any topic related to sentencing policy and practice in the State. At the 2006 Public Comments Hearing, the Commission heard testimony from representatives from Maryland's Division of Parole and Probation, the Public Defender's Office of Prince George's County, and the Campaign for Treatment, Not Incarceration.

Correctional Options Inventory

In 2006, the SCCSP staff completed a statewide inventory of all available "front-end" correctional options services. The 2006 Correctional Options Inventory updates a similar inventory that was completed by the Commission in 2001. SCCSP staff contacted local offices in all facets of the criminal justice community, including county administrative judges, State's Attorneys, Parole and Probation, and Public Defenders, as well as the DPSCS Capital Construction Office and the Office of Planning and Statistics. Each separate office was asked to identify all types of intermediate sanction and/or alternative to incarceration available to circuit judges at the time of sentencing. A comprehensive database was developed to document the availability of alternative programs and to determine the capacity or number of individuals who could be served in these programs at any one time and in a one-year period. The information obtained in the inventory is expected to facilitate the continued development of a statewide

correctional options system. A summary of the Correctional Options Inventory is available on the Commission website (www.msccsp.org).

SENTENCES REPORTED IN FY 2006

Maryland's voluntary sentencing guidelines apply to criminal cases prosecuted in circuit court, with the exception of the following sentencing matters: prayers for a jury trial from the district court, unless a pre-sentence investigation (PSI) is ordered; appeals from the district court, PSI is ordered; crimes that carry no possible penalty of incarceration; first degree murder convictions if the death penalty is sought under CR, §2-303; and violations of public laws and municipal ordinances. The SCCSP has been charged with the responsibility of collecting sentencing guidelines worksheets and automating the information in order to monitor sentencing practice and adopt changes to the sentencing guidelines matrices. The Administrative Office of the Courts (AOC) compiled this data between July 1983 and June 2000. Beginning in July 2000, the SCCSP assumed the responsibility of compiling this data from worksheets. Since that time, the SCCSP has continued to update the data and check for errors. In the process, corrections have been made to the database and additional worksheets have been located and incorporated which may affect the overall totals reported in previous reports.

Worksheets Received

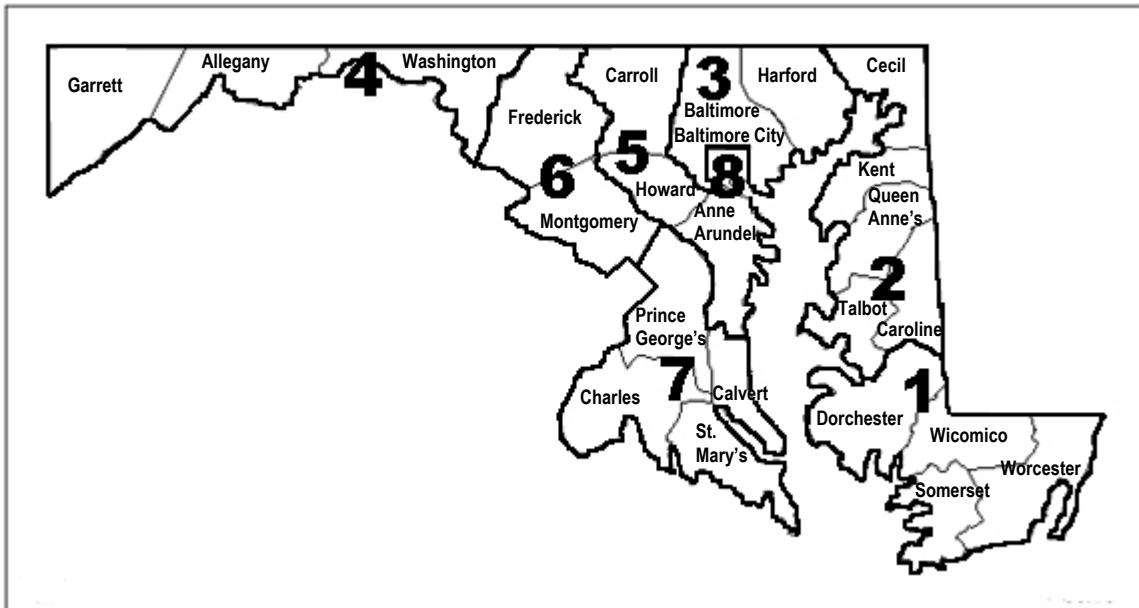
The number of worksheets received by the SCCSP decreased from 13,564 in fiscal year 2005 to 11,726 in fiscal year 2006.² Table 5 provides a breakdown of the number and percentage of worksheets received in fiscal year 2006 by circuit. The jurisdictions in each circuit are shown in Figure 1. The largest number of guidelines worksheets (4,388) was received from the Eighth Circuit (Baltimore City), while the smallest number (482) was received from the Second Circuit (Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties).

² A comparison of the SCCSP data with similar data from Judicial Information Systems (JIS) on circuit court guidelines cases suggests that this decrease is largely the result of a decline in guidelines cases rather than a decline in the submission of guidelines worksheets to the SCCSP. By comparing the number of worksheets received to the number of expected worksheets, a "matching" percentage for each of the past two fiscal years was calculated. An examination of the percentages reveals no substantive difference in the matching rates, providing evidence that the decline in worksheets is likely due to a decrease in guidelines cases and is not evidence of a decline in submission rates for worksheets.

Table 5. Number and Percentage of Worksheets Submitted by Circuit, Fiscal Year 2006

Circuit	Number of Worksheets Submitted	Percent of Total Worksheets Submitted
1	754	6.4%
2	482	4.1%
3	1,405	12.0%
4	490	4.2%
5	1,235	10.5%
6	725	6.2%
7	2,247	19.2%
8	4,388	37.4%
TOTAL	11,726	100.0%

Figure 1. Maryland Judicial Circuits



Case Characteristics

Figures 2 through 4 summarize the descriptive characteristics from the 11,726 worksheets submitted for offenders sentenced in fiscal year 2006. Most were male (87.9%) and African-American (72.5%). The average age of offenders at date of sentencing was 31 years. The youngest offender was 14, while the oldest was 89 years of age. Approximately 19% of offenders were under 21 years of age; 40% were 21-30 years old; 22% were 31-40 years old; and the remaining 19% were 41 years or older.

Figure 2. Distribution of Cases by Gender of Offender, Fiscal Year 2006

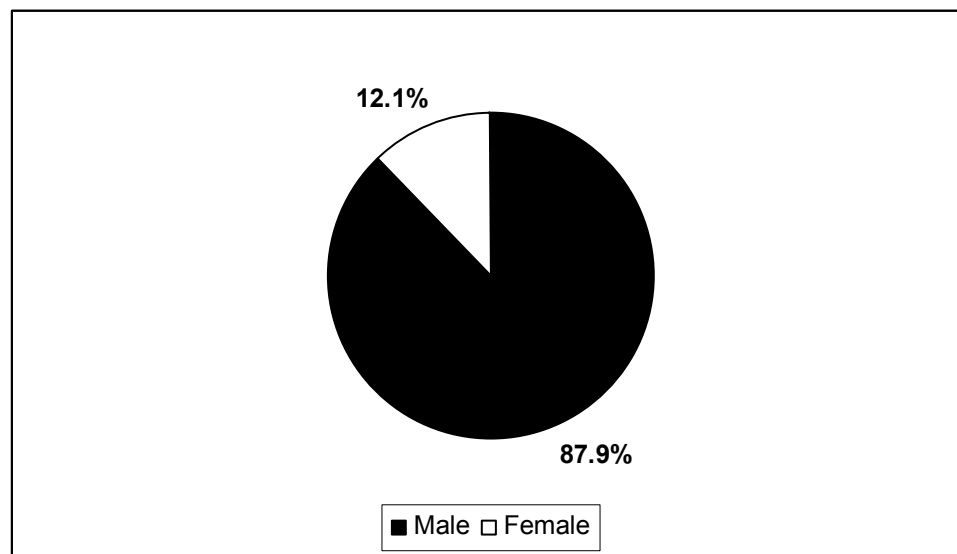


Figure 3. Distribution of Cases by Race of Offender, Fiscal Year 2006

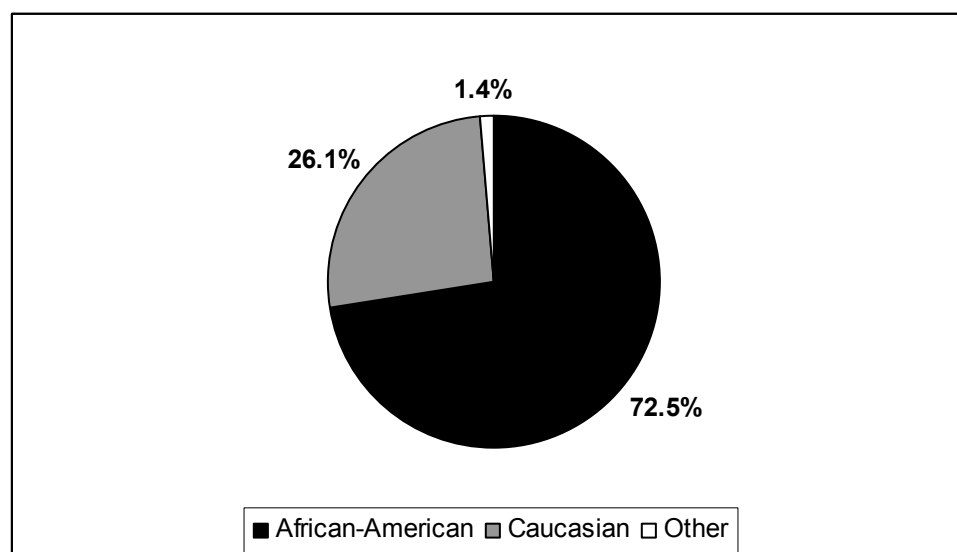


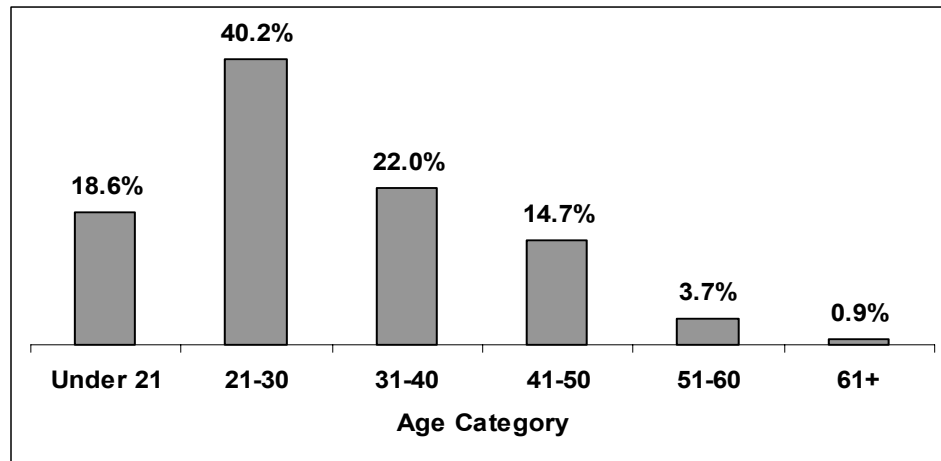
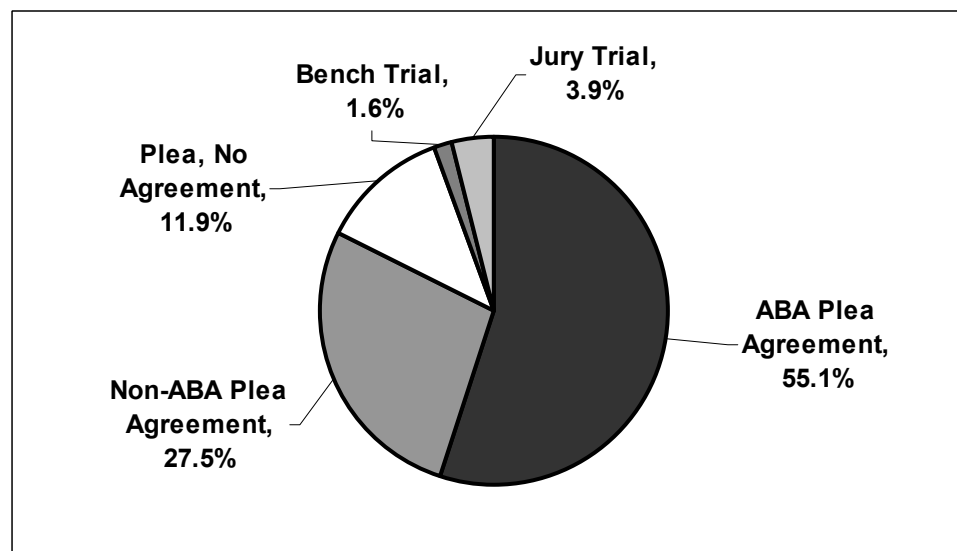
Figure 4. Distribution of Cases by Age of Offender, Fiscal Year 2006

Figure 5 provides a breakdown of cases by disposition type (Appendix C contains a description of the eight major disposition types listed on the sentencing guidelines worksheet). The vast majority of cases were resolved by either an ABA plea agreement (55.1%) or a non-ABA plea agreement (27.5%). An additional 11.9% were resolved by a plea with no agreement, and 5.5% of cases were resolved by either a bench or jury trial (1.6% and 3.9%, respectively). Note that the total number of cases on which these percentages are based excludes reconsideration (N=21), review (N=1), and probation revocation cases (N=89).³

Figure 5. Distribution of Cases by Disposition, Fiscal Year 2006

³ Of the 11,726 guidelines worksheets received in FY 2006, the disposition was missing for 1,915 worksheets (16.3% of all cases). Therefore, the distribution of cases by disposition is based on a sample of 9,700 worksheets.

JUDICIAL COMPLIANCE WITH MARYLAND'S VOLUNTARY SENTENCING GUIDELINES

The SCCSP is mandated to examine judicial compliance based on data extracted from the sentencing guidelines worksheets submitted after each defendant is sentenced in circuit court. The following provides a detailed examination of judicial compliance with Maryland's voluntary sentencing guidelines.

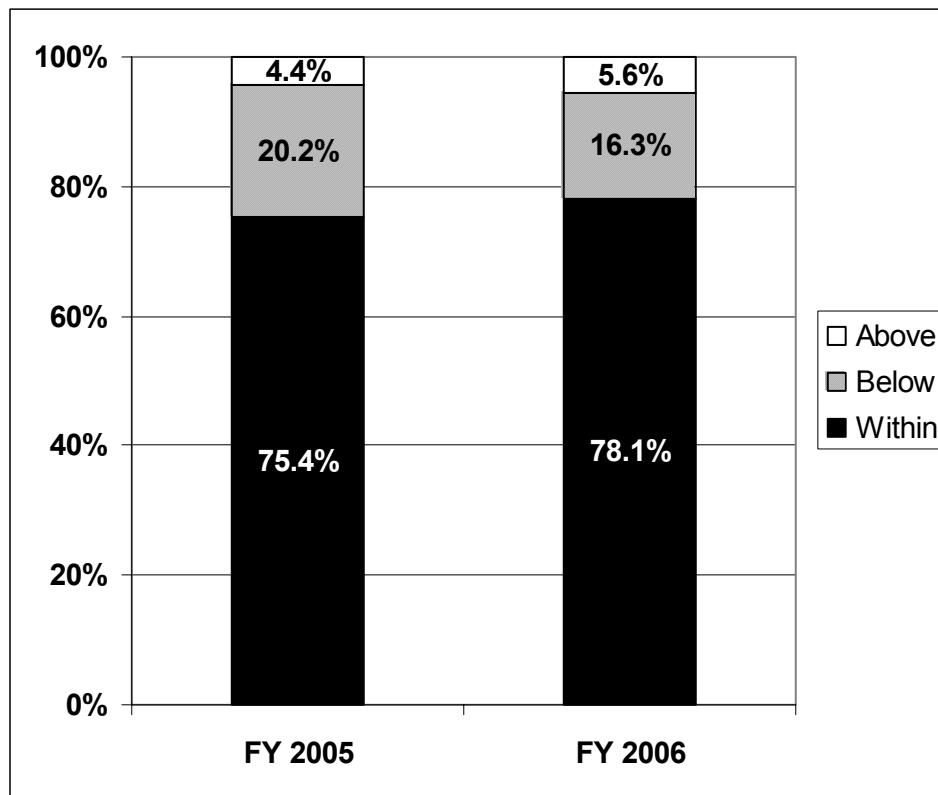
Judicial Compliance Rates Overall

A sentence is deemed compliant with the guidelines if the initial sentence (defined as the sum of incarceration, credited time, and home detention) falls within the applicable guidelines range. In addition, as of July 2001, all sentences pursuant to an American Bar Association (ABA) plea agreement are considered compliant, as they represent an accurate reflection of the consensus of the parties and the court within the specific community they represent (COMAR 14.22.01.17). Similarly, sentences to correctional options programs (e.g., substance abuse treatment, home detention) are deemed compliant provided that the initial sentence plus any suspended sentence falls within or above the applicable guidelines range and the case does not include a crime of violence, sexual child abuse, child abuse with death, or escape.

Figure 6 contains a breakdown of the overall guidelines compliance rates for fiscal years 2005 and 2006. The figure indicates that in both years, the overall rate of compliance exceeded the Commission's goal of 65% compliance.⁴ In addition, the aggregate compliance rate increased from 75.4% in fiscal year 2005 to 78.1% in fiscal year 2006.

⁴ When the guidelines were originally drafted by the Judicial Committee on Sentencing in 1979, the Committee set an expectation that two-thirds of sentences would fall within the recommended sentencing range and when sentencing practice resulted in departures from the recommended range in more than one-third of the cases, the guidelines would be revised. Since that time, the Commission has adopted the goal of 65% as the benchmark standard for compliance.

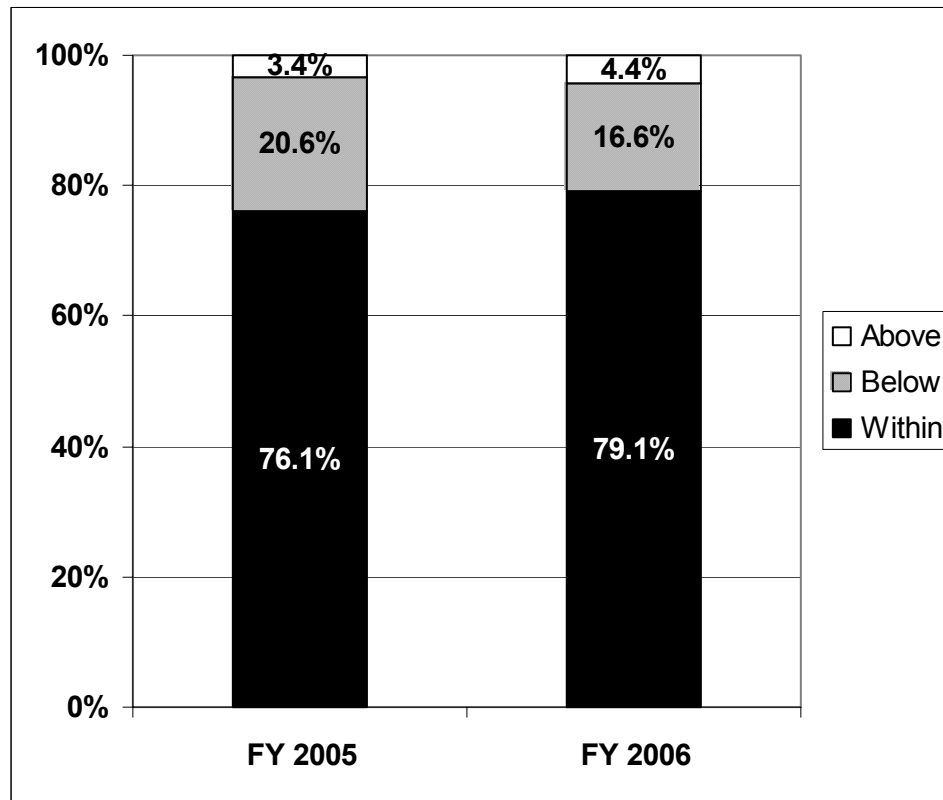
**Figure 6. Overall Sentencing Guidelines Compliance by Fiscal Year
(All Cases)**



Analyses of judicial compliance in Maryland have traditionally focused on sentences for single count convictions because they permit the most direct comparison of compliance by crime category and by offense type, within the applicable cell of the sentencing matrix. Since multiple count convictions can consist of any combination of person, drug, and property offenses, meaningful interpretations of sentencing patterns within matrices cannot be obtained. Thus, the figures from this point forward focus on sentences for single count convictions during fiscal years 2005 and 2006. Of the 11,726 sentencing guidelines worksheets submitted to the SCCSP in 2006, 8,795 (75%) contained single count convictions.

Figure 7 provides a breakdown of the overall guidelines compliance rates for fiscal years 2005 and 2006 based on single count convictions. The rates are similar to those above. In both years, the overall rate of compliance exceeded the Commission's goal of 65% compliance. In addition, the aggregate compliance rate increased slightly from 76.1% in fiscal year 2005 to 79.1% in fiscal year 2006. When departures occurred, they were more often below the guidelines rather than above.

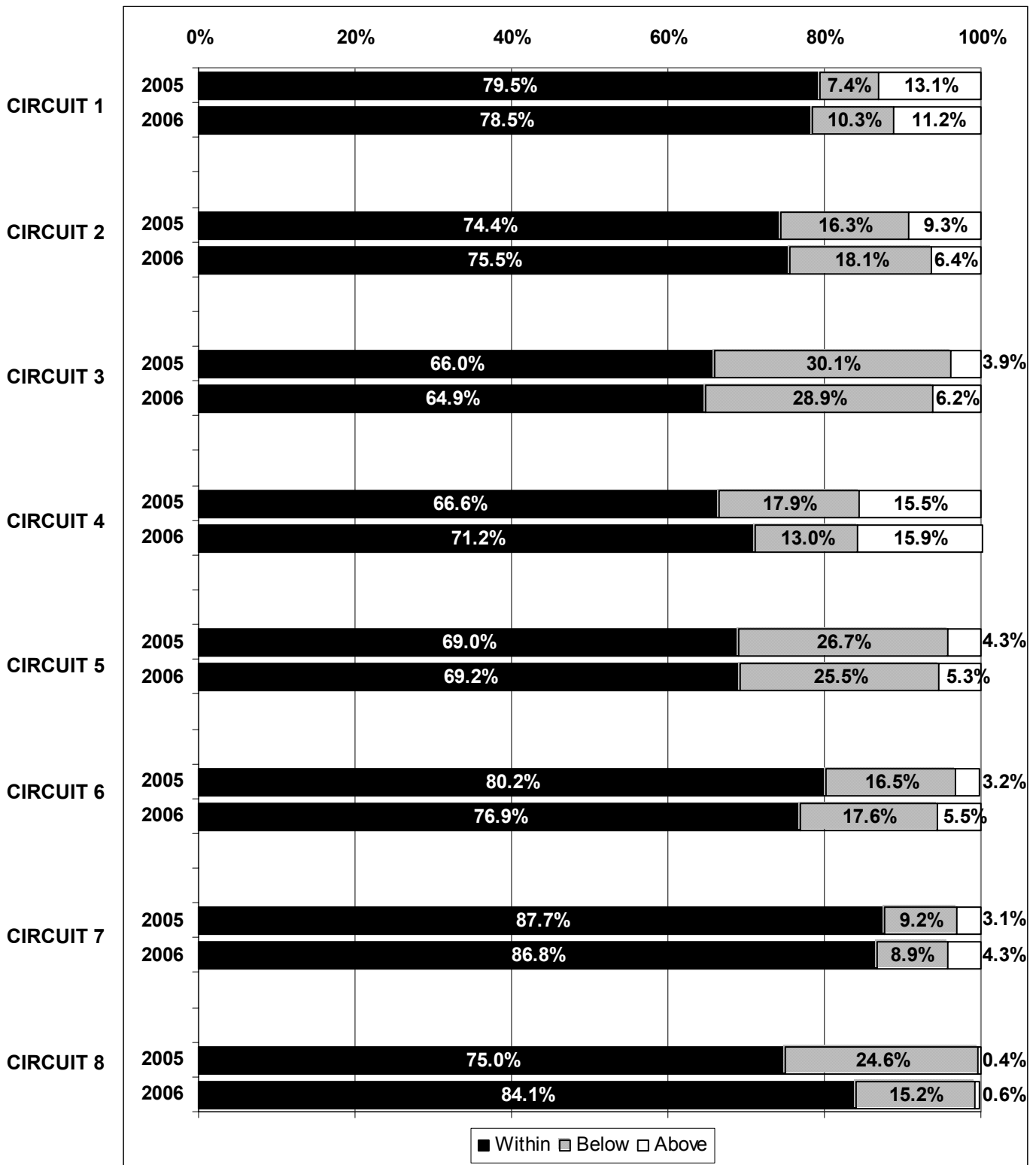
**Figure 7. Overall Sentencing Guidelines Compliance by Fiscal Year
(Single Count Convictions)**



Judicial Compliance Rates by Circuit

As shown in Figure 8, seven of the eight circuits met the 65% compliance benchmark in fiscal year 2006. The Third Circuit fell just short of the benchmark with a compliance rate of 64.9%. The Seventh Circuit continued to lead all circuits with the highest compliance rate (86.8%). The largest increase in the compliance rate occurred in the circuit with the largest number of defendants, the Eighth Circuit (increase of 9.1%). Rates remained relatively unchanged in the First, Second, Third, Fifth, and Seventh Circuits. The Sixth Circuit experienced a small decrease in compliance (3.3%), while the Fourth Circuit experienced an increase of almost 5%.

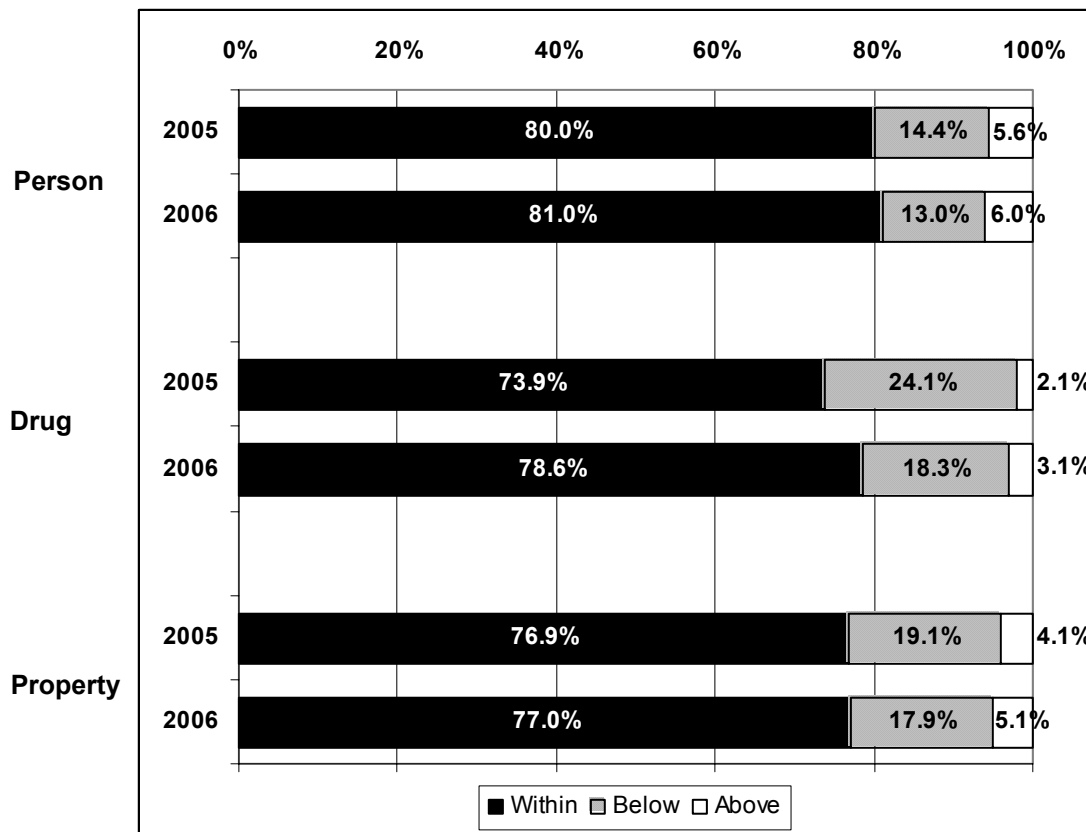
Figure 8. Sentencing Guidelines Compliance by Circuit and Fiscal Year



Judicial Compliance Rates by Crime Category

Figure 9 shows judicial compliance by crime category during the past two fiscal years. In both years, person offenses were the least likely to result in a departure from the guidelines, and the compliance rate for person offenses in fiscal year 2006 (81%) was slightly higher than that of fiscal year 2005 (80%). Between fiscal years 2005 and 2006, the compliance rate for drug offenses increased almost 5%, from 73.9% to 78.6%. The compliance rate for property offenses held steady at 77%. The 65% benchmark was met for all three crime categories in both fiscal years.⁵

Figure 9. Sentencing Guidelines Compliance by Crime Category and Fiscal Year

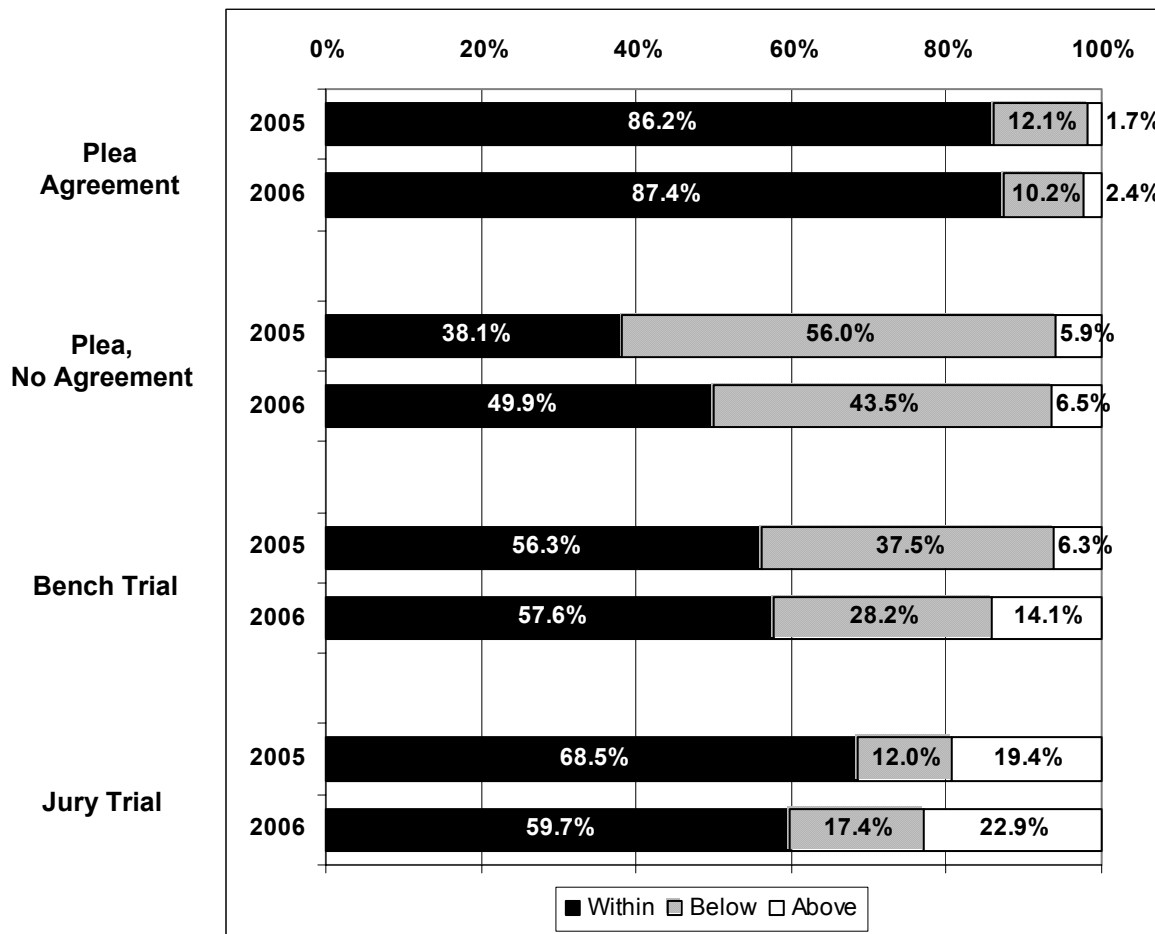


⁵ See Appendix D for sentencing guidelines compliance rates for the five most common offenses in each crime category.

Judicial Compliance Rates by Type of Disposition

Figure 10 examines the extent to which judicial compliance rates varied by type of disposition (i.e., plea agreement, plea with no agreement, bench trial, and jury trial). Over the past two fiscal years, compliance rates increased for cases disposed by a plea agreement, plea with no agreement, and bench trial. In contrast, the compliance rate for cases adjudicated by a jury trial decreased from 68.5% in 2005 to 59.7% in 2006. Plea agreements accounted for the highest percentage of compliant cases (87.4%) among the four types of disposition noted in Figure 10. This is not surprising given that the plea agreement category includes ABA pleas, which as of July 2001, are defined as compliant. All three remaining disposition categories fell short of the 65% compliance benchmark. Downward departures were more common than upward departures in cases resolved by a plea with no agreement or a bench trial. The opposite was true in cases resolved by a jury trial.

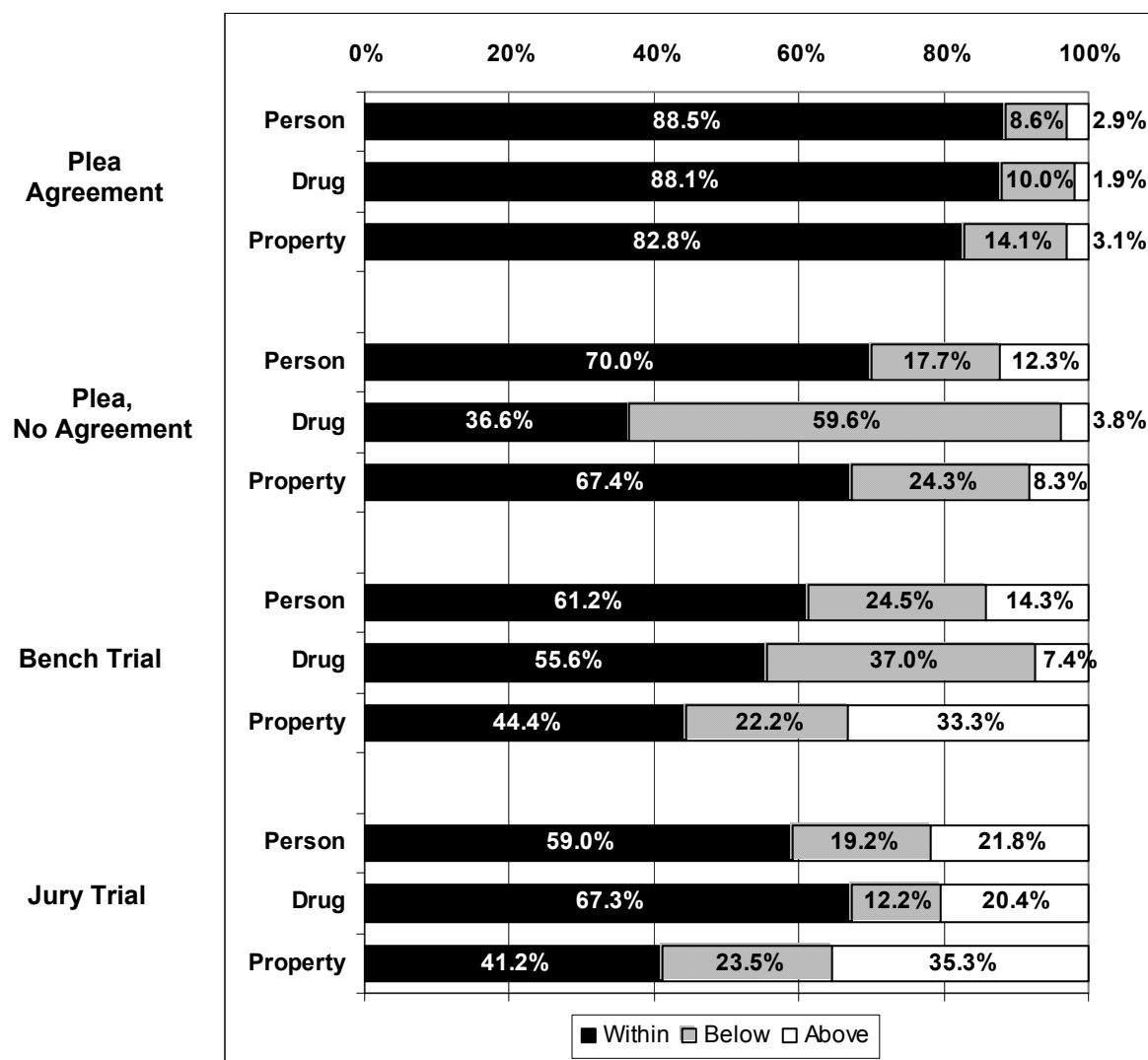
Figure 10. Sentencing Guidelines Compliance by Type of Disposition and Fiscal Year



Judicial Compliance Rates by Crime Category and Disposition

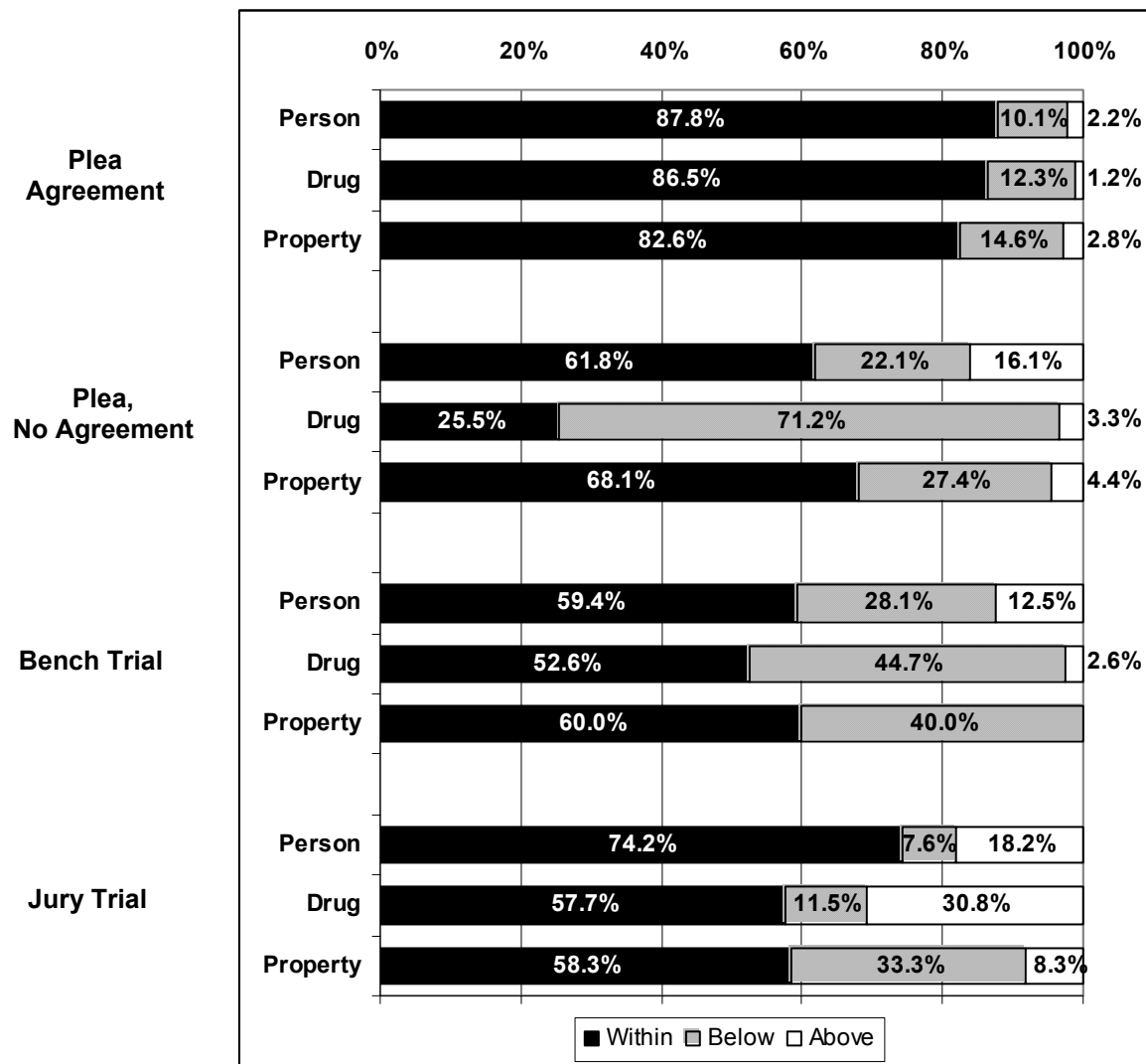
Compliance rates by crime category and disposition are displayed in Figure 11 for fiscal year 2006 and in Figure 12 for fiscal year 2005. Looking first at the findings for 2006, the highest compliance rates were observed for person, drug, and property offenses adjudicated by a plea agreement (88.5%, 88.1%, and 82.8%, respectively). The only other compliance rates to meet the benchmark of 65% were those for person and property offenses adjudicated by a plea with no agreement (70% and 67.4%, respectively) and drug offenses adjudicated by a jury trial (67.3%). Drug offenses adjudicated by a plea with no agreement had the lowest compliance rate (36.6%), and downward departures were most common among cases in this category (59.6%). In comparison, upward departures were most frequent for property offenses adjudicated by a jury or bench trial (35.3% and 33.3%, respectively).

Figure 11. Sentencing Guidelines Compliance by Crime Category and Disposition, Fiscal Year 2006



Similar to the findings for fiscal year 2006, the highest compliance rates for fiscal year 2005 were observed for person, drug, and property offenses adjudicated by a plea agreement (87.8%, 86.5%, and 82.6%, respectively). The only other compliance rates to meet the benchmark of 65% were those for property offenses adjudicated by a plea with no agreement (68.1%) and person offenses adjudicated by a jury trial (74.2%). As in 2006, drug offenses adjudicated by a plea with no agreement had the lowest compliance rate (25.5%).

Figure 12. Sentencing Guidelines Compliance by Crime Category and Disposition, Fiscal Year 2005



A comparison of Figures 11 and 12 indicates that the compliance rate dropped from above the 65% benchmark in fiscal year 2005 to below the 65% benchmark in fiscal year 2006 for person offenses adjudicated by a jury trial. Conversely, compliance rose from below the 65% benchmark in fiscal year 2005 to above the 65% benchmark in fiscal year 2006 for person offenses disposed by a plea with no agreement and drug offenses adjudicated by a jury trial.

Finally, departures for property offenses adjudicated by a bench or jury trial were more often above the recommended guidelines range in fiscal year 2006, whereas departures for property offenses adjudicated by a bench or jury trial were more often below the recommended range in fiscal year 2005.

Departure Reasons

COMAR regulation 14.22.01.05(A) directs the sentencing judge to document the reason or reasons for imposing a sentence outside of the recommended guidelines range on the guidelines worksheet. In order to facilitate the reporting of mitigating and aggravating departure reasons on the sentencing guidelines worksheet, the SCCSP provides judges with a reference card which lists some of the more common departure reasons and includes a numerical departure code for each (Appendix E contains a list of these departure reasons). The worksheet allows for up to three departure codes to be reported and also provides a space for the judge to write in other reasons not contained on the reference card.

Tables 6 and 7 display the reasons given for departures from the guidelines in fiscal year 2006. The tables include all of the reasons listed on the reference card as well as the most commonly cited "other" reasons. Table 6 provides a rank order of the mitigating reasons judges provided for cases where the sentence resulted in a downward departure. The first row of the table shows that in 61.1% of downward departures, the reason(s) for departure was not provided. The most commonly cited reasons for downward departures were: 1) the parties reached a plea agreement that called for a reduced sentence (21.2%); 2) recommendation of the State's Attorney or Division of Parole and Probation (11.9%); and 3) offender's commitment to substance abuse treatment or other therapeutic program (4.2%).

Table 6. Departure Reasons for Cases Below the Guidelines, Fiscal Year 2006*

Mitigating Reasons	Percent of Departures Where Reason is Cited
<i>No Departure Reason Given.</i>	61.1%
The parties reached a plea agreement that called for a reduced sentence.	21.2%
Recommendation of State's Attorney or Division of Parole and Probation.	11.9%
Offender's commitment to substance abuse treatment or other therapeutic program.	4.2%
Offender's minor role in the offense.	2.3%
Offender made restorative efforts after the offense.	1.8%
Weak facts of the case.	1.1%
Offender had diminished capability for judgment.	1.0%
Offender's prior criminal record not significant.	0.6%
Offender's age/health.	0.6%
Offender cooperated with authorities.	0.6%
Victim's participation in the offense lessens the offender's culpability.	0.5%
Offender was influenced by coercion or duress.	0.3%
Other reason (not specified above).	6.5%

* Multiple reasons may be cited in each case.

Table 7 provides a rank order of the aggravating reasons judges provided for cases where the sentence resulted in an upward departure. Here again, the first row of the table shows that in 61.1% of departures, the reason(s) for departure was not provided. The most commonly cited reasons for departures above the guidelines were: 1) recommendation of the State's Attorney or Division of Parole and Probation (11.2%); 2) special circumstances of the victim (5.2%); and 3) offender's major role in the offense (4.9%).

Table 7. Departure Reasons for Cases Above the Guidelines, Fiscal Year 2006*

Aggravating Reasons	Percent of Departures Where Reason is Cited
<i>No Departure Reason Given.</i>	61.1%
Recommendation of State's Attorney or Division of Parole and Probation.	11.2%
Special circumstances of the victim.	5.2%
Offender's major role in the offense.	4.9%
The level of harm was excessive.	4.6%
The vicious or heinous nature of the conduct.	4.6%
Offender exploited a position of trust.	3.8%
Offender's prior criminal record significant.	3.8%
Offender's significant participation in major controlled substance offense.	2.2%
Offender committed a "white collar" offense.	0.8%
Other reason (not specified above).	17.4%

* Multiple reasons may be cited in each case.

ADDITIONAL INFORMATION COLLECTED IN RESPONSE TO LEGISLATIVE MANDATES

In 2002, the Maryland General Assembly passed House Bill 1143, requiring that the annual report of the SCCSP “review reductions or increases in original sentences that have occurred because of reconsiderations of sentences imposed under §14-101 of the Criminal Law Article” and “categorize information on the number of reconsiderations of sentences by crimes as listed in §14-101 of the Criminal Law Article and by judicial circuit.” In anticipation of this, the SCCSP revised the sentencing guidelines worksheet to capture information on reconsidered sentences, adopted effective July 1, 2001.

More recently in 2004, the Maryland General Assembly passed House Bill 918, mandating the SCCSP to include an entry location on the sentencing guidelines worksheet to allow for the reporting of the specific dollar amount, when available, of the economic loss to the victim for crimes involving theft and related crimes under Title 7 of the Criminal Law Article and fraud and related crimes under Title 8 of the Criminal Law Article. In response, the SCCSP revised the sentencing guidelines worksheet to capture the amount of economic loss to the victim in theft and fraud related cases, adopted effective March 28, 2005.⁶

Since the SCCSP began collecting information on reconsidered cases in fiscal year 2002, worksheets for these cases have been continually underreported to the SCCSP preventing a complete analysis of their impact. Similarly, in the vast majority of cases with a conviction for a Title 7 or Title 8 offense, the amount of economic loss to the victim has been left blank on the worksheet. It is the belief of the SCCSP that the initiation of the automated sentencing guidelines system will facilitate the State circuit courts in submitting this information. The available data on reconsidered sentences and economic loss for cases sentenced in fiscal year 2006 is summarized below.

Report on Adjustments from Reconsidered Sentences

Although HB 1143 (2002) specifically calls for the review of reconsidered sentences for “crimes of violence” as defined in §14-101 of the Criminal Law Article, Annotated Code of Maryland, Table 8 reports the submissions of all reconsidered sentences received by the SCCSP for fiscal year 2006. The table is based on reconsidered sentences for 21 offenders and 46 offenses.

⁶ The SCCSP adopted the following definition of economic loss: the amount of restitution ordered by a circuit court judge or, if not ordered, the full amount of restitution that could have been ordered (COMAR 14.22.01.02.B(6-1)).

Robbery with a dangerous weapon [CR, §3-403] and handgun use in a felony or crime of violence [CR, §4-204] were the most common offenses in reconsidered cases in fiscal year 2006.

Table 8. Case Reconsiderations, Fiscal Year 2006*

Circuit	Offense	# of Cases
FIFTH	CDS Distribution (Cocaine)	1
SEVENTH	Child Abuse, Physical, 1 st Degree	1
	Assault, 1 st Degree	3
	Assault, 2 nd Degree	2
	Handgun Use in Felony or Crime of Violence	9
	Robbery with Dangerous Weapon	15
	Robbery	3
	Sex Offense, 4 th Degree	1
	CDS Distribution (Marijuana)	1
	CDS Distribution (Cocaine)	2
	CDS Distribution (Narcotics - Drug Not Identified)	1
	Malicious Burning, 2 nd Degree	1
	Burglary, 1 st Degree	1
	Burglary, 2 nd Degree	2
	Burglary, 4 th Degree	1
EIGHTH	Possession of Firearm after Conviction for Crime of Violence or Certain CDS Crimes	2

* Table 8 is based on reconsidered sentences for 21 offenders and 46 offenses.

Economic Loss in Title 7 and Title 8 Crimes

In fiscal year 2006, 1,344 sentences for theft, fraud, and related crimes were reported to the SCCSP. The amount of economic loss to the victim was recorded for only 134 (9.1%) of these cases. When reported, economic loss ranged in value from a minimum of no loss to a maximum of \$293,323. The average amount of loss was \$11,153. The majority of cases in which the amount of economic loss was reported on the sentencing guidelines worksheets involved a conviction for either theft of less than \$500 [CR, §7-104(g)(2)] or theft of \$500 or more [CR, §7-104(g)(1)].

SCCSP PLANNED ACTIVITIES FOR 2007

The SCCSP has an ambitious list of activities planned for 2007. The SCCSP will continue to perform typical duties such as reviewing all criminal offenses and changes in the criminal code passed by the General Assembly during the upcoming legislative session, classifying the seriousness categories for these offenses, and submitting amendments to COMAR. The SCCSP staff will maintain an updated Guidelines Manual which will reflect any additions and/or changes to the classification of these respective offenses. Additionally, the SCCSP will continue to monitor judicial compliance with the guidelines, and the Executive Director will resume meetings with the remaining 12 county administrative judges to review jurisdiction specific compliance figures and solicit feedback on any proposed changes to the guidelines.

In 2007, the Commission will continue to provide training on the application of the guidelines and will focus on working with the judiciary to increase reporting of the reasons for departure to better understand why and when judges deviate from the recommended guidelines range. Additionally, the SCCSP will place an emphasis on providing detailed instructions for properly categorizing the various types of 3rd degree sex offense given the changes to be adopted in February 2007. Furthermore, the Commission will devote substantial resources to providing orientation and training for utilization of the automated sentencing guidelines system. The SCCSP will continue its work with the University of Maryland's OIEP to ensure the automated system becomes operational in 2007. In the upcoming year, the Commission also plans to develop a modified guidelines worksheet within the automated system to ease the reporting burden for information on sentencing adjustments in cases involving probation revocations, reconsiderations, and judicial review.

In response to its mandate to incorporate a correctional simulation model to help generate a fiscal impact statement for legislators when considering penalty provisions for criminal offenses or modification to sentencing practice, the SCCSP plans to work with ARS to finalize the development of the sentencing/correctional simulation model. Finally, the Sentencing Guidelines Subcommittee is expected in the coming year to review a proposal to amend the procedure for calculating the prior adult criminal record score when a prior offense involves multiple criminal victims.

The activities described above are just a few of the many steps that will taken by the Commission in 2007 to support the consistent, fair, and proportional application of sentencing practice in Maryland.

APPENDICES

Appendix A:

Sentencing Guidelines Matrices

Sentencing Matrix for Offenses Against Persons (Revised 7/2001)								
Offender Score								
Offense Score	0	1	2	3	4	5	6	7 or more
1	P	P	P-3M	3M-1Y	3M-18M	3M-2Y	6M-2Y	1Y-3Y
2	P-6M	P-1Y	P-18M	3M-2Y	6M-3Y	1Y-5Y	18M-5Y	3Y-8Y
3	P-2Y	P-2Y	6M-3Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y
4	P-3Y	6M-4Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y	5Y-12Y
5	3M-4Y	6M-5Y	1Y-6Y	2Y-7Y	3Y-8Y	4Y-10Y	6Y-12Y	8Y-15Y
6	1Y-6Y	2Y-7Y	3Y-8Y	4Y-9Y	5Y-10Y	7Y-12Y	8Y-13Y	10Y-20Y
7	3Y-8Y	4Y-9Y	5Y-10Y	6Y-12Y	7Y-13Y	9Y-14Y	10Y-15Y	12Y-20Y
8	4Y-9Y	5Y-10Y	5Y-12Y	7Y-13Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-25Y
9	5Y-10Y	7Y-13Y	8Y-15Y	10Y-15Y	12Y-18Y	15-25Y	18Y-30Y	20Y-30Y
10	10Y-18Y	10Y-21Y	12Y-25Y	15Y-25Y	15Y-30Y	18Y-30Y	20Y-35Y	20Y-L
11	12Y-20Y	15Y-25Y	18Y-25Y	20Y-30Y	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L
12	15Y-25Y	18Y-25Y	18Y-30Y	20Y-35Y	20Y-35Y	25Y-40Y	25Y-L	25Y-L
13	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L	25Y-L	30Y-L	L	L
14	20Y-L	25Y-L	28Y-L	30Y-L	L	L	L	L
15	25Y-L	30Y-L	35Y-L	L	L	L	L	L

P=Probation, M=Months, Y=Years, L=Life

Sentencing Matrix for Drug Offenses (Revised 10/2001)								
Offender Score								
Offense Seriousness Category	0	1	2	3	4	5	6	7 or more
VII	P	P	P	P-1M	P-3M	P-6M	3M-6M	6M-2Y
VI	Available for future use. There are currently no seriousness category VI drug offenses.							
V	P-6M	P-12M	3M-12M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y
IV	P-12M	P-18M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y	3.5Y-10Y
III-A Marijuana import 45 kilograms or more, and MDMA over 750 grams	P-18M	P-2Y	6M-2Y	1Y-4Y	2Y-6Y	3Y-8Y	4Y-12Y	10Y-20Y
III-B Non-marijuana and non-MDMA, Except Import	6M-3Y	1Y-3Y	18M-4Y	3Y-7Y	4Y-8Y	5Y-10Y	7Y-14Y	12Y-20Y
III-C Non-marijuana and non-MDMA, Import	1Y-4Y	2Y-5Y	3Y-6Y	4Y-7Y	5Y-8Y	6Y-10Y	8Y-15Y	15Y-25Y
II	20Y-24Y	22Y-26Y	24Y-28Y	26Y-30Y	28Y-32Y	30Y-36Y	32Y-37Y	35Y-40Y

P=Probation, M=Months, Y=Years

Sentencing Matrix for Property Offenses (Revised 7/2001)								
Offender Score								
Offense Seriousness Category	0	1	2	3	4	5	6	7 or more
VII	P-1M	P-3M	3M-9M	6M-1Y	9M-18M	1Y-2Y	1Y-3Y	3Y-5Y
VI	P-3M	P-6M	3M-1Y	6M-2Y	1Y-3Y	2Y-5Y	3Y-6Y	5Y-10Y
V	P-6M	P-1Y	3M-2Y	1Y-3Y	18M-5Y	3Y-7Y	4Y-8Y	8Y-15Y
IV	P-1Y	3M-2Y	6M-3Y	1Y-4Y	18M-7Y	3Y-8Y	5Y-12Y	10Y-20Y
III	P-2Y	6M-3Y	9M-5Y	1Y-5Y	2Y-8Y	3Y-10Y	7Y-15Y	15Y-30Y
II	2Y-5Y	3Y-7Y	5Y-8Y	5Y-10Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-40Y

P=Probation, M=Months, Y=Years

Appendix B:

Maryland Sentencing Guidelines Worksheet

MARYLAND SENTENCING GUIDELINES WORKSHEET				OFFENDER NAME (Last, First, Middle)		SEX		BIRTHDATE		JURISDICTION					
PSI		DATE OF SENTENCING		DISPOSITION TYPE		REPRESENTATION		ETHNICITY		RACE					
Yes <input type="checkbox"/> No <input type="checkbox"/> AT THIS SENTENCING, NUMBER OF:		DATE OF SENTENCING: _____ WORKSHEET # _____ OF _____ CRIMINAL EVENT # _____		ABA plea agreement <input type="checkbox"/> Non-ABA plea agreement <input type="checkbox"/> Plea, no agreement <input type="checkbox"/> Court trial <input type="checkbox"/>		Private <input type="checkbox"/> Public Defender <input type="checkbox"/> Court Appointed <input type="checkbox"/> Self <input type="checkbox"/>		Hispanic/Latino Origin <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> INDIGENITY ESTABLISHED <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>		Black <input type="checkbox"/> White <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/>					
CONVICTED OFFENSE TITLE				I-VII		CJIS CODE		MD CODE, ART, & SECTION		STAT. MAX MAND. MIN CASE #/DOCKET #					
1 st Convicted Offense															
2 nd Convicted Offense															
3 rd Convicted Offense															
OFFENSE SCORE(S) – Offense Against a Person Only				OFFENDER SCORE				GUIDELINES RANGE				ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Break the Cycle, Etc)			
1 st Off 2 nd Off 3 rd Off 01 01 01 = V – VII 03 03 03 = IV 05 05 05 = III 08 08 08 = II 10 10 10 = I				A. Relationship to CJS When Instant Offense Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act 1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment 2 = Under 23 years and committed 2 or more times C. Prior Adult Criminal Record 0 = None 3 = Moderate 1 = Minor 5 = Major D. Prior Adult Parole/Prob Violation 0 = No 1 = Yes				1 st Con. Off. _____ TO _____ 2 nd Con. Off. _____ TO _____ 3 rd Con. Off. _____ TO _____				1st Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested Subsequent Offender Proven: Yes <input type="checkbox"/> No <input type="checkbox"/> ; Unknown Amount: Yes <input type="checkbox"/> No <input type="checkbox"/> 2nd Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested Subsequent Offender Proven: Yes <input type="checkbox"/> No <input type="checkbox"/> ; Unknown Amount: Yes <input type="checkbox"/> No <input type="checkbox"/> 3rd Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested Subsequent Offender Proven: Yes <input type="checkbox"/> No <input type="checkbox"/> ; Unknown Amount: Yes <input type="checkbox"/> No <input type="checkbox"/>			
VICTIM INFORMATION				OFFENSE SCORE(S)				OFFENSE SCORE				SENTENCE DEPARTMENT INFORMATION			
Victim Yes <input type="checkbox"/> No <input type="checkbox"/> Victim Unavailable Yes <input type="checkbox"/> No <input type="checkbox"/> NRF Yes <input type="checkbox"/> No <input type="checkbox"/> Victim Notified Plea Yes <input type="checkbox"/> No <input type="checkbox"/> Victim Notified Date Yes <input type="checkbox"/> No <input type="checkbox"/> Victim Present Yes <input type="checkbox"/> No <input type="checkbox"/> Written VIS Yes <input type="checkbox"/> No <input type="checkbox"/> Oral VIS Yes <input type="checkbox"/> No <input type="checkbox"/> No Contact with Victim Yes <input type="checkbox"/> No <input type="checkbox"/> CICB Cost Imposed Yes <input type="checkbox"/> No <input type="checkbox"/>				_____ OFFENSE SCORE(S)				_____ OFFENDER SCORE				If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable. _____ _____ _____ Departure Code 9 or 18 (Please Explain): _____			
Overall Guidelines Range				Parole Notification				Was the offender sentenced to a Corrections Options program under Commission criteria?				Institutional/Parole Recommendation or Additional Information			
Multiple Counts Only _____ TO _____ 50% of Sentence Announced Yes <input type="checkbox"/> No <input type="checkbox"/>				Yes <input type="checkbox"/> No <input type="checkbox"/>				Drug Court Yes <input type="checkbox"/> No <input type="checkbox"/> Other Yes <input type="checkbox"/> No <input type="checkbox"/>				Worksheet Completed By _____ Title _____ Sentencing Judge (Please Print) _____ Sentencing Judge's Signature _____			

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecutor; Gold – Defense 4/2005 (1.13)

Appendix C:

Description of Types of Disposition

Disposition Type	Description
ABA Plea Agreement	The disposition resulted from a plea agreement that the court approved relating to a particular sentence, disposition, or other judicial action, and the agreement is binding on the court under Maryland Rule 4-243 (c).
Non-ABA Plea Agreement	The disposition resulted from a plea agreement reached by the parties but that was not approved by, and thus not binding on, the court.
Plea, No Agreement	The defendant pled guilty without any agreement from the prosecutor or judge to perform in a particular way.
Bench Trial	The disposition resulted from a trial without a jury in which the judge decided the factual questions.
Jury Trial	The disposition resulted from a trial in which the jury decided the factual questions.
Reconsideration	Reconsideration of a previously imposed sentence.
Review	Pursuant to Criminal Procedure Article, §8-105, a panel review of a previously imposed sentence.
Probation Revocation	Pursuant to Maryland Rule 4-347, a hearing to determine whether a violation has occurred, and if so, whether the probation should be revoked.

Appendix D:

Sentencing Guidelines Compliance by Offense Type, Fiscal Year 2006 (Most Common Person, Drug, and Property Offenses)

Person Offenses	N	% Within	% Below	% Above
Assault, 2 nd Degree	766	84.5%	10.7%	4.8%
Robbery	340	86.2%	10.0%	3.8%
Assault, 1 st Degree	190	65.3%	30.5%	4.2%
Wearing, Carrying, Transporting Handgun	177	90.4%	7.9%	1.7%
Robbery with Dangerous Weapon	171	72.5%	22.8%	4.7%
Drug Offenses	N	% Within	% Below	% Above
Distribution Cocaine	1,719	74.2%	23.9%	2.0%
Distribution Heroin	849	79.9%	19.9%	0.2%
Distribution Marijuana	595	87.1%	10.4%	2.5%
Possession Cocaine	346	75.7%	17.6%	6.6%
Possession Marijuana	311	85.5%	1.3%	13.2%
Property Offenses	N	% Within	% Below	% Above
Theft, \$500 or Greater	362	77.6%	14.6%	7.7%
Burglary, 1 st Degree	193	76.7%	21.2%	2.1%
Theft, Less Than \$500	155	74.2%	16.1%	9.7%
Burglary, 2 nd Degree	151	72.2%	25.8%	2.0%
Unauthorized Use of Vehicle, Vessel, or Livestock	76	90.8%	9.2%	0.0%

Appendix E:

Common Departure Reasons Listed on the Sentencing Guidelines Departure Reference Card

Departure Code	Mitigating Reasons
1	The parties reached a plea agreement that called for a reduced sentence.
2	Offender's minor role in the offense.
3	Offender was influenced by coercion or duress.
4	Offender had diminished capability for judgment.
5	Offender made restorative efforts after the offense.
6	Victim's participation in the offense lessens the offender's culpability.
7	Offender's commitment to substance abuse treatment or other therapeutic program.
8	Recommendation of State's Attorney or Division of Parole and Probation.
9	Other reason (not specified above).
Departure Code	Aggravating Reasons
10	Offender's major role in the offense.
11	The level of harm was excessive.
12	Special circumstances of the victim.
13	Offender exploited a position of trust.
14	Offender committed a "white collar" offense.
15	Offender's significant participation in major controlled substance offense.
16	The vicious or heinous nature of the conduct.
17	Recommendation of State's Attorney or Division of Parole and Probation.
18	Other reason (not specified above).