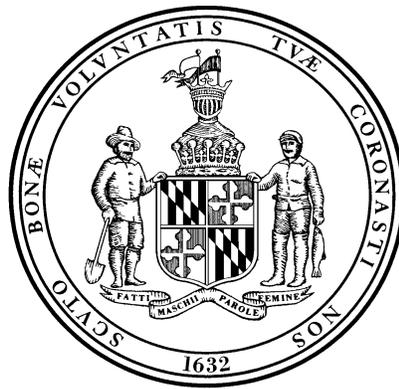


Maryland Sentencing Guidelines Manual



Version 2.0

Effective January 2003

State Commission on Criminal Sentencing Policy

University of Maryland

4511 Knox Road, Suite 309

College Park, MD 20742-8660

(301) 403-4165/phone • (301) 403-4164/fax

www.gov.state.md.us/sentencing

Preface

The Maryland sentencing guidelines cover most criminal cases originating in a circuit court. Based on sentencing experience in Maryland, the guidelines were first developed, with staff assistance, by a board of judges, legislators and other representatives of the criminal justice system.

The chief goals of sentencing guidelines are:

1. To increase equity in sentencing by reducing unwarranted disparity, including any racial disparity, while retaining judicial discretion to individualize sentences;
2. To articulate an explicit sentencing policy while providing a regular basis for policy review and change;
3. To provide information for new or rotating judges; and
4. To promote increased visibility and aid public understanding of the sentencing process.

Sentencing guidelines make it possible to take into account systematically and publicly the most common variations in offenders and their offenses, within the current sentencing framework. In cooperation with the judiciary, State's Attorneys, Public Defenders, and others in the criminal justice system, the State Commission on Criminal Sentencing Policy can help achieve systematic sentencing by identifying and assigning weights to core, objective factors for consideration by judges in making sentencing decisions. It should be emphasized that sentencing guidelines are, as the name indicates, guidelines to assist judges in sentencing. The guidelines are not mandatory. Guidelines complement rather than replace the judicial decision-making process and the proper exercise of judicial discretion.

Table of Contents

| | |
|--|-----------|
| 1. Scope | 1 |
| 2. Definitions | 2 |
| 3. Sentencing Guidelines Worksheet Completion and Distribution | 5 |
| 3.1 Single Criminal Event..... | 5 |
| 3.2 Multiple Criminal Events..... | 5 |
| 3.3 Sentencing Guidelines Worksheet Completion..... | 5 |
| 3.4 Actual Sentence Completed By Judge | 6 |
| 3.5 Pre-Sentencing Distribution of Sentencing Guidelines Worksheets..... | 6 |
| 3.6 Post-Sentencing Worksheet Distribution..... | 6 |
| Table 3-1. Distribution of Worksheets | 7 |
| 4. Case Information | 9 |
| 4.1 Race and Ethnicity | 9 |
| 4.2 Jurisdiction Code..... | 9 |
| Table 4-1. Jurisdiction Codes..... | 10 |
| 4.3 Convicted Offenses | 10 |
| 4.4 Number of Criminal Events | 11 |
| 4.5 Page Numbering of Worksheets. | 11 |
| 4.6 Disposition Type | 11 |
| Table 4-2. Disposition Types..... | 12 |
| 4.7 Representation..... | 12 |
| 4.8 Victim Information..... | 12 |
| Table 4-3. Victims' Rights Information..... | 13 |
| 4.9 Convicted Offense Title..... | 13 |
| 4.10 Maryland Code, Article & Section | 14 |
| 4.11 CJIS Code..... | 14 |
| 4.12 Statutory Maximum & Mandatory Minimum Penalties | 14 |
| 4.13 Signatures | 14 |
| 4.14 Announcement of 50% of Sentence | 14.1 |
| 4.15 Restitution Requested | 14.1 |
| 5. Guidelines Scoring..... | 15 |
| 5.1 Computation of the Offense Score (<i>Offenses Against a Person Only</i>) | 15 |
| Table 5-1. Offense Score (Offense Against a Person Only)..... | 16 |
| 5.2 Computation of the Offender Score..... | 18 |
| Table 5-2. Offender Score..... | 19 |
| Table 5-3. Prior Adult Criminal Record Matrix | 22 |
| Figure 5-1. Criteria for Prior Adult Criminal Record..... | 23 |
| Figure 5-2. Criteria for Prior Record Worksheet | 26 |
| 6. Determining the Guidelines Sentence Range..... | 27 |
| 6.1 Guidelines Range..... | 27 |

| | | |
|-------------------|---|-----------|
| 6.2 | Person Offenses..... | 27 |
| | Table 6-1. Sentencing Matrix for Offenses Against Persons | 28 |
| 6.3 | Drug Offenses | 29 |
| | Table 6-2. Sentencing Matrix for Drug Offenses | 29 |
| 6.4 | Property Offenses | 30 |
| | Table 6-3. Sentencing Matrix for Property Offenses | 30 |
| 6.5 | Actual Sentence | 30 |
| 6.6 | Effect of Mandatory Sentences on Guidelines Range..... | 31 |
| 6.7 | Subsequent Offenses | 31 |
| 7. | Multiple Offense Scoring | 32 |
| 7.1 | Single Criminal Event, <i>Not More Than One Seriousness Category I or II Offense</i> | 32 |
| | Table 7-1. Examples of Scoring Single Criminal Events with Not More Than One Offense from Seriousness Category I or II | 32 |
| 7.2 | Single Criminal Event, <i>Two or More Seriousness Category I or II Offenses</i> | 33 |
| | Table 7-2. Examples of Scoring Single Criminal Events with Two or More Seriousness Category I or II Offenses | 33 |
| 7.3 | Multiple Criminal Events, <i>One Offense in Each Event</i> | 33 |
| | Table 7-3. Examples of Scoring Multiple Criminal Events with One Offense in Each Event..... | 34 |
| 7.4 | Multiple Criminal Events, <i>Multiple Offenses Within One or More of the Events</i> | 34 |
| | Table 7-4. Examples of Scoring Multiple Criminal Events with More than One Offense in One or More Events..... | 35 |
| 8. | Determining Whether a Sentence is Within the Guidelines Range..... | 36 |
| 8.1 | Suspended Time | 36 |
| 8.2 | Credit for Time Served..... | 36 |
| 8.3 | Offender Already Under Sentence | 36 |
| 8.4 | Consecutive Versus Concurrent Sentences | 37 |
| 8.5 | Length of Probation | 37 |
| 8.6 | Sentences Deemed to Be Within Guidelines..... | 37 |
| 9. | Sentences Outside the Guidelines Range..... | 38 |
| 9.1 | Using the Departure Codes | 38 |
| 9.2 | Departure Below the Guidelines Range | 38 |
| 9.3 | Departure Above the Guidelines Range | 39 |
| 9.4 | Interpreting the Common Reasons for Departure | 39 |
| 10. | Sample Cases | 40 |
| 1 | Single Convicted Offense, Offense Against A Person | 41 |
| 2 | Single Convicted Offense, Drug Offense | 44 |
| 3 | Single Convicted Offense, Property Offense | 47 |
| 4 | Multiple Convicted Offenses, Single Criminal Event..... | 50 |
| 5 | Multiple Convicted Offenses from Categories I and II, Single Criminal Event..... | 55 |
| 6 | Multiple Convicted Offenses, Multiple Criminal Events..... | 61 |
| 7 | Multiple Convicted Offenses, Single and Multiple Criminal Events..... | 66 |
| 8 | Mandatory Minimum Sentence..... | 72 |
| Appendix A | – Guidelines Offense Table..... | 75 |

Scope

The Maryland sentencing guidelines apply to criminal cases prosecuted in a circuit court. The following sentencing matters handled by judges in a circuit court are excluded from guidelines coverage:

- Prayers for jury trial from District Court, UNLESS a PSI is ordered;
- Appeals from 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, Annotated Code of Maryland;
- Public local laws and municipal ordinances.

Under Criminal Procedure Article, §6-211(b), Annotated Code of Maryland, the sentencing guidelines are voluntary and may not be construed to require a court to sentence a defendant as prescribed by the guidelines.

A list of many Maryland criminal offenses and their corresponding seriousness categories appear in Appendix A. If an offense is not listed in Appendix A, the individual completing the guidelines worksheet shall use the seriousness category for the closest analogous offense. In such instances, the sentencing judge and the parties shall be notified.

Please note that the Sentencing Guidelines Manual is not law and the Manual is provided for illustrative purposes only. The Guidelines are codified in Title 14, Independent Agencies, Subtitle 22, Commission on Criminal Sentencing Policy in the Code of Maryland (COMAR). If there is any dispute or question regarding the content contained in the Manual, the user should review the specific language under COMAR for clarification.

COMAR is provided for online viewing by the State of Maryland, Division of State Documents at <http://www.dsd.state.md.us> and by the Commission at <http://www.msccsp.org>. Further information on the SCCSP, including the most recent changes to the Sentencing Guidelines and to the Manual can also be found on the Commission's website

Definitions

- ABA Plea Agreement** A plea agreement that a court has approved relating to a particular sentence, disposition, or other judicial action. The agreement is binding on the court under Maryland Rule 4-243(c).
- Cell** The intersection of the offense score (or seriousness category) and the offender score on a two-variable guideline matrix.
- Correctional Options**
- Home detention;
 - A corrections options program under law which requires the individual to participate in home detention, inpatient treatment, or other similar programs involving terms and conditions that constitute the equivalent of confinement;
 - Inpatient drug or alcohol counseling under Health General Article, Title 8, Subtitle 5, Annotated Code of Maryland; or
 - Participation in a drug court or HIDTA substance abuse treatment program.
 - Correctional Options include programs such as Tamar’s Children, established by the State Division of Correction, provided that the defendant meets the Commission’s criteria.
- Departure** A judicially imposed sentence that falls outside of the recommended sentencing guidelines range. Exceptions to departure are explained in section 8.6, “Sentences Deemed to be Within the Guidelines.”
- Drug Offense** An offense involving controlled dangerous substances or paraphernalia.
- Guidelines Offense** Offense prosecuted in a circuit court.
Guidelines offenses *include* new trials, re-sentencings and probation revocations ordered by appellate courts, provided the

original offense was also a guidelines offense.

Guidelines offenses *do not* include:

- Prayers for jury trial from District Court, UNLESS a PSI is ordered;
- Appeals from District Court, UNLESS a PSI is ordered;
- Offenses that carry no possible penalty of incarceration;
- First Degree Murder offenses if the death penalty is sought under CR, §2-303, Annotated Code of Maryland;
- Public local laws and municipal ordinances.

Guidelines Range The recommended sentencing range for offenders who fall within a particular cell of the person, drug, and property offense sentencing matrices.

Judge The trial judge who imposes or alters a sentence or a panel of trial judges who alter a sentence.

Multiple Criminal Events More than one criminal transaction committed over a period of time. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events.

Offender Score A summary score ranging from 0 to 9 measuring an offender's prior criminal history and calculated for use in the person, drug, and property offense sentencing matrices.

Offense Score A summary score ranging from 1 to 15 measuring the seriousness of a person offense and calculated for use in the person offense sentencing matrix.

Person Offense An offense involving:

- a. a confrontation between the offender and the victim, including offenses with bodily harm or the threat of bodily harm to a victim; or
- b. weapons.

Property Offense An offense where property is unlawfully damaged or taken.

PSI A pre-sentence investigation prepared in accordance with §6-112 of the Correctional Services Article.

Sentencing Guidelines Worksheet The form issued by the State Commission on Criminal Sentencing Policy and used to determine the recommended sentence outcome and to record sentencing data.

Seriousness Category An offense ranking ranging from I to VII, where I designates the most serious criminal offenses and VII designates the least

serious criminal offenses.

Single Criminal Event One or more crimes committed in the course of the same transaction.

Special Vulnerability of Victim Cases in which the relative status of the victim tends to render actions of the perpetrator all the more serious. A vulnerable victim is anyone:

- a. younger than 11 years old;
- b. 65 years old or older; or
- c. physically or mentally handicapped. The handicap may be temporary or permanent. Physically or mentally handicapped shall include any person who is either physically or mentally limited in any material way.

Victim Injury Physical or psychological injury to the crime victim. The cause of physical or psychological injury is directly linked to the conduct of the defendant in the commission of the convicted offense.

Weapon Usage The use of any article or device which reasonably appears capable of causing injury or any article that could result in conviction under CR, §4-101, Annotated Code of Maryland. Specific rules regarding the application of the weapon usage enhancement are found in section 5.1(C).

‘White Collar’ Offense A property offense, identified as an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage.

Sentencing Guidelines Worksheet Completion and Distribution

3.1 Single Criminal Event

The Sentencing Guidelines Worksheet is to be used for up to three convicted offenses from a single criminal event. A single criminal event is defined as one or more crimes committed in the course of the same transaction. If there are more than three convicted offenses from a single criminal event, additional worksheets are to be used as needed.

3.2 Multiple Criminal Events

Multiple criminal events means more than one criminal transaction committed over a period of time. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events.

The individual completing the worksheet is to use at least one worksheet for each event. Multiple events should not be compiled on a single worksheet.

3.3 Sentencing Guidelines Worksheet Completion

Prior to a sentencing decision using the guidelines, an individual should complete the worksheet down to the section labeled “Actual Sentence” and include each convicted offense for which the offender is to be sentenced. *Only convicted offenses are to be included on the worksheet.* Each of these convicted offenses for which the offender is to be sentenced should be included. Merged offenses should not be included on the guidelines worksheet. A blank copy of the worksheet can be found on page 8.

If the judge orders a pre-sentence investigation (PSI), an agent of the Division of Parole and Probation shall complete each worksheet to the section labeled “Actual Sentence.” The agent should send to the court the first four copies, together with the PSI and the Maryland Sentencing Guidelines Criteria for Prior Record form issued by the State Commission on

Criminal Sentencing Policy. The last two copies should be sent to the State's Attorney and the defense attorney, respectively, in compliance with the "sufficient time to investigate" requirement of Maryland Rule 4-341.

If the judge does not order a PSI, the judge may complete the worksheet personally or delegate the task to counsel or the judge's staff.

Regardless of who completes the worksheet, the judge shall review the worksheets for completeness and for accuracy.

3.4 Actual Sentence Completed By Judge

At sentencing, the actual sentence and any changes on the worksheet should be entered by the judge and recorded by the two attorneys on their copies. Complete sentencing information for each convicted offense must be provided on the worksheet including incarceration time imposed, amount of time suspended, credit for time served, whether sentence is concurrent or consecutive, length of probation, amount of fine and/or restitution, and community service imposed.

3.5 Pre-Sentencing Distribution of Sentencing Guidelines Worksheets

The individual who completes the final portions of the worksheet should forward a copy of each completed worksheet to both the State and the defense so that they will have an opportunity to review the information provided. The State and the defense shall bring any disagreements between them to the judge's attention prior to sentencing. Changes in the worksheet may be made only by or with the approval of the judge.

3.6 Post-Sentencing Worksheet Distribution

After sentencing, the clerk shall distribute copies according to individual court practice. The blue copy shall be sent to the State Commission on Criminal Sentencing Policy. If the court orders probation, the clerk shall forward a copy of the worksheet to the appropriate probation office. The clerk shall forward a copy of the worksheet to the agency that has been ordered to retain custody of the defendant. An agency receiving an inmate eligible for parole shall duplicate its worksheet and forward a copy of the worksheet to the Parole Commission. Table 3-1 on the next page provides distribution information for the worksheet copies.

Table 3-1. Distribution of Worksheets

| | |
|--------|---|
| White | Sentencing Judge |
| Blue | Maryland State Sentencing Commission |
| Green | Depends on the sentence: a. Attach to commitment order if defendant receives any period of incarceration; <i>or</i> b. Attach to probation order if defendant is put on probation immediately; and c. If the case is a split sentence, the preparer is to send a photocopy to the Division of Parole and Probation. |
| Yellow | Court File |
| Pink | State's Attorney |
| Gold | Defense Attorney |

Guidelines Worksheet Goes Here!

Case Information

The top section of the guidelines worksheet contains space for important case information that is essential for maintaining a statewide sentencing guidelines database. This chapter provides instructions for completing the top section as well as other portions of the worksheet.

4.1 Race and Ethnicity

The “Race” box at the top of the guidelines worksheet requests information about the defendant’s racial makeup. The racial categories provided are those required by State Government Article, §10-606 (C).

Additionally, the information in the “Ethnicity” box is requested pursuant to State Government Article, §10-606 (C)(4) which states:

A form that requires identification of individuals by race shall include a separate question about whether a respondent is of Hispanic or Latino origin, with the question preceding the racial category question.

When possible, defendants must select their own answers to the race and ethnicity questions. A separate field is provided for “unidentifiable race.”

4.2 Jurisdiction Code

The person preparing the guidelines worksheet should record in the “Jurisdiction” box the numeric code that corresponds to the jurisdiction in which the case was heard. Table 4-1 on the next page contains the numeric code for each jurisdiction in the state.

Table 4-1. Jurisdiction Codes

| Jurisdiction | Code |
|---------------------|-------------|
| Allegany | 01 |
| Anne Arundel | 02 |
| Baltimore County | 03 |
| Calvert | 04 |
| Caroline | 05 |
| Carroll | 06 |
| Cecil | 07 |
| Charles | 08 |
| Dorchester | 09 |
| Frederick | 10 |
| Garrett | 11 |
| Harford | 12 |
| Howard | 13 |
| Kent | 14 |
| Montgomery | 15 |
| Prince George's | 16 |
| Queen Anne's | 17 |
| St. Mary's | 18 |
| Somerset | 19 |
| Talbot | 20 |
| Washington | 21 |
| Wicomico | 22 |
| Worcester | 23 |
| Baltimore City | 24 |

4.3 Convicted Offenses

In the space for the number of convicted offenses at this sentencing write the total number of offenses for which one judge must impose a specific sentence at one time and place. If the sentencing involves more than one criminal event, the number of convicted offenses is the sum of all offenses in all events. Merged offenses shall not be placed on the worksheet and may not be considered in calculating the guidelines range or in any of the worksheet computations. If the worksheet is completed before the sentencing hearing and offenses are listed that later are merged at sentencing, the judge shall clearly indicate on the worksheet which offenses have become merged.

4.4 Number of Criminal Events

In the space for the number of criminal events at this sentencing, write the total number of criminal events being sentenced at this time. A single criminal event is one or more offenses committed in the course of the same transaction. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events. The sentencing judge shall resolve any disputes about the number of criminal events.

4.5 Page Numbering of Worksheets.

Multiple worksheets may be required for a single sentencing event. The worksheets should be numbered consecutively in the space provided for worksheet number.

When there is only one criminal event and more than three convicted offenses, additional worksheets should be attached. These worksheets should be numbered consecutively in the “Worksheet #” space but, since there is only one criminal event, each should be marked with a “1” in the “Criminal Event #” space.

Example: An offender is being sentenced for five offenses, all part of the same criminal event. Two worksheets should be prepared, one containing three of the offenses and identified as “WORKSHEET # 1 OF CRIMINAL EVENT # 1” and the second containing the other two offenses and identified as “WORKSHEET # 2 OF CRIMINAL EVENT # 1.”

When a sentencing event consists of more than one criminal event, the individual completing the worksheets should maintain a separate count of worksheets for *each criminal event*. If this is the case, the individual completing the worksheets shall number “Criminal Event #” space chronologically by date of offense.

Example: An offender is being sentenced for five offenses, two from one criminal event and three from another event that occurred a month later. Again, two worksheets should be prepared, however the numbering will be different. The first worksheet, containing the two offenses from the first criminal event, should be identified as “WORKSHEET # 1 OF CRIMINAL EVENT # 1” and the second worksheet, containing the three offenses from the second criminal event, should be identified as “WORKSHEET # 1 OF CRIMINAL EVENT # 2.”

4.6 Disposition Type

The disposition type refers to the nature and circumstances of the conviction and sentencing. Since the probation agent frequently lacks this information, *the sentencing judge should make sure it is included*. The “Disposition” box on the guidelines worksheet should be marked according to the conditions described in Table 4-2.

Table 4-2. Disposition Types

| | |
|-------------------------------|--|
| ABA Plea Agreement | The disposition resulted from a plea agreement that a court has 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 ultimately resulted from a bench trial. |
| Jury Trial | The disposition ultimately resulted from a jury trial. |
| Reconsideration | The current sentencing event is a reconsideration of a previously imposed sentence. |
| Review | Pursuant to Art. 27, § 645JA, the current sentencing event is a panel review of a previously imposed sentence. |

4.7 Representation

In the box labeled “Representation,” the person completing the worksheet should mark the numbered circle that corresponds to the type of legal representation the defendant received in the case.

4.8 Victim Information

The person completing the worksheet shall provide the victim information requested in the designated space on the worksheet. As outlined in Table 4-3, the information requested includes whether there was a written or an oral Victim Impact Statement (VIS), whether the victim was notified of and present at the sentencing, whether the victim was notified of a plea agreement, and whether the victim filed a notification request form (NRF), among other information.

Table 4-3. Victims' Rights Information

| | |
|-------------------------------|---|
| Written VIS | Was a written victim impact statement prepared? Criminal Procedure Article, §11-402; Article 47, Maryland Declaration of Rights |
| Oral VIS | Did victim or State make a request for an oral VIS by victim? Criminal Procedure Article, §11-401; Article 47, Maryland Declaration of Rights |
| Victim Present | Was the victim present at sentencing? Criminal Procedure Article, §11-102(a); Article 47, Maryland Declaration of Rights |
| Victim Notified Plea | Was victim notified of the terms and conditions of a plea agreement prior to entry of a plea? Criminal Procedure Article, §11-104 |
| NRF | Was a notification request form (NRF) filed by a victim? Criminal Procedure Article, §11-104 |
| Victim Notified Date | Was victim notified of the court date for sentencing? Criminal Procedure Article, §11-104 |
| Indigence Established | Did defendant establish indigence to waive court costs established under Criminal Procedure Article, §11-917; Courts Article, §7-405 |
| CICB Costs Imposed | Were Criminal Injury Compensation Board (CICB) costs imposed? Criminal Procedure Article, §11-819 |
| No Contact with Victim | Did victim or State make a request that Defendant have no contact with victim? Criminal Procedure Article, §11-402 |
| Parole Notification | Did judge request notification of parole release hearing? Correctional Services Article, §7-802 |
| Victim | Was there a victim in this offense? Examples of offenses that do not include a victim include most drug offenses and escaping. |
| Victim Unavailable | Was the victim unavailable to participate in the sentencing process? Check yes if the victim did not participate, was not located, or did not maintain contact with involved parties. |

4.9 Convicted Offense Title

Spaces are provided on each worksheet for listing up to three convicted offense titles for a single criminal event (whether the same or different docket numbers). Convicted offense titles may be abbreviated but should be as specific as possible.

Example: The offense title for a drug violation (even if it is a conspiracy or attempt) should include the name of the drug and whether possession, distribution, etc. was involved. Property offenses should include any relevant dollar amount distinctions, such as “Misdemeanor Theft” (theft under \$500) or “Felony Extortion” (\$500 or More).

4.10 Maryland Code, Article & Section

The person completing the worksheet shall identify the Maryland Code reference for each convicted offense. The reference should include the name or number of the article, the section number **and** any subsection letters or numbers. If the substantive offense and the penalty for the offense are in separate sections or subsections, both should be referenced.

“Common Law” should be written in this space if the source of the offense is the common law. Some common law offenses have penalty provisions in the Maryland Code. In such cases, the Code reference should also be included.¹

4.11 CJIS Code

The person completing the worksheet should record in the designated space the CJIS code that corresponds to the convicted offense. The CJIS codes can be found in Appendix A (table of offenses). If there are multiple CJIS codes for a listed offense and it is not known which code corresponds to the specific offense conduct, the space can be left blank.

4.12 Statutory Maximum & Mandatory Minimum Penalties

The maximum penalty prescribed for each convicted offense should be recorded in the designated space on the worksheet.

If the offense carries a mandatory minimum penalty, such penalty should be recorded in the designated space on the worksheet.

4.13 Signatures

Spaces are provided at the bottom of the worksheet for the name and signature of the sentencing judge and the name of the person or persons completing the worksheet. *Both names should be legible.*

Note

Each of these notices must be provided by the appropriate parties: the Guidelines worksheet information is for statistical purposes only and will not substitute for actual notice. For example, on the worksheet, “No Contact with Victim,” refers to the fact that the victim has made that request in accordance with the proper procedures. Simply checking this box on the worksheet will not substitute for the victim’s actually filling out the necessary paperwork.

¹ House Bill 11 of the 2002 legislative session established a new Criminal Law Article to replace the old criminal code, Article 27. New section numbers are assigned to those offenses that were once found in Article 27.

4.14 Announcement of 50% of Sentence

This new field was added to indicate whether or not an announcement regarding the mandatory serving of 50% of a sentence for violent crimes was made. Criminal Procedure Article, §6-217 states that at the time of imposition of a sentence of incarceration for a violent crime, as defined in §7-101 of the Correctional Services Article, that is to be executed and for which a defendant will be eligible for parole as provided in §7-301(C) or (d) of the Correctional Services Article, the Court shall state in open court that the defendant must serve 50% of the sentence

4.15 Restitution Requested

The person completing the worksheet shall mark whether anyone is requesting restitution from the defendant. In the Actual Sentence section, the judge shall indicate the amount of restitution ordered, if any.²

² This section was previously found in Chapter 6, Determining the Sentencing Guidelines Range. It was moved to Chapter 4, Case Information to improve continuity in the Manual.

Guidelines Scoring

For offenses against persons, an offense score and an offender score must be computed for each offense to be sentenced. Since there are no special offense characteristics to be used in determining the guidelines sentence for drug and property offenses, only an offender score needs to be computed for them.

5.1 Computation of the Offense Score *(Offenses Against a Person Only)*

The offense score for each convicted offense is derived by totaling the points given for certain factors of that offense. Items factually established may be included even if not within the scope of the convicted offense, e.g., weapon usage in a robbery conviction or victim injury in a handgun violation conviction.

Any firearm or weapon offense is considered a person offense under guidelines.

The four elements of the offense score appear as on the worksheet in Table 5-1. A column of offense scores is provided on the worksheet for each of three possible offenses within a single criminal event.

Table 5-1. Offense Score (Offense Against a Person Only)

| 1st Off. | 2nd Off. | 3rd Off. | A. Seriousness Category |
|----------------------------|----------------------------|----------------------------|---------------------------------|
| 01 | 01 | 01 | = V – VII |
| 03 | 03 | 03 | = IV |
| 05 | 05 | 05 | = III |
| 08 | 08 | 08 | = II |
| 10 | 10 | 10 | = I |
| 1st Off. | 2nd Off. | 3rd Off. | B. Victim Injury |
| 0 | 0 | 0 | = No Injury |
| 1 | 1 | 1 | = Injury, Non-Permanent |
| 2 | 2 | 2 | = Permanent Injury or Death |
| 1st Off. | 2nd Off. | 3rd Off. | C. Weapon Usage |
| 0 | 0 | 0 | = No Weapon |
| 1 | 1 | 1 | = Weapon Other than Firearm |
| 2 | 2 | 2 | = Firearm or Explosive |
| 1st Off. | 2nd Off. | 3rd Off. | D. Special Vulnerability |
| 0 | 0 | 0 | = No |
| 1 | 1 | 1 | = Yes |
| _____ | _____ | _____ | OFFENSE SCORE (S) |

Elements of the Offense Score:

A. Seriousness Category of the Convicted Offense

The individual completing the worksheet shall assign points based on the seriousness category of the convicted offense. Appendix A contains a list of Maryland criminal offenses and their assigned seriousness categories.

If an offense has not been assigned a seriousness category, the individual completing the worksheet should use the closest analogous offense and the sentencing judge and the parties should be notified.

Conspiracy, attempt, solicitation, or accessoryship. Unless placed in a different category or specifically addressed by separate statute, the individual completing the worksheet shall consider a conspiracy, attempt, or solicitation in the same seriousness category as the substantive offense. The individual completing the worksheet shall consider accessory after the fact to be a Seriousness Category V offense if the offense has a maximum penalty of 5 years under CR, §1-301 except that

a) If the accessory after the fact has a penalty of greater than 5 years under a statute other than CR, §1-301, the serious category shall be one seriousness category below the serious category of the substantive offense.

b) If the accessory after the fact has a penalty of less than 5 years, the serious category shall be the same category of the substantive offense. An accessory before the fact offense shall be one seriousness category below the substantive offense *if there was a specific verdict as to accessoryship*.

B. Victim Injury

Victim injury means physical or psychological injury to the crime victim, the cause of which is directly linked to the conduct of the defendant in the commission of the convicted offense.

Victim injury, whether physical or psychological, shall be based on reasonable proof. Psychological injury shall be based on confirmed medical diagnosis or psychological treatment. Psychological injury is presumed not permanent unless otherwise demonstrated. Physical injury shall be more than minimal. Physical injuries such as lasting muscle damage or amputation are permanent.

The individual completing the worksheet shall assign a score of 0 if there was no victim injury. The individual completing the worksheet shall assign a score of 1 if victim injury occurred and the injury was not permanent.

The individual completing the worksheet shall assign a score of 2 if victim injury occurred and the injury was permanent or resulted in the death of the victim.

C. Weapon Usage

Weapon usage means the use of any article or device that reasonably appears capable of causing injury or the use of an article that could result in conviction under CR, §4-101, Annotated Code of Maryland.

The individual completing the worksheet shall assign a score of 0 if no weapon was used. The individual completing the worksheet shall assign a score of 1 if a weapon other than a firearm was used. The individual completing the worksheet shall assign a score of 2 if a firearm or explosive was used.

The individual completing the worksheet shall apply the following rules regarding weapons.

- a. Explosives are considered the same as firearms;
- b. Weapons other than firearms include incendiaries, knives, tire irons and clubs;

- c. Carbon dioxide (CO₂) guns (including pellet guns) and starter pistols are also scored as weapons other than firearms and receive one point;
- d. Except if used as a bludgeon, a toy gun is not a weapon and shall be scored as zero;
- e. Except if deliberately used as a weapon, automobiles are not included as weapons;
- f. Unless the offender is a professional in some form of self-defense, parts of the body, such as hands or feet, are not included as weapons;
- g. If a weapon was feigned but no weapon was actually present, the score shall be 0 (no weapon used); and
- h. Any applicable guidelines points for weapon usage shall be given to an accessory before the fact, but not to an accessory after the fact.

D. Special Vulnerability of Victim

Special vulnerability of victim refers to the relative status of the victim tends to render the actions of the perpetrator all the more serious. A vulnerable victim is anyone:

- a. younger than 11 years old;
- b. 65 years old or older; or
- c. having a temporary or permanent physical or mental handicap, including an individual who is physically or mentally limited in a material way.

The individual completing the worksheet shall assign a score of 0 if the victim is not defined as a vulnerable victim. The individual completing the worksheet shall assign a score of 1 if the victim is defined as a vulnerable victim. The individual completing the worksheet shall complete the Special Vulnerability of Victim component of the offense score for each offense to be sentenced.

E. Total Offense Score

To obtain an offense score, the individual completing the worksheet shall add the points assigned to each element of the offense score for each person offense of which the defendant was convicted. The maximum score is 15 and the minimum score is 1.

5.2 Computation of the Offender Score

The offender score is derived by totaling the points represented by the offender's prior criminal history. The factors comprising this history are shown in Table 5-2 below. Any prior criminal activity that the defendant admits should be included. With the exception of the juvenile delinquency component of the offender score, the components of the offender score refer only to the defendant's adult involvement with the criminal justice system.

Table 5-2. Offender Score

| | |
|---|---|
| A. Relationship to CJS When Instant Offense Occurred | |
| 0 | = None or Pending Cases |
| 1 | = Court or Other Criminal Justice Supervision |
| B. Juvenile Delinquency | |
| 0 | = at least 23 years old OR crime-free for 5 years OR no more than 1 finding of a delinquent act |
| 1 | = under 23 years old AND: Two or more findings of a delinquent act OR one commitment |
| 2 | = under 23 years old AND committed two or more times |
| C. Prior Adult Criminal Record | |
| 0 | = None |
| 1 | = Minor |
| 3 | = Moderate |
| 5 | = Major |
| D. Prior Adult CJ Violation | |
| 0 | = No |
| 1 | = Yes |
| OFFENDER SCORE _____ | |

Elements of the Offender Score:

A. Relationship to CJS When Instant Offense Occurred

- a. If the offender was in the criminal justice system as the result of an adjudication of guilt as an adult, the person completing the worksheet shall assign a score of 1.
- b. The offender was in the criminal justice system if the offender was on parole, probation, incarcerated, on work release, mandatory supervision, escape, or comparable status at the time the offense was committed.
- c. An offender is not considered to be in the criminal justice system if the offender was on unsupervised probation **and** the underlying offense was not punishable by imprisonment.

B. Juvenile Delinquency

Findings of delinquency are counted the same as convictions would be for an adult; that is, there may be more than one as part of a single event. **Commitments** refer to a court transferring legal custody to the Maryland Department of Juvenile Justice or

comparable commitment to another federal or state authority. **Suspended juvenile commitments** should be counted as findings of a delinquent act.

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

The individual completing the worksheet shall assign a score of **0** if:

- a. an offender is 23 years or older by the date of the offense; or
- b. an offender has been crime free for 5 years since the last finding of a delinquent act or last adjudication; or
- c. an offender has no more than one finding of a delinquent act.

The individual completing the worksheet shall assign a score of **1** if :

- a. an offender is younger than 23 years old; **and**
- b. has two or more findings of a delinquent act *or* one commitment

The individual completing the worksheet shall assign a score of **2** if:

- a. an offender is younger than 23 years old; **and**
- b. has been committed two or more times

C. Prior Adult Criminal Record

The prior adult criminal record includes all adjudications of guilt preceding the current sentencing event, whether the offense was committed before or after the instant one. Unless expunged from the record, the individual completing the worksheet shall include probations before judgment (PBJ) and convictions under the Federal Youth Corrections Act (FYCA). The individual completing the worksheet may not consider violations of public local laws, municipal infractions, contempt, criminal non-support, and non-incarcerable traffic offenses as part of a prior adult criminal record. If a Maryland offense has not been assigned a seriousness category, the individual completing the worksheet shall use the closest analogous offense and the sentencing judge and the parties shall be notified.

1. Criteria

The individual completing the worksheet shall use the instructions and table below to determine whether a defendant's prior criminal adult record is minor, moderate, or major. If the defendant has no prior adult criminal record, the individual completing the worksheet shall assign a score of 0. If the defendant has a minor adult criminal record, the individual completing the worksheet shall assign a score of 1. If the defendant has a moderate criminal record, the individual completing the worksheet shall assign a score of 3. If the defendant

has a major criminal record, the individual completing the worksheet shall assign a score of 5.

To determine whether a defendant's prior adjudications of guilt constitute a Minor, Moderate, or Major adult criminal record, the person completing the worksheet shall count the number of prior adjudications of guilt according to their seriousness categories. The Criteria for Prior Record form, found in Figure 5-5 on page 29, can be used to help with the tabulation.

Once the prior adjudications are categorized by their seriousness categories, the number of adjudications in the most serious category of offenses shall be identified. Locate that number and the seriousness category in Table 5-3 or Figure 5-4 and, applying the other less serious prior adjudications, determine whether the prior record is Minor, Moderate, or Major.

Table 5-3. Prior Adult Criminal Record Matrix

Number of Convictions

S
e
r
i
o
u
s
n
e
s
s
C
a
t
e
g
o
r
y

| | 1 | 2 | 3 | 4 | 5-9 | 10 or more |
|------------|---|---|---|--|--|-------------------|
| I | Major | Major | Major | Major | Major | Major |
| II | Major if combined with any offenses in Categories III – VI or any 5 offenses ----- Moderate | Major | Major | Major | Major | Major |
| III | Major if combined with two or more offenses in Categories IV – VI or any 6 offenses ----- Moderate | Major | Major | Major | Major | Major |
| IV | Major if combined with 3 or more offenses from Categories V or VI, or any 7 offenses ----- Moderate | Major if combined with 1 or more offenses from Categories V or VI, or any 6 offenses ----- Moderate | Major | Major | Major | Major |
| V | Major if combined with any 8 offenses ----- Moderate if combined with not less than 3, nor more than 7 offenses ----- Minor | Major if combined with any 7 offenses ----- Moderate if combined with not less than 1, nor more than 6 offenses ----- Minor | Major if combined with any 6 offenses ----- Moderate | Major if combined with any 5 offenses ----- Moderate | Major | Major |
| VI | Major if combined with any 9 offenses ----- Moderate if combined with not less than 4, nor more than 8 offenses ----- Minor | Major if combined with any 8 offenses ----- Moderate if combined with not less than 3, nor more than 7 offenses ----- Minor | Major if combined with any 7 offenses ----- Moderate if combined with not less than 2, nor more than 6 offenses ----- Minor | Major if combined with any 6 offenses ----- Moderate | Major if total number of convictions is equal to or greater than 10 ----- Moderate | Major |
| VII | Minor | Minor | Minor | Minor | Moderate | Major |

Figure 5-1. Criteria for Prior Adult Criminal Record

MAJOR RECORD

An offender who has been found guilty of one or more offenses in the past as an adult is considered to have a major adult criminal record if his or her record contains:

- One or more Seriousness Category I offenses.
- One Seriousness Category II offense, combined with:
- One or more offenses from Seriousness Category III – VI; **or**
- Any other five offenses
- Two or more Seriousness Category II offenses.
- One Seriousness Category III offense, combined with:
- Two or more offenses from Seriousness Category IV – VI; **or**
- Any other six offenses.
- Two or more Seriousness Category III offenses.
- One Seriousness Category IV offense, combined with:
- Three or more offenses from Seriousness Category V or VI, **or**
- Any other seven offenses.
- Two Seriousness Category IV offenses, combined with:
- One or more offenses from Seriousness Category V or VI; **or**
- Any other six offenses.
- Three or more Seriousness Category IV offenses.
- One Seriousness Category V offense, combined with any other eight offenses.
- Two Seriousness Category V offenses, combined with any other seven offenses.
- Three Seriousness Category V offenses, combined with any other six offenses.
- Four Seriousness Category V offenses, combined with any other five offenses.
- Five or more Seriousness Category V offenses.
- Ten or more adjudications of guilt from any combination of seriousness categories.

MODERATE RECORD

An offender who has been found guilty of one or more offenses in the past as an adult is considered to have a moderate record if he or she does not meet any of the criteria for a major record, but whose record contains:

- One Seriousness Category II offense.
- One Seriousness Category III offense.
- One or two Seriousness Category IV offenses.
- One Seriousness Category V offense, combined with not less than three and not more than seven other offenses.
- Two Seriousness Category V offenses, combined with not less than one and not more than six other offenses.
- Three or four Seriousness Category V offenses.
- One Seriousness Category VI offense, combined with not less than four and not more than eight other offenses.
- Two Seriousness Category VI offenses, combined with not less than three and not more than seven other offenses.
- Three Seriousness Category VI offenses, combined with not less than two and not more than six other offenses.
- Not less than four and not more than nine Seriousness Category VI offenses.
- Not less than five and not more than nine Seriousness Category VII offenses.

MINOR RECORD

An offender who has been found guilty as an adult of one or more offenses in the past, but does not meet the criteria for either a major or a moderate record is considered to have a minor record.

2. Additional Instructions

If prior multiple convictions relate to a single criminal event, the worksheet should be scored using only the offense with the highest seriousness category.

Different Criminal Events Sentenced Together. If multiple offenses from different criminal events are being sentenced together at this sentencing event, the offender's criminal record includes any adjudication of guilt prior to the current sentencing and is the same for each offense being sentenced at this time.

Convictions Out of Jurisdiction. If an offender has been convicted in another jurisdiction, the convicted offense should be matched as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the offense should be placed in the lowest seriousness category (VII), and the judge and parties shall be notified.

Theft-Type Offenses. A theft conviction that occurred before the enactment of the comprehensive theft statute in 1978 such as Larceny, Larceny by Trick or Larceny after Trust should be considered Misdemeanor Theft if it was a misdemeanor and Felony Theft if it was a felony.

Criminal Record Decay Factor. If an offender has lived in the community for at least ten years prior to the instant offense without criminal justice system involvement resulting from an adjudication of guilt or a plea of nolo contendere, the criminal record should be reduced by one level: from Major to Moderate, from Moderate to Minor, or from Minor to None. An offender was in the criminal justice system if the offender was on parole, probation, incarcerated, on work release, mandatory supervision, escape, or comparable status.

Conspiracies, Attempts, Solicitations, and Accessoryships

- a. The individual completing the worksheet shall place conspiracies, attempts, and solicitations in the same seriousness category as the substantive offense unless placed in a different category or specifically addressed by separate statute.
- b. Accessory before the fact is considered to be one seriousness category below the substantive offense where there was a specific verdict as to accessoryship.
- c. Accessory after the fact is considered to be one seriousness category below the substantive offenses

D. Prior Adult Parole/Probation Violations.

Score 0 if offender has never before been on adult parole, probation or equivalent supervisory status, or has successfully completed previous periods of supervision as an adult. Score 1 if offender was ever adjudicated in violation of parole or probation or was convicted of an offense while on parole or probation, unless the adjudication or conviction arose from the offense or offenses of this sentencing event. **Do not give a point simply because offender was on parole or probation at the time of the instant offense;** the offender will already have been penalized for having a relationship to the criminal justice system when the instant offense occurred.

The Total Offender Score is obtained by adding the points assigned to each element of the offender score. The maximum offender score is nine; the minimum is zero.

Figure 5-2. Criteria for Prior Record Worksheet

Offender's Name: _____ Docket Number: _____

| JUVENILE DELINQUENCY | | | |
|--|--|--|------------------------|
| Offender | Yes/No | Offense Title (w/ finding of delinquency) | Commitment Date |
| 23 or older when current offense committed | | | |
| JUVENILE DELINQUENCY | <input type="checkbox"/> 1 Finding <input type="checkbox"/> 2 or More Findings/1 Commitment <input type="checkbox"/> 2 or More Commitments | | |

| ADULT CONVICTIONS | | | | |
|------------------------------------|------------|---|-------------------------|-----------------|
| Seriousness Category | No. | Offense Title (Code, Art., & Sec.) | Disposition Date | Sentence |
| I | | | | |
| II | | | | |
| III | | | | |
| IV | | | | |
| V | | | | |
| VI | | | | |
| VII | | | | |
| PRIOR ADULT CRIMINAL RECORD | | <input type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Major | | |

Completed By: _____

Determining the Guidelines Sentence Range

6.1 Guidelines Range

After the offense and offender scores have been calculated for each offense for which there is a conviction or other adjudication of guilt, use the appropriate matrix – person, drug, or property – to determine the guidelines range. In multiple offense cases, the overall guidelines range is determined after calculating guidelines for the individual offenses.

6.2 Person Offenses

To find the guidelines sentence for an offense against a person, refer to Table 6-1, the sentencing matrix for offenses against persons. The guidelines ranges are in a grid format with the offense score on the vertical axis and the offender score on the horizontal axis. The guidelines range for any given convicted offense is in the block where the two scores intersect.

For a **First Degree Murder** conviction, the person completing the worksheet should compute an offense and offender score even though the guidelines sentence for First Degree Murder is always imprisonment for life (unless the death penalty being sought under CR, §2-303). First Degree Murder is a Seriousness Category I offense.

Table 6-1. Sentencing Matrix for Offenses Against Persons

| <i>Offense Score</i> | <i>Offender Score</i> | | | | | | | |
|----------------------|-----------------------|----------|----------|----------|----------|----------|----------|------------------|
| | 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=Year, L=Life

6.3 Drug Offenses

To find the recommended guidelines sentence for a drug offense use Table 6-2, the sentencing matrix for drug offenses. The guidelines range for a particular offense is in the cell opposite the seriousness category for that offense and under the applicable offender score.

Table 6-2. Sentencing Matrix for Drug Offenses

| <i>Offense Seriousness Category</i> | <i>Offender Score</i> | | | | | | | |
|---|---|---------|---------|---------|-----------|-----------|---------|----------|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 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 and MDMA | 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

6.4 Property Offenses

To find the recommended guidelines sentence for a property offense use Table 6-3, the sentencing matrix for property offenses. The guidelines range for a particular offense is in the cell opposite the seriousness category for that offense and under the applicable offender score.

Table 6-3. Sentencing Matrix for Property Offenses

| <i>Offense Seriousness Category</i> | <i>Offender Score</i> | | | | | | | |
|-------------------------------------|-----------------------|-------|-------|--------|--------|---------|---------|-----------|
| | 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

6.5 Actual Sentence

At the time of sentencing, after the recommended guidelines range is determined, the judge should enter the actual sentence on the worksheet. Complete sentencing information for each convicted offense includes: amount of credit for time served, suspended time, length of probation, fine, restitution, and community service. **If at any time a sentence is altered (e.g., a reconsideration or a panel review), a judge shall issue a revised worksheet and direct that the worksheet be distributed in the same manner as an original worksheet.**

6.6 Effect of Mandatory Sentences on Guidelines Range

If the guidelines sentence range exceeds the statutory maximum for a given offense, the statutory maximum is the upper limit of the guidelines range. If the guidelines sentence range is below the mandatory statutory minimum, that minimum is the lower limit of the guidelines range.

6.7 Subsequent Offenses

Enhanced punishment legislation for subsequent offenders takes precedence over guidelines ranges if not otherwise provided for in this manual. When the statutory penalty for a drug offense is doubled under CR, §5-905 of the Annotated Code of Maryland, the guidelines range for that offense is also doubled. The guidelines sentence is determined by doubling the appropriate sentence from the drug offense sentencing matrix (Table 6-2), except when the mandatory minimum sentence under CR, §5-602 of the Annotated Code of Maryland is invoked and takes precedence. If the offender is being sentenced pursuant to CR, §5-905 and the guidelines range is doubled, the person preparing the worksheet shall mark “Yes” in the subsequent offender box.

Multiple Offense Scoring

7.1 Single Criminal Event, Not More Than One Seriousness Category I or II Offense

1. Calculate the guidelines range for each offense.
2. Determine the overall guidelines range by identifying the highest of the lower guidelines limits and the highest of the upper guidelines limits. Usually these will be the lower and upper limits of the guidelines range for one of the offenses, but there are infrequent exceptions. (See Example 3 in Table 7-1.)

Table 7-1. Examples of Scoring Single Criminal Events with Not More Than One Offense from Seriousness Category I or II

| Example 1 | | | |
|--|----------------------------|-----------------------------|-------------------------|
| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| 1 | Second Degree Rape | II | 12-25 Yrs. |
| 1 | Use of Handgun in a Felony | III | 5*-8 Yrs. |
| <i>Overall Guidelines Range:</i> | | | 12-25 Yrs. |
| <i>*Guidelines range was 3-8 years but statutory minimum is 5 years.</i> | | | |
| Example 2 | | | |
| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| 1 | Second Degree Burglary | IV | 1-4 Yrs. |
| 1 | Theft \$500 or More | V | 1-3 Yrs. |
| 1 | Destroying Property <\$500 | VII | 6M-1 Yr. |
| <i>Overall Guidelines Range:</i> | | | 1-4 Yrs. |
| Example 3 | | | |
| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| 1 | Second Degree Assault | IV | 1-5 Yrs. |
| 1 | Distribution of LSD | III | 18M-4 Yrs. |
| <i>Overall Guidelines Range:</i> | | | 18M-5 Yrs. |

- Any combinations of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guidelines range.

7.2 Single Criminal Event, Two or More Seriousness Category I or II Offenses

- Calculate the guidelines range for each offense.
- Determine the overall guidelines range by adding the guidelines ranges for each offense in Seriousness Category I or II.

Table 7-2. Examples of Scoring Single Criminal Events with Two or More Seriousness Category I or II Offenses

| Example 1 | | | |
|----------------------------------|------------------------------------|-----------------------------|--|
| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| 1 | First Degree Rape | I | 15-25 Yrs. |
| 1 | Kidnapping | II | 7-13 Yrs. |
| 1 | Robbery | IV | 2- 7 Yrs. |
| <i>Overall Guidelines Range:</i> | | | 22-38 Yrs. |
| Example 2 | | | |
| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| 1 | 1 st Degree Sex Offense | I | 30Y-Life |
| 1 | 1 st Degree Sex Offense | I | 30Y-Life |
| 1 | 1 st Degree Rape | I | 30Y-Life |
| <i>Overall Guidelines Range:</i> | | | 90Y (Life* + 30Y) to 3 consecutive Life terms |

**60 years is considered equivalent to one sentence of life imprisonment.*

- Any combinations of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guidelines range.

7.3 Multiple Criminal Events, One Offense in Each Event

- Arrange the offenses in chronological order beginning with the one committed first.
- Calculate the guidelines range for each event's convicted counts. The prior criminal adult record is constant throughout each event. A prior adult criminal record score reflects the defendant's criminal history on the date of sentencing. The prior adult

criminal record calculated for the first event is the same for all succeeding events, as long as they are being sentenced at the same time.

- Determine the overall guidelines range by adding the ranges for each event.

Table 7-3. Examples of Scoring Multiple Criminal Events with One Offense in Each Event

| Example 1 | | | |
|----------------------------------|--------------------------|-----------------------------|-------------------------|
| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| 1 | Robbery w/ Deadly Weapon | III | 3-8 Yrs. |
| 2 | Robbery w/ Deadly Weapon | III | 3-8 Yrs. |
| 3 | Robbery w/ Deadly Weapon | III | 3-8 Yrs. |
| <i>Overall Guidelines Range:</i> | | | 9-24 Yrs. |
| Example 2 | | | |
| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| 1 | Burglary | IV | 10-20 Yrs. |
| 2 | Forgery | V | 8-10* Yrs. |
| <i>Overall Guidelines Range:</i> | | | 18-30 Yrs. |

*Statutory Maximum is 10 years.

- Any combinations of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (i.e., the initial sentence minus suspended sentence) falls within the overall guidelines range.

7.4 Multiple Criminal Events, Multiple Offenses Within One or More of the Events

- Arrange the events in chronological order, beginning with the offense or offenses committed in the first event.
- Calculate the guidelines range for each offense in the first event.
- Determine the overall guidelines range for the first criminal event as in section 7.1 or 7.2, but do not enter it on a worksheet.
- Follow steps two and three for each succeeding criminal event. The prior criminal adult record is constant throughout each event. A prior adult criminal record score reflects the defendant's criminal history on the date of sentencing. *The prior adult criminal record calculated for the first event is the same for all succeeding events, as long as they are being sentenced at the same time.*
- After determining the overall guidelines range for each criminal event, the ranges are added to determine the overall guidelines range for the entire case.

Table 7-4. Examples of Scoring Multiple Criminal Events with More than One Offense in One or More Events

| Example 1 | | | |
|----------------------------------|------------------------------------|-----------------------------|-------------------------|
| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| 1 | Robbery w/Deadly Weapon | III | 6-12 Yrs. |
| 1 | Use of Handgun in Felony | III | 6-12 Yrs. |
| <i>Range for 1:</i> | | | 6-12 Yrs. |
| 2 | Robbery w/Deadly Weapon | III | 6-12 Yrs. |
| 2 | Possession of Marijuana | VII | P-1 Mo. |
| <i>Range for 2:</i> | | | 6-12 Yrs. |
| <i>Overall Guidelines Range:</i> | | | 12-24 Yrs. |
| Example 2 | | | |
| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| 1 | Perjury | V | P-6 Mos. |
| <i>Range for 1:</i> | | | P-6 Mos. |
| 2 | Inducing False Testimony | V | P-6 Mos. |
| 2 | Theft \$500 or More | V | P-6 Mos. |
| 2 | Wearing/Carrying Handgun | VII | P-P |
| <i>Range for 2:</i> | | | P-6 Mos. |
| <i>Overall guidelines range:</i> | | | P-1 Yr. |
| Example 3 | | | |
| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
| 1 | 1 st Degree Rape | I | 10-18 Yrs. |
| 1 | Att. 1 st Degree Murder | II | 4-9 Yrs. |
| <i>Range for 1:</i> | | | 14-27 Yrs. |
| 2 | 3 rd Degree Burglary | IV | P-1 Yr. |
| <i>Range for 2:</i> | | | P-1 Yr. |
| <i>Overall guidelines range:</i> | | | 14-28 Yrs. |

- Any combinations of sentences imposed, concurrent or consecutive, are within the guidelines when the net time to be served (that is, the initial sentence minus suspended sentence) falls within the overall guidelines range.

Determining Whether a Sentence is Within the Guidelines Range

The recommended guidelines sentence is provided as a range. This range is determined by the seriousness of the offense and the criminal history of the offender. This chapter discusses how to determine if a sentence is within the guidelines range.

8.1 Suspended Time

Suspended time *is not* considered in determining whether the sentence falls within the recommended guidelines range. The guidelines range represents only non-suspended time.

Example: If the guidelines range for a particular case is 6 to 12 years, a few examples of sentences within the guidelines are 10 years with 4 years suspended or 15 years with 5 years suspended. If, however, a judge gives 6 years, all suspended, the sentence will be outside the guidelines.

8.2 Credit for Time Served

Time served *is* considered in determining whether the sentence falls within the recommended guidelines range.

Example 1: If the guidelines range for an event is 3 months to 9 months, and an offender is sentenced to 6 months with credit for 6 months already served, the sentence is within the guidelines range.

Example 2: If the guidelines range for an event is Probation to 3 months, and an offender is sentenced to 6 months with credit for 6 months already served, the sentence is above the guidelines range.

8.3 Offender Already Under Sentence

If an offender is already serving one or more sentences, the time remaining to be served may be considered in determining whether the sentence or sentences are within the recommended

guidelines range. The judge shall indicate whether the new sentence is consecutive to or concurrent with the existing sentence.

8.4 Consecutive Versus Concurrent Sentences

If an offender is sentenced for more than one offense, the worksheet should indicate which sentences are concurrent and which are consecutive. To fall within the guidelines, the total amount of time to be served must fall within the guidelines.

Example: If the overall guidelines range is 3 to 6 years and the offender is sentenced to two concurrent unsuspended terms of 4 years, the sentence is within the guidelines. However, if the offender is sentenced to two consecutive terms of 4 years, the sentence exceeds the guidelines range.

8.5 Length of Probation

Subject to the statutory limit of five years, the length of any probation imposed is within the judge's discretion and is not limited by the sentencing guidelines.

8.6 Sentences Deemed to Be Within Guidelines

Notwithstanding the actual guidelines range, the Commission on Criminal Sentencing Policy shall deem a sentence within the guidelines range if a judge:

- Approved an ABA plea agreement and sentence agreed to by both the defendant and by the State; or
- Imposed a sentence of correctional options if the defendant's:

(1) Initial sentence plus any suspended sentence falls within or above the overall guidelines range; and

(2) Current sentence or sentences and any pending charges do not include a violation of:

(a) A crime of violence under CR, §14-101

(b) Sexual child abuse or child abuse with death under CR, §3-601

(c) Escape; or

(d) A law of the United States or of any other state or the District of Columbia similar to §B(2)(a)—(c) of this regulation.

If the conditions of (1) and (2) are established, then mark “Yes” on the Sentencing Guidelines Worksheet in the Corrections Options box to show that the program is consistent with Commission criteria.

Sentences Outside the Guidelines Range

There are times when a judge may choose to impose a sentence that is outside the guidelines range. This chapter provides a list of common reasons for departure and their corresponding codes. While it is not intended to be a complete list, it does provide commonly used departure reasons and gives the sentencing judge the option of identifying other circumstances that warrant a departure.

9.1 Using the Departure Codes

The judge shall document on the guidelines worksheet the reason or reasons for imposing a sentence outside of the recommended guidelines range. The following list is a sample of some of the more common reasons for sentencing outside the range. The judge should write in the designated space on the guidelines worksheet the number(s) that corresponds to the reason(s) for departure. Where the judge's reason for sentencing outside the guidelines range is not among the sample reasons listed, the judge should write down reason number (9) or (18), depending on whether it is an upward or downward departure, and explain the "other circumstances" on which the judge has based the decision to depart from the guidelines.

9.2 Departure Below the Guidelines Range

Common reasons for departure below the guidelines range include but are not limited to:

- The parties reached a plea agreement that called for a reduced sentence. (1)
- Offender's minor role in the offense. (2)
- Offender was influenced by coercion or duress. (3)
- Offender had diminished capability for judgment. (4)
- Offender made restorative efforts after the offense. (5)
- Victim's participation in the offense lessens the offender's culpability. (6)
- Offender's commitment to substance abuse treatment or other therapeutic program. (7)
- Recommendation of State's Attorney or Division of Parole and Probation. (8)
- Other circumstances of the crime and/or the offender do not warrant a sentence within the guidelines (Explain). (9)

Please use the numerical codes in parentheses when filling out the guidelines worksheets.

9.3 Departure Above the Guidelines Range

Common reasons for departure above the guidelines range include but are not limited to:

- Offender's major role in the offense. (10)
- The level of harm was excessive. (11)
- Special circumstances of the victim. (12)
- Offender exploited a position of trust. (13)
- Offender committed a "white collar" offense. (14)
- Offender's significant participation in major controlled substance offense. (15)
- The vicious or heinous nature of the conduct. (16)
- Recommendation of State's Attorney or Division of Parole and Probation. (17)
- Other circumstances of the crime and/or the offender do not warrant a sentence within the guidelines (Explain). (18)

Please use the numerical codes in parentheses when filling out the guidelines worksheets.

9.4 Interpreting the Common Reasons for Departure

The common reasons for departure should be read broadly so that they might encompass other, more specific reasons. For example, reason (1) regarding a plea agreement could include reasons why the agreement was reached, such as weak evidence, minimal harm or a victim who did not want to prosecute. Reason (4), which addresses an offender's diminished capacity for judgment, could apply if the offender's age (young or old), intelligence, or drug/alcohol use limited the offender's capacity for judgment. An offender's restorative efforts under reason (5) could include paying restitution, cooperation with police or the State's Attorney, or performing community service or some other benefit to the community on his own accord. An application of reason (16), the vicious or heinous nature of the conduct, could include offenses motivated by race, gender or sexual orientation, among other reasons. These examples are just some of the ways in which the departure reasons can be read broadly to encompass more specific reasons.

Sample Cases

This chapter applies the procedures that have been described in this manual. There are discussions of eight sample cases dealing with different types of sentencing events that might occur. Each sample case provides the step-by-step procedures for calculating the guidelines ranges.

Case Information

Offender's Name: James Smith
Date of Birth: 02/25/79
Sex: Male
Race: White
Ethnicity: Non-Hispanic
Date of Offense: 09/27/01
Docket No.: 000000001
Date of Plea or Verdict: 01/08/02
Disposition Type: ABA Plea Agreement
Jurisdiction: Montgomery County
Convicted Count(s): Robbery with a Deadly
Weapon, CR, §3-403(a)
Date of Sentencing: 2/30/02

Offense Description

On September 27, 1999, police were summoned to a convenience store for a report of an armed robbery. The cashier reported that two white males had entered the store and that one of the men was armed with a sawed-off shotgun. The cashier and a clerk were instructed to lie on the floor as one of the men removed money from the cash register. The subjects fled in a car and, based on a witness's description of the vehicle, were apprehended by police a

short time later. The defendant was identified by the cashier as the man with the shotgun. Defendant pled guilty to *Robbery with a Deadly Weapon* on January 8, 2000.

Offender's Prior Record

JUVENILE:

| Date | Offense | Disposition |
|--|---------|-------------|
| No juvenile record was found for the name and birth date provided. | | |

ADULT:

| Date | Offense | Disposition |
|----------|------------------------------|--|
| 08/01/97 | Possession of Marijuana | Fine \$100; Court Costs |
| 06/10/98 | Unemployment Insurance Fraud | 6 months suspended; 2 years probation; * restitution |

*The offender was still under supervision at the time of the offense.

Computation of Guidelines Range

1st Convicted Offense: *Robbery With a Deadly Weapon*

Offense Score:

- A. Seriousness Category of Instant Offense.....5 points
As shown in Appendix A, *Robbery with a Deadly Weapon* is a Category III Offense.
- B. Victim Injury.....0 points
No injury.
- C. Weapon Usage.....2 points
A firearm (sawed-off shotgun) was used.
- D. Special Vulnerability of Victim.....0 points
Victim over 10 and under 65 years old and not mentally or physically handicapped.

Total Offense Score 7 points

Offender Score:

- A. Relationship to CJS When Instant Offense Occurred.....1 point
Was on probation for Unemployment Compensation Fraud.
- B. Juvenile Delinquency.....0 points
No record found.

C. Prior Adult Criminal Record.....1 point

Step I:

Possession of Marijuana – Seriousness Category VII

Unemployment Insurance Fraud – Seriousness Category VII

Number of Prior Convictions

According to Seriousness Category

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| I | 0 |
| II | 0 |
| III | 0 |
| IV | 0 |
| V | 0 |
| VI | 0 |
| VII | 2 |

Step II:

Since the offender’s most serious prior convictions were in Category VII, refer to the block in Table 5-3 that indicates two Seriousness Category VII convictions. This block identifies the record as *Minor*.

Step III:

An offender with a minor record receives 1 point.

D. Prior Adult Parole/Probation Violations.....0 points
None.

Total Offender Score 2 points

| | |
|--|---------------|
| Guidelines Range | 5Y-10Y |
| An examination of Table 6-1 shows that the recommended range for an offense score of 7 and an offender score of 2 is 5Y-10Y. | |

Overall Guidelines Range for the Sentencing Event

Since this sentencing event involves only one convicted offense, the overall guidelines range is the same as the range for the offense, 5 to 10 years.

Case Information

Offender's Name: Lisa Jones
Date of Birth: 04/04/71
Sex: Female
Race: White
Ethnicity: Non-Hispanic
Date of Offense: 09/27/01
Docket No.: 000000002
Date of Plea or Verdict: 06/30/02
Disposition Type: ABA Plea Agreement
Jurisdiction: Montgomery County
Convicted Count(s): Possession with Intent to
Distribute Marijuana, CR §5-
607(a)
Date of Sentencing: 7/30/02

Offense Description

On September 27, 1999, police serving a search warrant at defendant's home found one plastic bag of marijuana, a glass jar of marijuana seeds and a scale in the living room; six bags of marijuana in the master bedroom; and a green can, labeled "one oz. of grass," which contained marijuana seeds in another bedroom. The subject was arrested and eventually charged with *Possession*

with Intent to Distribute Marijuana and simple Possession. On June 30, 2000, the defendant pled guilty to one count of Possession with Intent to Distribute.

Offender's Prior Record

JUVENILE:

| Date | Offense | Disposition |
|------------|---------|-------------|
| None Known | | |

ADULT:

| Date | Offense | Disposition |
|------------|---------|-------------|
| None Known | | |

Computation of Guidelines Range

1st Convicted Offense: *Possession with Intent to Distribute Marijuana*

Offense Score:

There is no offense score for drug offenses.

Offender Score:

- A. Relationship to CJS When Instant Offense Occurred 0 points
None.
- B. Juvenile Delinquency 0 points
Defendant was over 23 years of age when the instant offense was committed.
- C. Prior Adult Criminal Record 0 points
No record found.
- D. Prior Adult Parole/Probation Violations 0 points
None.

Total Offender Score 0 points

Guidelines Range P-12M

An examination of Table 6-2 shows that the guidelines sentence for *Possession with intent to Distribute Marijuana* (Seriousness Category IV) by a person with an offender score of 0, is P-12M.

Overall Guidelines Range for the Sentencing Event

Since this sentencing event involves only one convicted offense, the overall guidelines range is the same as the range for the offense, probation to 12 months.

Case Information

| | |
|---------------------------------|--------------------------------|
| Offender's Name: | William Miller |
| Date of Birth: | 12/27/79 |
| Sex: | Male |
| Race: | Black |
| Ethnicity: | Hispanic |
| Date of Offense: | 09/17/01 |
| Docket No.: | 000000003 |
| Date of Plea or Verdict: | 12/13/01 |
| Disposition Type: | ABA Plea Agreement |
| Jurisdiction: | Montgomery County |
| Convicted Count(s): | Theft \$500 or more, CR §7-104 |
| Date of Sentencing: | 04/30/02 |

Offense Description

On January 17, 2000, defendant was observed by a security officer in a department of a large suburban store removing seven blazers, three pairs of pants, seven skirts, and one shirt (total value - \$1,153.89). After placing the merchandise in four bags, defendant left the department, passed many cash registers without paying, went down the escalator, and was arrested as he paused to buy shopping bags. On August 13, 2000, the defendant pled guilty to one count of *Theft \$500.00 or more*.

Offender's Prior Record

JUVENILE:

| Date | Offense | Disposition |
|----------|------------------|---|
| 06/26/93 | Shoplifting | Delinquent; 1 year probation |
| 12/11/93 | Larceny | Delinquent; probation continued |
| 06/10/94 | Unauthorized Use | Delinquent; Greenridge Forestry Camp for 6 months |

ADULT:

| Date | Offense | Disposition |
|----------|--|---------------------------|
| 02/06/98 | Petty Larceny – Violation of Bail Reform Act | Unknown |
| 04/09/98 | Theft | 2 years probation. (D.C.) |

Since August 13, 1999, the subject has been in the Prince George's County Detention Center. He is still on probation in the District of Columbia where in June 1999 his probation officer took him to court for a show-cause hearing because of his unsatisfactory adjustment.

Computation of Guidelines Range

1st Convicted Offense: *Theft \$500 or more*

Offense Score:

There is no offense score for property offenses.

Offender Score:

- A. Relationship to CJS When Instant Offense Occurred..... 1 point
On probation for Theft.
- B. Juvenile Delinquency..... 1 point
Three findings of delinquency with one commitment.
- C. Prior Adult Criminal Record..... 1 point

Step I:

Theft – Seriousness Category VII*

**In this case, the prior Theft must be assumed to be under \$500 since the amount is not known. The Petty Larceny (02/06/85) was not counted since the disposition is unknown.*

**Number of Prior Convictions
According to Seriousness Category**

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| I | 0 |
| II | 0 |
| III | 0 |
| IV | 0 |
| V | 0 |
| VI | 0 |
| VII | 1 |

Step II:

Since the most serious prior conviction was in Seriousness Category VII, refer to the block in Table 5-3 that indicates one Seriousness Category VII convictions. This block identifies the record as *Minor*.

Step III:

An offender with a minor record receives 1 point.

D. Prior Adult Parole/Probation Violations.....0 points
No adult violations prior to instant offense

Total Offender Score 3 points

Guidelines Range.....1Y-3Y

An examination of Table 6-3 shows that the guidelines range for *Theft \$500 or more* (Seriousness Category V) committed by a person with an offender score of 3 is 1Y-3Y.

Overall Guidelines Range for the Sentencing Event

Since this sentencing event involves only one convicted offense, the overall guidelines range is the same as the range for the offense, 1 to 3 years.

Case Information

Offender's Name: Peter Williams
Date of Birth: 01/26/78
Sex: Male
Race: White
Ethnicity: Non-Hispanic
Date of Offense: 12/03/98
Docket No.: 000000004
Date of Plea or Verdict: 12/18/01
Disposition Type: Jury Trial
Jurisdiction: Baltimore City
Convicted Count(s): Robbery with a Deadly
Weapon, CR, §3-403(a)
Possession or Use of a
Machine Gun, CR, §4-404(a)
Possession of Marijuana, CR,
§5-601(c)(2)
Date of Sentencing: 2/30/00

Offense Description

On December 3, 1998, the victim and a friend had left a restaurant and were walking toward their car when they were approached by a lone, white male. The defendant grabbed the victim and pushed him against a car. After producing a machine gun, he demanded and received the victim's wallet. The defendant then fled on foot. A few minutes later, the victim's friend observed a passing patrol car and yelled for help. During a search of the surrounding area, the victim identified a man walking across a vacant lot as his assailant. As the patrol car approached, the defendant threw an object and began to run. The defendant was apprehended by another police unit circling the area, at which time a small glassine bag containing marijuana was found on his person. A search for the thrown object produced a machine gun. The victim was subsequently transported to a nearby hospital where he received treatment for a sprained wrist. On December 18, 1999, a jury found the defendant guilty of *Robbery with a Deadly Weapon, Possession or Use of a Machine Gun, and Possession of Marijuana*.

Offender's Prior Record

JUVENILE:

| Date | Offense | Disposition |
|----------|-----------------------|---------------------------------|
| 10/03/94 | Malicious Destruction | Delinquent; 18 months probation |
| 11/20/95 | Assault | Delinquent; probation continued |

ADULT:

| Date | Offense | Disposition |
|----------|-------------------|--|
| 10/05/96 | Theft under \$500 | 18 months suspended; 3 years probation |

Offender was placed on three years adult probation in 1996 for *Theft under \$500* and was under supervision at the time he committed the instant offense.

Computation of Individual Guidelines Ranges

1st Convicted Offense: *Robbery with a Deadly Weapon*

Offense Score:

- A. Seriousness Category of Instant Offense.....5 points
As shown in Appendix A, *Robbery with a Deadly Weapon* is a Category III Offense.
- B. Victim Injury.....1 point
Victim suffered a sprained wrist
- C. Weapon Usage.....2 points
A handgun was used.
- D. Special Vulnerability of Victim.....0 points
Victim over 10 and under 65 years old and not mentally or physically handicapped.

Total Offense Score 8 points

Offender Score:

- A. Relationship to CJS When Instant Offense Occurred.....1 point
Offender was on probation for *Theft under \$500* at the time he committed the instant offenses.
- B. Juvenile Delinquency.....1 point
Offender has been found delinquent twice, once for *Malicious Destruction* and once for *Assault*.
- C. Prior Adult Criminal Record.....1 point

Step I:

Theft under \$500 – Seriousness Category VII

**Number of Prior Convictions
According to Seriousness Category**

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| I | 0 |
| II | 0 |
| III | 0 |
| IV | 0 |
| V | 0 |
| VI | 0 |
| VII | 1 |

Step II:

Since the most serious prior conviction was in Seriousness Category VII, refer to the block in Table 5-3 that indicates one Seriousness Category VII convictions. This block identifies the record as *Minor*.

Step III:

An offender with a minor record receives 1 point.

- D. Prior Adult Parole/Probation Violations.....0 points
No adult violations prior to instant offense

Total Offender Score 3 points

Guidelines Range for the 1st Convicted Offense.....7Y-13Y
 An examination of Table 6-1 shows the recommended range for an offense score of 8 and an offender score of 3 is 7Y-13Y.

2nd Convicted Offense: Possession or Use of a Machine Gun

Offense Score:

Since this person offense is the same seriousness category as *Robbery with a Deadly Weapon*, and was part of the same criminal event, the offense score is the same.

Total Offense Score 8 points

Offender Score:

The offender score is the same as for *the Robbery with a Deadly Weapon* offense.

Total Offender Score 3 points

Guidelines Range for the 2nd Convicted Offense.....7Y-13Y
 An examination of Table 6-1 shows the recommended range for an offense score of 8 and an offender score of 3 is 7Y-13Y.

3rd Convicted Offense: Possession of Marijuana

Offense Score:

There is no offense score for drug offenses.

Offender Score:

The offender score is 3, the same as in the *Robbery with a Deadly Weapon* and *Possession of a Machine Gun*.

Total Offender Score 3 points

Guidelines Range for the 3rd Convicted Offense..... **P-1M**

An examination of Table 6-2 shows the recommended range for *Possession of Marijuana* (Seriousness Category VII) with an offender score of 3 is P-1M.

Overall Guidelines Range for the Sentencing Event

| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
|----------------------------------|------------------------------|-----------------------------|-------------------------|
| 1 | Robbery with a Deadly Weapon | III | 7-13 years |
| 1 | Possession of a Machine Gun | III | 7-13 years |
| 1 | Possession of Marijuana | VII | P-1 month |
| <i>Overall Guidelines Range:</i> | | | 7-13 years |

Following the procedure outlined in Section 7.1 for determining the guidelines for multiple counts from same criminal event, the overall recommended range is the highest of the recommended ranges, i.e., 7 to 13 years.

Case Information

Offender's Name: George Smith
Date of Birth: 10/04/76
Sex: Male
Race: Black
Ethnicity: Non-Hispanic
Date of Offense: 08/22/01
Docket No.: 000000005
Date of Plea or Verdict: 11/10/01
Disposition Type: Jury Trial
Jurisdiction: Baltimore City
Convicted Count(s): First Degree Rape, CR, §3-303(a)
Assault First Degree, CR, §3-202
Kidnapping, CR, §3-502(a)
Possession or Use of a
Machine Gun, CR, §404(a)
Date of Sentencing: 04/30/02

Offense Description

On November 22, 1998, the victim was walking to her car on a shopping center parking lot when two men approached in a car. One of the men jumped out of the car, grabbed her and pushed her into the car. She was driven to a secluded area where she was raped by both men and shot. After managing to crawl to a road, she was noticed by a passing motorist and taken to a nearby hospital. The victim suffered permanent damage to her right kidney. Using her description of the defendant and the license number of the car, police were able to arrest the defendant the following day. On September 10, 1999, a jury found him guilty of *First Degree Rape, First Degree Assault, Kidnapping and Possession or Use of a Machine Gun.*

Offender's Prior Record

Juvenile:

| Date | Offense | Disposition |
|----------|----------------------------|--|
| 07/10/87 | Unauthorized Use | Delinquent; 1 year probation |
| 08/05/92 | Shoplifting | Delinquent; 1 year probation |
| 08/26/93 | Assault with Intent to Rob | Delinquent; committed to Boys Village for 2 months |

Adult:

| Date | Offense | Disposition |
|----------|----------------------------------|------------------------------------|
| 05/20/95 | Driving While Intoxicated | 6 months |
| 03/01/97 | Burglary, 2 nd Degree | 1 year suspended; 1 year probation |

The offender had recently completed his probation for the *Burglary* conviction (03/01/97).

Computation of Individual Guidelines Ranges

1st Convicted Offense: *First Degree Rape*

Offense Score:

- A. Seriousness Category of Instant Offense.....10 points
As shown in Appendix A, *First Degree Rape* is a Category I Offense.
- B. Victim Injury.....2 points
Permanent injury resulting from gunshot wounds.

C. Weapon Usage.....2 points
A handgun was used.

D. Special Vulnerability of Victim.....0 points
Victim over 10 and under 65 years old and not mentally or physically handicapped.

Total Offense Score 14 points

Offender Score:

A. Relationship to CJS When Instant Offense Occurred.....0 points
Defendant was not under any supervision at the time of the offense.

B. Juvenile Delinquency.....1 point
Offender had three findings and one commitment.

C. Prior Adult Criminal Record.....3 points

Step I:

2nd Degree Burglary – Seriousness Category IV
Driving While Intoxicated – Category VII

**Number of Prior Convictions
According to Seriousness Category**

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| I | 0 |
| II | 0 |
| III | 0 |
| IV | 1 |
| V | 0 |
| VI | 0 |
| VII | 1 |

Step II:

Since the most serious prior conviction was in Seriousness Category IV, refer to the block in Table 5-3 that indicates one Seriousness Category IV conviction. This block identifies the record as *Moderate*.

Step III:

An offender with a moderate record receives 3 points.

D. Prior Adult Parole/Probation Violations.....0 points
None.

Total Offender Score 4 points

| |
|--|
| <p>Guidelines Range For the 1st Convicted Offense..... Life</p> <p>An examination of Table 6-1 shows the recommended range for an offense score of 14 and an offender score of 4 is Life.</p> |
|--|

2nd Convicted Offense: *First Degree Assault*

Offense Score:

- A. Seriousness Category of Instant Offense.....5 points
As shown in Appendix A, *First Degree Assault* is a Category III Offense.
- B. Victim Injury.....2 points
Permanent injury resulting from gunshot wounds
- C. Weapon Usage.....2 points
A handgun was used.
- D. Special Vulnerability of Victim.....0 points
Victim over 10 and under 65 years old and not mentally or physically handicapped.

Total Offense Score 9 points

Offender Score:

The offender score is the same for all events sentenced at this sentencing event, 4.

Total Offender Score 4 points

| |
|---|
| <p>Guidelines Range for the 2nd Convicted Offense..... 12Y-18Y</p> <p>An examination of Table 6-1 shows the recommended range for an offense score of 9 and an offender score of 4 is 12Y-18Y.</p> |
|---|

3rd Convicted Offense: *Kidnapping*

Offense Score:

- A. Seriousness Category of Instant Offense.....8 points
As shown in Appendix A, *Kidnapping* is a Category II Offense.
- B. Victim Injury.....2 points
Permanent injury resulting from gunshot wound.

C. Weapon Usage.....2 points
A handgun was used.

D. Special Vulnerability of Victim.....0 points
Victim over 10 and under 65 years old and not mentally or physically handicapped.

Total Offense Score 12 points

Offender Score:

The offender score is the same for all offenses at this sentencing event, 4.

Total Offender Score 4 points

Guidelines Range for 3rd Convicted Offense.....20Y-35Y
An examination of Table 6-1 shows the recommended range for an offense score of 12 and an offender score of 4 is 20Y-35Y.

4th Convicted Offense: Possession or Use of a Machine Gun

Note: Because this is the fourth convicted offense, a separate worksheet must be used even though all offenses are from one criminal event.

Offense Score:

A. Seriousness Category of Instant Offense.....5 points
As shown in Appendix A, *Possession or Use of a Machine Gun* is a Category III Offense.

B. Victim Injury.....2 points
Permanent injury resulting from gunshot wounds

C. Weapon Usage.....2 points
A handgun was used.

D. Special Vulnerability of Victim.....0 points
Victim over 10 and under 65 years old and not mentally or physically handicapped.

Total Offense Score 9 points

Offender Score:

The offender score is the same for all events sentenced at this sentencing event, 4.

Total Offender Score 4 points

Guidelines Range for 4th Convicted Offense **12Y-18Y**
 An examination of Table 6-1 shows that the recommended range for an offense score of 9 and an offender score of 4 is 12Y-18Y.

Overall Guidelines Range for the Sentencing Event

| <u>Criminal</u> | | <u>Seriousness</u> | |
|----------------------------------|------------------------------------|--------------------|----------------------------|
| <u>Event</u> | <u>Offense</u> | <u>Category</u> | <u>Guidelines Range</u> |
| 1 | Rape | I | Life |
| 1 | First Degree Assault | III | 12-18 years |
| 1 | Kidnapping | II | 20-35 years |
| 1 | Possession or Use of a Machine Gun | III | 12-18 years |
| | | | Life plus 20 years |
| <i>Overall Guidelines Range:</i> | | | -Life plus 35 years |

Because two of the offenses in this criminal event were in either Seriousness Category I (*First Degree Rape*) or Seriousness Category II (*Kidnapping*), the overall recommended guidelines range is determined by adding together the respective lower and upper limits of the ranges of each Category I or II conviction. Following this procedure, the overall recommended sentencing range would be Life plus 20 years to Life plus 35 years.

Case Information

Offender's Name: Justin Johnson
Date of Birth: 01/10/77
Sex: Male
Race: White
Ethnicity: Non-Hispanic
Date of Offense: 08/10/01
08/25/01
Docket No.: 000000006
Date of Plea or Verdict: 10/05/01
Disposition Type: ABA Plea Agreement
Jurisdiction: Harford County
Convicted Count(s): Distribution of PCP, CR, §5-608(a)
First Degree Assault, CR, §3-202
Date of Sentencing: 2/30/02

Offense Description

On May 10, 1998, as part of a narcotics investigation, two undercover police officers purchased from the defendant a 2-oz. vial of a liquid that was later identified as PCP. The defendant was arrested and released on \$10,000.00 bond.

On May 25, 1998, police responded to a report of a shooting in a shopping center parking lot. Police were informed by the victim that he was talking about buying some "grass" with a man he had met in a bar. An argument ensued and the man pulled out a gun and shot the victim, hitting him in the right arm. The victim was treated in a hospital for a flesh wound and released. Based on the information provided by the victim and witnesses at the bar, a warrant was obtained and the defendant was arrested at his home.

On January 5, 1999, the defendant pled guilty to one count of *Distribution of PCP* and one count of *First Degree Assault*.

Offender's Prior Record

JUVENILE:

| Date | Offense | Disposition |
|----------|-------------------------|------------------------------|
| 03/23/93 | Possession of Marijuana | Delinquent; 1 year probation |

ADULT:

| Date | Offense | Disposition |
|----------|-----------------------|-------------------------------------|
| 09/12/95 | Possession of Cocaine | 4 years suspended |
| 09/12/95 | Carrying a Handgun | 1 year suspended; 2 years probation |

The offender was placed on 2 years adult probation in 1982. He successfully completed his probationary period.

Computation of Guidelines Ranges

1st Convicted Offense: *Distribution of PCP*

Offense Score:

There is no offense score for drug offenses.

Offender Score:

Note: The offender score used in computing guidelines for multiple criminal events is the same for each event. The highest score for any event at the time of this sentencing should be used throughout.

- A. Relationship to CJS When Instant Offense Occurred0 points
Defendant was not under any supervision at the time of the offense.
- B. Juvenile Delinquency0 points
Offender was found delinquent for *Possession of Marijuana*.
- C. Prior Adult Criminal Record1 point

Step I:

Possession of Cocaine – Category V
Carrying a Handgun – Category VII

**Number of Prior Convictions
According to Seriousness Category**

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| I | 0 |
| II | 0 |
| III | 0 |
| IV | 0 |
| V | 1 |
| VI | 0 |
| VII | 1 |

Step II:

Since the most serious prior conviction was in Seriousness Category V, refer to the block in Table 5-3 that indicates one Seriousness Category V conviction. This block identifies the record as *Minor*.

Step III:

An offender with a minor record receives 1 point.

- D. Prior Adult Parole/Probation Violations0 points
None.

Total Offender Score 1 point

Guidelines Range For Distribution of PCP1Y-3Y
An examination of Table 6-2 shows the recommended range for a category III offense and an offender score of 1 is 1Y-3Y.

2nd Convicted Offense: First Degree Assault

Note: Even though there were only two convicted offenses at this sentencing, a second worksheet must be used because each convicted offense was part of a separate criminal event.

Offense Score:

- A. Seriousness Category of Instant Offense.....5 points
As shown in Appendix A, *First Degree Assault* is a Category III Offense.
- B. Victim Injury.....1 point
Victim was shot, but not permanently injured.
- C. Weapon Usage.....2 points
A firearm was used.
- D. Special Vulnerability of Victim.....0 points
Victim over 10 and under 65 years old and not mentally or physically handicapped.

Total Offense Score 8 points

Offender Score:

The offender score is the same for all events sentenced at this sentencing event, 1.

Total Offender Score 1 point

Guidelines Range for 2nd Convicted Offense.....5Y-10Y
An examination of Table 6-1 shows that the recommended range for an offense score of 8 and an offender score of 1 is 5Y-10Y.

Overall Guidelines Range for the Sentencing Event

| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
|----------------------------------|----------------------------|-----------------------------|-------------------------|
| 1 | Distribution of PCP | III | 1-3 years |
| 2 | Assault w/Intent to Murder | III | 5-10 years |
| <i>Overall Guidelines Range:</i> | | | 6-13 years |

The overall guideline range for the sentencing event according to the procedure discussed in section 7.3 is determined by adding the lower range limits and upper range limits, resulting in a cumulative range of 6 to 13 years (1 year *plus* 5 years, and 3 years *plus* 10 years).

Case Information

Offender's Name: Truman Tiger
Date of Birth: 06/10/81
Sex: Male
Race: Black
Ethnicity: Non-Hispanic
Date of Offense: 09/10/01
12/09/02
Docket No.: 000000007
Date of Plea or Verdict: 08/20/02
Disposition Type: ABA Plea Agreement
Jurisdiction: Baltimore City
Convicted Count(s): Robbery with a Deadly
Weapon, CR, §403(a)
Robbery, CR, §3-403(b)
Second Degree Assault, CR,
§3-203
Date of Sentencing: 01/30/03

Offense Description

On September 9, 1998, a 32-year old male, answering the door in his apartment, was confronted by a man wielding a revolver and demanding money. The victim relinquished his wallet, but the assailant forced the victim into the bedroom and tied his hands and

feet with his own neckties. After ransacking the bedroom, the gunman left. As soon as he could free himself, the victim called police and reported the incident.

On December 9, 1998, police responded to a call at an apartment house. Upon arriving, they were given custody of a man who, according to a security guard, had forced his way into a woman's apartment and tried to attack her. In questioning the victim, police learned that she had opened the door thinking her boyfriend had arrived, but a strange man had burst in. The victim stated that she was instructed to give him her money because he had a gun in his pocket and would use it. After handing over her purse, she was pushed into the bedroom and told to get undressed. She was resisting when her boyfriend appeared. As the boyfriend and the assailant struggled, she went to the phone and summoned security who helped to hold the defendant. A starter pistol was found in his pocket.

On February 20, 1999, the defendant pled guilty to *Robbery with a Deadly Weapon* from the first event and *Robbery and Second Degree Assault* from the second event.

Offender's Prior Record

JUVENILE:

| Date | Offense | Disposition |
|---|---------|-------------|
| No juvenile record was found for the name and birthdate provided. | | |

ADULT:

| Date | Offense | Disposition |
|----------|-------------------|-----------------------|
| 10/30/98 | Theft under \$500 | PBJ, 1 year probation |

Offender is currently on probation.

Computation of Guidelines Ranges for Criminal Event #1

1st Convicted Offense, Criminal Event #1: *Robbery with a Deadly Weapon*

Offense Score:

- A. Seriousness Category of Instant Offense-----5 points
As shown in Appendix A, *Robbery with a Deadly Weapon* is a Category III Offense.

- B. Victim Injury-----0 points
No injury.
- C. Weapon Usage -----2 points
Handgun was used.
- D. Special Vulnerability of Victim -----0 points
Victim over 10 and under 65 years old and not mentally or physically handicapped.

Total Offense Score 7 points

Offender Score:

Note: The offender score used in computing guidelines for multiple criminal events is the same for each event. The highest score for any event at the time of this sentencing should be used throughout.

- A. Relationship to CJS When Instant Offense Occurred -----1 point
The offender was on probation at the time of the second criminal event.
- B. Juvenile Delinquency -----0 points
No record found.
- C. Prior Adult Criminal Record-----1 point

Step I:

Theft under \$500 – Category VII

**Number of Prior Convictions
According to Seriousness Category**

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| I | 0 |
| II | 0 |
| III | 0 |
| IV | 0 |
| V | 0 |
| VI | 0 |
| VII | 1 |

Step II:

Since the most serious prior conviction was in Seriousness Category VII, refer to the block in Table 5-3 that indicates one Seriousness Category VII conviction. This block identifies the record as *Minor*.

Step III:

An offender with a minor record receives 1 point.

- D. Prior Adult Parole/Probation Violations -----0 points
 The offender does not get a point here because he had no violations except for the offenses of this sentencing event. He has already been penalized in "A" for committing these offenses while under supervision.

Total Offender Score 2 points

Guidelines Range for 1st Convicted Offense.....**5Y-10Y**
 An examination of Table 6-1 shows the recommended range for an offense score of 7 and an offender score of 2 is 5Y-10Y.

Computation of Guidelines Ranges for Criminal Event #2

1st Convicted Offense, Criminal Event #2: Robbery

Note: A second worksheet must be used for this separate criminal event.

Offense Score:

- A. Seriousness Category of Instant Offense -----3 points
 As shown in Appendix A, *Robbery* is a Category IV Offense.
- B. Victim Injury -----0 points
 No injury
- C. Weapon Usage -----1 point
 A starter pistol was used; therefore, 1 point is given for a weapon other than a firearm.
- D. Special Vulnerability of Victim -----0 points
 Victim over 10 and under 65 years old and not mentally or physically handicapped.

Total Offense Score 4 points

Offender Score:

The offender score is the same for all events sentenced at this sentencing event, 2.

Total Offender Score 2 points

Guidelines Range for 1st Convicted Offense.....**1Y-5Y**
 An examination of Table 6-1 shows that the recommended range for an offense score of 4 and an offender score of 2 is 1Y-5Y.

2nd Convicted Offense, Criminal Event #2: Second Degree Assault

Offense Score:

- A. Seriousness Category of Instant Offense-----1 point
As shown in Appendix A, *Second Degree Assault* is a Category IV Offense.
- B. Victim Injury-----0 points
No injury
- C. Weapon Usage-----1 point
A starter pistol was used; therefore, 1 point is given for a weapon other than a firearm.
- D. Special Vulnerability of Victim-----0 points
Victim over 10 and under 65 years old and not mentally or physically handicapped.

Total Offense Score 2 points

Offender Score:

The offender score is the same for all events sentenced at this sentencing event, 2.

Total Offender Score 2 points

Guidelines Range for 1st Convicted Offense.....P-18M
An examination of Table 6-1 shows that the recommended range for an offense score of 2 and an offender score of 2 is P-18M.

Overall Guidelines Range for the Sentencing Event

| <u>Criminal Event</u> | <u>Offense</u> | <u>Seriousness Category</u> | <u>Guidelines Range</u> |
|----------------------------------|------------------------------|-----------------------------|-------------------------|
| 1 | Robbery with a Deadly Weapon | III | 5-10 years |
| 2 | Robbery | IV | 1-5 years |
| 2 | Second Degree Assault | IV | P-18 months |
| <i>Overall Guidelines Range:</i> | | | 6-15 years |

To determine the overall guidelines range for the sentencing event, add the respective lower and upper limits of the guidelines ranges for each criminal event. These ranges are the highest upper and highest lower ranges from each event. (See Sample Case 4 and the explanation on in section 7.1) The overall guidelines range in this

instance would be 6 years to 15 years (5 years *plus* 1 year, and 10 years *plus* 5 years).

Case Information

| | |
|---------------------------------|-----------------------------------|
| Offender's Name: | Douglas Wills |
| Date of Birth: | 02/10/73 |
| Sex: | Male |
| Race: | White |
| Ethnicity: | Non-Hispanic |
| Date of Offense: | 07/19/01 |
| Docket No.: | 000000008 |
| Date of Plea or Verdict: | 10/01/01 |
| Disposition Type: | Jury Trial |
| Jurisdiction: | Prince George's County |
| Convicted Count(s): | Manufacture of PCP, CR, §5-608(b) |
| Date of Sentencing: | 12/30/01 |

Offense Description

On July 19, 1999, police, acting on a search warrant, conducted a search of the defendant's home. Police found a small lab and confiscated a number of chemical compounds and three ½ liter bottles of suspected PCP. Later chemical tests were positive for PCP. On September 1, 1999, the jury found the defendant guilty of *Manufacture of PCP*.

Offender's Prior Record

JUVENILE:

| Date | Offense | Disposition |
|----------|-------------------------|---------------------------------|
| 12/28/88 | Possession of Marijuana | Delinquent; probation |
| 07/05/89 | Possession of LSD | Delinquent; probation continued |

ADULT:

| Date | Offense | Disposition |
|----------|---|---|
| 01/06/93 | Possession of LSD | 6 months, all but 10 days suspended; 1 year probation |
| 04/09/96 | Burglary, 2 nd Degree | 6 months jail |
| 07/20/97 | Distribution of PCP Carrying a Handgun | 5 years, 3 years suspended 1 year concurrent |

Offender is currently on probation.

Computation of Guidelines Range

1st Convicted Offense: *Manufacture of PCP*

Offense Score:

There is no offense score for drug offenses.

Offender Score:

- A. Relationship to CJS When Instant Offense Occurred.....1 point
Offender was on probation at the time he committed the instant offense.
- B. Juvenile Delinquency.....0 points
Offender was over 23 years of age at the time of the instant offense.
- C. Prior Adult Criminal Record.....5 points

Step I:

Possession of LSD – Seriousness Category V
 Burglary, 2nd Degree – Seriousness Category IV
 Distribution of PCP – Seriousness Category III
 Carrying a Handgun – Seriousness Category VII

**Number of Prior Convictions
According to Seriousness Category**

| Seriousness Category | Number of Prior Convictions |
|----------------------|-----------------------------|
| I | 0 |
| II | 0 |
| III | 1 |
| IV | 1 |
| V | 1 |
| VI | 0 |
| VII | 1 |

Step II:

Since the most serious prior conviction was in Seriousness Category III, refer to the block in Table 5-3 that indicates one Seriousness Category III conviction. This block identifies the record as *Major*.

Step III:

An offender with a major record receives 5 points.

D. Prior Adult Parole/Probation Violations.....0 points
None

Total Offender Score 6 points

Guidelines Range.....7Y-14Y

An examination of Table 6-2 shows that the guidelines range for an offender score of 6 and the *Manufacture of PCP* (seriousness category V) is 7Y-14Y.

Overall Guidelines Range for the Sentencing Event

If the offender in this case is being sentenced pursuant to CR, §5-608(b) (previous *PCP Distribution*), which carries a 10-year mandatory minimum, the actual recommended range is 10 to 14 years because the mandatory minimum becomes the low end of the guidelines range.

If the offender was sentenced as a subsequent offender, the recommended guidelines range would be double the usual guidelines range, or 14Y-28Y.

The sentence for this offense may not be enhanced pursuant to both CR, §5-609(b) and CR, §5-905.

Guidelines Offense Table

Appendix A contains a table of guidelines offenses including their CJIS code, source code, seriousness category, and penalties. If an offense has not been assigned a seriousness category, the individual completing the worksheet should use the closest analogous offense and the sentencing judge and the parties should be notified. If there are any questions about how to categorize or score an offense please call the Maryland State Commission on Criminal Sentencing Policy staff at (301) 403-4165.

INDEX

| | | | |
|---|-----------|---|-----------|
| Abuse & Other Offensive Conduct | 1 | Credit Card Crimes | 14 |
| Child Abuse | 1 | Crimes Against the Person, Generally | 15 |
| Vulnerable Adult | 1 | Destructive Devices | 15 |
| Accessory & Solicitation | 1 | Devices | 15 |
| Animals, Crimes Against | 2 | Explosives | 15 |
| Arson & Burning | 2 | Other | 15 |
| Arson | 2 | Disturbing the Peace | 15 |
| Burning | 2 | Disorderly Conduct | 15 |
| Assault & Other Bodily Woundings | 2 | Election Offenses | 16 |
| Assault | 2 | Estates, Crimes Against | 16 |
| Cause of Life Threatening Injury | 3 | Extortion & Other Threats | 16 |
| Poisoning | 3 | Extortion | 16 |
| Other | 3 | Other | 17 |
| Assault Pistols | 3 | False Statements, Other | 17 |
| Assisted Suicide | 4 | False Statement | 17 |
| Bad Check | 4 | Fraud | 17 |
| Bribery | 4 | Fraud, Miscellaneous | 18 |
| Burglary & Related Crimes | 4 | Gambling, General Provisions | 18 |
| Breaking & Entering | 4 | Handguns | 19 |
| Burglary | 4 | Sale, Transfer | 19 |
| CDS & Paraphernalia | 5 | Use in Commission of a Felony | 19 |
| Distribution | 5 | Wearing, Carrying | 19 |
| Importation | 9 | Other | 20 |
| Paraphernalia | 9 | Harboring, Escape, & Contraband | 20 |
| Possession | 9 | Contraband | 20 |
| Other | 11 | Escape | 20 |
| CDS Registration | 11 | Harboring | 20 |
| Cemeteries & Funerary Objects | 11 | Hate Crimes | 20 |
| Commercial Fraud, Other | 12 | Identity Fraud | 20 |
| Business | 12 | Influencing or Intimidating Judicial Process | 22 |
| Financial Institutions | 12 | Interference with Government Operations | 22 |
| Insurance | 12 | Kidnapping & Related Crimes | 22 |
| Real Estate | 12 | Child Abduction | 22 |
| Other | 13 | False Imprisonment | 23 |
| Consumer Protection Laws | 13 | Kidnapping | 23 |
| Counterfeiting | 13 | Lotteries | 23 |
| Forgery | 13 | Machine Guns | 23 |
| Possession | 13 | Malicious Destruction | 24 |
| Other | 14 | | |

INDEX

| | | | |
|---|-----------|---|-----------|
| Manslaughter & Related Crimes | 24 | Robbery | 33 |
| Homicide | 24 | Carjacking | 33 |
| Manslaughter | 24 | Other | 33 |
| Marriage, Crimes Against | 24 | With Dangerous or Deadly Weapon | 33 |
| Motor Vehicle Offenses | 24 | Sabotage & Related Crimes | 33 |
| Driver Failing to Remain at Scene | 24 | Defense-Related Activities | 33 |
| DUI | 25 | Sabotage | 33 |
| DWI | 25 | Sexual Crimes | 33 |
| Fleeing or Eluding | 25 | Attempted | 33 |
| License | 26 | Rape | 34 |
| Security | 27 | Sex Offense | 34 |
| Other | 27 | Other | 34 |
| Murder | 27 | Stalking & Harassment | 34 |
| Nudity & Related Sexual Displays | 28 | Surveillance & Other Crimes Against Privacy | 35 |
| Obscene Matter | 28 | Wiretapping | 35 |
| Child Pornography | 28 | Other | 35 |
| Obscene Advertising | 28 | Telecommunications & Electronics | 35 |
| Obscene Performances | 28 | Access (or attempt) Computer Network..... | 35 |
| Possession..... | 28 | Bootlegging | 35 |
| Sale to Minors | 28 | Fraud | 36 |
| Sending, Bringing into State..... | 29 | Other | 36 |
| Other | 29 | Theft, Crimes Involving | 36 |
| Perjury | 29 | Trespass | 37 |
| Prescription Drugs & Other Substances | 29 | Unlawful Use of Goods | 37 |
| Harmful Substances..... | 29 | Weapons Crimes | 37 |
| Possession..... | 30 | Carrying..... | 37 |
| Prostitution & Related Crimes | 30 | Sale, Transfer..... | 37 |
| Abduction | 30 | Straw Purchase | 38 |
| Prostitution | 30 | Use in Drug Offense | 38 |
| Public Fraud | 30 | Other | 38 |
| Public Assistance | 30 | | |
| State Health Plan Fraud..... | 31 | | |
| Other | 31 | | |
| Public Health & Safety, Crimes Against | 32 | | |
| Dump, Deposit Litter | 32 | | |
| Hazardous Substance..... | 32 | | |
| Pollutants | 32 | | |
| Other..... | 32 | | |
| Railroads, Crimes Involving | 33 | | |

Most Common Offenses

| | |
|---|-----------|
| Carjacking (found under <i>Robbery</i>)..... | 33 |
| CDS, Distribution (found under <i>CDS & Paraphernalia</i>)..... | 5 |
| CDS, Possession (found under <i>CDS & Paraphernalia</i>)..... | 9 |
| Child Abduction (found under <i>Kidnapping & Related Crimes</i>)..... | 22 |
| Child Abuse (found under <i>Abuse & Other Offensive Conduct</i>)..... | 1 |
| Child Pornography (found under <i>Obscene Matter</i>)..... | 28 |
| Felon in Possession of a Firearm (found under <i>Other in Weapons</i>)..... | 38 |
| Fleeing & Eluding Police (found under <i>Motor Vehicle Offenses</i>)..... | 25 |
| Handgun Use in Commission of a Felony (found under <i>Handguns</i>)..... | 19 |
| Poisoning (found under <i>Assault & Other Bodily Woundings</i>)..... | 3 |
| Rape (found under <i>Sexual Crimes</i>)..... | 34 |
| Reckless Endangerment (found under <i>Other in Assault & Other Bodily Woundings</i>)..... | 3 |
| Resisting Arrest (found under <i>Escape in Harboring, Escape, and Contraband</i>)..... | 20 |
| Robbery with a Deadly Weapon (found under <i>Robbery</i>)..... | 33 |
| Sex Offenses (found under <i>Sexual Crimes</i>)..... | 34 |
| Unauthorized Use of Vehicle (found under <i>Unlawful Use of Goods</i>)..... | 37 |
| Uttering (found under <i>Other in Counterfeiting</i>)..... | 14 |
| Wearing, Carrying, Transfer of a Handgun (found under <i>Handguns</i>)..... | 19 |

Maryland Codes

| | |
|-----|--------------------------------------|
| 27 | Crimes and Punishments |
| 2B | Alcoholic Beverages |
| 33 | Election Code |
| 38A | Fires and Investigations |
| 88A | Department of Human Resources |
| BO | Business Occupations and Professions |
| BR | Business Regulations |
| CJ | Courts and Judicial Proceedings |
| CL | Commercial Law |
| CR | Criminal Law |
| CS | Correctional Services |
| EN | Environment |
| FI | Financial Institutions |
| FL | Family Law |
| HG | Health General |
| IN | Insurance |
| RP | Real Property |
| SF | State Finance and Procurement |
| TG | Tax General |
| TR | Transportation |

SENTENCING GUIDELINES OFFENSE TABLE

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---------|------|--------|-------|----|-----|-----|------|------|
|---------|------|--------|-------|----|-----|-----|------|------|

Abuse and Other Offensive Conduct

Child Abuse

| | | | | | | | | |
|--|-------------------|----------------------|--------|-----|-----|--|----------|--------|
| Physical | 1-0173, 1-3802 | CR, §3-601(b) | Felony | IV | 15Y | | | Person |
| Sexual | 1-0173, 1-3802 | CR, §3-602(b) | Felony | IV | 15Y | | | Person |
| With death | 1-0688, 1-0689 | CR, §3- 601(c)(2) | Felony | II | 30Y | | | Person |
| Contributing to certain conditions of a child | 2-0238 | CJ, §3-831(a) | Misd. | VI | 3Y | | \$25,000 | Person |
| Sell, barter, trade, etc. a child for money, property, etc. | 1-0481 | CR, §3-602 | Misd. | V | 5Y | | \$10,000 | Person |
| Desertion; non-support minor child | 2-3899, 3-3899 | FL, §10-203 | Misd. | VII | 3Y | | \$100 | Person |
| Contributing to a child in need of assistance | | CJ §3-828 | Misd. | VI | 3Y | | | Person |
| Contributing to a child being delinquent or in need of supervision | | CJ §3-8A-30 | Misd. | VI | 3Y | | | Person |

Vulnerable Adult

| | | | | | | | | |
|---|--------|---------------|--------|-----|-----|--|---------|--------|
| Interfering with rights of mentally retarded individual | | HG, § 7-1102 | Misd. | VII | 2Y | | \$5,000 | Person |
| Abuse, neglect of vulnerable adult by custodian | 1-0466 | CR, §3-604(b) | Misd. | V | 5Y | | \$5,000 | Person |
| Abuse, neglect of vulnerable adult by custodian. Sexual abuse or abuse resulting in death or serious injury | | CR, §3-603(b) | Felony | IV | 10Y | | | Person |

Accessory and Solicitation

| | | | | | | | | |
|---|--------|------------|--------|---|---|--|--|--------|
| Accessory after the fact to a felony (person) | 1-1480 | CR, §1-301 | Felony | V | Lesser of 5Y or max. term penalty for the crime | | | Person |
|---|--------|------------|--------|---|---|--|--|--------|

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|--------|------------|--------|----|---|-----|------|----------|
| Accessory after the fact to a felony (drug) | 1-1480 | CR, §1-301 | Felony | V | Lesser of 5Y or max. term penalty for the crime | | | Drug |
| Accessory after the fact to a felony (property) | 1-1480 | CR, §1-301 | Felony | V | Lesser of 5Y or max. term penalty for the crime | | | Property |

Animals, Crimes Against

| | | | | | | | | |
|---------------------------|--------------------------------|----------------|--------|----|----|----|---------|----------|
| Injuring a racehorse | 2-0260, 5-7199 | CR, §10-620 | Felony | VI | 3Y | 1Y | | Property |
| Aggravated animal cruelty | 1-0505, 1-0506, 1-0507, 1-0508 | CR, §10-606(b) | Felony | VI | 3Y | | \$5,000 | Property |

Arson and Burning

Arson

| | | | | | | | | |
|---|--------|---------------|--------|-----|-------|--|----------|----------|
| Dwelling or occupied structure (arson 1st degree) | 1-6500 | CR, §6-102(a) | Felony | III | 30Y** | | \$50,000 | Property |
| Other structure (arson, 2nd degree) | 1-6501 | CR, §6-103(a) | Felony | IV | 20Y | | \$30,000 | Property |
| Trash bin | 2-2003 | CR, §6-108(a) | Misd. | VII | 30D | | \$500 | Property |
| Threat of | 1-6505 | CR, §6-107(a) | Misd. | V | 10Y | | \$10,000 | Property |

Burning

| | | | | | | | | |
|--|--------|---------------|--------|-----|-----|--|---------|----------|
| Personal property of another, \$1,000 or more (malicious burning 1st degree) | 1-6502 | CR, §6-104(b) | Felony | VI | 5Y | | \$5,000 | Property |
| Personal property of another less than \$1,000 (malicious burning, 2nd degree) | 1-6503 | CR, §6-105(b) | Misd. | VII | 18M | | \$500 | Property |
| Property with intent to defraud | 1-6504 | CR, §6-106(a) | Misd. | VI | 5Y | | \$5,000 | Property |

Assault and Other Bodily Woundings

Assault

| | | | | | | | | |
|------------|--------|------------|--------|-----|-------|--|---------|--------|
| 1st degree | 1-1420 | CR, §3-202 | Felony | III | 25Y** | | | Person |
| 2nd degree | 1-1415 | CR, §3-203 | Misd. | V | 10Y | | \$2,500 | Person |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|-------------------|---------------|-------------------------|-----|----------------------|-----|------------------|--------|
| On division of correction or Patuxent institution, jail or detention center inmate or employee, 1st degree or 2nd degree | 1-1435, 1-1440 | CR, §3-205(a) | 1st=Felony 2nd=Misd. | IV | 1st=25Y** 2nd=10Y | | 2nd = \$2,500 | Person |
| <u>Cause a Life Threatening Injury by Vehicle, Boat</u> | | | | | | | | |
| While under the influence of alcohol | 1-0770 | CR, §3-211(d) | Misd. | VI | 2Y | | \$3,000 | Person |
| While impaired by controlled dangerous substance | 1-0780 | CR, §3-211(f) | Misd. | VI | 2Y | | \$3,000 | Person |
| While impaired by drugs | 1-0775 | CR, §3-211(e) | Misd. | VI | 2Y | | \$3,000 | Person |
| While intoxicated | 1-0765 | CR, §3-211(c) | Misd. | VI | 3Y | | \$5,000 | Person |
| <u>Poisoning</u> | | | | | | | | |
| Attempted | 2-0999 | CR, §3-213 | Felony | II | 10Y | 2Y | | Person |
| Contaminating water, food, etc. | 1-0319, 3-0999 | CR, §3-214 | Felony | II | 20Y | | | Person |
| <u>Other</u> | | | | | | | | |
| Reckless endangerment | 1-1425, 1-1430 | CR, §3-204(a) | Misd. | V | 5Y | | \$5,000 | Person |
| Female genital mutilation, perform or consent to | 1-0965, 1-0970 | HG, §20-603 | Felony | V | 5Y | | \$5,000 | Person |
| Willfully expose to infectious disease | | HG, §18-601 | Misd. | VII | 1Y | | \$500 | Person |
| Knowingly transfer or attempt to transfer HIV virus | | HG, §18-601.1 | Misd. | V | 3Y | | \$2,500 | Person |

Assault Pistols

| | | | | | | | | |
|--|--------|------------------|-------|-----|-----|---------|---------|--------|
| Use of assault pistol; magazine with a capacity of more than 20 rounds in the commission of a felony or crime of violence, 1st offense | 3-5260 | CR, §4-306(b)(2) | Misd. | III | 20Y | MM*=5Y | \$5,000 | Person |
| Use of assault pistol; magazine with a capacity of more than 20 rounds in the commission of a felony or crime of violence, subsequent | 3-5260 | CR, §4-306(b)(3) | Misd. | II | 20Y | MM*=10Y | \$5,000 | Person |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|-------------------|------------------------------|-------|----|-----|-----|---------|--------|
| Unlawfully possess, sell, offer to sell, transfer in, purchase, etc., an assault pistol; a detachable magazine with a capacity of more than 20 rounds of ammunition | 3-5250, 3-5255 | CR, §4-303(a), CR, §4-305(b) | Misd. | VI | 3Y | | \$5,000 | Person |

Assisted Suicide

| | | | | | | | | |
|--|------------------------------|------------|--------|-----|----|--|----------|--------|
| Coercion; provide means; participation | 2-0175, 2-0180, 2-0185 | CR, §3-102 | Felony | VII | 1Y | | \$10,000 | Person |
|--|------------------------------|------------|--------|-----|----|--|----------|--------|

Bad Check

| | | | | | | | | |
|--|--|------------|--------|-----|-----|--|---------|----------|
| Felony bad check, \$500 or greater | 3-4040, 3-4050, 3-4060, 3-4070, 3-4080, 2-2610, 2-2620 | CR, §8-103 | Felony | V | 15Y | | \$1,000 | Property |
| Misdemeanor bad check, less than \$500 | 3-4045, 3-4055, 3-4065, 3-4075, 3-4085 | CR, §8-103 | Misd. | VII | 18M | | \$100 | Property |

Bribery

| | | | | | | | | |
|--|-------------------|------------|--------|-----|-----|----|-------------------|----------|
| To or by public officer | 1-5101, 1-5103 | CR, §9-201 | Felony | V | 12Y | 2Y | \$100- \$5,000 | Property |
| Athletic contestant accepts bribe | 2-5103 | CR, §9-205 | Misd. | VII | 3Y | | \$5,000 | Property |
| Embracery or acceptance of bribe by juror | 2-5100, 2-5110 | CR, §9-202 | Misd. | VI | 6Y | | | Property |
| Person or persons who bribe or attempt to bribe a participant, etc., in athletic contest | 1-5100 | CR, §9-204 | Misd. | VI | 3Y | | \$100- \$5,000 | Property |

Burglary and Related Crimes

Breaking and Entering

| | | | | | | | | |
|-------------------|-------------------|---------------|--------|-----|----|--|---------|----------|
| Research facility | 2-3070 | CR, §6-208(b) | Felony | VI | 5Y | | \$5,000 | Property |
| Motor vehicle | 2-3080, 2-3090 | CR, §6-206(b) | Misd. | VII | 3Y | | | Property |

Burglary

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|-----------------------------------|---|---------------------------|--------|-----|-------|-----|----------|----------|
| 1st degree | 2-3000 | CR, §6-202(a) | Felony | III | 20Y** | | | Property |
| 2nd degree | 2-3010 | CR, §6-203(a) | Felony | IV | 15Y** | | | Property |
| 2nd degree, steal or take firearm | 2-3015 | CR, §6-203(b) | Felony | IV | 20Y** | | \$10,000 | Property |
| 3rd degree | 2-3020 | CR, §6-204(a) | Felony | IV | 10Y** | | | Property |
| 4th degree | 2-3030, 2-3040, 2-3045, 2-3050 | CR, §6- 205(a),(b),(c) | Misd. | VII | 3Y | | | Property |
| With explosives | 2-3060 | CR, §6-207(a) | Felony | III | 20Y** | | | Property |

CDS and Paraphernalia

Distribution

| | | | | | | | | |
|--|--|-------------------------------------|--------|-----|-----|--------|--|------|
| Schedule I through V non-narcotics (marijuana) | 1-0233, 1-0234, 1-0235, 1-0236, 1-0237, 1-0238, 1-0239, 1-0490, 2-3550 | CR, §5-607(a) | Felony | IV | 5Y | | \$15,000 | Drug |
| Schedule I through V non-narcotics (marijuana), subsequent | 1-0233, 1-0234, 1-0235, 1-0236, 1-0237, 1-0238, 1-0239, 1-0490, 2-3550 | CR, §5-607(b) | Felony | IV | 5Y | MM*=2Y | \$15,000 | Drug |
| Schedule I or II narcotics (cocaine) | 1-0491, 1-0696, 2-0233, 2-0234, 2-0235, 2-0236, 2-0237, 2-0300, 2-0301, 2-0325, 2-0330, 2-0696, 3-0233, 3-0234, 3-0235, 3-0236, 3-0237 | CR, §5- 608(a), CR, §5-609(a) | Felony | III | 20Y | | (b)(1) = \$25,000 (b)(2) = \$20,000 | Drug |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|--|--|--------|-----|----------------|-------------------------------|--|------|
| Schedule I or II narcotics (cocaine), subsequent | 1-0491, 1-0696, 2-0233, 2-0234, 2-0235, 2-0236, 2-0237, 2-0300, 2-0301, 2-0325, 2-0330, 2-0696, 3-0233, 3-0234, 3-0235, 3-0236, 3-0237 | CR, §5-608(b), CR, §5-609(b), CR, §5-608(c), CR, §5-609(c), CR, §5-608(d), CR, §5-609(d) | Felony | III | 20Y 25Y 40Y | MM*=10Y MM*=25Y MM*=40Y | \$100,000 | Drug |
| Schedule I or II narcotics (heroin) | 1-0491, 1-0696, 2-0233, 2-0234, 2-0235, 2-0236, 2-0237, 2-0300, 2-0301, 2-0325, 2-0330, 2-0696, 3-0233, 3-0234, 3-0235, 3-0236, 3-0237 | CR, §5-608(a), CR, §5-609(a) | Felony | III | 20Y | | (b)(1) = \$25,000 (b)(2) = \$20,000 | Drug |
| Schedule I or II narcotics (heroin), subsequent | 1-0491, 1-0696, 2-0233, 2-0234, 2-0235, 2-0236, 2-0237, 2-0300, 2-0301, 2-0325, 2-0330, 2-0696, 3-0233, 3-0234, 3-0235, 3-0236, 3-0237 | CR, §5-608(b), CR, §5-609(b), CR, §5-608(c), CR, §5-609(c), CR, §5-608(d), CR, §5-609(d) | Felony | III | 20Y 25Y 40Y | MM*=10Y MM*=25Y MM*=40Y | \$100,000 | Drug |
| Schedule I or II narcotics (LSD, hallucinogen) | 1-0491, 1-0696, 2-0233, 2-0234, 2-0235, 2-0236, 2-0237, 2-0300, 2-0301, 2-0325, 2-0330, 2-0696, 3-0233, 3-0234, 3-0235, 3-0236, 3-0237 | CR, §5-608(a), CR, §5-609(a) | Felony | III | 20Y | | (b)(1) = \$25,000 (b)(2) = \$20,000 | Drug |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|--|--|--------|-----|----------------|-------------------------------|--|------|
| Schedule I or II narcotics (LSD, hallucinogen), subsequent | 1-0491, 1-0696, 2-0233, 2-0234, 2-0235, 2-0236, 2-0237, 2-0300, 2-0301, 2-0325, 2-0330, 2-0696, 3-0233, 3-0234, 3-0235, 3-0236, 3-0237 | CR, §5-608(b), CR, §5-609(b), CR, §5-608(c), CR, §5-609(c), CR, §5-608(d), CR, §5-609(d) | Felony | III | 20Y 25Y 40Y | MM*=10Y MM*=25Y MM*=40Y | \$100,000 | Drug |
| Schedule I or II narcotics (PCP) | 1-0491, 1-0696, 2-0233, 2-0234, 2-0235, 2-0236, 2-0237, 2-0300, 2-0301, 2-0325, 2-0330, 2-0696, 3-0233, 3-0234, 3-0235, 3-0236, 3-0237 | CR, §5-608(a), CR, §5-609(a) | Felony | III | 20Y | | (b)(1) = \$25,000 (b)(2) = \$20,000 | Drug |
| Schedule I or II narcotics (PCP), subsequent | 1-0491, 1-0696, 2-0233, 2-0234, 2-0235, 2-0236, 2-0237, 2-0300, 2-0301, 2-0325, 2-0330, 2-0696, 3-0233, 3-0234, 3-0235, 3-0236, 3-0237 | CR, §5-608(b), CR, §5-609(b), CR, §5-608(c), CR, §5-609(c), CR, §5-608(d), CR, §5-609(d) | Felony | III | 20Y 25Y 40Y | MM*=10Y MM*=25Y MM*=40Y | \$100,000 | Drug |
| Schedule I through V non-narcotics (other non-narcotics) | 1-0233, 1-0234, 1-0235, 1-0236, 1-0237, 1-0238, 1-0239, 1-0490, 2-3550 | CR, §5-607(a) | Felony | IV | 5Y | | \$15,000 | Drug |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|--|---------------|--------|-----|-----|---------|-------------|------|
| Schedule I through V non-narcotics (other non-narcotics), subsequent | 1-0233, 1-0234, 1-0235, 1-0236, 1-0237, 1-0238, 1-0239, 1-0490, 2-3550 | CR, §5-607(b) | Felony | IV | 5Y | MM*=2Y | \$15,000 | Drug |
| Schedule I through V non-narcotics (LSD, depressant) | 1-0233, 1-0234, 1-0235, 1-0236, 1-0237, 1-0238, 1-0239, 1-0490, 2-3550 | CR, §5-607(a) | Felony | IV | 5Y | | \$15,000 | Drug |
| Schedule I through V non-narcotics (LSD, depressant), subsequent | 1-0233, 1-0234, 1-0235, 1-0236, 1-0237, 1-0238, 1-0239, 1-0490, 2-3550 | CR, §5-607(b) | Felony | IV | 5Y | MM*=2Y | \$15,000 | Drug |
| Non-controlled substance as controlled dangerous substance | 1-0246, 7-0000 | CR, §5-617 | Felony | IV | 5Y | | \$15,000 | Drug |
| Schedule I or II narcotics and hallucinogenics (other narcotic), subsequent | | | Felony | III | 20Y | 10Y | | Drug |
| Schedule I or II narcotics and hallucinogenics (other narcotic) | | | Felony | III | 20Y | | | Drug |
| Drug kingpin | 1-0488 | CR, §5-613 | Felony | II | 40Y | MM*=20Y | \$1,000,000 | Drug |
| Schedule I or II narcotics (e.g., pcp, heroin, cocaine, and LSD), large amounts | 2-0220, 2-0225, 2-0230, 2-0231 | CR, §5-612(a) | Felony | III | 20Y | MM*=5Y | \$100,000 | Drug |
| Schedule I through V non-narcotics (e.g., amphetamines, marijuana, diazepam, and Valium), large amounts | 2-0210, 2-0215 | CR, §5-612(a) | Felony | IV | 5Y | MM*=5Y | \$100,000 | Drug |
| Schedule I or II narcotics and hallucinogenics (MDMA, 750 grams or more) | 1-0696, 2-0233, 2-0234,2- 0235, 2- 0236, 2- 0237, 2- 0300, 2- 0301 | CR, §5-609(a) | Felony | III | 20Y | | \$20,000 | Drug |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|--|------------------|--------|-----|------|--------|----------|------|
| Schedule I or II narcotics and hallucinogenics (MDMA, 750 grams or more), subsequent | 1-0696, 2-0233, 2-0234,2- 0235, 2- 0236, 2- 0237, 2- 0300, 2- 0301 | CR, §5-609(b) | Felony | III | 20Y | 10Y | \$20,000 | Drug |
| Schedule I through V non-narcotics (MDMA, less than 750 grams) | 1-0233, 1-0234, 1-0235, 1-0236, 1-0237, 1-0238, 1-0239, 1-0490, 2-3550 | CR, §5-607(a) | Felony | IV | 5Y | | \$15,000 | Drug |
| Schedule I through V non-narcotics (MDMA, less than 750 grams), subsequent | 1-0233, 1-0234, 1-0235, 1-0236, 1-0237, 1-0238, 1-0239, 1-0490, 2-3550 | CR, §5-607(b) | Felony | IV | 5Y | MM*=2Y | \$15,000 | Drug |
| <u>Importation</u> | | | | | | | | |
| Into state | 3-3550 | CR, §5-614(a) | Felony | III | 25Y | | \$50,000 | Drug |
| Into state, marijuana (5-45 kilos) | 1-0730 | CR, §5-617(b) | Felony | IV | 10Y | | \$10,000 | Drug |
| <u>Paraphernalia</u> | | | | | | | | |
| Use or intent to use, 1st offense | | | Misd. | VII | Fine | | \$500 | Drug |
| Use or possession, with intent to use, subsequent | 5-3555 | CR, §5-619(d)(2) | Misd. | VII | 2Y | | \$2,000 | Drug |
| Delivery or sale generally, etc., subsequent | 6-3555 | CR, §5-619(e)(2) | Misd. | VII | 2Y | | \$2,000 | Drug |
| Delivery or sale to minor by adult three or more years older | 7-3550 | CR, §5-619(e)(4) | Misd. | IV | 8Y | | \$15,000 | Drug |
| Unlawfully advertise with the purpose to promote the sale and delivery of drug paraphernalia, subsequent | 9-0092 | CR, §5-619(f)(2) | Misd. | VII | 2Y | | \$2,000 | Drug |
| <u>Possession</u> | | | | | | | | |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|---|---------------|-------|-----|-----|-----|----------|------|
| Non-marijuana (cocaine) | 4-3550, 1-0247, 1-0248, 1-0249, 1-0250, 1-0251, 1-0252, 1-0253, 1-0254, 1-0255, 1-0256, 1-0257 | CR, §5-601(a) | Misd. | V | 4Y | | \$25,000 | Drug |
| Non-marijuana (heroin) | 4-3550, 1-0247, 1-0248, 1-0249, 1-0250, 1-0251, 1-0252, 1-0253, 1-0254, 1-0255, 1-0256, 1-0257 | CR, §5-601(a) | Misd. | V | 4Y | | \$25,000 | Drug |
| Non-marijuana (LSD) | 4-3550, 1-0247, 1-0248, 1-0249, 1-0250, 1-0251, 1-0252, 1-0253, 1-0254, 1-0255, 1-0256, 1-0257 | CR, §5-601(a) | Misd. | V | 4Y | | \$25,000 | Drug |
| Non-marijuana (PCP) | 4-3550, 1-0247, 1-0248, 1-0249, 1-0250, 1-0251, 1-0252, 1-0253, 1-0254, 1-0255, 1-0256, 1-0257 | CR, §5-601(a) | Misd. | V | 4Y | | \$25,000 | Drug |
| Marijuana | 1-0564, 1-0566, 1-0567, 1-0568, 1-0569, 1-0570, 1-0571, 1-0573, 1-0574 | CR, §5-601(a) | Misd. | VII | 1Y | | \$1,000 | Drug |
| Unsolicited mailing of certain drugs, controlled dangerous substances, medicines, etc. | 1-0025 | CR, §5-703 | Misd. | VII | 6M | | \$500 | Drug |
| Other, unlawful non-marijuana | | CR, §5-601(a) | Misd. | V | 4Y | | \$25,000 | Drug |
| Non-marijuana (MDMA) | | CR, §5-601(a) | Misd. | V | 4Y | | \$25,000 | Drug |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|----------------|------------------|--------|-----|-----|-----|----------------------------------|------|
| <u>Other</u> | | | | | | | | |
| Using minors for manufacture, delivery or distribution of controlled dangerous substances | 1-5409 | CR, §5-628(a)(1) | Felony | III | 20Y | | \$20,000 | Drug |
| Bringing minor into State to violate drug laws | 1-0489 | CR, §5-628(a) | Felony | III | 20Y | | \$20,000 | Drug |
| Manufacture, distribution or delivery of controlled substances near schools or on school vehicles | 1-0483, 1-0484 | CR, §5-627 | Felony | III | 20Y | | \$20,000, subsequent = \$40,000 | Drug |
| Possession/purchase of non-CDS believed to be a controlled dangerous substance | 1-0691 | CR, §5-618(a) | Misd. | VII | 1Y | | \$500 | Drug |
| Give, sell, transfer, trace, invest, conceal, etc.; Receive, acquire, engage in, etc. knowing that the proceeds were derived from CDS offense | 1-0673, 1-0675 | CR, §5-623(b) | Felony | IV | 5Y | | \$250,000 subsequent = \$500,000 | Drug |

CDS-Registration

| | | | | | | | | |
|--|--|---------------|--------|-----|-----|--|-----------|------|
| Deliver as a registrant a CDS of Schedule I/II without an order form | 9-3550 | CR, §5-904(a) | Felony | IV | 10Y | | \$100,000 | Drug |
| Use fictitious, etc. registration number; distribute without an order form | 1-0263 | CR, §5-903(a) | Felony | IV | 10Y | | \$100,000 | Drug |
| Manufacture CDS which was not authorized by registration | 8-3550 | CR, §5-209(b) | Misd. | VII | 2Y | | \$100,000 | Drug |
| Unlawful acts | 1-0258, 1-0259, 1-0260, 1-0261, 1-0262 | CR, §5-902(b) | Misd. | VII | 2Y | | \$100,000 | Drug |

Cemeteries and Funerary Objects, Crimes Involving

| | | | | | | | | |
|--|--------|----------------|-------|-----|----|--|----------|----------|
| Removal or attempted removal of human remains from a burial site | 3-3932 | CR, §10-402(a) | Misd. | VI | 5Y | | \$10,000 | Property |
| Destruction of funerary objects/structures placed in a cemetery | 3-3942 | CR, §10-404(a) | Misd. | VI | 5Y | | \$10,000 | Property |
| Destruction of graveyard plants | 3-3946 | CR, §10-404(b) | Misd. | VII | 2Y | | \$500 | Property |
| Disorderly conduct in cemetery | 3-3947 | CR, §1-404(c) | Misd. | VII | 2Y | | \$500 | Property |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---------|------|--------|-------|----|-----|-----|------|------|
|---------|------|--------|-------|----|-----|-----|------|------|

Commercial Fraud, Other

Business

| | | | | | | | | |
|--|--------|----------------|--------|----|----|--|----------|----------|
| False or misleading statement or omission of material fact in sale of business opportunity | 1-0871 | BR, §14-127(b) | Felony | VI | 5Y | | \$10,000 | Property |
| Offer or sale of franchise without registration | 2-0633 | BR, §14-228(b) | Felony | VI | 5Y | | \$10,000 | Property |
| Untrue statements or omissions of material fact in connection with an offer to sell or sale of a franchise | 1-0870 | BR, §14-229(b) | Felony | VI | 5Y | | \$10,000 | Property |
| False or misleading statement or omission in prospectus or amendment | 2-0634 | BR, §14-230(b) | Felony | VI | 5Y | | \$10,000 | Property |
| Untrue statements or omissions of material fact in applications, notices, or reports in sale of franchise | 2-0635 | BR, §14-231(b) | Felony | VI | 5Y | | \$10,000 | Property |
| Failure to notify Commissioner of material change in sale of franchise | 2-0636 | BR, §14-232(b) | Felony | VI | 5Y | | \$10,000 | Property |

Financial Institutions

| | | | | | | | | |
|--|--------|----------------|--------|---|-----|--|-----------|----------|
| False statement or false entry in records with the intent to deceive a person authorized to examine the affairs of the bank, trust company, or savings bank. | 1-5581 | FI, §5-803(b) | Felony | V | 10Y | | \$5,000 | Property |
| Misappropriation, fraudulent conversion, or any fraudulent act in the course of engaging in the mortgage lending business | 2-0946 | FI, §11-523(c) | Felony | V | 15Y | | \$100,000 | Property |

Insurance

| | | | | | | | | |
|---|---|-------------------|--------|-----|-----|--|----------|----------|
| Fraudulent Insurance Acts-Violation of § 27-407 or any other provision of the subtitle (§27-403, §27-404, §27-405, §27-406, §27-407) where the value of the fraud exceeds \$300 | 3-0120, 3-0125, 3-0126, 3-0130, 3-0150, 3-0160 | IN, §27-408(a)(1) | Felony | V | 15Y | | \$10,000 | Property |
| Fraudulent Insurance Acts-violation of any provision of the subtitle where the value of the fraud is less than \$300 | 3-0127, 3-0135, 3-0140, 3-0145, 3-0155, 3-0165 | N, §27-408(a)(2) | Misd. | VII | 18M | | \$10,000 | Property |

Real Estate

| | | | | | | | | |
|--|--|----------------|--------|---|-----|--|----------|----------|
| Sales of property, deposits on new homes | | RP, §10-305(a) | Felony | V | 15Y | | \$10,000 | Property |
|--|--|----------------|--------|---|-----|--|----------|----------|

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|-------------------|--------------------------|--------|-----|-----|-----|----------------------|----------|
| Sales of property, Custom Home Protection Act-willful failure to obtain and maintain a corporate surety bond or to hold sums of money in escrow account; willful failure to make disclosure; willful commission of a breach of trust provided in § 10-502 of this subtitle. | 1-0123, 1-0124 | RP, §10-507(b)(2) | Felony | V | 15Y | | \$10,000 | Property |
| Conduct that fails to comply with statute | 1-0679 | RP, §10-507(b)(3) | Misd. | VII | 1Y | | \$1,000 | Property |
| <u>Other</u> | | | | | | | | |
| Breach of trust | 1-2602 | CR, §8-406(a) | Misd. | VI | 10Y | | \$500- \$5,000 | Property |
| Convert to own use the property of partner | 2-2701, 3-2607 | CR, §8-401(a) | Misd. | VI | 10Y | | \$5,000 | Property |
| Misrepresentation by corporate officer | 4-2507, 4-2607 | CR, §8-402(a) | Misd. | VI | 3Y | 6M | \$1,000- \$10,000 | Property |
| False advertising | 5-2607 | Commercial Law, §14-2903 | Misd. | VII | 1Y | | \$500 | Property |
| Pyramid, promotional scheme | 6-2600 | CR, §8-404(b) | Misd. | VII | 1Y | | \$10,000 | Property |
| Unlawful subleasing of motor vehicle | 2-0615 | CR, §8-408(b) | Misd. | VII | 3Y | | \$5,000 | Property |

Consumer Protection Laws

| | | | | | | | | |
|---|--|--------------|--------|---|-----|--|---------|----------|
| Violation of Title 14 - Miscellaneous Consumer Protection Provisions, Credit Card Number Protection Act | 2-0550, 2-0560, 2-0570, 3-2210, 1-5420 | CL, §14-1404 | Felony | V | 15Y | | \$1,000 | Property |
|---|--|--------------|--------|---|-----|--|---------|----------|

Counterfeiting

Forgery

| | | | | | | | | |
|--|-------------------|---------------|--------|-----|-----|----|---------|----------|
| Public documents | 1-2500, 1-2504 | CR, §8-605(a) | Felony | V | 10Y | 2Y | | Property |
| General | 1-2502 | CR, §8-601(a) | Felony | V | 10Y | | \$1,000 | Property |
| Uttering | 1-2513 | CR, §8-602(a) | Felony | V | 10Y | | \$1,000 | Property |
| Trademark counterfeiting, \$1,000 or greater | 1-2545 | CR, §8-611(d) | Misd. | VII | 18M | | \$1,000 | Property |

Possession

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|------------------------------|---------------|--------|-----|-----|-----|----------|----------|
| U.S. currency | 1-0468 | CR, §8-604(a) | Misd. | VII | 3Y | | \$1,000 | Property |
| <u>Other</u> | | | | | | | | |
| Falsifying, destroying, concealing, accessing, etc., public records | 2-2504, 3-2504, 5-2504 | CR, §8-606(b) | Misd. | VII | 3Y | | \$1,000 | Property |
| Orders, etc., for money or goods | 1-2501 | CR, §8-609(b) | Felony | V | 10Y | 2Y | | Property |
| Comptroller stamp | 1-2603 | CR, §8-608(a) | Misd. | V | 10Y | | | Property |
| Any public seal | 1-2601 | CR, §8-607(b) | Misd. | V | 10Y | | | Property |
| Trademark counterfeiting, less than \$1,000 | 1-2540 | CR, §8-611(c) | Felony | V | 15Y | | \$10,000 | Property |
| Make, utter, forge, etc. tickets, coupons, tokens, etc. without the authority of the person or corporation issuing, selling, etc.; assist in making, uttering, forging, etc. of tickets, coupons, tokens, etc.; or utter or pass, knowing it to be so made | 3-2502, 3-2510 | CR, §8-612(b) | Misd. | VII | 1Y | | | Property |

Credit Card Crimes

| | | | | | | | | |
|--|---|------------------|--------|-----|-----|--|---------|----------|
| Felony, \$500 or greater | 1-0196, 1-0197, 1-0198, 1-0199, 1-0200, 3-4125, 3-4135, 3-4145, 3-4155, 3-4165, 3-4175 | CR, §8-207(b)(1) | Felony | V | 15Y | | \$1,000 | Property |
| Misdemeanor, less than \$500 | 1-2607, 1-2399, 2-2803, 1-2899, 1-2605, 1-2803, 3-4120, 3-4130, 3-4140, 3-4150, 3-4160, 3-4170 | CR, §8-207(b)(2) | Misd. | VII | 18M | | \$500 | Property |
| Possess with unlawful intent a payment device number | 3-2210 | CR, §8-215 | Felony | V | 15Y | | \$1,000 | Property |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|--------|---------------|-------|-----|-----|-----|-------|----------|
| Publish or cause to be published the number or code of existing, canceled, etc. telephone credit card, or associated numbering or coding system, with the intent that it be used or with knowledge that it may be used fraudulently | 2-2605 | CR, §8-210(b) | Misd. | VII | 1Y | | \$500 | Property |

Crimes Against the Person, Generally

| | | | | | | | | |
|---|--------|---------------|-------|-----|----|--|---------|--------|
| Administered controlled dangerous substance before committing crime of violence | 2-0710 | CR, §5-624(b) | Misd. | VII | 1Y | | \$2,500 | Person |
|---|--------|---------------|-------|-----|----|--|---------|--------|

Destructive Devices

Devices

| | | | | | | | | |
|--|--------|------------------|--------|-----|-----|--|-----------|----------|
| Manufacture, transport, possess, control, store, sell, distribute, and use a destructive device. | 1-0720 | CR, §4-503(a)(1) | Felony | III | 25Y | | \$250,000 | Property |
| Possess explosive, incendiary and toxic material with the intent to create a destructive device | 1-0725 | CR, §4-503(a)(2) | Felony | III | 25Y | | \$250,000 | Property |

Explosives

| | | | | | | | | |
|---|--------|-----------------|--------|-----|-----|--|----------|----------|
| Sale | 1-0022 | 38A, §§31, 34B | Felony | III | 20Y | | \$10,000 | Person |
| Possession without license | 1-0033 | 38A, §§27A, 34A | Felony | III | 20Y | | \$10,000 | Person |
| Possession without a license | | 38A, §§29, 34 | Misd. | VI | 5Y | | \$5,000 | Property |
| Unlawful manufacture or dealing w/o license | 1-0416 | 38A, §§27, 34 | Misd. | VI | 5Y | | \$5,000 | Property |

Other

| | | | | | | | | |
|--------------------------------|--------|---------------|--------|-----|-----|--|----------|----------|
| Firearm, explosive on aircraft | 2-5203 | TR, §5-1008 | Felony | III | 10Y | | | Person |
| Phony destructive device | 2-5215 | CR, §9-505(a) | Felony | V | 10Y | | \$10,000 | Property |

Disturbing the Peace

Disorderly Conduct

| | | | | | | | | |
|--|--------|--------------|-------|-----|------|--|--|--------|
| Rioting | 3-1314 | Common Law | Misd. | IV | LIFE | | | Person |
| Willfully violate order given by Governor in time of emergency | | 16A, §12A(b) | Misd. | VII | 1Y | | | Person |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|----------------|--------------------------------|-------|-----|-----|-----|---------|----------|
| Willfully and knowingly fail to comply with order in time of investigation of communicable disease | | Md. Health General, §18-907(a) | Misd. | VII | 1Y | | | Person |
| In public places | | CR, §10-201 | Misd. | VII | 2M | | \$500 | Person |
| Official flag defacing/desecrate in a manner intended to incite or produce an imminent breach of peace or under circumstances likely to incite or produce an imminent breach of peace | 1-0405, 1-0671 | CR, §10-704(a) | Misd. | VII | 1Y | | \$1,000 | Property |

Election Offenses

| | | | | | | | | |
|---|--------|----------------|--------|-----|-----|----|----------|----------|
| Voting by person convicted of infamous crime (i.e., felony) | 2-0374 | 33, §16-202(b) | Felony | VI | 5Y | 1Y | | Property |
| Tampering with election records | 2-0377 | 33, §16-304(b) | Felony | VI | 5Y | 1Y | | Property |
| Adding or deleting votes by election judge | 2-0378 | 33, §16-304(b) | Felony | VI | 5Y | 1Y | | Property |
| False reports by election judge or election official | 2-0381 | 33, §16-601(b) | Felony | V | 10Y | 1Y | | Property |
| Defacing or removing election records related to voting | 2-0382 | 33, §16-701(e) | Felony | V | 10Y | 1Y | \$50,000 | Property |
| Destruction of voting equipment used or intended to be used on the day of election | 2-0383 | 33, §16-801(b) | Felony | VI | 5Y | | | Property |
| Unauthorized access of the electronic voting systems; or tampering, altering the electronic voting system for the purpose of affecting the vote count | 2-0384 | 33, §16-804(b) | Felony | V | 10Y | | | Property |
| Employer attempt to influence vote of employee | | 33, §13-602 | Misd. | VII | 1Y | | | Property |

Estates, Crimes Against

| | | | | | | | | |
|--|--------|---------------|-------|---|-----|-----|--|----------|
| Embezzling; destroy, conceal will or codicil | 2-2700 | CR, §8-702(a) | Misd. | V | 15Y | 18M | | Property |
|--|--------|---------------|-------|---|-----|-----|--|----------|

Extortion and Other Threats

Extortion

| | | | | | | | | |
|--|--------|---------------|--------|---|-----|--|---------|----------|
| Felony extortion by anyone, \$500 or greater | 3-5060 | CR, §3-701(c) | Felony | V | 10Y | | \$5,000 | Property |
|--|--------|---------------|--------|---|-----|--|---------|----------|

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|----------------|---------------|--------|-----|-----|-----|---------|----------|
| Misdemeanor extortion by anyone, less than \$500 | 3-5050 | CR, §3-701(d) | Misd. | VII | 18M | | \$500 | Property |
| By false accusation | 3-2104, 3-2105 | CR, §3-704(a) | Misd. | VI | 2Y | | | Property |
| Misdemeanor extortion by state or local officer, less than \$500 | 3-5070 | CR, §3-702(b) | Misd. | VII | 6M | | \$500 | Property |
| Felony extortion by state or local officer, \$500 or greater | 3-5080 | CR, §3-702(b) | Felony | V | 10Y | | \$5,000 | Property |
| By state or local officer or employee against another employee | 4-2100 | CR, §3-701(c) | Felony | VI | 5Y | | \$5,000 | Property |
| Sending, etc. a threatening letter, etc. | 2-5130, 2-5140 | CR, §3-706(b) | Felony | V | 10Y | 2Y | | Property |
| Threatening verbally | 2-2104 | CR, §3-705(a) | Felony | V | 10Y | 2Y | | Property |

Other

| | | | | | | | | |
|--|----------------|-------------------|-------|----|----|--|---------|--------|
| Send threat or threaten to take the life, kidnap, or cause bodily injury to state official | 1-0477, 1-0478 | CR, §3-708(b),(c) | Misd. | VI | 3Y | | \$2,500 | Person |
|--|----------------|-------------------|-------|----|----|--|---------|--------|

False Statements, Other

False Statement

| | | | | | | | | |
|---|------------------------|------------------------------|--------|-----|-----|--|----------|----------|
| On application for funds for Maryland higher education commission | 2-5099 | CR, §9-506(a) | Misd. | VII | 1Y | | \$5,000 | Property |
| Rumor as to bomb | 1-5300 | CR, §9-504(b) | Felony | V | 10Y | | \$10,000 | Property |
| To official or agencies of state or its subdivisions | 1-5099 | CR, §9-503(a) | Misd. | VII | 6M | | \$500 | Property |
| To peace or police officers | 1-0207, 1-0690, 1-4803 | CR, §9-501(a), CR, §9-502(a) | Misd. | VII | 6M | | \$500 | Property |

Fraud

| | | | | | | | | |
|--|--------|-----------------|--------|----|-----|--|---------|----------|
| Wilful failure to file income tax return | 1-6101 | TG, §13-1001(c) | Felony | VI | 5Y | | \$5,000 | Property |
| Wilful failure to withhold income tax | | TG, §13-1007(b) | Felony | VI | 5Y | | \$5,000 | Property |
| Wilful preparation of false income tax return | 1-7501 | TG, §13-1004 | Felony | VI | 5Y | | \$5,000 | Property |
| Failure to provide or providing false information wilfully or with intent to evade taxes | 1-7500 | TG, §13-1024(a) | Misd. | VI | 18M | | \$5,000 | Property |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---------|------|--------|-------|----|-----|-----|------|------|
|---------|------|--------|-------|----|-----|-----|------|------|

Fraud, Miscellaneous

| | | | | | | | | |
|--|--|---------------------------------|--------|-----|-----|--|------------------------------------|----------|
| Forgery, etc. of prescriptions, etc. | 1-0180, 2-0262, 2-2502, 2-2530 | CR, §8-610(a),(b) | Misd. | VI | 2Y | | | Property |
| Falsely representing self as lawyer | 2-0592 | BO, §10-602 | Misd. | VII | 1Y | | | Property |
| Misuse by lawyer | | BO, §10-306; §10-606 | Misd. | V | 5Y | | | Property |
| Home improvement, without license | 2-0256, 2-0257, 2-0275 | BR, §8-601 | Misd. | VII | 2Y | | \$5,000 | Property |
| Failure to deliver receipts for stored grain | 6-2610 | CR, §7-116(b) | Misd. | VI | 10Y | | \$500-\$5,000 | Property |
| False advertising | 1-0009 | Commercial Law, §14-2902(a) | Misd. | VII | 1Y | | \$1,000 | Property |
| Willful transportation of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid | 1-7520 | TG, §13-1015 | Felony | VII | 1Y | | Not exceeding \$50 for each carton | Property |
| Out-of-state unlicensed sellers of alcohol | 2-0356 | 2B, §16-506.1(b) | Felony | VI | 2Y | | | Property |
| Fraudulently substituting wood alcohol for grain alcohol while in the business of making, manufacturing, etc. drugs, medicines, medicinal or chemical preparations | 1-5503 | CR, §8-802(b) | Misd. | VII | 1Y | | \$100-\$500 | Property |
| Fraudulent actions related to cable TV for payment or offer of pay | 2-0290, 2-0291, 2-0292, 2-0293, 2-0294, 2-0295, 4-0248 | CR, §7-303(c) | Misd. | VI | 5Y | | \$5,000 | Property |
| Possession of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid, more than 30 cartons | | Md. Tax General, §13-1014(a)(3) | Misd. | VII | 1Y | | | Property |

Gambling, General Provisions

| | | | | | | | | |
|--------------------------------------|--------|----------------|-------|-----|----|----|-------|----------|
| Keeping, etc., gaming table or place | 1-3908 | CR, §12-104(a) | Misd. | VII | 1Y | 6M | \$500 | Property |
|--------------------------------------|--------|----------------|-------|-----|----|----|-------|----------|

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|----------------|----------------|-------|-----|-----|-----|---------------|----------|
| Betting, wagering, etc.; pools on horses, etc. | 1-3901, 3-3921 | CR, §12-102(a) | Misd. | VII | 1Y | 6M | \$200-\$1,000 | Property |
| Fix horse race | 1-0433 | CR, §12-109(a) | Misd. | VII | 3Y | | \$5,000 | Property |
| Off-shore gambling | 6-2620 | CR, §12-105(b) | Misd. | VII | 1Y | | \$200-\$1,000 | Property |
| Play thimbles, Little Joker, Crap, etc. for money | 1-3903 | CR, §12-103(a) | Misd. | VII | 2Y | | \$100 | Property |
| Enter horse in a race under a name other than that assigned and registered; racing horse under a false or unregistered name | 3-2600, 1-0231 | BR, §11-1002 | Misd. | VII | 3Y | | \$50,000 | Property |
| Gambling, General Provisions-- Owner/occupier of building knowingly permits gaming table to be kept | 2-3908 | CR, §12-104(a) | Misd. | VII | 1Y | | \$500 | Property |
| Rent place for gambling | 2-3921 | CR, §12-104(a) | Misd. | VII | 1Y | | \$500 | Property |
| Keep, etc. slot machine unlawfully | 3-3908 | CR, §12-302(a) | Misd. | VII | 1Y | | \$1,000 | Property |

Handguns

Sale, Transfer

| | | | | | | | | |
|---|----------------|---------------------------|-------|----|----|--|----------|--------|
| Restrictions on sale, transfer and possession of pistols and revolvers | 1-5265, 5-5210 | 27, §445(b),(d) | Misd. | VI | 5Y | | \$10,000 | Person |
| Of stolen pistols | 1-2801 | 27, §446 | Misd. | VI | 5Y | | \$10,000 | Person |
| Sale of a handgun manufactured on or before 12/31/02 with no external safety lock | 2-2020 | 27, §442C(c); 27, §449(f) | Misd. | VI | 5Y | | \$10,000 | Person |

Use in Commission of Felony or Crime of Violence

| | | | | | | | | |
|-------------|--------|------------------|-------|-----|-------|--------|--|--------|
| 1st offense | 1-5299 | CR, §4-204(b)(2) | Misd. | III | 20Y** | MM*=5Y | | Person |
| Subsequent | 1-5299 | CR, §4-204(B)(1) | Misd. | II | 20Y** | MM*=5Y | | Person |

Wearing, Carrying

| | | | | | | | | |
|-------------------------------|----------------|------------------------|-------|-----|-----|--------|---------------|--------|
| 1st weapon offense, generally | 1-5212, 1-0175 | CR, §4-203(a) | Misd. | VII | 3Y | 30D | \$250-\$2,500 | Person |
| 2nd weapon offense, generally | 1-5212, 1-0175 | CR, §4-203(c)(3)(i)(1) | Misd. | III | 10Y | MM*=1Y | | Person |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|----------------|---------------------------|-------|-----|-----|--------|---------------|--------|
| With deliberate purpose to injure or kill | 1-5299 | CR, §4-203(c)(4)(i)(2)(b) | Misd. | V | 5Y | MM*=5Y | | Person |
| More than two prior weapon offenses, generally | 1-5212, 1-0175 | CR, §4-203(c)(4)(i)(1) | Misd. | III | 10Y | MM*=3Y | | Person |
| On school property, etc., more than two prior weapon offenses | 1-5212, 1-0175 | CR, §4-203(c)(4)(i)(1) | Misd. | III | 10Y | MM*=5Y | | Person |
| On school property, etc., 1st weapon offense | 1-5212, 1-0175 | CR, §4-203(c)(2)(ii) | Misd. | VII | 3Y | 90D | \$250-\$2,500 | Person |
| On school property, etc., 2nd weapon offense | 1-5212, 1-0175 | CR, §4-203(c)(3)(i)(2) | Misd. | III | 10Y | MM*=3Y | | Person |
| Under the influence | 6-5210 | CR, §4-207(a) | Misd. | VII | 1Y | | \$1,000 | Person |
| <u>Other</u> | | | | | | | | |
| Obliterating, etc., identification mark or number | 3-5210 | 27, §444 | Misd. | VI | 3Y | | | Person |
| Short-barreled rifles and shotguns, unlawful possession | 2-5212 | 27, §481C(b) | Misd. | VI | 5Y | | \$5,000 | Person |
| Fail to return handgun permit | 6-5211 | 27, §36E(f) | Misd. | VII | 1Y | | \$100-\$1,000 | Person |
| Firearm demonstration in a public place | 3-5299 | CR, §4-208(b) | Misd. | VII | 1Y | | \$1,000 | Person |

Harboring, Escape, and Contraband

Contraband

| | | | | | | | | |
|--|--------------------------------|---------------|--------|----|-----|--|---------|----------|
| Deliver, possess, conceal, receive weapon | 2-1035, 2-1040, 2-1045, 2-1055 | CR, §9-414 | Felony | IV | 10Y | | \$5,000 | Person |
| Deliver, possess, conceal, receive to effect an escape | 2-1060, 2-1065, 2-1070, 2-1075 | CR, §9-413(a) | Felony | IV | 10Y | | \$5,000 | Person |
| Delivery; possession with intent to deliver | 2-1080, 2-1085 | CR, §9-412(a) | Misd. | VI | 3Y | | \$1,000 | Property |
| Deliver alcoholic beverage to person in confinement; possess alcoholic beverage with the intent to deliver | 2-1090, 2-1092 | CR, §9-415(b) | Misd. | VI | 3Y | | \$1,000 | Property |
| Deliver controlled substance to person in confinement; possess controlled substance with the intent to deliver | 2-1095, 2-1097 | CR, §9-416(a) | Misd. | VI | 3Y | | \$1,000 | Property |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---------|------|--------|-------|----|-----|-----|------|------|
|---------|------|--------|-------|----|-----|-----|------|------|

Escape

| | | | | | | | | |
|--------------------------------|------------------------------|---------------|--------|-----|------|--|----------|--------|
| Resisting arrest | 1-4801 | Common Law | Misd. | VI | LIFE | | | Person |
| 1st degree | 2-1010, 2-1015 | CR, §9-404(a) | Felony | IV | 10Y | | \$20,000 | Person |
| 2nd degree | 2-1020, 2-1025, 2-1030 | CR, §9-405(a) | Misd. | VI | 3Y | | \$5,000 | Person |
| Violate Home Detention Program | 2-0271 | CS, 3-409 | Misd. | VII | 1Y | | | Person |

Harboring

| | | | | | | | | |
|----------------|--------|---------------|-------|-----|----|--|---------|--------|
| Felon/fugitive | 1-0232 | CR, §9-402 | Misd. | VII | 1Y | | \$1,000 | Person |
| Fleeing felon | 1-4904 | CR, §9-402 | Misd. | VII | 1Y | | \$1,000 | Person |
| Prison escapee | 2-4904 | CR, §9-403(a) | Misd. | VII | 1Y | | \$1,000 | Person |

Hate Crimes

| | | | | | | | | |
|---|---|--------------------|--------|-----|-----|--|----------|--------|
| Crimes against religious property, institutions, or personal property because of race, religious belief- Involving misdemeanor | 1-0435, 1-0436, 1-0437, 1-0438, 2-0250, 2-0251, 2-0252, 2-0253 | CR, §10-305(2) | Misd. | V | 3Y | | \$5,000 | Person |
| Crimes against religious property, institutions, or personal property because of race, religious belief, involving separate felony resulting in death | 1-0435, 1-0436, 1-0437, 1-0438, 2-0250, 2-0251, 2-0252, 2-0253 | CR, §10-305(1)(ii) | Felony | III | 20Y | | \$20,000 | Person |
| Crimes against religious property, institutions, or personal property because of race, religious belief- Involving separate felony generally | 1-0435, 1-0436, 1-0437, 1-0438, 2-0250, 2-0251, 2-0252, 2-0253 | CR, §10-305(1)(i) | Misd. | IV | 10Y | | \$10,000 | Person |

Identity Fraud

| | | | | | | | | |
|---|---|------------------|-------|-----|----|--|---------|----------|
| Personal identification information theft | 2-0075, 2-0080, 2-0085, 2-0090 | CR, §8-301(d)(2) | Misd. | VII | 1Y | | \$5,000 | Property |
|---|---|------------------|-------|-----|----|--|---------|----------|

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|--------|------------------|--------|-----|-----|-----|---------|----------|
| Sell etc., false ID | 1-0432 | CR, §8-302(b) | Misd. | VII | 2Y | | \$2,000 | Property |
| Posses, obtain personally identifying information. Benefit greater than \$500 | | CR, §8-301(d)(1) | Felony | V | 5Y | | | Property |
| Intent to manufacture, distribute or dispense personally identifying information | | CR, §8-301(d)(3) | Felony | V | 5Y | | | Property |

Influencing or Intimidating Judicial Process

| | | | | | | | | |
|--------------------------------|--------|---------------|--------|-----|------|--|----------|----------|
| Induce false testimony | 1-6530 | CR, §9-302(a) | Misd. | V | 5Y | | | Person |
| Obstructing justice | 2-5006 | CR, §9-306(a) | Misd. | V | 5Y | | \$10,000 | Person |
| Retaliation for testimony | 1-6535 | CR, §9-303(a) | Misd. | V | 5Y | | | Person |
| Contempt, criminal | 1-0972 | Common Law | Misd. | VII | LIFE | | | Property |
| Failure to appear, misdemeanor | 1-5002 | 27, §12B | Misd. | VII | 1Y | | \$1,000 | Property |
| Failure to appear, felony | 1-5001 | 27, §12B | Felony | V | 5Y | | \$5,000 | Property |

Interference with Government Operations

| | | | | | | | | |
|---|--|---------------|-------|-----|------|--|---------|----------|
| Malfeasance, misconduct in office | 1-0157 | Common Law | Misd. | V | LIFE | | | Person |
| Hinder police officer | 1-0043 | Common Law | Misd. | VI | LIFE | | | Person |
| Interference, obstruction or false representation of fire or emergency services personnel | 1-0165, 2-0249, 4-5397, 4-5398, 4-5399 | 27, §11D | Misd. | VII | 3Y | | | Person |
| Malfeasance, misconduct in office | 1-0157 | Common Law | Misd. | V | LIFE | | | Drug |
| Malfeasance, misconduct in office | 1-0157 | Common Law | Misd. | V | LIFE | | | Property |
| False alarms, fire ambulance or rescue squad calls | 1-0208, 1-5308 | CR, §9-604(a) | Misd. | V | 5Y | | \$5,000 | Property |

Kidnapping and Related Crimes

Child Abduction

| | | | | | | | | |
|---|---|------------------------|--------|-----|----|--|---------|--------|
| Child under 16 by relative outside state, more than 30 days | 1-0367, 1-0368, 1-0369, 2-1006 | FL, §§9-305(a), 307(c) | Felony | VII | 1Y | | \$1,000 | Person |
|---|---|------------------------|--------|-----|----|--|---------|--------|

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|--|-------------------------------|--------|-----|-------|-----|---------|--------|
| Child under 16 by relative outside state, 30 days or less | | FL, §§9-305(a), 307(b) | Felony | VII | 30D | | \$250 | Person |
| Child under 12 | 1-1005, 1-0163, 1-0164, 2-0170 | CR, §3-503(a)(1) | Felony | III | 20Y** | | | Person |
| International parental child kidnapping | 1-0366, 2-1006, 1-0367, 1-0368, 1-0369 | FL, §§9-305(b); FL, §9-307(d) | Felony | V | 3Y | | \$5,000 | Person |
| Child under 16 by relative in state | 1-0364, 1-0365, 1-0366, 2-1005 | FL, §§9-304, 307(a) | Misd. | VII | 30D | | \$250 | Person |

False Imprisonment

| | | | | | | | | |
|--------------------|--------|---------------|--------|----|------|--|--|--------|
| False imprisonment | 1-0042 | Common Law | Misd. | V | LIFE | | | Person |
| By inmate | 3-5730 | CS, §8-801(b) | Felony | II | 30Y | | | Person |

Kidnapping

| | | | | | | | | |
|----------------|--------|------------------|--------|----|-------|--|--|--------|
| Child under 16 | 4-1005 | CR, §3-503(a)(2) | Felony | II | 30Y** | | | Person |
| Generally | 3-1005 | CR, §3-502(a) | Felony | II | 30Y** | | | Person |

Lotteries

| | | | | | | | | |
|--|------------------------|----------------|-------|-----|-----|----|-------------------|----------|
| Devices to evade lottery proscription | 1-3919 | CR, §12-203(a) | Misd. | VII | 12M | 3M | \$200- \$1,000 | Property |
| Importing ticket or possession of lottery records or money | 1-0286, 1-0287, 2-3918 | CR, §12-205(b) | Misd. | VII | 1Y | | \$1,000 | Property |
| Keeping places for selling, etc., of lottery tickets | 4-3921 | CR, §12-204(a) | Misd. | VII | 1Y | | \$1,000 | Property |
| Owner permitting use of house, etc., for sale of tickets | 5-3921 | CR, §12-204(a) | Misd. | VII | 1Y | | \$1,000 | Property |
| Sale or drawing of lottery | 1-3918, 2-3925, 2-3930 | CR, §12-203(a) | Misd. | VII | 12M | 3M | \$200- \$1,000 | Property |
| Subsequent | 4-3921 | CR, §12-210 | Misd. | VI | 5Y | | \$5,000 | Property |

Machine Guns

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|--------|---------------|--------|-----|-----|-----|------|--------|
| Possession or use of a machine gun | 2-5299 | CR, §4-404(a) | Felony | III | 20Y | | | Person |
| Possess, use a machine gun for an aggressive purpose | 1-1314 | CR, §4-405(c) | Misd. | IV | 10Y | | | Person |

Malicious Destruction

| | | | | | | | | |
|---|--------------------------------|---------------|-------|-----|-----|--|---------|----------|
| Throwing missiles into occupied vehicle or instrumentality of public transportation | 1-2903 | CR, §6-302(a) | Misd. | VII | 1Y | | \$500 | Person |
| Destruction of property, \$500 or greater | 3-4030, 3-4035 | CR, §6-301(b) | Misd. | VII | 3Y | | \$2,500 | Property |
| Destruction of property, less than \$500 | 3-4025 | CR, §6-301(c) | Misd. | VII | 60D | | \$500 | Property |
| Serial numbers, removing, etc. | 1-0291, 2-2800, 2-2810, 2-2820 | CR, §6-306(a) | Misd. | VII | 18M | | \$500 | Property |

Manslaughter and Related Crimes

Homicide

| | | | | | | | | |
|--|----------------|---------------|--------|----|----|--|---------|--------|
| By motor vehicle or vessel while intoxicated | 1-0900 | CR, §2-503(a) | Felony | V | 5Y | | \$5,000 | Person |
| Negligent homicide by auto, boat, drugs, CDS | 1-0755, 1-0760 | CR, §2-505(a) | Felony | VI | 3Y | | \$5,000 | Person |

Manslaughter

| | | | | | | | | |
|-----------------------------|--------|---------------|--------|----|-------|--|---------|--------|
| By automobile, vessel, etc. | 1-0909 | CR, §2-209(b) | Felony | IV | 10Y | | \$5,000 | Person |
| Involuntary | 1-0910 | CR, §2-207 | Felony | IV | 10Y | | \$500 | Person |
| Voluntary | 1-0910 | CR, §2-207 | Felony | IV | 10Y** | | \$500 | Person |

Marriage, Crimes Against

| | | | | | | | | |
|--------|--------|----------------|--------|----|----|--|--|--------|
| Bigamy | 1-3804 | CR, §10-502(b) | Felony | VI | 9Y | | | Person |
|--------|--------|----------------|--------|----|----|--|--|--------|

Motor Vehicle Offenses

Driver Failing to Remain at Scene

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|------|---|-------|-----|-----|-----|---------|--------|
| Accidents resulting in death of another person | | TR, §§27-101(o)(1), 20-102 | Misd. | V | 5Y | | \$5,000 | Person |
| Accidents resulting in bodily injury to another person | | TR, §§27-101(o)(1), 20-102 | Misd. | VII | 1Y | | \$3,000 | Person |
| <u>DUI</u> | | | | | | | | |
| Driving while impaired by alcohol, subsequent | | TR, §§27-101(f)(1)(ii)(2)(A), 21-902(b) | Misd. | VII | 1Y | | \$500 | Person |
| Driving while impaired by drugs or drugs or alcohol, subsequent | | TR, §§27-101(f)(1)(ii)(2)(B), 21-902(c) | Misd. | VII | 1Y | | \$500 | Person |
| Driving while impaired by a controlled dangerous substance, subsequent | | TR, §§27-101(f)(1)(ii)(2)(c), 21-902(d) | Misd. | VII | 1Y | | \$500 | Person |
| Driving while impaired by alcohol, while transporting a minor, subsequent | | TR, §§27-101(q)(2)(i)(ii), 21-902(b) | Misd. | VII | 1Y | | \$2,000 | Person |
| Driving while impaired by drugs or drugs and alcohol, while transporting a minor, subsequent | | TR, §§27-101(q)(2)(i)(ii), 21-902(c) | Misd. | VII | 1Y | | \$2,000 | Person |
| Driving while impaired by a controlled dangerous substance, while transporting a minor, subsequent | | TR, §§27-101(q)(2)(i)(ii), 21-902(d) | Misd. | VII | 1Y | | \$2,000 | Person |
| <u>DWI</u> | | | | | | | | |
| 1st offense | | TR, §§27-101(k)(1)(i)(ii)(iii), 21-902(a) | Misd. | VII | 1Y | | \$1,000 | Person |
| 2nd offense | | TR, §§27-101(k)(1)(i)(ii)(iii), 21-902(a), 27-101(j)(2) | Misd. | VI | 2Y | | \$2,000 | Person |
| 3rd or subsequent offense | | TR, §§27-101(k)(1)(i)(ii)(iii), 21-902(a), 27-101(j)(2) | Misd. | V | 3Y | | \$3,000 | Person |
| While transporting a minor, 2nd Offense | | TR, §§27-101(q)(1)(i)(ii)(iii), 21-902(a) | Misd. | V | 3Y | | \$3,000 | Person |
| While transporting a minor, 3rd or subsequent offense | | TR, §§27-101(q)(1)(i)(ii)(iii), 21-902(a) | Misd. | V | 4Y | | \$4,000 | Person |

Fleeing or Eluding

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|------|---|-------|-----|-----|-----|---------|----------|
| 1st Offense | | TR, §§27-101(p)(1)(i)(ii), 21-904 | Misd. | VII | 1Y | | \$1,000 | Person |
| 2nd offense | | TR, §§27-101(p)(1)(i)(ii), 21-904 | Misd. | VI | 2Y | | \$1,000 | Person |
| That results in bodily injury | | TR, §§27-101(p)(2), 21-904(b) or (e) | Misd. | V | 3Y | | \$5,000 | Person |
| That results in a death of another person | | TR, §§27-101(p)(3), 21-904(b) or (e) | Misd. | IV | 10Y | | \$5,000 | Person |
| <u>License</u> | | | | | | | | |
| Driving while license is canceled, suspended, refused, or revoked, 1st offense | | TR, §§27-101(h)(1)(2), 16-303 (a),(b),(c),(d),(e),(f) | Misd. | VII | 1Y | | \$1,000 | Property |
| License required for dismantler, recycler or scrap processor, 2nd offense | | TR, §§27-101(h)(1)(2), 15-502(a) | Misd. | VI | 2Y | | \$2,000 | Property |
| Driving while license is canceled, suspended, refused, or revoked, subsequent | | TR, §§27-101(h)(1)(2), 16-303 (a),(b),(c),(d),(e),(f) | Misd. | VI | 2Y | | \$1,000 | Property |
| A person may not conduct the business of a dealer unless licensed by the Administration under this subtitle, subsequent | | TR, §§27-101(i)(1)(2), 15-302 | Misd. | VII | 1Y | | \$2,000 | Property |
| Driver's license required, subsequent | | TR, §§27-101(f)(1)(ii)(1), 16-101 | Misd. | VII | 1Y | | \$500 | Property |
| License required for dismantler, recycler or scrap processor, 1st offense | | TR, §§27-101(h)(1)(2), 15-502(a) | Misd. | VII | 1Y | | \$1,000 | Property |
| Vehicle salesman's license required, subsequent | | TR, §§27-101(i)(1)(2), 15-402 | Misd. | VII | 1Y | | \$2,000 | Property |
| Driving commercial motor vehicle while license is cancelled, suspended, refused, or revoked, 1st offense | | TG, §16-808(a) | Misd. | VI | 5Y | | | Property |
| Driver of commercial vehicle not in possession of license, 1st offense | | TG, §16-808(b) | Misd. | VII | 6M | | | Property |
| Driver of commercial vehicle not in possession of license, 2nd offense | | TG, §16-808(b) | Misd. | VII | 1Y | | | Property |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|------|--------------------------------|-------|-----|-----|-----|---------|----------|
| Driver of commercial vehicle not in possession of license, 3rd or subsequent offense | | TG, §16-808(b) | Misd. | VI | 2Y | | | Property |
| Obtaining commercial driver's license by misrepresentation | | TG, §16-813.1 | Misd. | VI | 5Y | | | Property |
| <u>Security</u> | | | | | | | | |
| Providing false evidence of required security, 1st Offense | | TR, §§27-101(h)(1)(2), 17-110 | Misd. | VII | 1Y | | \$500 | Property |
| Providing false evidence of required security, subsequent | | TR, §§27-101(h)(1)(2), 17-110 | Misd. | VI | 2Y | | \$1,000 | Property |
| A person who knows or has reason to know that a motor vehicle is not covered by the required security may not drive the vehicle; or, if owner, knowingly permit another person to drive it, 1st Offense | | TR, §§27-101(h)(1)(2), 17-107 | Misd. | VII | 1Y | | \$1,000 | Property |
| A person who knows or has reason to know that a motor vehicle is not covered by the required security may not drive the vehicle; or, if owner, knowingly permit another person to drive it, subsequent | | TR, §§27-101(h)(1)(2), 17-107 | Misd. | VI | 2Y | | \$1,000 | Property |
| <u>Other</u> | | | | | | | | |
| Possession of motor vehicle master key | | TR, §§27-101(f)(1)(i), 14-103 | Misd. | VII | 1Y | | \$1,000 | Property |
| Transportation of hazardous materials, subsequent | | TR, §§27-101(e)(1)(2), 21-1411 | Misd. | VII | 1Y | | \$2,000 | Property |

Murder

| | | | | | | | | |
|---|--------|---------------|--------|----|--------|----------|--|--------|
| 1st degree, generally | 2-0900 | CR, §2-201(a) | Felony | I | LIFE** | MM*=LIFE | | Person |
| 1st degree, attempted | 2-0910 | CR, §2-205) | Felony | II | LIFE** | | | Person |
| 1st degree, solicitation | 2-0900 | Common Law | Felony | II | LIFE | | | Person |
| 1st degree, during rape, etc. | 2-0900 | CR, §2-201(a) | Felony | I | LIFE** | MM*=LIFE | | Person |
| 1st degree, perpetration of arson | 2-0900 | CR, §2-201(a) | Felony | I | LIFE** | MM*=LIFE | | Person |
| 1st degree, burning barn, tobacco house, etc. | 2-0900 | CR, §2-201(a) | Felony | I | LIFE** | MM*=LIFE | | Person |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|-----------------------|--------|---------------|--------|-----|-------|-----|------|--------|
| 2nd degree | 1-0999 | CR, §2-204(a) | Felony | II | 30Y** | | | Person |
| 2nd degree, attempted | 2-0920 | CR, §2-206 | Felony | III | 30Y** | | | Person |

Nudity and Related Sexual Displays

| | | | | | | | | |
|-------------------|--------|-------------|-------|----|----|--|---------|--------|
| Indecent exposure | 1-3605 | CR, §11-107 | Misd. | VI | 3Y | | \$1,000 | Person |
|-------------------|--------|-------------|-------|----|----|--|---------|--------|

Obscene Matter

Child Pornography

| | | | | | | | | |
|-------------|--|-------------------|--------|-----|-----|--|----------|--------|
| 1st offense | 1-0298, 1-0299, 1-0300, 1-0315, 2-3799 | CR, §11-207(b)(1) | Felony | IV | 10Y | | \$25,000 | Person |
| Subsequent | 1-0298, 1-0299, 1-0300, 1-0315, 2-3799 | CR, §11-207(b)(2) | Felony | III | 20Y | | \$50,000 | Person |

Obscene Advertising

| | | | | | | | | |
|-------------|--------|-------------------|-------|-----|----|--|---------|----------|
| 1st offense | 1-0562 | CR, §11-205(b)(1) | Misd. | VII | 1Y | | \$1,000 | Property |
| Subsequent | 1-0562 | CR, §11-205(b)(2) | Misd. | VII | 3Y | | \$5,000 | Property |

Obscene Performances

| | | | | | | | | |
|---|--|-------------------|-------|-----|----|--|---------|--------|
| In Anne Arundel, Charles, Howard, Somerset, Wicomico, Worcester counties, 1st Offense | | CR, §11-204(c)(1) | Misd. | VII | 1Y | | \$1,000 | Person |
| In Anne Arundel, Charles, Howard, Somerset, Wicomico, Worcester counties, subsequent | | CR, §11-204(c)(2) | Misd. | VI | 3Y | | \$5,000 | Person |

Possession

| | | | | | | | | |
|---|--------|-------------------|-------|-----|----|--|----------|--------|
| Of visual representations of persons under age 16 engaged in certain sexual acts, 1st Offense | 2-0242 | CR, §11-208(b)(1) | Misd. | VII | 1Y | | \$25,000 | Person |
| Of visual representations of persons under age 16 engaged in certain sexual acts, subsequent | 2-0242 | CR, §11-208(b)(2) | Misd. | VI | 2Y | | \$5,000 | Person |

Sale to Minors

| | | | | | | | | |
|---|-------------------|-------------------|-------|-----|----|--|---------|--------|
| Sale or display of certain items to persons under 18, 1st Offense | 1-3799, 1-0297 | CR, §11-202(d)(1) | Misd. | VII | 1Y | | \$1,000 | Person |
|---|-------------------|-------------------|-------|-----|----|--|---------|--------|

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|---|-------------------|-------|-----|-----|-----|---------|--------|
| Sale or display of certain items to persons under 18, subsequent | 1-3799, 1-0297 | CR, §11-203(d)(2) | Misd. | VI | 3Y | | \$5,000 | Person |
| <u>Sending, Bringing into State</u> | | | | | | | | |
| For sale or distribution, publishing, etc., 1st Offense | 1-3705, 1-0294, 1-0295, 1-0296 | CR, §11-202(b)(1) | Misd. | VII | 1Y | | \$1,000 | Person |
| For sale or distribution, publishing, etc., subsequent | 1-3705, 1-0294, 1-0295, 1-0296 | CR, §11-202(b)(2) | Misd. | VI | 3Y | | \$5,000 | Person |
| <u>Other</u> | | | | | | | | |
| Requiring acceptance of obscene matter as condition to sale, etc.; denial of franchise, etc., for failure to accept obscene matter, 1st Offense | | CR, §11-206(b)(1) | Misd. | VII | 1Y | | \$1,000 | Person |
| Requiring acceptance of obscene matter as condition to sale, etc.; denial of franchise, etc., for failure to accept obscene matter, subsequent | | CR, §11-206(b)(2) | Misd. | VI | 3Y | | \$5,000 | Person |
| Hire minor to distribute obscene material | 3-3799 | CR, §11-209(a) | Misd. | VII | 1Y | | \$1,000 | Person |

Perjury

| | | | | | | | | |
|---|--|-----------------|--------|----|-----|--|--|----------|
| Subornation of perjury | 1-5004 | CR, §9-102(a) | Misd. | IV | 10Y | | | Person |
| Wilfully filing false income tax returns | 2-1180 | TG, §13-1002(b) | Felony | IV | 10Y | | | Property |
| Perjury | 1-0307, 1-0308, 1-0309, 1-0310, 1-5003 | CR, §9-101(a) | Misd. | V | 10Y | | | Property |
| Affirmation of two contradictory statements | 2-5003 | CR, §9-101(c) | Misd. | V | 10Y | | | Property |

Prescription Drugs and Other Substances

Harmful Substances

| | | | | | | | | |
|---|---|------------|-------|-----|-----|--|---------|------|
| Distribution; possession with intent to distribute; instruction in the unlawful inhaling; or distribution of butane can to minor, 1st offense | 1-0272, 1-0273, 1-0735, 1-3500 | CR, §5-709 | Misd. | VII | 18M | | \$1,000 | Drug |
|---|---|------------|-------|-----|-----|--|---------|------|

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|--|-------------------|-------|-----|-----|-----|-------------|------|
| Distribution; possession with intent to distribute; instruction in the unlawful inhaling; or distribution of butane can to minor, subsequent | 1-0272, 1-0273, 1-0735, 1-3500 | CR, §5-709(b),(c) | Misd. | V | 3Y | | \$500 | Drug |
| Smelling or inhaling harmful substances | 1-5599 | CR, §5-708(b) | Misd. | VII | 6M | | \$500 | Drug |
| <u>Possession</u> | | | | | | | | |
| Possessing, compounding or selling different drug, controlled dangerous substance, medicine, etc. | 1-0018 | CR, §5-702 | Misd. | VII | 12M | 1M | \$100-\$500 | Drug |
| Possession, manufacture, distribute, etc.; obtain by fraud, etc., forgery, etc., label property, destruction | 1-0010, 1-0264, 1-0265, 1-0266, 1-0267, 1-0268, 1-0269, 1-0270, 1-0271 | CR, §5-701(d) | Misd. | VII | 2Y | | \$1,000 | Drug |

Prostitution and Related Crimes

Abduction

| | | | | | | | | |
|---|-------------------|----------------|-------|-----|-----|--|----------|--------|
| Persuade, entice or harbor individual under 16 for prostitution | 1-1091, 1-1092 | CR, §11-305(a) | Misd. | III | 10Y | | \$10,000 | Person |
|---|-------------------|----------------|-------|-----|-----|--|----------|--------|

Prostitution

| | | | | | | | | |
|--|---|----------------|-------|-----|-----|--|----------|--------|
| Assignment, solicitation | 1-1093 | CR, §11-306(a) | Misd. | VII | 1Y | | \$500 | Person |
| Receive money profit for prostitution | 1-1090 | CR, §11-304(a) | Misd. | IV | 10Y | | \$10,000 | Person |
| Take harbor, or unlawfully detain another for prostitution | 1-1080, 1-1081, 1-1082, 1-1083 | CR, §11-303(a) | Misd. | IV | 10Y | | \$10,000 | Person |

Public Fraud

Public Assistance

| | | | | | | | | |
|--|--------|---------------|--------|-----|-----|--|---------|----------|
| Generally (with the exception of medicaid fraud) | 7-2607 | CR, §8-503(b) | Misd. | VII | 3Y | | \$1,000 | Property |
| Fraud in application | 2-2607 | CR, §8-504(b) | Felony | V | 10Y | | | Property |
| Falsely obtain legal representation by the Office of the Public Defender | 6-2607 | CR, §8-521(b) | Misd. | VII | 1Y | | \$1,000 | Property |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|------|----------------|--------|-----|-----|-----|----------|----------|
| Sale or purchase of food stamp benefits; or sale or purchase of merchandise with food stamp benefits, \$1000 or greater | | 88A, §89(c)(1) | Felony | VI | 5Y | | \$10,000 | Property |
| Sale or purchase of food stamp benefits; or sale or purchase of merchandise with food stamp benefits, less than \$1000 | | 88A, §89(c)(2) | Misd. | VII | 3Y | | \$1,000 | Property |
| | | CR 8-523(b) | Misd. | VII | 3Y | | | Property |

State Health Plan Fraud

| | | | | | | | | |
|-----------------------------|--|---|--------|-----|------|--|-----------|----------|
| Resulting in serious injury | 2-2120, 2-2160, 2-2320, 2-2360, 2-2985, 2-2875, 2-2925, 2-4120, 2-2965 | CR, §8-509, CR, §8-511, CR, §8-512, CR, §8-513, CR, §8-514, CR, §8-515 | Felony | III | 20Y | | \$100,000 | Person |
| Resulting in death | 2-2125, 2-2165, 2-2325, 2-2365, 2-2990, 2-2880, 2-2930, 2-4125, 2-2970 | CR, §8-509, CR, §8-511, CR, §8-512, CR, §8-513, CR, §8-514, CR, §8-515 | Felony | II | LIFE | | \$200,000 | Person |
| Less than \$500 | 2-2110, 2-2150, 2-2190, 2-2350, 2-2975, 2-2865, 2-2910, 2-4110, 2-2995 | CR, §8-509, CR, §8-511, CR, §8-512, CR, §8-513, CR, §8-514, CR, §8-515 | Misd. | VII | 3Y | | \$50,000 | Property |
| \$500 or more | 2-2115, 2-2155, 2-2195, 2-2355, 2-2980, 2-2870, 2-2920, 2-4115, 2-2960 | CR, §8-509, CR, §8-511, CR, §8-512, CR, §8-513, CR, §8-514, CR, §8-515 | Felony | V | 5Y | | \$100,000 | Property |

Other

| | | | | | | | | |
|--|--------|---------------|--------|---|-----|--|---------|----------|
| Use, with intent to defraud, of a facsimile signature, or any reproduction of it, of any authorized officer; or use with intent to defraud, of a facsimile seal, or any reproduction of it, of the State or of any of its political subdivisions | 1-0715 | SF, §2-305(b) | Felony | V | 10Y | | \$5,000 | Property |
|--|--------|---------------|--------|---|-----|--|---------|----------|

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|---|--------|--------------------|--------|----|-----|-----|----------|----------|
| Falsification, concealment, etc., of material facts in connection with a procurement contract | 2-1166 | SF, § 11-205.1(c) | Felony | VI | 5Y | | \$20,000 | Property |
| Violation of Architectural and Engineering Services subtitle | 2-1167 | SF, §13-322 | Felony | V | 10Y | | \$20,000 | Property |
| Fraudulently obtain, etc. or hold certification; aid another person in fraudulently obtaining, etc. certification; willfully obstruct, impede, etc. a State official, etc. investigating the qualifications of a business entity that has requested certification; fraud in any minority business enterprise matter under this subtitle | 2-1168 | SF, §14-308 (a)(2) | Felony | VI | 5Y | | \$20,000 | Property |

Public Health and Safety, Crimes Against

Dump, Deposit Litter

| | | | | | | | | |
|--|-------------------|------------------------|-------|-----|----|--|----------|----------|
| Unlawfully cause or unlawfully dump, deposit, throw, etc., litter greater than 500 lbs. in weight or 216 cubic feet in volume or for commercial purposes | 2-2642, 2-2643 | CR, §10-110(f)(2)(iii) | Misd. | VI | 5Y | | \$25,000 | Property |
| Unlawfully cause or unlawfully dump, deposit, throw, etc. litter, greater than 100 lbs. in weight or 27 cubic feet in volume. | 2-2640, 2-2641 | CR, §10-110(f)(2)(ii) | Misd. | VII | 1Y | | \$10,000 | Property |

Hazardous Substance

| | | | | | | | | |
|--|---|-----------------------------|--------|-----|----|--|-----------|--------|
| Storing, treating, dumping, etc in other than haz. subst. facility; transporting for treatment, storage, etc. to any place other than haz. subst. facility; falsifying required information; authorizing, directing, etc. any offense listed in this section | 1-0012, 2-0012, 2-0013, 2-0014 | EN, § 7-265 (a)(1)(2)(3)(4) | Felony | V | 5Y | | \$100,000 | Person |
| Failure to meet requirement for generators; failure to meet standards for hauler certificate or driver certificate; violations of restrictions on transporting controlled hazardous substances | 2-0013, 2-0014 | EN, §7-265(b) | Misd. | VII | 3Y | | \$50,000 | Person |

Pollutants

| | | | | | | | | |
|---|--------|---------------------|-------|-----|----|--|----------|----------|
| Dispersing into state waters, 1st offense | 1-5516 | EN, §§ 9-322, 9-343 | Misd. | VII | 1Y | | \$25,000 | Property |
| Dispersing into state waters, subsequent | 1-5516 | EN, §§ 9-322, 9-343 | Misd. | VII | 2Y | | \$50,000 | Property |
| Dispersing into state waters, falsification | 2-0865 | EN, § 9-343(b) | Misd. | VII | 6M | | \$10,000 | Property |

Other

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--------------------|--------|----------------|--------|----|-----|-----|-----------|--------|
| Endangering others | 2-0015 | EN, § 7-265(d) | Felony | II | 15Y | | \$250,000 | Person |

Railroads, Crimes Involving

| | | | | | | | | |
|---|-------------------|---------------|--------|----|-----|--|---------|----------|
| Obstruct, break, damage, etc. railroad with intent to obstruct, overthrow and direct from the tracks a railroad vehicle | 3-5740, 3-5750 | CR, §6-502(b) | Felony | V | 10Y | | \$5,000 | Property |
| Shoot at, throw at a railroad locomotive, motor, tender, car | 3-5312 | CR, §6-505(b) | Misd. | VI | 5Y | | \$1,000 | Property |

Robbery

Carjacking

| | | | | | | | | |
|---------|--------|---------------|--------|-----|-------|--|--|--------|
| Unarmed | 1-0825 | CR, §3-405(b) | Felony | III | 30Y** | | | Person |
| Armed | 1-0826 | CR, §3-405(c) | Felony | II | 30Y** | | | Person |

With a Dangerous or Deadly Weapon

| | | | | | | | | |
|---|--------|---------------|--------|-----|-------|--|--|--------|
| Take or attempt to take something from someone by force/violence or by threat of force/violence | 2-0705 | CR, §3-403(a) | Felony | III | 20Y** | | | Person |
|---|--------|---------------|--------|-----|-------|--|--|--------|

Other

| | | | | | | | | |
|---|--------|---------------|--------|----|-----|--|--|--------|
| Take or attempt to take something from someone by force/violence or by threat of force/violence | 2-0700 | CR, §3-402(a) | Felony | IV | 15Y | | | Person |
|---|--------|---------------|--------|----|-----|--|--|--------|

Sabotage and Related Crimes

Defense-Related Activities

| | | | | | | | | |
|---|--|---------------|--------|----|-----|--|----------|----------|
| Intentional defective workmanship | | CR, §9-703(a) | Felony | IV | 10Y | | \$10,000 | Property |
| Intentional injury to or interference with property | | CR, §9-702(a) | Felony | V | 10Y | | \$10,000 | Property |

Sexual Crimes

| | | | | | | | | |
|------------------|--------|---------------|--------|----|--------|--|--|--------|
| Rape, 1st degree | 2-1120 | CR, §3-309(a) | Felony | II | LIFE** | | | Person |
|------------------|--------|---------------|--------|----|--------|--|--|--------|

Attempted

| | | | | | | | | |
|----------------------------|--------|---------------|--------|-----|--------|--|--|--------|
| Rape, 2nd degree | 2-1110 | CR, §3-310(a) | Felony | III | 20Y** | | | Person |
| Sexual offense, 1st degree | 2-1125 | CR, §3-311(a) | Felony | II | LIFE** | | | Person |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|------------------------|------------------|--------|-----|-----------------|-----|----------|--------|
| Sexual offense, 2nd degree | 2-1115 | CR, §3-312(a) | Felony | III | 20Y** | | | Person |
| <u>Rape</u> | | | | | | | | |
| 1st degree | 1-1102 | CR, §3-303(a) | Felony | I | LIFE** | | | Person |
| 2nd degree | 2-1103 | CR, §3-304(a) | Felony | II | 20Y** | | | Person |
| 1st degree, subsequent or victim under 16 | | CR, §3-303(b)(2) | Felony | I | LIFE w/o Parole | | | Person |
| <u>Sex Offense</u> | | | | | | | | |
| 1st degree | 2-1102 | CR, §3-305(a) | Felony | I | LIFE** | | | Person |
| 2nd degree | 2-3600 | CR, §3-306(a) | Felony | II | 20Y** | | | Person |
| 3rd degree | 3-3600 | CR, §3-307(a) | Felony | V | 10Y | | | Person |
| 4th degree | 4-3600 | CR, §3-308(a) | Misd. | VII | 1Y | | \$1,000 | Person |
| 1st degree, subsequent or victim under 16 | | CR, §3-305(b)(2) | Felony | I | LIFE w/o Parole | | | Person |
| <u>Other</u> | | | | | | | | |
| Incest | 1-3604 | CR, §3-321(a) | Felony | V | 10Y | 1Y | | Person |
| Perverted sexual practices | 6-3600 | CR, §3-320(a) | Misd. | VII | 10Y | | \$1,000 | Person |
| Sodomy | 5-3600 | CR, §3-319(a) | Felony | V | 10Y | | | Person |
| Sexual acts committed by Correctional Employee | 2-1130, 2-1132 | CR, §3-313(b) | Misd. | V | 3Y | | \$3,000 | Person |
| Solicit to commit 3rd degree sex act | 1-0579 | Common Law | Misd. | V | LIFE | | | Person |
| Failure to register as a sex offender | 2-2750, 3-4010, 3-4020 | 27, §792(l) | Misd. | VI | 3Y | | \$5,000 | Person |
| Administered controlled dangerous substance before committing sex offense | 2-0715 | CR, §5-624(b) | Misd. | VII | 1Y | | \$25,000 | Person |
| Continuing course of conduct involving 1st, 2nd, or 3rd degree sex offense or 2nd degree rape of a person under 14 | | CR, §3-314(a) | Felony | III | 30Y | | | Person |

Stalking and Harassment

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|----------|--------|---------------|-------|----|-----|-----|---------|--------|
| Stalking | 1-6525 | CR, §3-802(b) | Misd. | V | 5Y | | \$5,000 | Person |

Surveillance and Other Crimes Against Privacy

Wiretapping

| | | | | | | | | |
|--|-------------------|----------------|--------|----|-----|--|----------|----------|
| Breaking and entering, etc., to place, remove, or adjust equipment | 1-5580 | CJ, §10-412 | Felony | V | 10Y | | | Property |
| Unlawful interception of communications | 1-5705, 1-5595 | CJ, §10-402(a) | Felony | V | 5Y | | \$10,000 | Property |
| Breaking and entering, etc. to place or remove wiretapping or electronic surveillance or eavesdropping equipment without a court order | 1-5580 | CJ, §10-412 | Felony | IV | 10Y | | | Property |

Other

| | | | | | | | | |
|---|--------|----------------|--------|----|----|--|----------|----------|
| Divulging contents of communications | | CJ, §10-402(e) | Misd. | VI | 5Y | | \$10,000 | Property |
| Manufacture, possession, or sale of intercepting device | 1-5579 | CJ, §10-403(a) | Felony | VI | 5Y | | \$10,000 | Property |
| Giving notice of interception of wire, oral, or electronic communications in order to obstruct, impede or prevent such interception | 2-0647 | CJ, §10-414(b) | Felony | VI | 5Y | | \$10,000 | Property |

Telecommunications and Electronics

Access or Attempt to Access Computer Network

| | | | | | | | | |
|--|------------------------------|----------------------|--------|----|-----|--|----------|----------|
| A computer, computer network, etc., to cause malfunction, interruption, alteration, damage, etc.; Unlawfully possess, identify, distribute, etc., a valid access code, less than \$10,000 | 1-0470, 1-0471, 1-0472 | CR, §7-302(d)(2)(ii) | Misd. | V | 5Y | | \$5,000 | Property |
| A computer, computer network, etc., to cause malfunction, interruption, alteration, damage, etc.; Unlawfully possess, identify, distribute, etc., a valid access code, \$10,000 or greater | 1-0495, 1-0496, 1-0497 | CR, §7-302(d)(2)(i) | Felony | IV | 10Y | | \$10,000 | Property |
| A computer, computer network, etc., | 1-2804 | CR, §7-302(c)(1) | Misd. | VI | 3Y | | \$1,000 | Property |

Bootlegging

| | | | | | | | | |
|---|---|------------|-------|-----|----|--|---------|----------|
| Record/sell, etc. unauthorized performance, 1st Offense | 1-0330, 1-0331, 1-0332, 3-2602 | CR, §7-308 | Misd. | VII | 1Y | | \$2,500 | Property |
|---|---|------------|-------|-----|----|--|---------|----------|

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|---|---------------|--------|-----|-----|-----|----------|----------|
| Record/sell, etc. unauthorized performance, subsequent | 1-0330, 1-0331, 1-0332, 3-2602 | CR, §7-308 | Misd. | VII | 3Y | | \$10,000 | Property |
| <u>Fraud</u> | | | | | | | | |
| Telecom devices and telecom theft, over 100 devices | 1-0591 | 27, §194A | Felony | IV | 10Y | | \$10,000 | Property |
| Telecom devices and telecom theft | 1-0590 | 27, §194A | Misd. | VI | 3Y | | \$2,500 | Property |
| <u>Other</u> | | | | | | | | |
| Sending lewd, lascivious, and obscene material by electronic mail to harass | 2-1135 | CR, §3-805(b) | Misd. | VII | 1Y | | \$500 | Person |
| Telephone, unlawful use of | 1-0340, 1-0341, 1-5309 | CR, §3-804(a) | Misd. | VII | 3Y | | \$500 | Property |
| Unauthorized connections, etc.; tampering or interfering with meters, poles, wires, etc. | 1-0215, 1-0216, 1-0217, 1-2608 | CR, §6-303(c) | Misd. | VII | 6M | | \$500 | Property |
| Manufacture, sell, use, etc. a code grabbing device with the intent for the code to be used in the commission of a crime | 1-1470 | CR, §7-301(b) | Misd. | VII | 1Y | | \$1,000 | Property |
| Crimes involving electronic security system blockers | 1-1472, 1-1473 | CR, §7-301(c) | Misd. | VII | 1Y | | \$1,000 | Property |

Theft, Crimes Involving

| | | | | | | | | |
|---|-------------------|---------------|--------|-----|-----|----|---------|----------|
| Misdemeanor theft, less than \$500 | 3-5010, 3-5030 | CR, §7-104 | Misd. | VII | 18M | | \$500 | Property |
| Felony theft, \$500 or greater | 3-5020, 3-5040 | CR, §7-104 | Felony | V | 15Y | | \$1,000 | Property |
| Defalcation by officer collecting revenue due State or county | 2-0365 | CR, §7-114(b) | Misd. | VI | 5Y | | | Property |
| Misappropriation by fiduciaries, generally | 1-0460, 1-2799 | CR, §7-113(a) | Misd. | V | 5Y | 1Y | | Property |
| Motor vehicle, unlawful taking | 2-0480 | CR, §7-105(b) | Felony | V | 5Y | | \$5,000 | Property |
| Misdemeanor theft, less than \$500, third and subsequent offense | | CR, §7-104 | Misd. | VI | 5Y | | | Property |
| Obtain property of vulnerable adult by deception, intimidation or undue influence, greater than \$500 | | CR, §8-801(b) | Felony | V | 15Y | | | Property |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|------|---------------|-------|-----|-----|-----|------|----------|
| Obtain property of vulnerable adult by deception, intimidation or undue influence, less than \$500 | | CR, §8-801(b) | Misd. | VII | 18M | | | Property |

Trespass

| | | | | | | | | |
|--------------------|-------------------|---------------|-------|-----|----|--|-------|----------|
| On posted property | 2-2210, 2-2220 | CR, §6-402(a) | Misd. | VII | 3M | | \$500 | Property |
| | | CR, §6-503 | Misd. | VII | 6M | | | Property |

Unlawful Use of Goods

| | | | | | | | | |
|---|-------------------|---------------|-------|-----|----|----|------------|----------|
| Unauthorized use of livestock, vehicle, etc. | 1-0100, 2-2411 | CR, §7-203(a) | Misd. | VI | 4Y | 6M | \$50-\$500 | Property |
| Abandoning or refusing to return leased motor vehicle | 1-0220 | CR, §7-205(a) | Misd. | VII | 1Y | | \$500 | Property |

Weapons Crimes

Carrying

| | | | | | | | | |
|---|-------------------|---------------|-------|-----|----|----|---------|--------|
| Carrying dangerous or deadly weapon openly or concealed with deliberate intent to kill or injure | 1-5200 | CR, §4-101(c) | Misd. | VI | 3Y | 3Y | \$1,000 | Person |
| Carrying or wearing concealed, dangerous or deadly weapon, etc.; concealed possession of pepper mace by a minor | 1-5202, 2-5220 | CR, §4-101(c) | Misd. | VII | 3Y | | \$1,000 | Person |
| Carrying or possessing deadly weapon on school property, other than handgun | 1-5203 | CR, §4-102(b) | Misd. | VI | 3Y | | \$1,000 | Person |
| Dangerous or deadly weapon, etc., openly with intent to injure; openly wear and carry pepper mace by a minor | 1-5200, 2-5200 | CR, §4-101(c) | Misd. | VII | 3Y | | \$1,000 | Person |

Sale, Transfer

| | | | | | | | | |
|--|-------------------|----------------------|-------|-----|-----|--|----------|--------|
| Sale of ammunition, designed for regulated firearm to minor (under 21); firearm, other than regulated firearm, ammunition for a firearm, pepper mace, a deadly weapon (under 18) | 1-5270, 1-5280 | 27, §445(c) | Misd. | VII | 1Y | | \$1,000 | Person |
| Of regulated firearm, trafficking | 1-5295 | 27, §449(d) | Misd. | IV | 10Y | | \$25,000 | Person |
| Regulated firearm, sale without license | 2-5210 | 27, §§443, 449(f) | Misd. | VI | 5Y | | \$10,000 | Person |

| OFFENSE | CJIS | SOURCE | LEVEL | SC | MAX | MIN | FINE | TYPE |
|--|------------------------------|-------------------------|--------|-----|-----|---------|------------|--------|
| A regulated firearm before the expiration of seven days (dealer/person application) | 1-5230, 1-5240, 1-5250 | 27, §442(c),(d),(j) | Misd. | VI | 5Y | | \$10,000 | Person |
| Knife sale, etc. switchblade | 1-5214 | CR, §4-105(a) | Misd. | VII | 12M | | \$50-\$500 | Person |
| <u>Straw Purchase</u> | | | | | | | | |
| Of regulated firearm | 1-5220 | 27, §§442(b), 449(d) | Misd. | V | 10Y | | \$25,000 | Person |
| Of regulated firearm, for minor | 1-5290 | 27, §449(d) | Misd. | IV | 10Y | | \$25,000 | Person |
| <u>Use in a Drug Offense</u> | | | | | | | | |
| 1st offense | 1-0493 | 27, §281A(b) | Felony | III | 20Y | MM*=5Y | | Person |
| 1st offense (only for certain weapons) | 1-0493 | 27, §281A(c) | Felony | III | 20Y | MM*=10Y | | Person |
| Subsequent | 1-0493 | 27, §281A(b) | Felony | III | 20Y | MM*=10Y | | Person |
| Subsequent (only for certain weapons) | 1-0493 | 27, §281A(c) | Felony | III | 20Y | MM*=20Y | | Person |
| <u>Other</u> | | | | | | | | |
| Possession of firearm, ammunition by minor (under 21) | 1-5285 | 27, §445(e) | Misd. | VI | 5Y | | \$10,000 | Person |
| Disarm law officer | 1-1460 | CR, §4-103(b) | Felony | IV | 10Y | | \$10,000 | Person |
| Wear bulletproof armor in the commission of a crime | 1-1450 | CR, §4-106(b) | Misd. | V | 5Y | | \$5,000 | Person |
| Possession of firearms | 1-0692 | CR, §5-622(b) | Felony | VI | 5Y | | \$10,000 | Person |
| Multiple purchase within 30 days | 1-5260 | 27, §§442A, 449(c) | Misd. | VI | 5Y | | \$5,000 | Person |
| Registered firearm, false application/purchase | 1-5210 | 27, §449(b) | Misd. | VI | 3Y | | \$5,000 | Person |
| Rifle/shotgun possession by someone suffering from a mental disorder | 1-0439 | 27, §481D | Misd. | VI | 3Y | | \$1,000 | Person |
| Illegal possession of a firearm after having been convicted of a crime of violence or certain drug crimes. | 2-2030 | 27, §449(e) | Felony | V | 5Y | MM*=5Y | \$10,000 | Person |