

# Maryland State Commission on Criminal Sentencing Policy



## Annual Report 2007



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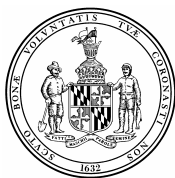
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# MARYLAND

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## SCCSP

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### State Commission on Criminal Sentencing Policy

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James V. Anthenelli, Esq.

Chief Marcus L. Brown

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#### Executive Director

David A. Soulé, Ph.D.

January 2008

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

Pursuant to Criminal Procedure Article, §6-209, Annotated Code of Maryland, 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 2007 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 calendar year 2006. The report summarizes the Commission's activities for 2007, 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 2008.

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 cursive script that reads "Howard S. Chasanow".

Judge Howard S. Chasanow, (Ret.)  
Chairman

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## 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 2007, the SCCSP classified new and amended offenses passed by the General Assembly during the 2007 Legislative and Special Sessions; reviewed and amended the classification of 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; worked with Applied Research Services, Inc. to finalize the development of a sentencing/correctional simulation model; and began work with the Information Technology and Communications Division of the Maryland Department of Public Safety and Correctional Services to finalize 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 worked to improve the

accuracy of the sentencing guidelines data by completing several data reviews and data entry enhancements.

The annual report of the SCCSP for the past three years has examined sentencing guidelines data for the fiscal year, rather than the calendar year. The current report examines data collected in calendar year 2006. A decision was made to analyze data from calendar year 2006 rather than fiscal year 2007 because data for the calendar year were more complete at the writing of this report. The initiation of the Maryland Judiciary Case Search website has proven to be a great asset with regard to data checking, allowing SCCSP staff to verify information recorded on sentencing guidelines worksheets and to fill in missing information when portions of the worksheet are left blank. While this data verification process has improved the accuracy and completeness of the guidelines data collected by the SCCSP, it has also extended the amount of time required to data-enter the sentencing guidelines worksheets. The staff believes the increase in data entry time is warranted, given that the result is more accurate and complete sentencing data. It is expected that the automated (web-based) sentencing guidelines system currently in development will speed up the data collection and automation process significantly.

In 2006, the SCCSP received 11,506 sentencing guidelines worksheets for offenders sentenced in the State's circuit courts. The vast majority of cases were resolved by either an American Bar Association (ABA) plea agreement (52.9%) or a non-ABA plea agreement (29.1%). The overall guidelines compliance rate in 2006 well exceeded the Commission's goal of 65% compliance and increased slightly over the compliance rate in 2005. When departures occurred, they were more often below the guidelines rather than above. Five of the eight judicial circuits experienced an increase in guidelines compliance rates in 2006, and all eight met the benchmark rate of 65% compliance. The circuit with the largest number of defendants, the Eighth Circuit, had the highest compliance rate.

Departures were least likely for drug offenses, followed by person 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 drug offenses adjudicated by a plea agreement.

Property offenses adjudicated by a jury trial had the lowest compliance rate, and the majority of departures in this category were sentenced above the guidelines.

Reasons for departure continued to be underreported in 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 2008, the SCCSP will continue to review sentencing practice throughout the State and will provide training and orientation to ensure the consistent application of the sentencing guidelines. In January 2008, the Commission will release an updated Sentencing Guidelines Manual that has been reorganized and revised for clarity and ease of use. Additionally, the Commission will review the application of the guidelines to specific offenses such as white collar offenses, while the newly established Subcommittee on Sentencing Drug Offenders will review sentencing options for the State's drug offending population. This sample of planned activities illustrates some of the efforts to be completed by the SCCSP in 2008 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

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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**

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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 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**

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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.

There were several new appointees to the SCCSP in 2007 including the Honorable Howard S. Chasanow, who was appointed as the chairman by Governor O'Malley in June. Other new Governor appointees include Chief Marcus L. Brown from the Maryland Transportation Authority

Police; Major Bernard B. Foster, Sr., Director of the Cecil County Detention Center; and Paul F. Enzinna who serves as one of two public representatives on the Commission. Returning Governor appointees include Leonard C. Collins, Jr., State's Attorney for Charles County; Richard A. Finci, a criminal defense attorney from Prince George's County; Laura L. Martin, the victims' advocacy group representative; Dr. Charles F. Wellford from the University of Maryland, the criminal justice or corrections policy expert; and James V. Anthenelli who serves as the other public representative 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 and Judge John C. Themelis, Circuit Court of Baltimore City are returning Commissioners. Judge John P. Morrissey from the District Court of Prince George's County was a new appointee in 2007.

The President of the Senate is responsible for two appointments. Senator Delores G. Kelley is a returning Commissioner, while Senator Lisa A. Gladden was a new appointee in 2007. Delegate Joseph F. Vallario, Jr. and Delegate Curtis S. Anderson are returning Commissioners who were appointed by the Speaker of the House.

Finally, ex-officio members include the State's Attorney General, Douglas F. Gansler; the State Public Defender, Nancy S. Forster; and the Secretary of Public Safety and Correctional Services, Gary D. Maynard.

## SCCSP ACTIVITIES IN 2007

The SCCSP met three times during 2007. Meetings were held on July 24, 2007, September 25, 2007, and November 26, 2007. In addition, the Commission's annual Public Comments Hearing was held on November 26, 2007 at the House Office Building. The minutes for all Commission meetings are posted on the Commission's website ([www.msccsp.org](http://www.msccsp.org)). The following discussion provides a review of the Commission's activities in 2007.

### Modifications Related to New and Amended Offenses Passed During the 2007 Legislative Session

The SCCSP considered new crime legislation from the 2007 Legislative Session and identified 7 bills (12 offenses) which required the adoption of seriousness categories for new criminal penalties. Newly adopted seriousness categories were recommended by reviewing the seriousness categories for similar offenses (i.e., offenses with similar penalties, misdemeanor/felony classification, and crime type) previously classified by the Commission. With the exception of House Bill 1409 offenses, the new offenses and their respective seriousness categories shown in Table 1 were submitted to the COMAR and will be adopted effective January 1, 2008. House Bill 1409 offenses will be included in the Commission's next submission of proposed changes to the COMAR.

**Table 1. Guidelines Offenses and Adopted Seriousness Categories Related to New Offenses, 2007 Legislative Session.**

Legislation	Statute	Offense	Adopted Seriousness Category
House Bill 713	CR, §9-804(c)(1)(i)	Participate as member of criminal gang in commission of crime	One category more serious than most serious underlying offense. If no conviction on underlying offense, category=IV.
House Bill 713	CR, §9-804(c)(1)(ii)	Participate as member of criminal gang in commission of crime resulting in death of victim	One category more serious than most serious underlying offense. If no conviction on underlying offense, category=III.
House Bill 1036	CR, §8-301(e)(4)	Falsely represent self as another person	VII

**Table 1 continued.**

<b>Legislation</b>	<b>Statute</b>	<b>Offense</b>	<b>Adopted Seriousness Category</b>
House Bill 1270	HG, §18-215(f)(1)(i)	Request or obtain info on HIV and/or AIDS under false pretenses or deception	V
House Bill 1270	HG, §18-215(f)(1)(ii)	Request or obtain info on HIV and/or AIDS under false pretenses or deception with intent to sell	IV
House Bill 1409	IN, § 27-407.1 IN, § 27-408(a)(1)	Intentional MV accident and/or scheme to create documentation of accident that did not occur -- value of claim or act \$300 or more	V
House Bill 1409	IN, § 27-407.1 IN, § 27-408(a)(2)	Intentional MV accident and/or scheme to create documentation of accident that did not occur -- value of claim or act less than \$300	VII
House Bill 1409	TR, § 20-110(e)(1)	Fraudulently obtain MV accident report	V
House Bill 1409	TR, § 20-110(e)(2)	Improper disclosure of MV accident report by law enforcement agent	V
Senate Bill 214 House Bill 1194	CR, §9-417	Possess, possess with intent to deliver, or receive telecommunication device in place of confinement	VI
Senate Bill 606	CR, §11-303(c)(2)	Human trafficking, take, harbor, or unlawfully detain a minor for prostitution	II
Senate Bill 754	TR, §27-101(p)(4) TR, §21-904(e)	Eluding a police officer attempting to apprehend driver for commission of crime of violence	V

The SCCSP considered amended crime legislation from the 2007 Legislative Session and identified 1 bill (2 offenses) which required the adoption of seriousness categories for altered criminal penalties. House Bill 285 increased the maximum imprisonment term for possession of child pornography, first offense from one year to two years. Similarly, the bill increased the maximum imprisonment term for possession of child pornography, subsequent offense from two years to five years and raised the maximum fine from \$5,000 to \$10,000. Newly adopted seriousness categories were recommended by reviewing the seriousness categories for similar offenses (i.e., offenses with similar penalties, misdemeanor/felony classification, and crime type) previously classified by the Commission. The 2 offenses and their respective seriousness categories shown in Table 2 were submitted to the COMAR and will be adopted effective January 1, 2008.

**Table 2. Guidelines Offenses and Adopted Seriousness Categories Related to Amended Offenses, 2007 Legislative Session.**

Legislation	Statute	Offense	Prior Seriousness Category	New Seriousness Category
House Bill 285	CR, §11-208(b)(1)	Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, 1 <sup>st</sup> offense	VII	VI
House Bill 285	CR, §11-208(b)(2)	Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, subsequent offense	VI	V

### **Additional Modification to the Guidelines in 2007**

In its continued review of seriousness categories for all criminal offenses sentenced in the State's circuit courts, the SCCSP identified one offense that the Commission determined was not currently assigned a seriousness category consistent with those for "similar" offenses with "like" maximum penalties. By majority vote, the Commission adopted the change noted in Table 3. This change was submitted to the COMAR and will be adopted effective January 1, 2008.

**Table 3. Offense Seriousness Categories Modified and Adopted by the SCCSP in 2007.**

Statute	Offense	Prior Seriousness Category	New Seriousness Category
CR, §11-303(c)(1)	Human trafficking, take, harbor, or unlawfully detain another for prostitution	IV	III

### **Guidelines Rules Clarifications in 2007**

In 2007, the Commission sought to clarify two guidelines rules that were determined to be ambiguous based on practitioner feedback. First, the Commission adopted language to clarify the SCCSP's standing policy regarding the guidelines effective date. Specifically, the Commission voted to adopt language in both the COMAR and the Maryland Sentencing Guidelines Manual stating the guidelines shall be calculated based on the guidelines rules and seriousness categories in effect at time of sentencing. Second, the Commission voted to adopt language in the COMAR and the Guidelines Manual to clearly distinguish between mandatory "non-suspendable" minimum penalties and statutory minimum penalties that may be suspended by the court. The distinction is critical because the calculated guidelines range should only be

adjusted for the mandatory “non-suspendable” penalties. These changes were submitted to the COMAR and will be adopted effective March 1, 2008.

## **Training and Orientation**

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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](http://www.msccsp.org)) which was routinely updated in 2007. The 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 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.

Additionally, the Commission continued to deliver timely notice of guidelines relevant information in 2007 through the dissemination of the Guidelines E-News. The Guidelines E-News is a periodic report delivered electronically via e-mail to criminal justice practitioners in the State. The Guidelines E-News provides information on changes and/or additions to the guidelines and contains tips on guidelines worksheet submission. The Guidelines E-News also provides periodic reports on sentencing trends using data collected and maintained by the Commission. Anyone who is interested in receiving the Guidelines E-News may sign up to receive the newsletter by sending a request to: [msccsp@crim.umd.edu](mailto:msccsp@crim.umd.edu).

In 2007, the Commission staff organized and held four off-site guidelines training sessions that were attended in total by close to 100 participants, including circuit court judges, parole and probation agents and State’s Attorneys. Off-site trainings were provided for new appointees to the circuit bench at the New Trial Judges Orientation. In addition, separate trainings were provided at the State’s Attorney’s Offices for Anne Arundel, Baltimore, and Howard Counties.

## **Information and Data Requests**

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The Commission staff annually responds to hundreds of questions regarding the guidelines via phone and e-mail inquiries. 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. Additionally, the Commission staff also routinely responds to requests for additional packets of the Maryland guidelines worksheet. In 2007, the Commission continued to utilize a more simplified worksheet request process by allowing users to submit electronic requests for worksheets via the Commission's website.

In an effort to promote increased visibility and aid public understanding of the sentencing process in Maryland, the SCCSP is also available to respond to inquiries for information related to sentencing in the State circuit courts. In 2007, the Commission responded to approximately 65 requests for data and/or specific information related to sentencing guidelines trends throughout the State. While the General Assembly is in session, the Commission is responsible for responding to the Legislature's request for information to produce fiscal estimate worksheets for sentencing related legislation. Requests for information are also fielded from a variety of individuals, including 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 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.

### **Subcommittee Work**

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The SCCSP currently has two standing Subcommittees to review specific aspects of the state's sentencing guidelines. The Subcommittee on Sentencing Guidelines, chaired by Dr. Charles Wellford, plays a critical role in reviewing proposals regarding changes to the guidelines. In 2007, the Guidelines 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 2, as well as the reclassification of the offense noted in Table 3. Additionally, the Guidelines Subcommittee made recommendations to the full Commission regarding the adoption of formal language to: (a) clarify the guidelines effective date; and (b) differentiate between mandatory "non-suspendable" minimum penalties and statutory minimum penalties which may be suspended.

At the Commission's July 24, 2007 meeting, a new Subcommittee on Sentencing Drug Offenders was established to examine the availability of treatment programs and review options available to the judiciary for sentencing Maryland's drug offender population. Delegate Curtis Anderson was appointed chairman of the new Subcommittee and he organized two briefings on drug abuse, sentencing, and treatment at the end of 2007 to serve as the basis of future work for this Subcommittee.

### **Sentencing/Correctional Simulation Model**

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In 2007, the SCCSP continued its work with Applied Research Services, Inc. (ARS) to develop a sentencing/correctional simulation model for the Commission. 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. 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. The first phase of the model, which will allow the Commission to simulate the relative impact of any proposed policy change, has been completed. In the past year, the SCCSP has continued to work with ARS and the Department of Public Safety and Correctional Services (DPSCS) on the second phase of the model, which involves building accurate time-served estimates. In an effort to increase the ability to match sentencing guidelines data with correctional data, the Commission voted to add the State Identification (SID) number to the guidelines worksheet. Distribution of the new worksheet (version 1.4) began in December. The Commission expects to begin utilization of the fully completed simulation model within the next year.

### **Maryland Automated Guidelines System (MAGS)**

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In 2007, the SCCSP continued to develop and refine the Maryland Automated Guidelines System (MAGS). 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.

In April 2007, the Commission held a focus group at the University of Maryland to review the MAGS application. The focus group was attended by representatives from the Montgomery County and Prince George's County State's Attorney's Office, as well as two defense attorneys. The focus group provided an opportunity for a sample of individuals who routinely complete sentencing guidelines worksheets to test a demonstration pilot of the MAGS program. The focus group provided positive feedback regarding the general layout of the program and its "user-friendliness", while also providing suggestions for additional tools for the model.

In 2007, the Commission staff established a relationship with the Information Technology and Communications Division of the DPSCS to discuss the implementation of the second phase of the program which will allow for automatic retrieval of prior criminal history information through the Maryland Criminal Justice Information System (CJIS). The relationship with DPSCS is also expected to help expand the capacity of the MAGS program to ensure the program will be operational on a statewide basis.

## **Data Enhancements**

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In an effort to increase the accuracy of the data maintained within the sentencing guidelines database, the Commission staff completed a variety of data enhancement activities during the past year. First, the staff completed a series of data checks to identify outliers on particular variables. In instances where outliers were identified, the hard copy of the worksheet was located and checked to verify accurate data entry. Corrections were made if warranted. Second, a series of internal validity checks were added to the sentencing guidelines database to limit the possibility of data entry key punch error. Third, a more rigorous system of internal reviews of data entry was conducted by senior staff to reduce the possibility of data entry error. Finally, the staff continued to verify the information provided on the sentencing guidelines worksheets by conducting a cross-check of the information using the Maryland Judiciary Case Search website. While time consuming, the staff believes these data enhancement activities will lead to substantial improvements in the accuracy of the data and subsequent data analyses.

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## **Public Comments Hearing**

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The SCCSP held its annual public comments hearing at the House Office Building in Annapolis on November 26, 2007. The public comments hearing provides an opportunity for any interested person to address the Commission and discuss sentencing related issues. The Commission sent an invitation to various key stakeholders throughout the State and announced the meeting via the Commission's website, the Maryland Register, the Maryland General Assembly's hearing schedule, and a press release by the DPSCS. At the 2007 Public Comments Hearing, the Commission heard testimony from representatives from: Alpha Phi Alpha Fraternity, Delta Lambda Chapter; the Campaign for Treatment, Not Incarceration; Families Against Injustice; Maryland's Outside Connection; the Montgomery County State's Attorney's Office; and individual public representatives.

## SENTENCES REPORTED IN 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, unless a 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

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The annual report of the SCCSP for the past three years has examined sentencing guidelines data for the fiscal year, rather than the calendar year. The current report examines data collected in calendar year 2006. A decision was made to analyze data from calendar year 2006 rather than fiscal year 2007 because data for the calendar year were more complete at the writing of this report. The initiation of the Maryland Judiciary Case Search website has proven to be a great asset with regard to data checking, allowing SCCSP staff to verify information recorded on sentencing guidelines worksheets and to fill in missing information when portions of the worksheet are left blank. While this data verification process has improved the accuracy and completeness of the guidelines data collected by the SCCSP, it has also extended the amount of time required to data-enter the sentencing guidelines worksheets. The staff believes the increase in data entry time is warranted, given that the result is more accurate and complete sentencing data. It is expected that the automated (web-based) sentencing guidelines system currently in development will speed up the data collection and automation process significantly.

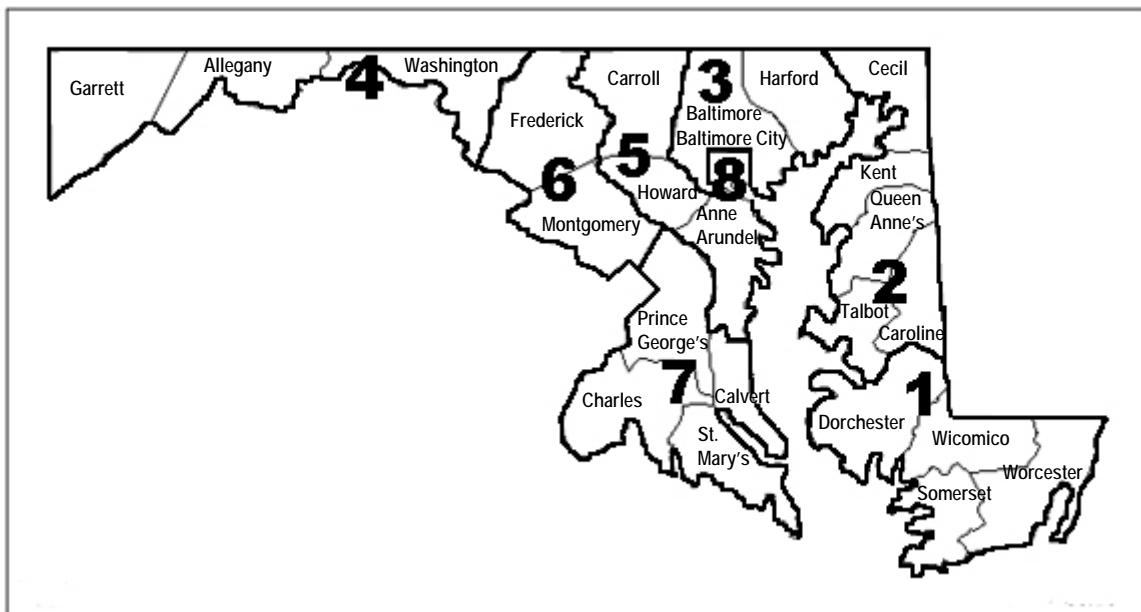
In calendar year 2006, the SCCSP received 11,506 worksheets. Table 4 provides a breakdown of the number and percentage of worksheets received in 2006 by circuit. The jurisdictions in each circuit are shown in Figure 1. The largest number of guidelines worksheets (3,792) was

received from the Eighth Circuit (Baltimore City), while the smallest number (515) was received from the Second Circuit (Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties).

**Table 4. Number and Percentage of Worksheets Submitted by Circuit, 2006**

<b>Circuit</b>	<b>Number of Worksheets Submitted</b>	<b>Percent of Total Worksheets Submitted</b>
1	768	6.7%
2	515	4.5%
3	1,503	13.1%
4	522	4.5%
5	1,377	12.0%
6	696	6.0%
7	2,333	20.3%
8	3,792	33.0%
<b>TOTAL</b>	<b>11,506</b>	<b>100.0%</b>

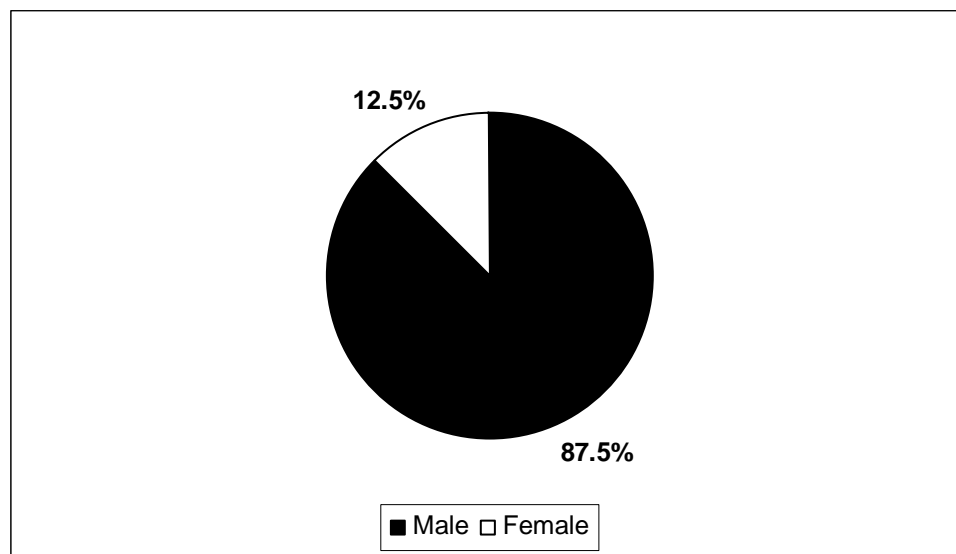
**Figure 1. Maryland Judicial Circuits**



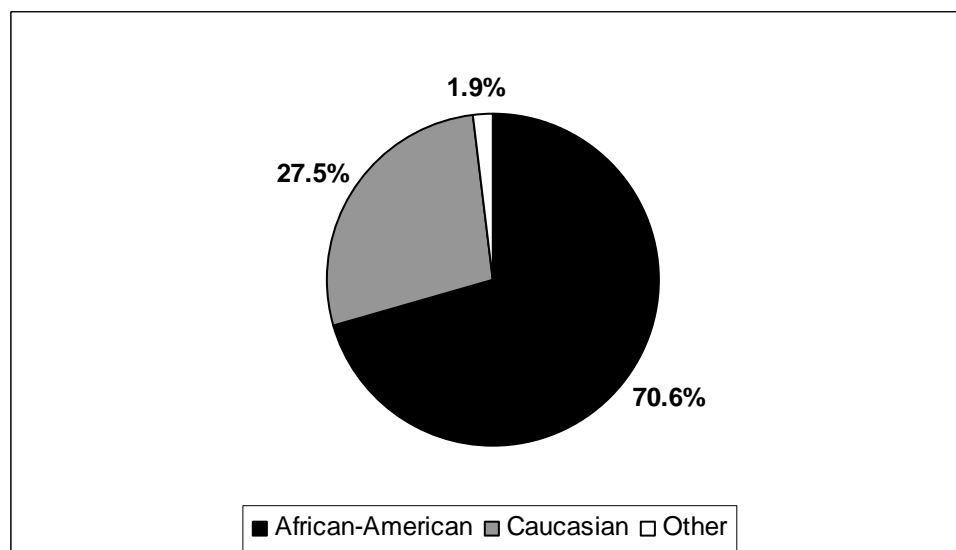
## Case Characteristics

Figures 2 through 4 summarize the descriptive characteristics from the 11,506 worksheets submitted for offenders sentenced in 2006. Most were male (87.5%) and African-American (70.6%). The median age of offenders at date of sentencing was 27 years. The youngest offender was 14, while the oldest was 82 years of age. Approximately 20% of offenders were under 21 years of age; 40% were 21-30 years old; 21% were 31-40 years old; and the remaining 19% were 41 years or older.

**Figure 2. Distribution of Cases by Gender of Offender, 2006**



**Figure 3. Distribution of Cases by Race of Offender, 2006**



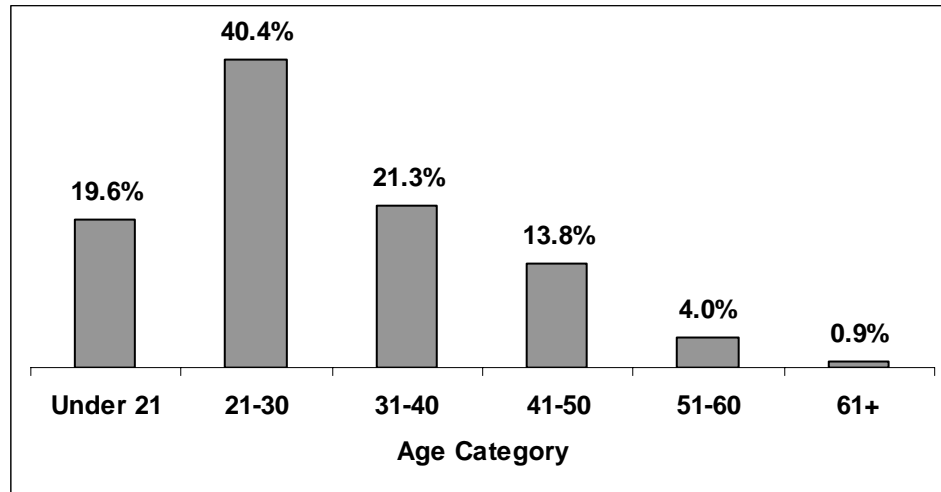
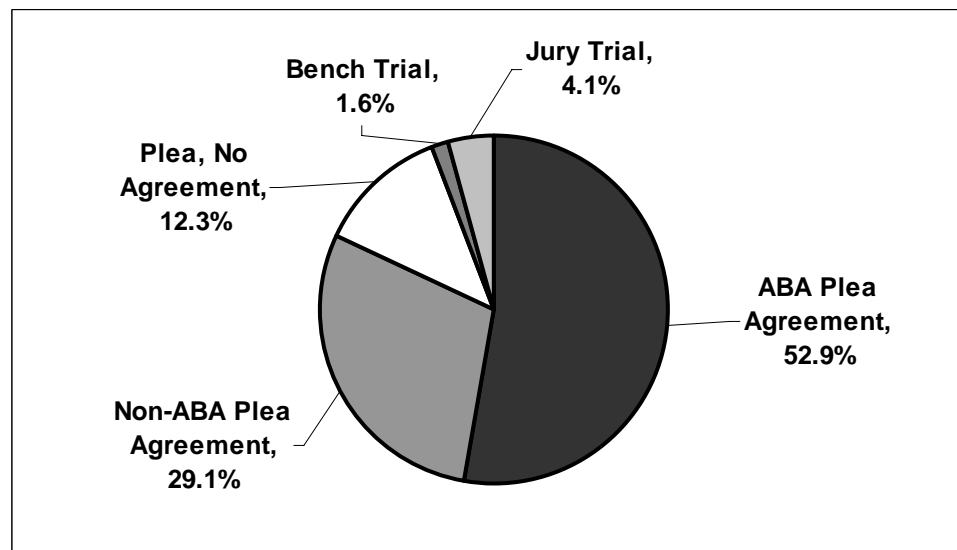
**Figure 4. Distribution of Cases by Age of Offender, 2006**

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 (52.9%) or a non-ABA plea agreement (29.1%). An additional 12.3% were resolved by a plea with no agreement, and 5.7% of cases were resolved by either a bench or jury trial (1.6% and 4.1%, respectively). Note that the total number of cases on which these percentages are based excludes reconsideration/review (N=16) and probation revocation cases (N=111).<sup>1</sup>

**Figure 5. Distribution of Cases by Disposition, 2006**

<sup>1</sup> Of the 11,506 guidelines worksheets received in 2006, the disposition was missing for 1,925 worksheets (16.7% of all cases). Therefore, the distribution of cases by disposition is based on a sample of 9,454 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

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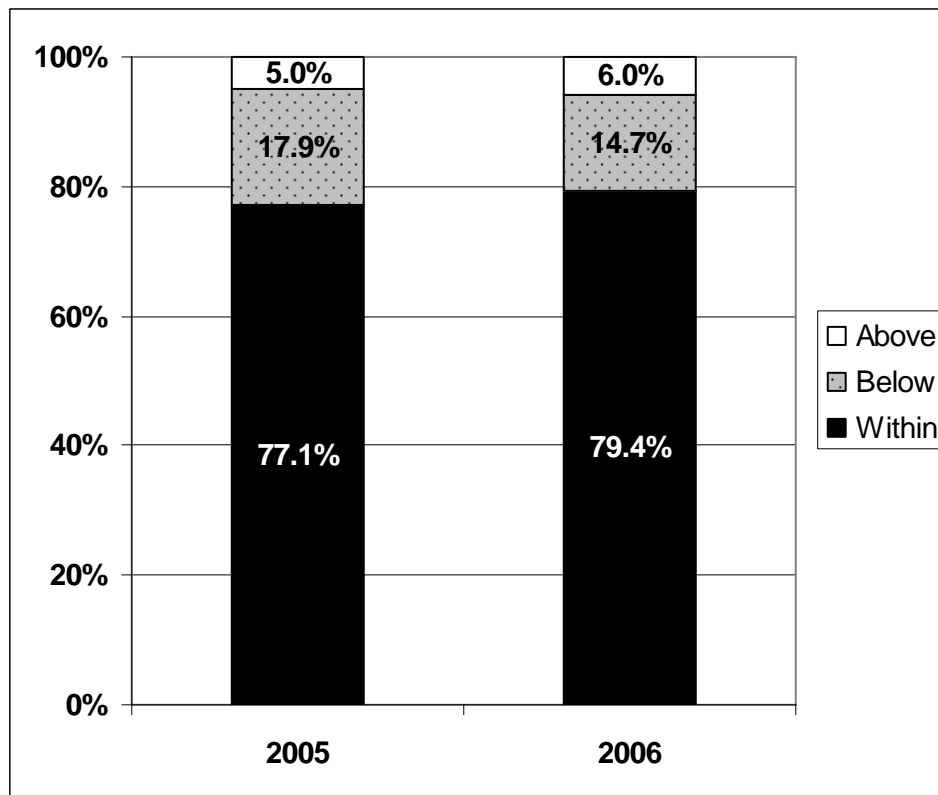
A sentence is deemed compliant with the guidelines if the initial sentence (defined as the sum of incarceration, credited time, and home detention) falls within the applicable guidelines range. In addition, as of July 2001, all sentences pursuant to an American Bar Association (ABA) plea agreement are considered compliant (COMAR 14.22.01.17), as they represent an accurate reflection of the consensus of the parties and the court within the specific community they represent. 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, or escape.

Figure 6 contains a breakdown of the overall guidelines compliance rates for 2005 and 2006. The figure indicates that in both years, the overall rate of compliance exceeded the Commission's goal of 65% compliance.<sup>2</sup> In addition, the aggregate compliance rate increased from 77.1% in 2005 to 79.4% in 2006.

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<sup>2</sup> 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.

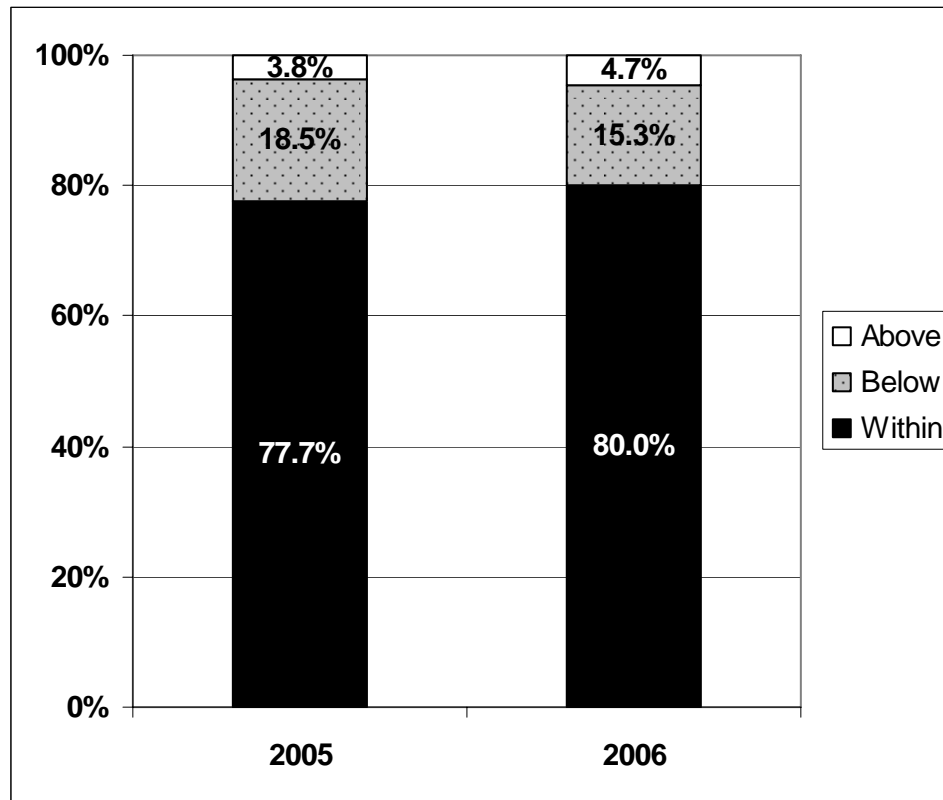
**Figure 6. Overall Sentencing Guidelines Compliance by Year  
(All Cases)**



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 2005 and 2006. Of the 11,506 sentencing guidelines worksheets submitted to the SCCSP in 2006, 8,760 (76%) contained single count convictions.

Figure 7 provides a breakdown of the overall guidelines compliance rates for 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 77.7% in 2005 to 80% in 2006. When departures occurred, they were more often below the guidelines rather than above.

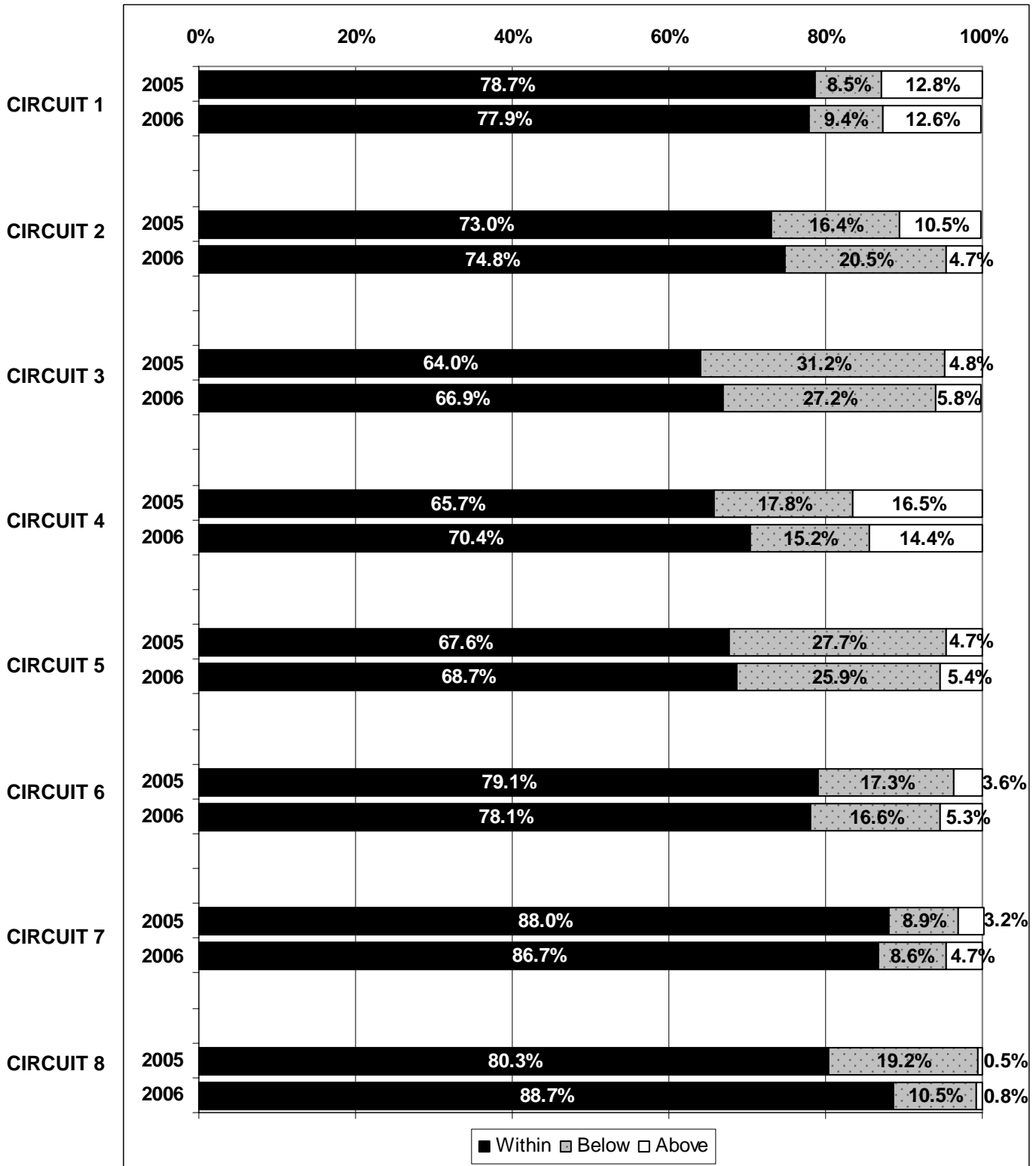
**Figure 7. Overall Sentencing Guidelines Compliance by Year  
(Single Count Convictions)**



### **Judicial Compliance Rates by Circuit**

As shown in Figure 8, all eight circuits met the 65% compliance benchmark in 2006. The circuit with the largest number of defendants, the Eighth Circuit, had the highest compliance rate (88.7%). This circuit also experienced the largest increase in the compliance rate from 2005 to 2006 (increase of 8.4%). Rates remained relatively unchanged in the First, Second, Fifth, Sixth, and Seventh Circuits. The Third Circuit experienced a small increase in compliance (2.9%), while the Fourth Circuit experienced an increase of nearly 5%.

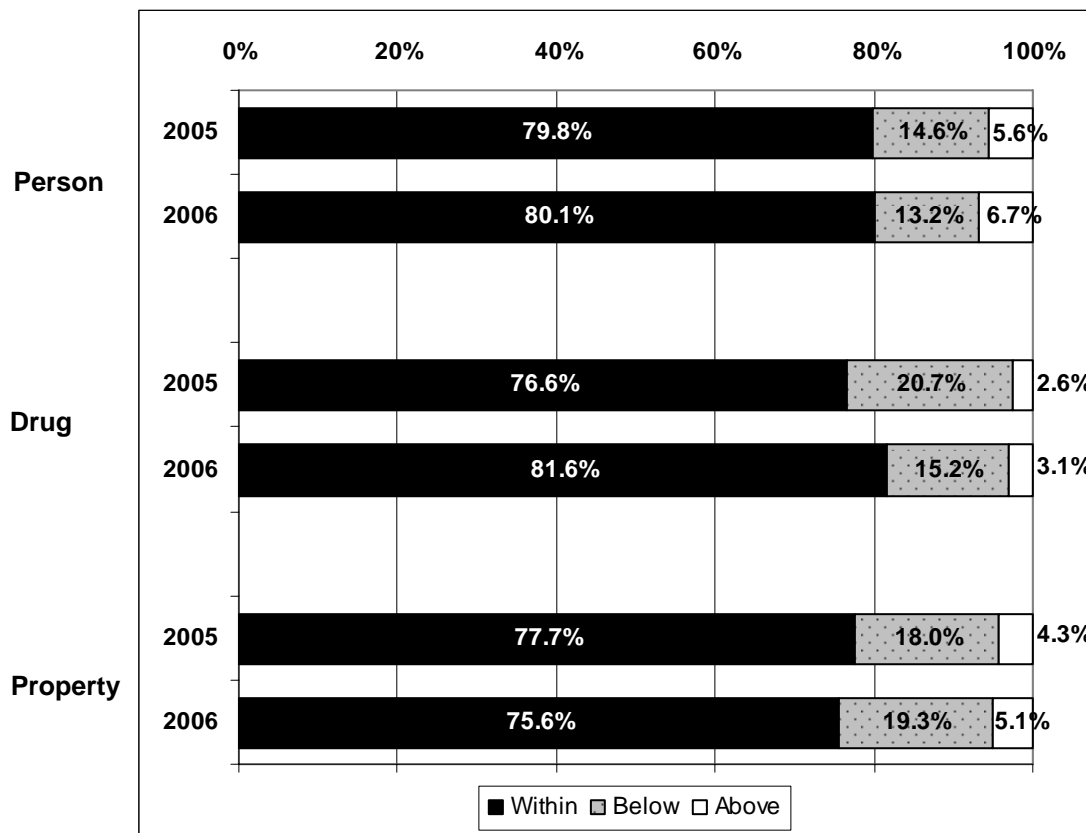
**Figure 8. Sentencing Guidelines Compliance by Circuit and Year**



## Judicial Compliance Rates by Crime Category

Figure 9 shows judicial compliance by crime category for 2005 and 2006. In 2006, drug offenses were the least likely to result in a departure from the guidelines. Between 2005 and 2006, the compliance rate for drug offenses increased 5%, from 76.6% to 81.6%. The compliance rate for person offenses held steady around 80%, while the rate for property offenses decreased slightly from 77.7% to 75.6%. The 65% benchmark was met for all three crime categories in both years.<sup>3</sup>

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

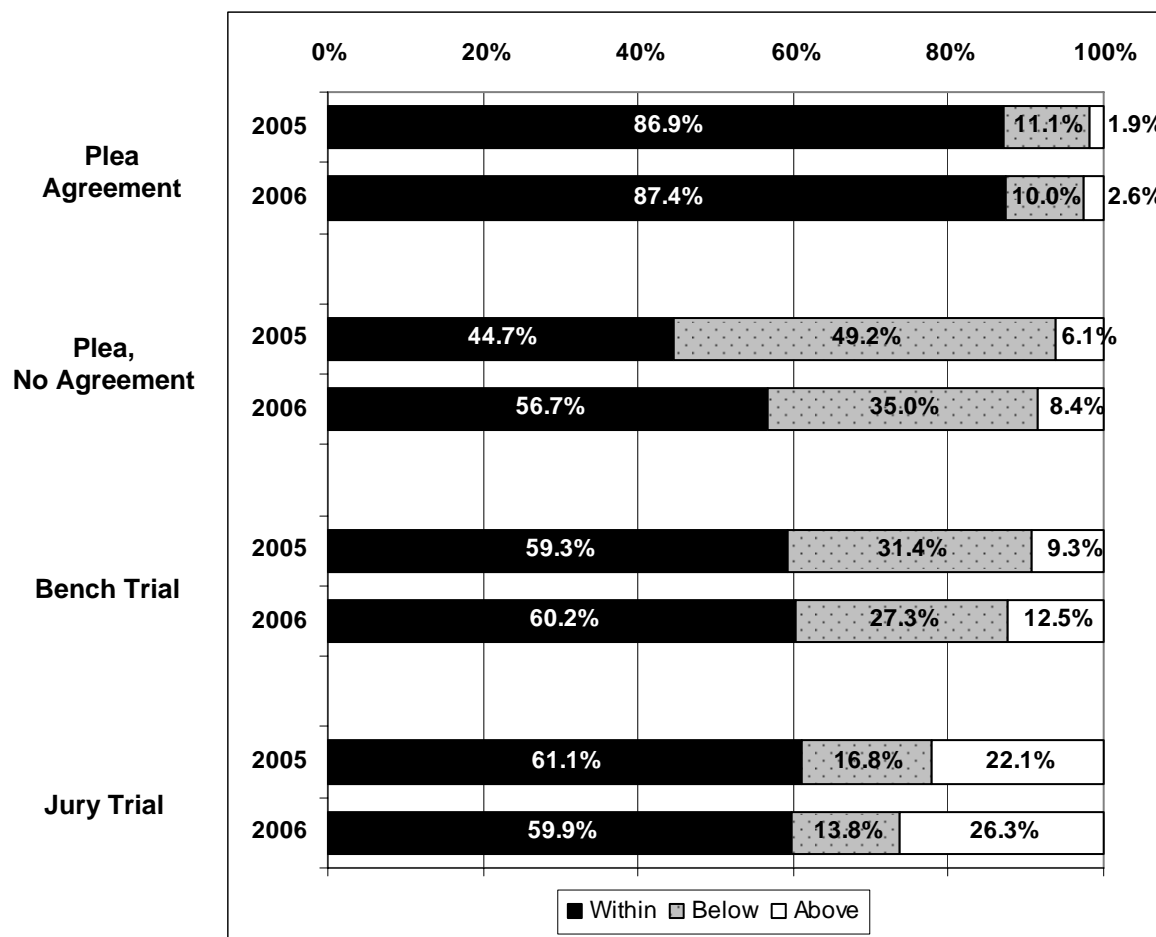


<sup>3</sup> See Appendix D for sentencing guidelines compliance rates for the five most common offenses in each crime category.

## 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 years, compliance rates remained more or less unchanged for cases disposed by a plea agreement, bench trial, and jury trial. In contrast, the compliance rate for cases adjudicated by a plea with no agreement jumped 12%, from 44.7% in 2005 to 56.7% 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.

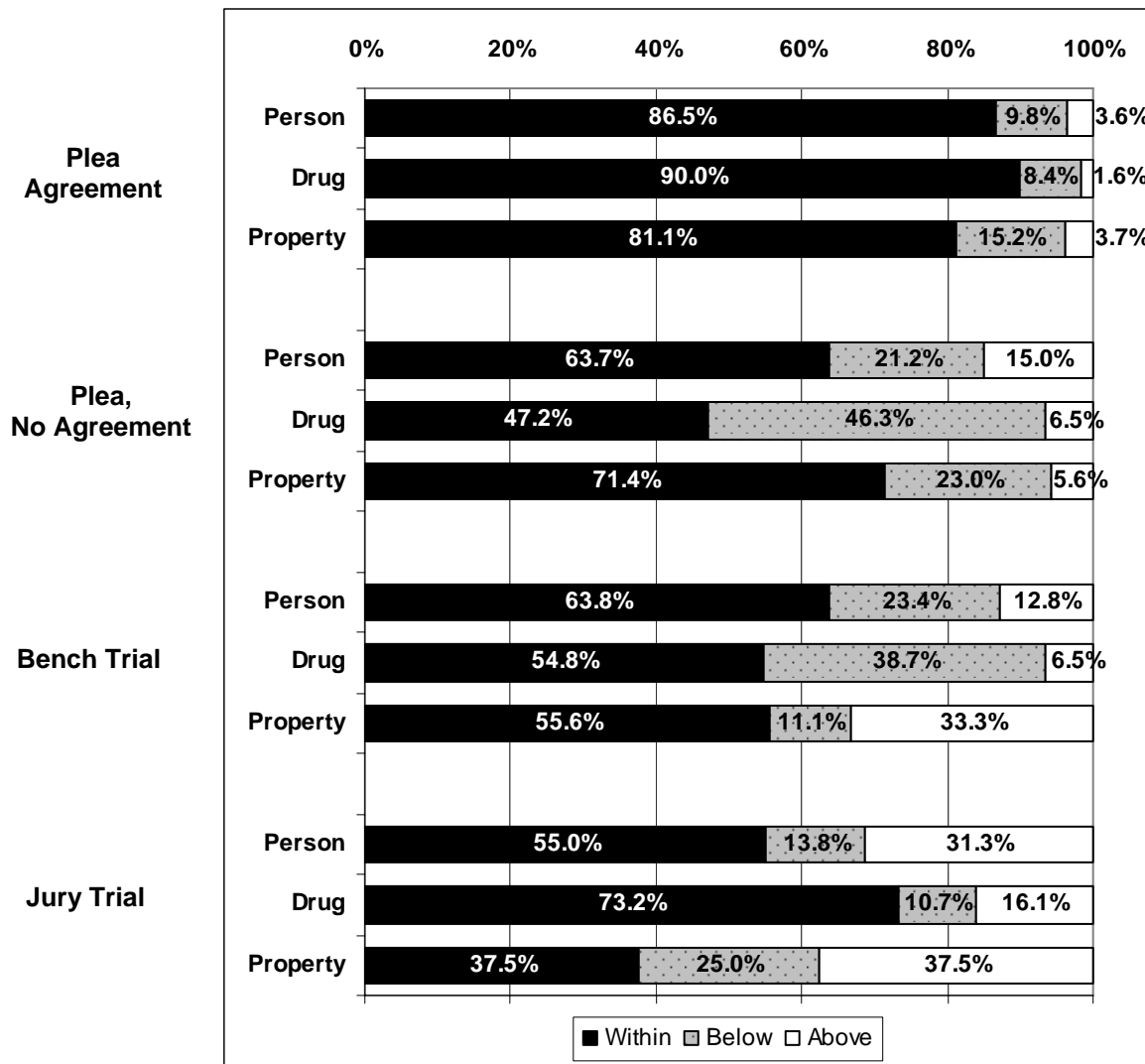
**Figure 10. Sentencing Guidelines Compliance by Type of Disposition and Year**



## Judicial Compliance Rates by Crime Category and Disposition

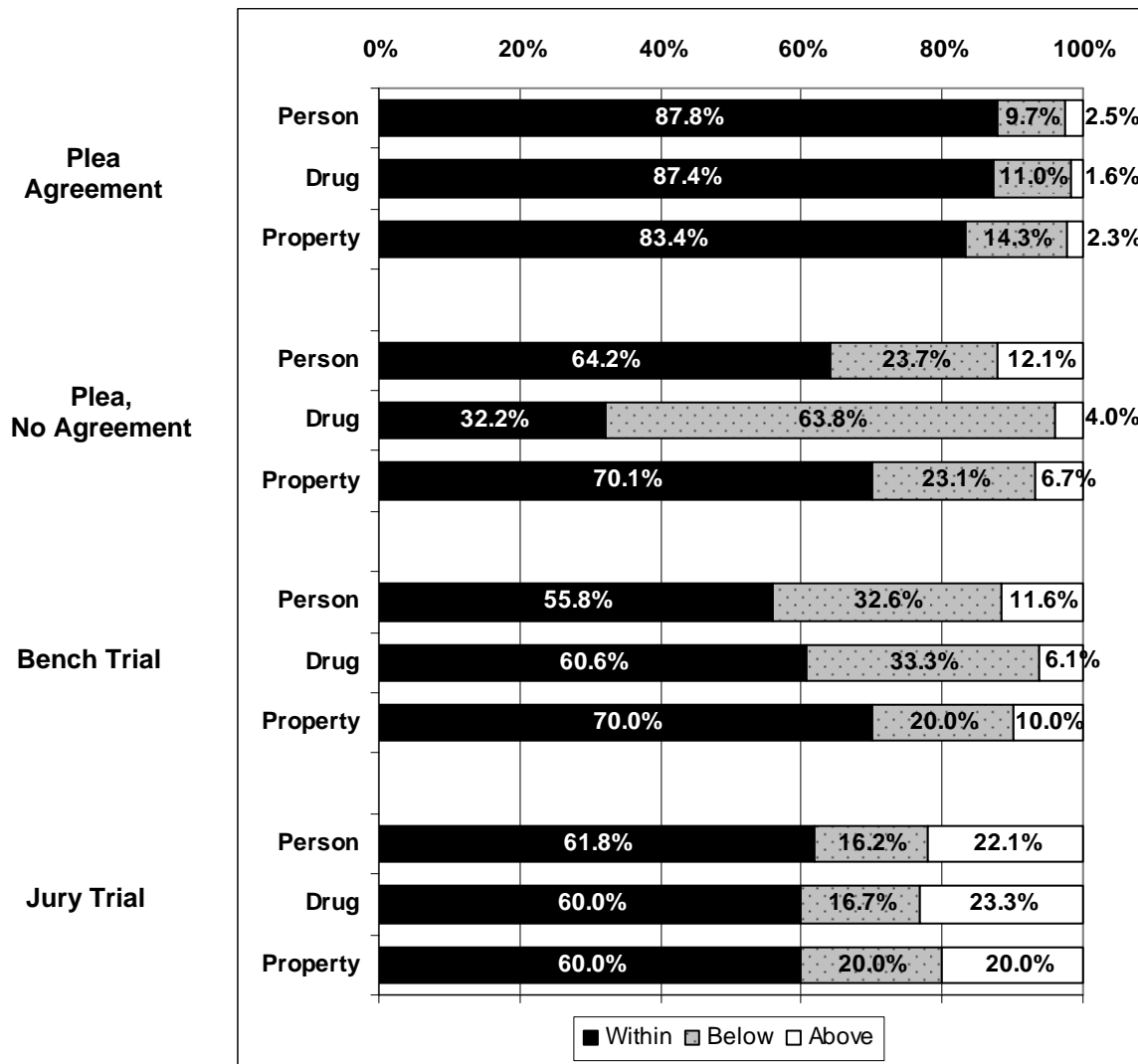
Compliance rates by crime category and disposition are displayed in Figure 11 for 2006 and in Figure 12 for 2005. Looking first at the findings for 2006, the highest compliance rates were observed for person, drug, and property offenses adjudicated by a plea agreement (86.5%, 90%, and 81.1%, respectively). The only other compliance rates to meet the benchmark of 65% were those for property offenses adjudicated by a plea with no agreement (71.4%) and drug offenses adjudicated by a jury trial (73.2%). Property offenses adjudicated by a jury trial had the lowest compliance rate (37.5%), and upward departures were most common among cases in this category (37.5%). In comparison, downward departures were most frequent for drug offenses adjudicated by a plea with no agreement (46.3%).

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



Similar to the findings for 2006, the highest compliance rates for 2005 were observed for person, drug, and property offenses adjudicated by a plea agreement (87.8%, 87.4%, and 83.4%, respectively). The only other compliance rates to meet the benchmark of 65% were those for property offenses adjudicated by a plea with no agreement (70.1%) or bench trial (70%). Drug offenses adjudicated by a plea with no agreement had the lowest compliance rate (32.2%), and downward departures were most common among cases in this category (63.8%).

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



A comparison of Figures 11 and 12 indicates that the compliance rate dropped from above the 65% benchmark in 2005 to below the 65% benchmark in 2006 for property offenses adjudicated by a bench trial. Conversely, compliance rose from below the 65% benchmark in 2005 to above the 65% benchmark in 2006 for 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 2006. In comparison, departures for property offenses adjudicated by a



bench trial were more often below the recommended range in 2005, and departures for property offenses adjudicated by a jury trial were evenly split above and below the guidelines.

## **Departure Reasons**

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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 5 and 6 display the reasons given for departures from the guidelines in 2006. The tables include all of the reasons listed on the reference card as well as the most commonly cited “other” reasons. Table 5 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 60.5% 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; 2) recommendation of the State’s Attorney or Division of Parole and Probation; and 3) offender’s commitment to substance abuse treatment or other therapeutic program.

**Table 5. Departure Reasons for Cases Below the Guidelines, 2006<sup>a</sup>**

<b>Mitigating Reasons</b>	<b>Percent of Departures Where Reason is Cited</b>	<b>Valid Percent<sup>b</sup></b>
<i>No Departure Reason Given</i>	60.5%	---
The parties reached a plea agreement that called for a reduced sentence	20.7%	52.3%
Recommendation of State's Attorney or Division of Parole and Probation	12%	30.5%
Offender's commitment to substance abuse treatment or other therapeutic program	3.9%	10%
Offender's minor role in the offense	2.1%	5.3%
Offender made restorative efforts after the offense	1.9%	4.9%
Offender's age/health	1%	2.5%
Offender's prior criminal record not significant	0.8%	2.1%
Offender had diminished capability for judgment	0.7%	1.8%
Weak facts of the case	0.7%	1.8%
Victim's participation in the offense lessens the offender's culpability	0.6%	1.6%
Offender cooperated with authorities	0.5%	1.2%
Offender was influenced by coercion or duress	0.2%	0.6%
Other reason (not specified above)	7.1%	18%

<sup>a</sup> Multiple reasons may be cited in each case.

<sup>b</sup> Valid percent is based on the number of cases below the guidelines where a reason is cited.

Table 6 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 58.8% 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; 2) offender's major role in the offense; and 3) special circumstances of the victim.

**Table 6. Departure Reasons for Cases Above the Guidelines, 2006<sup>a</sup>**

<b>Aggravating Reasons</b>	<b>Percent of Departures Where Reason is Cited</b>	<b>Valid Percent<sup>b</sup></b>
<i>No Departure Reason Given</i>	58.8%	---
Recommendation of State's Attorney or Division of Parole and Probation	15.6%	37.8%
Offender's major role in the offense	5.5%	13.4%
Special circumstances of the victim	5%	12.2%
The vicious or heinous nature of the conduct	4.8%	11.6%
The level of harm was excessive	4.3%	10.4%
Offender's prior criminal record significant	3.8%	9.1%
Offender exploited a position of trust	3.3%	7.9%
Offender's significant participation in major controlled substance offense	3%	7.3%
Offender committed a "white collar" offense	0.8%	1.8%
Other reason (not specified above)	14.8%	36%

<sup>a</sup> Multiple reasons may be cited in each case.

<sup>b</sup> Valid percent is based on the number of cases above the guidelines where a reason is cited.

## **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.<sup>4</sup>

Since the SCCSP began collecting information on reconsidered cases in fiscal year 2002, worksheets for these cases have been 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 2006 are summarized below.

### **Report on Adjustments from Reconsidered Sentences**

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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 7 reports the submissions of all reconsidered sentences reported to the SCCSP for 2006 by circuit. The table is based on reconsidered sentences for 16 offenders and 24 offenses.

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<sup>4</sup> 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] was the most common offense in reconsidered cases reported to the SCCSP in 2006.

**Table 7. Case Reconsiderations, 2006<sup>a</sup>**

<b>Circuit</b>	<b>Offense</b>	<b># of Cases</b>
SECOND	Unlawful Taking of Motor Vehicle	1
SEVENTH	Child Abuse, Physical, 1 <sup>st</sup> Degree	1
	Assault, 1 <sup>st</sup> Degree	3
	Assault, 2 <sup>nd</sup> Degree	1
	Handgun Use in Felony or Crime of Violence	2
	Wear, Carry, Transport Handgun	1
	Murder, 2 <sup>nd</sup> Degree	2
	Robbery with Dangerous Weapon	7
	Robbery	1
	Sex Offense, 4 <sup>th</sup> Degree	1
	CDS Distribution (Cocaine)	1
	CDS Distribution (Narcotics - Drug Not Identified)	1
EIGHTH	Possession of Firearm after Conviction for Crime of Violence or Certain CDS Crimes	2

<sup>a</sup> Table 7 is based on reconsidered sentences for 16 offenders and 24 offenses.

### **Economic Loss in Title 7 and Title 8 Crimes**

In 2006, 1,505 sentences for theft, fraud, and related crimes were reported to the SCCSP. The amount of economic loss to the victim was recorded for only 195 (13%) of these cases. When reported, economic loss ranged in value from a minimum of no loss to a maximum of \$366,000. The average amount of loss was \$18,364. 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 2008

The work of the SCCSP in 2008 will largely be driven by pressing policy issues and concerns that develop throughout the course of the year. However, the SCCSP has identified several activities that will be addressed in 2008.

In January 2008, the Commission will release a new, updated version of the Maryland Sentencing Guidelines Manual. The Guidelines Manual has been reorganized for clarity and ease of use. Revisions to the Guidelines Manual will include: a new chapter explaining special applications in the guidelines; additional sample worksheets to illustrate accurate worksheet completion; a new section on frequently asked questions (FAQ); and revisions to clarify proper calculation of prior adult record.

Additionally, the SCCSP will continue to perform routine 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 the COMAR. The SCCSP also plans to review the application of the sentencing guidelines for white collar offenses and will review the seriousness category for conspiracy to commit 1<sup>st</sup> degree murder. The Subcommittee on Sentencing Drug Offenders will work to assess the sentencing of drug offenders, availability of treatment programs, and the options available to the judiciary for dealing with Maryland's drug offender population.

In 2008, the Commission will continue to provide training on the application of the guidelines and will work with the judiciary to establish a protocol for providing one-on-one training for all new appointees to the circuit court bench. Furthermore, the Commission will provide orientation and training for utilization of the automated sentencing guidelines system once it is fully implemented. The SCCSP will collaborate with the Information Technology and Communications Division of DPSCS to expand the capacity of the automated system by implementing a system for automatic retrieval of criminal history information through the Maryland CJIS.

In response to its mandate to incorporate a correctional simulation model to help determine the impact on the correctional population for any proposed changes to the guidelines, the SCCSP will work with ARS to complete the final stage of the model. ARS has agreed to work with the

SCCSP staff during the 2008 Legislative Session to help produce fiscal impact statements for legislation that considers modifications to penalty provisions or sentencing practice.

The activities described above are just a few of the many steps that will be taken by the Commission in 2008 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*

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

***P=Probation, M=Months, Y=Years***

<b>Sentencing Matrix for Property Offenses</b> (Revised 7/2001)								
<b>Offender Score</b>								
<b>Offense Seriousness Category</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7 or more</b>
<b>VII</b>	P-1M	P-3M	3M-9M	6M-1Y	9M-18M	1Y-2Y	1Y-3Y	3Y-5Y
<b>VI</b>	P-3M	P-6M	3M-1Y	6M-2Y	1Y-3Y	2Y-5Y	3Y-6Y	5Y-10Y
<b>V</b>	P-6M	P-1Y	3M-2Y	1Y-3Y	18M-5Y	3Y-7Y	4Y-8Y	8Y-15Y
<b>IV</b>	P-1Y	3M-2Y	6M-3Y	1Y-4Y	18M-7Y	3Y-8Y	5Y-12Y	10Y-20Y
<b>III</b>	P-2Y	6M-3Y	9M-5Y	1Y-5Y	2Y-8Y	3Y-10Y	7Y-15Y	15Y-30Y
<b>II</b>	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 (version 1.4)

MARYLAND SENTENCING GUIDELINES WORKSHEET				OFFENDER NAME - Last, First, Middle		SID#		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		REPRESENTATION		ETHNICITY	
<input type="checkbox"/> Yes <input type="checkbox"/> No AT THIS SENTENCING, NUMBER OF:		CONVICED OFFENSES:		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 INDIGENCE ESTABLISHED <input type="checkbox"/> Yes <input type="checkbox"/> No	
CONVICED OFFENSE TITLE				I-VII		CJIS CODE		MD CODE, ART, & SECTION		STAT. MAX MAND. MIN CASE # / DOCKET #	
1 <sup>st</sup> Convicted Offense											
2 <sup>nd</sup> Convicted Offense											
3 <sup>rd</sup> Convicted Offense											
OFFENSE SCORE(S) - Offense Against a Person Only				OFFENDER SCORE				ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Break the Cycle, Etc.)			
<b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off 1 1 = V - VII 3 3 = IV 5 5 = III 8 8 = II 10 10 = I				<b>A. Relationship to CPS When Instant Offense Occurred</b> 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision <b>B. Juvenile Delinquency</b> 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 <b>C. Prior Adult Criminal Record</b> 0 = None 3 = Moderate 1 = Minor 5 = Major <b>D. Prior Adult Parole/Prob Violation</b> 0 = No 1 = Yes				<b>1<sup>st</sup> Con. Off.</b> TO <b>2<sup>nd</sup> Con. Off.</b> TO <b>3<sup>rd</sup> Con. Off.</b> TO			
<b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off 0 0 = No Weapon 1 1 = Weapon Other Than Firearm 2 2 = Firearm or Explosive <b>1<sup>st</sup> Off</b> 2 <sup>nd</sup> Off 3 <sup>rd</sup> Off 0 0 = No 1 1 = Yes				<b>Offense Score(s)</b>				For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested Subsequent Offense Proven _____ Yes _____ No _____; Unknown Amount _____ Yes _____ No _____			
VICTIM INFORMATION				OFFENSE SCORE(S)				OFFENDER SCORE			
Victim <input type="checkbox"/> Yes <input type="checkbox"/> No Victim Unavailable <input type="checkbox"/> Yes <input type="checkbox"/> No NRF <input type="checkbox"/> Yes <input type="checkbox"/> No Victim Notified Plea <input type="checkbox"/> Yes <input type="checkbox"/> No Victim Notified Date <input type="checkbox"/> Yes <input type="checkbox"/> No Victim Present <input type="checkbox"/> Yes <input type="checkbox"/> No Written VIS <input type="checkbox"/> Yes <input type="checkbox"/> No Oral VIS <input type="checkbox"/> Yes <input type="checkbox"/> No No Contact with Victim <input type="checkbox"/> Yes <input type="checkbox"/> No CICB Cost Imposed <input type="checkbox"/> Yes <input type="checkbox"/> No				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):				Was the offender sentenced to a Corrections Options program under Commission criteria? Drug Court <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> Yes <input type="checkbox"/> No Institutional/Parole Recommendation or Additional Information			
Overall Guidelines Range Multiple Counts Only TO 50% of Sentence Announced <input type="checkbox"/> Yes <input type="checkbox"/> No				Parole Notification <input type="checkbox"/> Yes <input type="checkbox"/> No				Parole Notification <input type="checkbox"/> Yes <input type="checkbox"/> No			
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 - Prosecution; Gold - Defense

## Appendix C:

### Description of Types of Disposition

<b>Disposition Type</b>	<b>Description</b>
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, 2006 (Most Common Person, Drug, and Property Offenses)

<b>Person Offenses</b>	<b>N</b>	<b>% Within</b>	<b>% Below</b>	<b>% Above</b>
Assault, 2 <sup>nd</sup> Degree	789	82.3%	10.9%	6.8%
Robbery	363	87.9%	7.4%	4.7%
Wearing, Carrying, Transporting Handgun	210	88.1%	9.0%	2.9%
Assault, 1 <sup>st</sup> Degree	209	64.1%	32.5%	3.3%
Robbery with Dangerous Weapon	205	75.1%	21.5%	3.4%
<b>Drug Offenses</b>	<b>N</b>	<b>% Within</b>	<b>% Below</b>	<b>% Above</b>
Distribution Cocaine	1,565	76.5%	21.3%	2.2%
Distribution Heroin	714	86.3%	13.6%	0.1%
Distribution Marijuana	589	91.0%	6.6%	2.4%
Possession Cocaine	366	79.2%	15.0%	5.7%
Possession Marijuana	302	85.4%	1.0%	13.6%
<b>Property Offenses</b>	<b>N</b>	<b>% Within</b>	<b>% Below</b>	<b>% Above</b>
Theft, \$500 or Greater	377	77.7%	15.1%	7.2%
Burglary, 1 <sup>st</sup> Degree	235	72.3%	25.5%	2.1%
Burglary, 2 <sup>nd</sup> Degree	168	76.2%	21.4%	2.4%
Theft, Less Than \$500	133	72.2%	19.5%	8.3%
Burglary, 4 <sup>th</sup> Degree	85	70.6%	17.6%	11.8%

## 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).