

Maryland Sentencing Guidelines Manual

Version 5.6

Effective November 1, 2012

May 2010 MSGM with Updated November 1, 2012 Offense Table (Appendix A)
November 1, 2010 Revision to Determining Whether a Sentence is Within the Guidelines (13.2, 13.7)
December 20, 2010 Reference to Recent Court of Appeals Decisions (13.1)
November 1, 2012 Revision to Computation of Prior Adult Criminal Record (7.1)

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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 individualized 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.

Maryland's State Commission on Criminal Sentencing Policy ("MSCCSP" or the "Commission") welcomes interest in its activities and information resources. Since judicial use of the State's sentencing guidelines is voluntary, the MSCCSP and its staff do not provide advisory opinions or otherwise get involved in pending court cases. In any situation of confusion, refer to the judge for the ultimate decision.

* Note: This current manual should be used in place of the previous versions. Please discard the previous versions and start using the new manual immediately upon receipt.

Table of Contents

Commission Members and Staff	I
Preface	II
Table of Contents	III
1. Scope.....	1
2. Definitions	2
3. Sentencing Guidelines Worksheet Completion and Distribution	6
3.1 When to Complete and Submit a Guidelines Worksheet	6
3.2 Single Criminal Event	6
3.3 Multiple Criminal Events.....	6
3.4 Sentencing Guidelines Worksheet Completion	7
3.5 Pre-Sentencing Distribution of Sentencing Guidelines Worksheets	7
3.6 Post-Sentencing Worksheet Distribution	7
Table 3-1. Distribution of Completed Worksheets.....	8
Maryland Sentencing Guidelines Worksheet	9
4. Case Information	10
4.1 Offender Name, Sex, and Birth Date	10
4.2 State Identification (SID) Number.....	10
4.3 Jurisdiction Code.....	10
Table 4-1. Jurisdiction Codes.....	11
4.4 PSI, Date of Offense, and Date of Sentencing.....	11
4.5 Number of Convicted Offenses.....	12
4.6 Number of Criminal Events	12
4.7 Page Numbering of Worksheets and Criminal Events	12
4.8 Disposition Type.....	13
Table 4-2. Disposition Types	13
4.9 Representation.....	14
4.10 Race and Ethnicity.....	14
4.11 Indigence Established	14
5. Convicted Offense Information.....	15
5.1 Convicted Offense Title	15
5.2 Seriousness Category (I–VII)	15
5.3 CJIS Code	15
5.4 Maryland Code, Article & Section	16
5.5 Statutory Maximum & Mandatory Minimum Penalties	16

5.6	Case Number/Docket Number.....	16
6.	Offense Score(s)	17
6.1	Computation of the Offense Score (<i>Offenses Against a Person Only</i>)	17
	Table 6-1. Offense Score (Offenses Against a Person Only)	18
7.	Offender Score.....	21
7.1	Computation of the Offender Score.....	21
	Table 7-1. Offender Score	21
	Table 7-2. Prior Adult Criminal Record Matrix	25
	Figure 7-1. Criteria for Prior Adult Criminal Record.....	26
	Figure 7-2. Criteria for Prior Record Worksheet	27
8.	Determining the Guidelines Sentence Range	30
8.1	Guidelines Range.....	30
8.2	Person Offenses.....	30
	Table 8-1. Sentencing Matrix for Offenses Against Persons.....	31
8.3	Drug Offenses.....	32
	Table 8-2. Sentencing Matrix for Drug Offenses.....	32
8.4	Property Offenses	33
	Table 8-3. Sentencing Matrix for Property Offenses	33
8.5	Effect of Statutory Maximum and Mandatory Minimum Sentences on Guidelines Range	33
8.6	Subsequent Offenses	34
9.	Overall Guidelines Range for Multiple Counts Only.....	35
9.1	Single Criminal Event, <i>Not More Than One Seriousness Category I or II Offense</i>	35
	Table 9-1. Examples of Scoring Single Criminal Events with Not More Than One Offense from Seriousness Category I or II.....	36
9.2	Single Criminal Event, <i>Two or More Seriousness Category I or II Offenses</i>	36
	Table 9-2. Examples of Scoring Single Criminal Events with Two or More Seriousness Category I or II Offenses.....	37
9.3	Multiple Criminal Events, <i>One Offense in Each Event</i>	37
	Table 9-3. Examples of Scoring Multiple Criminal Events with One Offense in Each Event	38
9.4	Multiple Criminal Events, <i>Multiple Offenses Within One or More of the Events</i>	38
	Table 9-4. Examples of Scoring Multiple Criminal Events with More than One Offense in One or More Events.....	39
10.	Special Applications in Guidelines Calculations	40
10.1	Single Criminal Event With Multiple Unique Victims, <i>Not More Than One Seriousness Category I or II Offense (Guidelines “Stacking” Rule)</i>	40
10.2	Statutory Maximum Less Than Guidelines Range	42
10.3	Non-Suspendable Mandatory Minimums	44
10.4	Subsequent Offender Sentence Enhancements.....	46
11.	Victim Information.....	51

Table 11-1. Victims' Rights Information.....	52
12. Actual Sentence Completed By Judge	53
12.1 Convicted Offense Sentence.....	53
12.2 Subsequent Offender Filed/Proven and Restitution Requested/Proven	53
12.3 Amount of Economic Loss.....	54
12.4 Corrections Options Program	54
12.5 Institutional/Parole Recommendation or Additional Information	54
12.6 Announcement of 50% of Sentence for COVs	54
12.7 Parole Notification.....	54
12.8 Signatures.....	54
13. Determining Whether a Sentence Is Within the Guidelines Range.....	55
13.1 Suspended Time	55
13.2 Credit for Time Served	55
13.3 Home Detention.....	56
13.4 Offender Already Under Sentence.....	56
13.5 Consecutive Versus Concurrent Sentences	56
13.6 Length of Probation.....	56
13.7 Sentences Deemed to Be Within Guidelines	57
14. Sentences Outside the Guidelines Range	58
14.1 Using the Departure Codes	58
14.2 Departure Below the Guidelines Range.....	58
14.3 Departure Above the Guidelines Range.....	59
14.4 Interpreting the Common Reasons for Departure.....	59
15. Frequently Asked Questions.....	60
16. Sample Cases.....	65
1 Single Convicted Offense, Offense Against A Person	66
2 Single Convicted Offense, Drug Offense	70
3 Single Convicted Offense, Property Offense	73
4 Single Criminal Event, Multiple Convicted Offenses	77
5 Single Criminal Event, Multiple Convicted Offenses from Categories I and II	83
6 Multiple Criminal Events, Single Convicted Offense in Each	91
7 Multiple Criminal Events, Single and Multiple Convicted Offenses	97
8 Mandatory Minimum Sentence.....	104
Appendix A - Sentencing Guidelines Offense Table (Updated 11/1/12)	108
Index of Offenses.....	Appendix A – Page i
Most Common Offenses	Appendix A – Page ii
Maryland Codes.....	Appendix A – Page iii
All Offenses.....	Appendix A – Pages 1-47

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 pre-sentence investigation (“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 section 2-303 of the Criminal Law Article (CR), Annotated Code of Maryland;
- Public local laws and municipal ordinances.

Pursuant to Criminal Procedure Article (CP), §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 and the offense has a maximum penalty of one year or less, the offense should be identified as a category VII offense. If an offense is not listed in Appendix A and the maximum penalty is greater than one year, the individual completing the worksheet should use the seriousness category for the closest analogous offense and the sentencing judge and the parties should be notified.

Please note that the Maryland Sentencing Guidelines Manual (MSGM) is not law and it 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>.

For further information on the MSCCSP, including the most recent changes to the sentencing guidelines and to the Sentencing Guidelines Manual, please visit the Commission’s website.

Definitions

Adjudication An adjudication includes:

- Finding of guilt by a judge or jury;
- Plea of guilt by the offender;
- Plea of nolo contendere (no contest) by the offender; or
- Sentence to probation before judgment.

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 (HG), Title 8, Subtitle 5, Annotated Code of Maryland; or
- Participation in a drug court or HIDTA substance abuse treatment program.
- Correctional Options includes programs established by the State Division of Correction, provided that the program meets the Commission's criteria, as described above.

Departure	A judicially imposed sentence that falls outside of the recommended sentencing guidelines range. Departure does not include any sentence that complies with at least one of the requirements that deem a sentence to be within the guidelines as set forth in MSGM 13.6.
Drug Offense	An offense involving controlled dangerous substances or paraphernalia.
Economic Loss	For all offenses involving theft and related crimes under CR, Title 7, or fraud and related crimes under CR, Title 8, economic loss equals the amount of restitution ordered by a Circuit Court judge or, if not ordered, the full amount of restitution that could have been ordered.
Guidelines Offense	<p>Offense prosecuted in a Circuit Court.</p> <p>Guidelines offenses <i>include</i> new trials AND also reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland) and reviews¹.</p> <p>Guidelines offenses <i>do not</i> include:</p> <ul style="list-style-type: none"> • 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; • 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. The adjusted guidelines range refers to the range after adjusting for matters such as statutory maximums and mandatory minimums.
Judge	The trial judge who imposes or alters a sentence or a panel of trial judges who alter a sentence.

¹ A Guidelines Worksheet should be completed for reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland) and reviews if an adjustment was made to the active, original 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: <ul style="list-style-type: none"> • a confrontation between the offender and the victim, including offenses with bodily harm or the threat of bodily harm to a victim; or • weapons.
Property Offense	An offense where property is unlawfully damaged or taken.
PSI	A pre-sentence investigation prepared in accordance with Correctional Services Article (CS), §6-112, Annotated Code of Maryland.
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: <ul style="list-style-type: none"> • Younger than 11 years old; • 65 years old or older; or • 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 Presence** The presence of any article or device which reasonably appears capable of causing injury or any article that could result in conviction under CR, §4-101. Specific rules regarding the application of the weapon presence enhancement are found in MSGM 6.1(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 When to Complete and Submit a Guidelines Worksheet

The Sentencing Guidelines Worksheet should be completed and submitted for all “Guidelines Offenses” as defined in chapter 2. A Guidelines offense means an offense prosecuted in a Maryland Circuit Court. Guidelines offenses include new trials, reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland), and reviews. Guidelines worksheets for reconsiderations and reviews only need to be completed when there is an **adjustment** to an active sentence.

3.2 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.

3.3 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.**

3.4 Sentencing Guidelines Worksheet Completion

Prior to a sentencing decision using the guidelines, an individual should complete the worksheet up 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 9.

If the judge orders a PSI, an agent of the Division of Parole and Probation shall complete each worksheet up 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 worksheet (found on page 28) 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.** COMAR 14.22.01.03.E(4).

3.5 Pre-Sentencing Distribution of Sentencing Guidelines Worksheets

The individual who completes the worksheet should forward a copy of each completed worksheet to both the State and the defense so that they 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 Maryland State Commission on Criminal Sentencing Policy at the address shown on the following page. 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 Completed Worksheets

White	Sentencing Judge
Blue	Maryland State Commission on Criminal Sentencing Policy University of Maryland 4511 Knox Road, Suite 309 College Park, MD 20742
Green	Depends on the sentence: <ul style="list-style-type: none">• Attach to commitment order if defendant receives any period of incarceration; or• Attach to probation order if defendant is put on probation immediately; and• 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

Maryland Sentencing Guidelines Worksheet

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle										BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		SEX		ETHNICITY		RACE									
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES		CRIMINAL EVENTS		ABA plea agreement Non-ABA plea agreement Plea, no agreement Court trial		Jury trial Reconsideration Review		Private Public Defender Court Appointed Self		Hispanic/Latino Origin Yes ___ No ___		Black White Native Hawaiian/Pacific Islander American Indian/Alaskan Native									
WORKSHEET # _____ OF _____		CRIMINAL EVENT # _____																					
CONVICTED OFFENSE TITLE										I-VII		CJIS CODE		MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN		CASE #/DOCKET #			
1 st Convicted Offense																							
2 nd Convicted Offense																							
3 rd Convicted Offense																							
OFFENSE SCORE(S) - Offense Against a Person Only										OFFENDER SCORE		GUIDELINES RANGE		ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)									
A. Seriousness Category										A. Relationship to CJS When Instant Offense Occurred		1 st Con. Off.		1 st Convicted Offense									
1 1 1 = V - VII										0 = None or Pending Cases													
3 3 3 = IV										1 = Court or Other Criminal Justice Supervision		TO											
5 5 5 = III										B. Juvenile Delinquency													
8 8 8 = II										0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act													
10 10 10 = I										1 = Under 23 years old and: 2 or more findings of a delinquent act or 1 commitment		2 nd Con. Off.		2 nd Convicted Offense									
B. Victim Injury										2 = Under 23 years and committed 2 or more times													
0 0 0 = No Injury										C. Prior Adult Criminal Record		TO											
1 1 1 = Injury, Non-Permanent										0 = None 3 = Moderate													
2 2 2 = Permanent Injury or Death										1 = Minor 5 = Major													
C. Weapon Presence										D. Prior Adult Parole/Prob Violation													
0 0 0 = No Weapon										0 = No 1 = Yes		3 rd Con. Off.		3 rd Convicted Offense									
1 1 1 = Weapon Other Than Firearm																							
2 2 2 = Firearm or Explosive																							
D. Special Victim Vulnerability																							
1 st Off 2 nd Off 3 rd Off																							
0 0 0 = No																							
1 1 1 = Yes																							
OFFENSE SCORE(S) _____										OFFENDER SCORE _____		Overall Guidelines Range		Was the offender sentenced to a Corrections Options program under Commission criteria?									
												Multiple Counts Only		Drug Court ___ Yes ___ No Other ___ Yes ___ No									
VICTIM INFORMATION										SENTENCE DEPARTURE INFORMATION		Additional Information or Institutional/Parole Recommendation											
Victim _____										If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.		Worksheet Completed By _____											
Victim Unavailable										_____		Title _____											
NRF _____										_____		Sentencing Judge (Please Print) _____											
Victim Notified Plea _____										_____		Sentencing Judge's Signature _____											
Victim Notified Date _____										_____													
Victim Present _____										_____													
Written VTS _____										_____													
Oral VTS _____										_____													
No Contact with Victim _____										_____													
CIB Cost Imposed _____										_____													

7/2012 (1.7)

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 Offender Name, Sex, and Birth Date

The “Offender Name”, “Sex”, and “Birthdate” boxes at the top of the guidelines worksheet are self-explanatory. Please complete the offender name and birthdate in a legible way and clearly indicate whether the offender was male or female.

4.2 State Identification (SID) Number

The SID number is a unique identifier issued by the Maryland Criminal Justice Information System (CJIS) Central Repository. An SID number is assigned to every individual who is arrested or otherwise acquires a criminal history record in Maryland, and is also used as an identifier in the Department of Public Safety and Correctional Services (DPSCS) management information systems. The SID number can be easily located on each page of the Maryland Rap Sheet above the offender’s name.

4.3 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

4.4 PSI, Date of Offense, and Date of Sentencing

The individual completing the worksheet should clearly indicate whether a pre-sentence investigation was available for the offender, and the dates of offense and sentencing.

4.5 Number of 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 and adjust the number of convicted offenses accordingly.

4.6 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.

4.7 Page Numbering of Worksheets and Criminal Events

Multiple worksheets may be required for a single sentencing event. The worksheets should be numbered consecutively in the space provided for the 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 even if there is one offense per 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.

4.8 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 the court approved relating to a particular sentence, disposition, or other judicial action, and the agreement is binding on the court under Maryland Rule 4-243 (c).
Non-ABA Plea Agreement	The disposition resulted from a plea agreement reached by the parties but that was not approved by, and thus not binding on, the court.
Plea, No Agreement	The defendant pled guilty without any agreement from the prosecutor or judge to perform in a particular way.
Bench or Court Trial	The disposition resulted from a trial without a jury in which the judge decided the factual questions.
Jury Trial	The disposition resulted from a trial in which a jury decided the factual questions.
Reconsideration	Reconsideration of a previously imposed sentence for a crime of violence as defined in Criminal Law Article, §14-101, Annotated Code of Maryland.
Review	Pursuant to Criminal Procedure Article, §8-105, a panel review of a previously imposed sentence.

4.9 Representation

In the box labeled “Representation,” the person completing the worksheet should indicate whether the defendant’s representation was private, public defender, court appointed or self-represented.

4.10 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 section 10-606(C) of the State Government Article (SG), Annotated Code of Maryland.

Additionally, the information in the “Ethnicity” box is requested pursuant to SG, §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.”

4.11 Indigence Established

Pursuant to Courts & Judicial Proceedings Article (CJ), §7-405, Annotated Code of Maryland and Maryland Rule 1-325, did the defendant establish indigence to waive court costs (yes/no)?

Convicted Offense Information

5.1 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 \$1,000) or “Felony Extortion” (\$1,000 or more).

5.2 Seriousness Category (I–VII)

The person completing the worksheet should record in the designated space the seriousness category assigned to the respective offense. See Appendix A – Sentencing Guidelines Offense Table (located at the end of this manual) for a list of offenses and their respective seriousness categories.

The sentencing guidelines and offense seriousness category in effect at the time of sentencing shall be used to calculate the sentencing guidelines. COMAR 14.22.01.03.B.

5.3 CJIS Code

The CJIS code that corresponds to the convicted offense should be recorded in the designated space on the worksheet. This information can be found in Appendix A (Sentencing Guidelines Offense Table). If there are multiple CJIS codes for a listed offense and it is not known which code corresponds to the specific offense, the space can be left blank.

5.4 Maryland Code, Article & Section

The person completing the worksheet shall identify the Annotated Code of Maryland (“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 Maryland Code reference should also be included.

5.5 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, the penalty amount should be recorded in the designated space on the worksheet.

5.6 Case Number/Docket Number

The person completing the worksheet shall record in the designated space the case or docket number for each convicted offense. Please record the full docket number with all “leading zeroes.”

Offense Score(s)

For offenses against persons, an offense 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, an offense score should not be calculated for those offense types.

6.1 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. A judge may include factors known to the judge even if they are not within the scope of the convicted offense, such as, weapon presence 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 include seriousness category, victim injury, weapon presence and special victim vulnerability. Table 6-1 displays the numerical values for each element and these should be used to calculate an offense score for each person offense. A column of offense scores is provided on the worksheet for up to three offenses within a single criminal event.

Table 6-1. Offense Score (Offenses Against a Person Only)

1 st Off.	2 nd Off.	3 rd 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
1 st Off.	2 nd Off.	3 rd Off.	B. Victim Injury
0	0	0	= No Injury
1	1	1	= Injury, Non-Permanent
2	2	2	= Permanent Injury or Death
1 st Off.	2 nd Off.	3 rd Off.	C. Weapon Presence
0	0	0	= No Weapon
1	1	1	= Weapon Other than Firearm
2	2	2	= Firearm or Explosive
1 st Off.	2 nd Off.	3 rd 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 and the maximum penalty is more than one year, the individual completing the worksheet should use the closest analogous offense. The sentencing judge and the parties involved should be notified if a seriousness category for an analogous offense is utilized.

If an offense has not been assigned a seriousness category and the offense has a maximum penalty of one year or less, the offense should be assigned a seriousness category of VII.

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.

- a. 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.
- b. 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 (e.g., a category V offense becomes a category VI offense).
- c. 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.
- d. 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 counseling or treatment. Rape crisis hotlines, clergy conferences, and other similar services are considered psychological counseling or treatment, but the contact with a counselor must be confirmed in writing or otherwise by the counseling or treatment provider. 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 Presence

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

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

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) and/or air guns (including pellet guns, BB guns, and paint ball guns) and starter pistols are also scored as weapons other than firearms and receive 1 point;
- d. Except if used as a bludgeon, a toy gun is not a weapon and shall receive a weapon presence score of zero;
- e. Except if deliberately used as a weapon, automobiles are not included as weapons and shall receive a weapon presence score of zero;
- 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 present); and
- h. Any applicable guidelines points for weapon presence 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 cases in which 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.

Offender Score

7.1 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 7-1 below. Any prior criminal adjudication (as defined in COMAR 14.22.01.02.B(1)) shall 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 ("CJS"). A prior adjudication of not criminally responsible (NCR) or not guilty by reason of insanity shall not be included when calculating the offender score.

Table 7-1. 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	= 23 years or older OR crime-free for 5 years OR no more than 1 finding of a delinquent act
1	= Under 23 years old AND: 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	3 = Moderate
1 = Minor	5 = Major
D. Prior Adult CJ Violation	
0 = No	1 = Yes
OFFENDER SCORE _____	

Elements of the Offender Score:

A. Relationship to the Criminal Justice System When Instant Offense Occurred

1. 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.
2. 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.
3. An offender is not considered to be in the criminal justice system if the offender was on unsupervised probation for an offense 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 Services 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:

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

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

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

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

1. an offender is younger than 23 years old; **and**
2. has been committed two or more times

C. Prior Adult Criminal Record

The prior adult criminal record includes all adjudications preceding the current sentencing event, whether the offense was committed before or after the instant one. Unless expunged from the record or proven by the defense to have been eligible for expungement prior to the date of offense pursuant to Criminal Procedure Article §§10-101 – 10-105, Annotated Code of Maryland, probations before judgment (PBJ) and convictions under the Federal Youth Corrections Act (FYCA) shall be included. The individual completing the worksheet may not consider violations of public local laws, municipal infractions, contempt, criminal non-support, marijuana possession or marijuana paraphernalia possession convictions that qualify for a non-incarceration penalty due to evidence of medical necessity, and non-incarcerable traffic offenses as part of a prior adult criminal record.

1. Criteria

If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty of one year or less, the offense should be assigned a seriousness category of VII.

If a Maryland offense has not been assigned a seriousness category (and the offense has a maximum penalty of more than one year) or has been repealed from the Maryland Annotated Code, the individual completing the worksheet shall use the closest analogous offense and the sentencing judge and the parties shall be notified.

The sentencing guidelines and offense table in effect at the time of the instant sentencing shall be used to determine the correct seriousness category for each adjudication included in the calculation of the prior adult criminal record.

It is appropriate to use the sentencing guidelines and offense table in effect at the time of the instant sentencing to assign seriousness categories for previously convicted offenses because the calculation of the prior adult record is not a new sanction for a previously convicted offense but rather a single metric used to suggest an appropriate sentence in the instant offense.

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. If multiple prior convictions relate to a single criminal event, the individual completing the worksheet shall score only the offense with the highest seriousness category. The Criteria for Prior Record Worksheet, found in Figure 7-2, 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 7-2 or

Figure 7-1 and, applying the other less serious prior adjudications, determine whether the prior 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.

Table 7-2. Prior Adult Criminal Record Matrix

Number of Convictions

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	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 7-1. Criteria for Prior Adult Criminal Record

MAJOR RECORD = 5 points

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 = 3 points

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 = 1 point

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.

Figure 7-2. 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: _____

2. Additional Instructions

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 offense.

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.

Determining the Guidelines Sentence Range

8.1 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.

8.2 Person Offenses

To find the guidelines sentence for an offense against a person, refer to Table 8-1, 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 adjusted guidelines range for first degree murder is always a mandatory suspendable term of “life to life” and should replace the calculated guidelines range (unless the death penalty is being sought under CR, §2-303). First Degree Murder is a Seriousness Category I offense.

Table 8-1. 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=Years, L=Life

8.3 Drug Offenses

To find the recommended guidelines sentence for a drug offense use Table 8-2, 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 8-2. Sentencing Matrix for Drug Offenses

<i>Offense Seriousness Category</i>	<i>Offender Score</i>							
	0	1	2	3	4	5	6	7 or more
VII	P	P	P	P-1M	P-3M	P-6M	3M-6M	6M-2Y
VI	Available for future use. There are currently no seriousness category VI drug offenses.							
V	P-6M	P-12M	3M-12M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y
IV	P-12M	P-18M	6M-18M	1Y-2Y	1.5Y-2.5Y	2Y-3Y	3Y-4Y	3.5Y-10Y
III-A Marijuana import 45 kilograms or more, and MDMA 750 grams or more	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

8.4 Property Offenses

To find the recommended guidelines sentence for a property offense use Table 8-3, 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 8-3. 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

8.5 Effect of Statutory Maximum and Mandatory Minimum Sentences on Guidelines Range

If the guidelines range exceeds the statutory maximum for a given offense, the statutory maximum is the upper limit of the guidelines range. If the guidelines range is below the non-suspendable mandatory statutory minimum, that minimum is the lower limit of the guidelines range. The adjusted guidelines range for first degree murder is always a mandatory suspendable term of “life to life” and should replace the calculated guidelines range.

8.6 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, the guidelines range for that offense is also doubled. In such a circumstance, the person completing the worksheet should note the seriousness category and offender score and find the corresponding cell on the drug offense sentencing matrix (Table 8-2), and then double that range. 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 “Filed” and “Proven” boxes. See MSGM 10.4 for further instructions.

When a non-suspendable mandatory minimum sentence for a drug offense has been invoked pursuant to CR, §§5-607, 5-608, or 5-609, that mandatory minimum takes precedence over the lower guidelines range (and possibly the upper range if the mandatory minimum exceeds the calculated upper range). In such a circumstance, the person completing the worksheet should note the seriousness category and offender score and find the corresponding cell on the drug offense sentencing matrix (Table 8-2), and then replace the lower end of the range (and possibly the upper) with the mandatory minimum. If the offender is being sentenced with the enhanced penalty pursuant to CR, §§5-607, 5-608, or 5-609, the person preparing the worksheet shall mark “Yes” in the subsequent offender “Filed” and “Proven” boxes. See MSGM 8.5 and 10.4 for further instructions.

When a non-suspendable mandatory minimum sentence for a crime of violence has been invoked pursuant to CR, §14-101, that mandatory minimum takes precedence over the lower guidelines range (and possibly the upper range if the mandatory minimum exceeds the calculated upper range). In such a circumstance, the person completing the worksheet should note the offense score and offender score and find the corresponding cell on the person offense sentencing matrix (Table 8-1). The lower end of that range (and possibly the upper) is then replaced by the mandatory minimum. If the offender is being as sentenced with the enhanced penalty pursuant to CR, §14-401, the person preparing the worksheet shall mark “Yes” in the subsequent offender “Filed” and “Proven” boxes. See MSGM 8.5 and 10.4 for further instructions.

Overall Guidelines Range for Multiple Counts Only

9.1 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 9-1.)
3. Any combination 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.
4. If there are separate offenses for different victims, add together the upper range of the highest of the upper guidelines range for each victim. See MSGM 10.1 for detailed instructions and a sample worksheet for this scenario.

Example: An offender has been adjudicated guilty for two person offenses arising out of a single criminal event and there were two victims. The guidelines range for each offense is 3M-4Y. The upper ranges should be added (to reflect two victims) so the correct overall guidelines range is 3M-8Y.

Table 9-1. 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>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Armed Carjacking	2	II	11	18Y-25Y
1	Use of Handgun in a Felony	2	III	7	5Y MM-10Y
<i>Overall Guidelines Range:</i>					18Y-25Y
<p>Note: The mandatory minimum for the handgun charge is 5 years. The guidelines range for the gun charge is calculated to be 5-10 years. The mandatory minimum should be noted on the worksheet. Regardless, the lower range and upper range of the overall guidelines are both drawn from the armed carjacking charge.</p>					
Example 2					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Burglary 2 nd Degree	3	IV	N/A	1Y-4Y
1	Theft at least \$1,000 but less than \$10,000	3	V	N/A	1Y-3Y
1	Malicious Destruction > \$500	3	VII	N/A	6M-1Y
<i>Overall Guidelines Range:</i>					1Y-4Y
<p>Note: The burglary and theft charges have the same lower range and the overall upper range comes from the burglary.</p>					
Example 3					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Assault 2 nd Degree	2	V	4	1Y-5Y
1	Distribution of LSD	2	III-B	N/A	18M-4Y
<i>Overall Guidelines Range:</i>					18M-5Y
<p>Note: The overall lower range of 18 months is drawn from the drug charge but the upper range of 5 years comes from the assault charge.</p>					

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

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

Table 9-2. 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>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Rape 1 st Degree	1	I	11	15Y-25Y
1	Kidnapping	1	II	9	7Y-13Y
1	Robbery	1	IV	4	6M-4Y
<i>Overall Guidelines Range:</i>					22Y-38Y
Note: The upper and lower ranges for each of the category I and II offenses are added to calculate the overall range.					
Example 2					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Sex Offense 1 st Degree	3	I	14	30Y-Life
1	Sex Offense 1 st Degree	3	I	14	30Y-Life
1	Rape 1 st Degree	3	I	14	30Y-Life
<i>Overall Guidelines Range:</i>					90Y – Life x 3
Note: The ranges for each of the offenses are added such that the overall range is 90 years to 3 consecutive life terms.					

- Any combination 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.

9.3 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.
- Any combination 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.

Table 9-3. Examples of Scoring Multiple Criminal Events with One Offense In Each Event

Example 1					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Robbery w/ Deadly Weapon	2	III	7	5Y-10Y
2	Robbery w/ Deadly Weapon	2	III	7	5Y-10Y
3	Robbery w/ Deadly Weapon	2	III	7	5Y-10Y
<i>Overall Guidelines Range:</i>					15Y-30Y
Note: The overall range is calculated by adding each range.					
Example 2					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Arson 2 nd Degree	7	IV	N/A	10Y-20Y
2	Forgery	7	V	N/A	8Y-10Y*
<i>Overall Guidelines Range:</i>					18Y-30Y
*The statutory maximum for the forgery charge is 10 years. The guidelines range is calculated to be 8-15 years, but the statutory maximum replaces the upper range.					
Note: The adjusted forgery range is added to the burglary range to calculate the overall guidelines range.					

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

1. Arrange the events in chronological order, beginning with the offense or offenses committed in the first event.
2. Calculate the guidelines range for each offense in the first event.
3. Determine the overall guidelines range for the first criminal event as in MSGM 9.1 or 9.2, but do not enter it on a worksheet.
4. 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.*
5. After determining the overall guidelines range for each criminal event, the ranges are added to determine the overall guidelines range for the entire case.
6. Any combination 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.

Table 9-4. 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>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Assault 1 st Degree	3	III	7	6Y-12Y
1	Use of Handgun in Felony	3	III	7	6Y-12Y
<i>Range for 1:</i>					6Y-12Y
2	Assault 1 st Degree	3	III	7	6Y-12Y
2	Poss. Marijuana	3	VII	N/A	P-1M
<i>Range for 2:</i>					6Y-12Y
<i>Overall Guidelines Range:</i>					12Y-24Y
Note: The overall range is calculated by determining each individual event range and then adding each event range together.					
Example 2					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Perjury	0	IV	N/A	P-1Y
<i>Range for 1:</i>					P-1Y
2	Forgery	0	V	N/A	P-6M
2	Theft at least \$1,000 but less than \$10,000	0	V	N/A	P-6M
2	WCT Handgun, 1 st offense	0	VII	3	P-2Y
<i>Range for 2:</i>					P-2Y
<i>Overall Guidelines Range:</i>					P-3Y
Note: When the lower range for each event indicates probation, that is the lower range of the overall guidelines.					
Example 3					
<u>Criminal Event</u>	<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
1	Rape 1 st Degree	0	I	11	12Y-20Y
1	Att. 1 st Degree Murder	0	II	9	5Y-10Y
<i>Range for 1:</i>					17Y-30Y
2	Burglary 3 rd Degree	0	IV	N/A	P-1Y
<i>Range for 2:</i>					P-1Y
<i>Overall Guidelines Range:</i>					17Y-31Y
Note: In the first event, the range for each offense is added (because there are more than one Category I or II offenses) to calculate the range for the first event, which is then added to the range for the second event to obtain the overall range.					

Special Applications in Guidelines Calculations

10.1 Single Criminal Event With Multiple Unique Victims, Not More Than One Seriousness Category I or II Offense (Guidelines “Stacking” Rule)

When there is a single criminal event with multiple victims and not more than one seriousness category I or II offense, the person completing the worksheet should add the upper guidelines range for each victim to find the correct overall range.

- Calculate the guidelines range for each offense.
- Determine the guidelines range by identifying the highest of the lower guidelines limits and the highest of the upper guidelines limits.
- Add the highest of the upper guidelines range for each victim.

Example 1			
<u>Offense</u>	<u>Offender Score</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
Assault 2 nd Degree	4	3	2Y-5Y
Assault 2 nd Degree	4	3	2Y-5Y
Assault 2 nd Degree	4	3	2Y-5Y
Overall Guidelines Range:			2Y-15Y*
*The guidelines range for each offense is calculated to be 2-5 years. Because there are three victims from one criminal event, the upper range for each offense is added together or “stacked” and the overall range is 2-15 years. See Example 10.1 on the next page.			
Example 2			
<u>Offense</u>	<u>Offender Score</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
Robbery w/ Deadly Weapon	2	7	5Y-10Y
Assault 2 nd Degree	2	3	6M-3Y
Overall Guidelines Range:			5Y-13Y*
*The guidelines range for the robbery charge is calculated to be 5-10 years. The guidelines range for the assault is calculated to be 6 months to 3 years. Because there are two victims from one criminal event, the upper range for each offense is added together or “stacked” and the overall range is 5-13 years.			

Example 10.1 – Single Criminal Event with Multiple Victims (Guidelines “Stacking” Rule)

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION			
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		MAND. MIN		CASE #/DOCKET #			
X Yes ___ No ___		08 01 09		02 02 10		X ABA plea agreement ___ Non-ABA plea agreement ___ Plea, no agreement ___ Court trial		551232		Hispanic/Latino ___ Origin ___ Yes ___ No ___		___ Black ___ White ___ Native Hawaiian/Pacific Islander ___ American Indian/Alaskan Native		07 07 74		14			
AT THIS SENTENCING, NUMBER OF: 3		CRIMINAL EVENTS 1		WORKSHEET # 1 OF 1						REPRESENTATION		INDIGENCE ESTABLISHED							
CONVICTED OFFENSE TITLE		I-VII		CJIS CODE		MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN		CASE #/DOCKET #							
1 st Convicted Offense		V		1 1415		CR, §3-203		10Y				14K10000001							
Assault 2nd Degree (Victim 1)																			
2 nd Convicted Offense		V		1 1415		CR, §3-203		10Y				14K10000001							
Assault 2nd Degree (Victim 2)																			
3 rd Convicted Offense		V		1 1415		CR, §3-203		10Y				14K10000001							
Assault 2nd Degree (Victim 3)																			
OFFENSE SCORE(S) – Offense Against a Person Only										ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)									
1 st Off 2 nd Off 3 rd Off										1 st Convicted Offense									
A. Seriousness Category										For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$: ___ Restitution Requested: ___ Restitution Proven: ___									
1 = V – VII										Yes ___ No ___									
2 = IV										Yes ___ No ___									
3 = III										Yes ___ No ___									
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271 = I										Yes ___ No ___									
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302 = I										Yes ___ No ___									
303 = I										Yes ___ No ___									

10.2 Statutory Maximum Less Than Guidelines Range

If the guidelines range exceeds the statutory maximum for a given offense, the statutory maximum replaces the guidelines range. This is because a person cannot be sentenced to a term that exceeds the statutory maximum.

1. Calculate the guidelines range for each offense.
2. Determine if the lower range of the guidelines exceeds the statutory maximum. If so, replace the upper and lower guidelines range with the statutory maximum. If not, leave it unchanged.
3. Determine if the upper range of the guidelines exceeds the statutory maximum. If so, replace the upper range with the statutory maximum.

Example 1

<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
Distribution of Marijuana	7	IV	3.5Y-5Y
<i>Overall Guidelines Range:</i>			3.5Y-5Y*

*The statutory maximum is 5 years. The guidelines range is calculated to be 3.5-10 years. Because the statutory maximum of 5 years is shorter than the upper range of 10 years, the upper range is replaced by the statutory maximum. See Example 10.2 on the next page.

Example 2

<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
False Statements to Police Officers	4	VII	6M-6M
<i>Overall Guidelines Range:</i>			6M-6M*

*The statutory maximum is 6 months. The guidelines range is calculated to be 9-18 months. Because the statutory maximum of 6 months is shorter than the lower range of 9 months and the upper range of 18 months, both ranges are replaced by the statutory maximum.

Example 3

<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
Theft at least \$1,000 but less than \$10,000	4	V	18M-5Y
Malicious Destruction <\$500	4	VII	60D-60D*
<i>Overall Guidelines Range:</i>			18M-5Y

*The statutory maximum for the malicious destruction charge is 60 days. The guidelines range for the malicious destruction charge is calculated to be 9-18 months. Because the statutory maximum of 60 days is shorter than the lower range of 9 months and the upper range of 18 months, both ranges are replaced by the statutory maximum with respect to that charge.

Note: The guidelines range for the theft charge is 18 months-5 years so the overall range is 18 months-5 years.

Example 10.2 – Statutory Maximums

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION																																																																																																															
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		UNIDENTIFIABLE																																																																																																																	
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COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

5/2010 (1.6)

10.3 Non-Suspendable Mandatory Minimums

If the guidelines sentence range is below a non-suspendable mandatory minimum, that minimum replaces the guidelines range. This is because a person cannot be sentenced to a term that is shorter than the mandatory minimum. Additionally, the adjusted guidelines range for first degree murder is always a mandatory suspendable term of “life to life” and should replace the calculated guidelines range.

1. Calculate the guidelines range for each offense.
2. Determine if the mandatory minimum exceeds the lower range of the guidelines. If so, replace the lower guidelines range with the mandatory minimum. If not, leave it unchanged.
3. Determine if the mandatory minimum exceeds the upper range of the guideline. If so, replace the upper guidelines range with the mandatory minimum. If not, leave it unchanged.

Example 1

<u>Offense</u>	<u>Offender Score</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
Handgun Crime of Violence	0	7	5Y MM-8Y
<i>Overall Guidelines Range:</i>			5Y MM-8Y

*The non-suspendable mandatory minimum is 5 years. The guidelines range is calculated to be 3-8 years. Because the mandatory minimum of 5 years exceeds the lower range of 3 years, the lower range is replaced by the mandatory minimum.

Example 2

<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
Dist. Cocaine-Large Amounts	2	III-B	5Y MM-5Y
<i>Overall Guidelines Range:</i>			5Y MM-5Y

*The non-suspendable mandatory minimum is 5 years. The guidelines range is calculated to be 18 months-4 years. Because the mandatory minimum of 5 years exceeds the lower range of 18 months and the upper range of 4 years, the lower and upper range are replaced by the mandatory minimum. See Example 10.3 on the next page.

Example 10.3 – Non-Suspendable Mandatory Minlimums

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		BIRTHDATE		JURISDICTION	
___ Yes ___ No		08 25 09		01 15 10		X ABA plea agreement ___ Non-ABA plea agreement ___ Plea, no agreement ___ Court trial		551234		Private X Public Defender ___ Court Appointed ___ Self		Hispanic/Latino ___ Yes ___ No White ___ Yes ___ No Other ___ Yes ___ No		07 11 90		15	
AT THIS SENTENCING, NUMBER OF: 1		WORKSHEET # 1 OF 1		CRIMINAL EVENT # 1													
CONVICTED OFFENSE TITLE										MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN		CASE #/DOCKET #	
1 st Convicted Offense Distribution Cocaine - Large Amounts										CR, §5-612		20Y		5Y MM		111111C	
2 nd Convicted Offense																	
3 rd Convicted Offense																	
OFFENSE SCORE(S) – Offense Against a Person Only										GUIDELINES RANGE		ACTUAL SENTENCE – Imposed, Suspendable, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)					
<p>A. Seriousness Category</p> <p>1st Off 2nd Off 3rd Off</p> <p>1 1 = V – VII</p> <p>3 3 = IV</p> <p>5 5 = III</p> <p>8 8 = II</p> <p>10 10 = I</p> <p>B. Victim Injury</p> <p>1st Off 2nd Off 3rd Off</p> <p>0 0 = No Injury</p> <p>1 1 = Injury, Non-Permanent</p> <p>2 2 = Permanent Injury or Death</p> <p>C. Weapon Presence</p> <p>1st Off 2nd Off 3rd Off</p> <p>0 0 = No Weapon</p> <p>1 1 = Weapon Other Than Firearm</p> <p>2 2 = Firearm or Explosive</p> <p>D. Special Victim Vulnerability</p> <p>1st Off 2nd Off 3rd Off</p> <p>0 0 = No</p> <p>1 1 = Yes</p>										<p>1st Con. Off.</p> <p>18M 5Y MM</p> <p>TO</p> <p>5Y MM</p> <p>2nd Con. Off.</p> <p>TO</p> <p>3rd Con. Off.</p> <p>TO</p>		<p>1st Convicted Offense</p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p> <p>2nd Convicted Offense</p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p> <p>3rd Convicted Offense</p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p>					
OFFENSE SCORE(S)										OFFENDER SCORE		Was the offender sentenced to a Corrections Options program under Commission criteria?					
<p>A. Relationship to CJS When Instant Offense Occurred</p> <p>0 = None or Pending Cases</p> <p>1 = Court or Other Criminal Justice Supervision</p> <p>B. Juvenile Delinquency</p> <p>0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act</p> <p>1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment</p> <p>2 = Under 23 years and committed 2 or more times</p> <p>C. Prior Adult Criminal Record</p> <p>0 = None 3 = Moderate</p> <p>1 = Minor 5 = Major</p> <p>D. Prior Adult Parole/Prob Violation</p> <p>0 = No 1 = Yes</p>										2		<p>Drug Court ___ Yes ___ No ___ Other ___ Yes ___ No</p> <p>Institutional/Parole Recommendation</p> <p>___ Yes ___ No</p> <p>Parole Notification ___ Yes ___ No</p>					
VICTIM INFORMATION										SENTENCE DEPARTURE INFORMATION		Additional Information or					
<p>Victim Unavailable</p> <p>___ Yes ___ No</p> <p>NRF</p> <p>___ Yes ___ No</p> <p>Victim Notified Prior</p> <p>___ Yes ___ No</p> <p>Victim Present</p> <p>___ Yes ___ No</p> <p>Written VTS</p> <p>___ Yes ___ No</p> <p>Oral VTS</p> <p>___ Yes ___ No</p> <p>No Contact with Victim</p> <p>___ Yes ___ No</p> <p>CICB Cost Imposed</p> <p>___ Yes ___ No</p>										<p>If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.</p> <p>Departure Code 9 or 18 (Please Explain):</p>		<p>Overall Guidelines Range</p> <p>Multiple Counts Only</p> <p>5Y MM</p> <p>TO</p> <p>5Y MM</p> <p>50% of Sentence Announced</p> <p>___ Yes ___ No</p>					
Worksheet Completed By										Title							
Sentencing Judge (Please Print)										Sentencing Judge's Signature							

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

5/2010 (1.6)

10.4 Subsequent Offender Sentence Enhancements

Maryland law provides for sentence enhancements for some individuals convicted of crimes as subsequent offenders. Most of these sentence enhancements provide for mandatory minimum sentences and the guidelines are calculated just like any other non-suspendable mandatory minimum. These can be referred to as “Mandatory Minimum Enhancements”. Another type of subsequent offender enhancement mandates that the statutory maximum should be doubled pursuant to CR, §5-905. This is referred to as the “Doubling Enhancement”. When the statutory maximum is doubled, the guidelines for that offense are doubled. Unlike other subsequent offender enhancements, the Doubling Enhancement does not have a mandatory minimum. Regardless of which sentence enhancement is applied, the person preparing the worksheet shall mark “Yes” in the subsequent offender “Filed” and “Proven” boxes.

Example 1 – Mandatory Minimum Enhancement

<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
Distribution of Cocaine, 3 rd Subsequent Drug Offender	5	III-B	25Y MM-25Y
<i>Overall Guidelines Range:</i>			25Y MM-25Y
*Offender sentenced on a charge of drug distribution pursuant to CR, §5-608(c) as a 3 rd subsequent offender with a non-suspendable mandatory minimum of 25 years. The guidelines range is calculated to be 5-10 years. Because the mandatory minimum of 25 years exceeds the lower range of 5 years and the upper range of 10 years, the lower and upper ranges are replaced by the mandatory minimum.			

Example 2 – Mandatory Minimum Enhancement

<u>Offense</u>	<u>Offender Score</u>	<u>Offense Score</u>	<u>Guidelines Range</u>
Assault 1 st Degree 2 nd Subsequent COV Offender	3	7	10Y MM-12Y
<i>Overall Guidelines Range:</i>			10Y MM-12Y
*Offender sentenced on a charge of assault pursuant to CR, §14-101(e) as a 2 nd subsequent offender convicted of a crime of violence with a mandatory minimum of 10 years. The guidelines range is calculated to be 6-12 years. Because the mandatory minimum of 10 years exceeds the lower range of 6 years, the lower range is replaced by the mandatory minimum. See Example 10.4a on the next page.			

Example 3 – Doubling Enhancement

<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
Distribution of Cocaine, CR §5-905	3	III-B	6Y-14Y
<i>Overall Guidelines Range:</i>			6Y-14Y
*Offender sentenced on a charge of drug distribution pursuant to CR, §5-905. When a person is sentenced with the CR, §5-905 sentence enhancement, the guidelines range is doubled. The guidelines range is initially calculated to be 3-7 years. Because the individual is sentenced pursuant to CR, §5-905, the guidelines range is then doubled to the adjusted guidelines range of 6-14 years. See Example 10.4b.			

Example 10.4a – Mandatory Minimum Subsequent Offender Enhancement

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		JURISDICTION			
X Yes	No	10	30	09	05	10	10	ABA plea agreement	5551235	Private	Hispanic/Latino Origin	Black	8	12	14	80	
AT THIS SENTENCING, NUMBER OF:		1		1		1		Non-ABA plea agreement		X Public Defender	Yes	White	Unidentifiable				
		1		1		1		Plea, no agreement		Court Appointed	No	Other	Asian				
		1		1		1		Court trial		Self	Yes	Other	Other				
		1		1		1		CRIMINAL EVENT #			Yes	Other	Other				
		1		1		1		CRIMINAL EVENT #			Yes	Other	Other				
CONVICTED OFFENSE TITLE										MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN		CASE #/DOCKET #	
1 st Convicted Offense												25Y		10Y MM		08K10000001	
Assault 1st Degree																	
2 nd Convicted Offense																	
3 rd Convicted Offense																	
OFFENSE SCORE(S) – Offense Against a Person Only										GUIDELINES RANGE		ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)					
1 st Off 2 nd Off 3 rd Off										1 st Con. Off.		1 st Convicted Offense					
A. Seriousness Category										10Y MM							
1 = I = V – VII																	
3 = 3 = IV																	
5 = 5 = III																	
8 = 8 = II																	
10 = 10 = I																	
B. Victim Injury										12Y							
0 = 0 = No Injury																	
1 = 1 = Injury, Non-Permanent																	
2 = 2 = Permanent Injury or Death																	
C. Weapon Presence										2 nd Con. Off.		2 nd Convicted Offense					
0 = 0 = No Weapon																	
1 = 1 = Weapon Other Than Firearm																	
2 = 2 = Firearm or Explosive																	
D. Special Victim Vulnerability										TO							
0 = 0 = No																	
1 = 1 = Yes																	
OFFENSE SCORE(S)										Overall Guidelines Range		Was the offender sentenced to a Corrections Options program under Commission criteria?					
3										Multiple Counts Only		Drug Court Yes No Other Yes No					
SENTENCE DEPARTURE INFORMATION										Additional Information or Institutional/Parole Recommendation							
If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.										TO							
Departure Code 9 or 18 (Please Explain):										50% of Sentence Announced							
Victim Information										Title							
Victim Unavailable										Sentencing Judge (Please Print)							
Victim Notified Date										Sentencing Judge's Signature							
Victim Present																	
Written VIS																	
Oral VIS																	
No Contact with Victim																	
CICB Cost Imposed																	

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5/2010 (1.6)

Example 10.4b – Doubling Subsequent Offender Enhancement

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		BIRTHDATE		JURISDICTION	
AT THIS SENTENCING, NUMBER OF: 1		05/01/09		11/10/10		ABA plea agreement Non-ABA plea agreement Plea, no agreement Court trial		551236		Hispanic/Latino Asian White Other		Black White Native Hawaiian/Pacific Islander American Indian/Alaskan Native		10/23/77		23	
WORKSHEET # 1 OF 1		CRIMINAL EVENT # 1															
CONVICTED OFFENSE TITLE										MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN		CASE #/DOCKET #	
1 st Convicted Offense Distribution Cocaine (Subsequent - CR, §5-905)										CR, §§5-608, 5-905		40Y				23K10000001	
2 nd Convicted Offense																	
3 rd Convicted Offense																	
OFFENSE SCORE(S) – Offense Against a Person Only										GUIDELINES RANGE		ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)					
<p>A. Seriousness Category</p> <p>1st Off 2nd Off 3rd Off</p> <p>1 1 = V – VII</p> <p>3 3 = IV</p> <p>5 5 = III</p> <p>8 8 = II</p> <p>10 10 = I</p> <p>B. Victim/Injury</p> <p>1st Off 2nd Off 3rd Off</p> <p>0 0 = No Injury</p> <p>1 1 = Injury, Non-Permanent</p> <p>2 2 = Permanent Injury or Death</p> <p>C. Weapon Presence</p> <p>1st Off 2nd Off 3rd Off</p> <p>0 0 = No Weapon</p> <p>1 1 = Weapon Other Than Firearm</p> <p>2 2 = Firearm or Explosive</p> <p>D. Special Victim Vulnerability</p> <p>1st Off 2nd Off 3rd Off</p> <p>0 0 = No</p> <p>1 1 = Yes</p>										<p>1st Con. Off.</p> <p>3X 6Y</p> <p>2nd Con. Off.</p> <p>14Y</p> <p>3rd Con. Off.</p> <p>TO</p>		<p>1st Convicted Offense</p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p> <p>2nd Convicted Offense</p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p> <p>3rd Convicted Offense</p> <p>For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____</p>					
OFFENSE SCORE(S)										OFFENDER SCORE		Was the offender sentenced to a Corrections Options program under Commission criteria?					
3										3		Drug Court Yes No Other Yes No					
VICTIM INFORMATION										SENTENCE DEPARTURE INFORMATION		Additional Information or Institutional/Parole Recommendation					
<p>Victim Unavailable Yes No</p> <p>NRF Yes No</p> <p>Victim Notified Plea Yes No</p> <p>Victim Notified Date Yes No</p> <p>Victim Present Yes No</p> <p>Written VTS Yes No</p> <p>Oral VTS Yes No</p> <p>No Contact with Victim Yes No</p> <p>CICB Cost Imposed Yes No</p>										<p>If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.</p> <p>Departure Code 9 or 18 (Please Explain):</p>		<p>Worksheet Completed By</p> <p>Title</p> <p>Sentencing Judge (Please Print)</p> <p>Sentencing Judge's Signature</p>					
OFFENSE SCORE(S)										OFFENDER SCORE		Overall Guidelines Range					
3										3		Multiple Counts Only					
VICTIM INFORMATION										SENTENCE DEPARTURE INFORMATION		50% of Sentence Announced					
<p>Victim Unavailable Yes No</p> <p>NRF Yes No</p> <p>Victim Notified Plea Yes No</p> <p>Victim Notified Date Yes No</p> <p>Victim Present Yes No</p> <p>Written VTS Yes No</p> <p>Oral VTS Yes No</p> <p>No Contact with Victim Yes No</p> <p>CICB Cost Imposed Yes No</p>										<p>If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.</p> <p>Departure Code 9 or 18 (Please Explain):</p>		<p>Yes No</p>					

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5/2010 (1.6)

In the rare instance that **both** a Mandatory Minimum Enhancement and a Doubling Enhancement are applied on a single offense:

1. Calculate the guidelines range.
2. Double that range to apply the doubling penalty under CR, §5-905.
3. Replace the lower range with the mandatory minimum (if the mandatory minimum is greater than the lower range)
4. Mark “Yes” in the subsequent offender “Filed” and “Proven” boxes.

Example 1 – Doubling Enhancement and Mandatory Minimum Enhancement			
<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
Distribution of Cocaine, 2 nd Subsequent Drug Offender & CR, §5-905	3	III-B	10Y MM-14Y
<i>Overall Guidelines Range:</i>			10Y MM-14Y
<p>*The mandatory minimum is 10 years (CR, §5-608). The guidelines range is calculated to be 3-7 years. The range is doubled pursuant to CR, §5-905 to 6-14 years. Because the mandatory minimum of 10 years exceeds the lower range of 6 years, the lower range is replaced by the mandatory minimum. See Example 10.4c on the next page.</p>			
Example 2 – Doubling Enhancement and Mandatory Minimum Enhancement			
<u>Offense</u>	<u>Offender Score</u>	<u>Seriousness Category</u>	<u>Guidelines Range</u>
Distribution of Marijuana, Subsequent Drug Offender & CR, §5-905	5	IV	4Y-6Y
<i>Overall Guidelines Range:</i>			4Y-6Y
<p>*The mandatory minimum is 2 years (CR, §5-607). The guidelines range is calculated to be 2-3 years. The range is doubled pursuant to CR, §5-905 to 4-6 years. Because the mandatory minimum of 2 years is shorter than the lower range of 4 years, there is no need to replace the lower range with the mandatory minimum.</p>			

May 2010

50

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Victim Information

The person completing the worksheet shall provide the victim information requested in the designated space on the worksheet. As outlined in Table 11-1, the information requested includes whether there was a victim and if they were available, whether the victim filed a notification request form (“NRF”), and whether there was a written or an oral Victim Impact Statement (“VIS”), among other information. When completing a worksheet for a Single Criminal Event with multiple victims, the victim section of the worksheet should be completed using the information relating to the victim in the most serious offense.

Table 11-1. Victims' Rights Information

Victim	Was there a victim in this offense? Examples of offenses that do not include a victim include most drug offenses and escape.
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.
NRF	Was a notification request form filed by a victim? Criminal Procedure Article, §11-104
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
Victim Notified Date	Was victim notified of the court date for sentencing? Criminal Procedure Article, §11-104
Victim Present	Was the victim present at sentencing? Criminal Procedure Article, §11-102(a); Article 47, Maryland Declaration of Rights
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
No Contact with Victim	Did victim or State make a request that defendant have no contact with victim? Criminal Procedure Article, §11-402
CICB Costs Imposed	Were Criminal Injury Compensation Board (CICB) costs imposed? Criminal Procedure Article, §11-819

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.

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.

12.1 Convicted Offense Sentence

Complete sentencing information for each convicted offense must be provided in the corresponding “Actual Sentence” box on the worksheet and should include information for the following:

- Incarceration time imposed;
- Amount of time suspended;
- Specific amount of credit for time served;
- Length of probation;
- Amount of home detention;
- Whether the sentence is concurrent or consecutive;
- Amount of fine and/or restitution; and
- Community service imposed.

Note: For reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland) and reviews, the worksheet should indicate how the original sentence was adjusted.

12.2 Subsequent Offender Filed/Proven and Restitution Requested/Proven

The person completing the worksheet shall mark whether the offender was filed as a subsequent offender and whether anyone is requesting restitution from the offender. The judge shall indicate if subsequent offender was proven and the amount of restitution ordered, if any.

12.3 Amount of Economic Loss

The individual completing the worksheet shall record in the designated space the dollar amount of the economic loss or mark “unknown amount” for all offenses involving **theft** and related crimes under Criminal Law Article, Title 7, or **fraud** and related crimes under Criminal Law Article, Title 8. The amount of economic loss equals the amount of restitution ordered by a Circuit Court judge or, if not ordered, the full amount of restitution that could have been ordered.

12.4 Corrections Options Program

Based on the definition provided in chapter 2, the person completing the worksheet shall record if the offender was sentenced to a Corrections Options program. Please specify whether the offender participated in drug court treatment (yes/no) or any other correctional options program, such as home detention (yes/no).

12.5 Institutional/Parole Recommendation or Additional Information

The sentencing judge shall record any recommendations or additional information in this designated area on the worksheet.

12.6 Announcement of 50% of Sentence for COVs

The individual completing the worksheet shall indicate whether or not there was an announcement regarding the mandatory serving of 50% of a sentence for violent offenses. Pursuant to CP, §6-217, when a sentence of incarceration is given for a violent crime as defined in CS, §7-101 for which a defendant will be eligible for parole under CS, §7-301(c) or (d), the court shall state in open court the minimum time the defendant must serve before becoming eligible for parole and before becoming eligible for conditional release under mandatory supervision under CS, §7-501.

12.7 Parole Notification

Pursuant to CS, §7-802, please indicate (yes/no) whether the judge at the time of sentencing made a written request for notification of a parole release hearing.

12.8 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.* The judge’s signature indicates that the guidelines worksheet has been reviewed by the judge for completeness and for accuracy. COMAR 14.22.01.03.E(4); 14.22.01.07.G.

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.

13.1 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.²

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.

13.2 Credit for Time Served

Time served *is* considered in determining whether the sentence falls within the recommended guidelines range. If a judge sentences an offender to pre-sentence incarceration time with no additional post-sentence incarceration time and the length of credited pre-sentence incarceration exceeds the upper range, then the sentence is deemed guidelines compliant.

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 deemed to be compliant with the guidelines.

² But see *Cuffley v. State*, -- Md. --, -- A.2d -- (No.136/08 Oct. 28, 2010) and *Baines v. State*, -- Md. --, -- A.2d -- (No. 135/08 Oct. 28, 2010). In *Cuffley* and *Baines*, the Court recognized that suspended time is not included in determining whether the sentence falls within the guidelines for purpose of the Maryland Sentencing Guidelines. However, the Court found that where a binding plea agreement called for a sentence “within the guidelines” without making clear on the record that such sentence applied only to actual incarceration, a trial court could not impose a sentence that included a suspended portion in excess of the maximum sentence provided in the guidelines.

13.3 Home Detention

Time served by an individual under home detention *is* considered in determining whether the sentence falls within the recommended guidelines range.

Example 1: If the guidelines range for an event is 6 months to 3 years, and an offender is sentenced to 4 years, suspend all, 3 years probation, 6 months home confinement, the sentence is within the guidelines range because the 6 months of home detention is considered non-suspended time.

Example 2: If the guidelines range for an event is Probation to 3 months, and an offender is sentenced to 6 months home detention, the sentence is above the guidelines range because the home detention time is considered non-suspended time.

13.4 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.

Note: It is important that the amount of time remaining to be served on the existing sentence is recorded on the worksheet so that a total sentence may be calculated in order to determine whether the total sentence falls within the recommended guidelines range.

13.5 Consecutive Versus Concurrent Sentences

If an offender is sentenced for more than one offense, the worksheet **must 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.

13.6 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.

13.7 Sentences Deemed to Be Within Guidelines

Notwithstanding the actual guidelines range, the State 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;
- Sentenced a defendant to a period of pre-sentence incarceration time with no additional post-sentence incarceration time and the length of credited pre-sentence incarceration exceeds the upper guidelines range for the case; 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 under CR, §3-602;
- (c) Escape;
- (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.

14.1 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 a downward or upward departure, and explain the "other circumstances" on which the judge has based the decision to depart from the guidelines.

14.2 Departure Below the Guidelines Range

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

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

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

14.3 Departure Above the Guidelines Range

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

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

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

Note: Judges, please contact the Commission staff if you would like a laminated card with these common departure reasons and their respective numerical codes to keep at your bench.

14.4 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.

Frequently Asked Questions

This chapter contains a list of frequently asked questions and their respective answers. If you have a question that does not seem to be answered below, please do not hesitate to call the Maryland State Commission on Criminal Sentencing Policy staff at (301) 403-4165 for additional assistance.

Q: Do I have to fill out a Sentencing Guidelines Worksheet if the possibility of incarceration is less than one year?

A: Yes. A worksheet should be completed and submitted for all Guidelines Offenses. As a practical matter, this means that a worksheet should be completed for all offenses prosecuted in a Circuit Court, including new trials and reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland) and reviews. MSGM 3.1.

Q: Why aren't some offenses included in the offense table?

A: There are three main reasons why an offense would not be listed in the offense table.

The first reason is that the instant offense is not a Guidelines Offense. Offenses that carry no possible penalty of incarceration, along with a few other exceptions, are not Guidelines Offenses. No worksheet should be completed for these offenses.

Another reason is that the offense satisfies the definition of a Guidelines Offense but has a maximum penalty of 1 year or less. The Commission has determined that offenses that are not otherwise listed in the offense table and are punishable by a maximum of 1 year or less should automatically be assigned an offense seriousness category VII. A worksheet should be completed using seriousness category VII for these cases.

The final reason is that the offense, though it satisfies the definition of a Guidelines Offense, is newly enacted and has yet to be included in the offense table. If this is the case, a worksheet should be completed using the closest analogous Guidelines Offense to determine the seriousness category. If you believe there is an error or omission in the Guidelines Offense Table, please contact the MSCCSP staff by e-mail at mcccsp@umd.edu or by phone at (301) 403-4165.

Q: Are weapon points awarded for offenses where a weapon was present but not used?

For example, an offender is pulled over for a motor vehicle offense and a handgun is found in the car. Should the offender be given 2 points in the Offense Score for Firearm or Explosive under Weapon Presence?

A: Yes, weapon points are awarded for any Criminal Event where a weapon is present. MSGM 6.1(C).

Q: Should an offender be given points for Victim Injury if the offender was involved in the Criminal Event, but not in the actual injury of the victim?

For example, two co-offenders were found guilty of robbery. The victim suffered a permanent injury during the commission of the robbery. By all accounts, offender 1 was the only offender who touched the victim. Would offender 2 be given points for victim injury?

A: Yes, if a victim is injured in a Criminal Event, any offender guilty of the offense(s) constituting that event should be given points in the Offense Score for victim injury. MSGM 6.1(B).

Q: If an offender injures a victim during a Criminal Event involving an automobile, is the automobile considered a weapon?

A: No, except if deliberately used as a weapon, automobiles are not included as weapons and shall receive a weapon presence score of zero. MSGM 6.1(C)(e).

Q: Do I need to complete an Offense Score and Offender Score if the offender is charged with murder and the guidelines range is Life to Life?

A: Yes. We ask that you still complete the entire worksheet so we can collect data on the offender's prior record and other information relevant to the case. MSGM 8.2.

Q: How does the date of sentencing relate to changes in guidelines?

A: The sentencing guidelines and seriousness categories in effect at the time of sentencing shall be used to calculate the guidelines. MSGM 5.2.

Q: How many worksheets should be completed for a Single Criminal Event with multiple victims?

A: It depends. If all of the victims were harmed during the same Criminal Event, each of the separate counts can be included on the same sheet provided that there is sufficient space. If there are more than three offenses, then at least one separate sheet should be used. When completing a worksheet for a Single Criminal Event with multiple victims, the victim section of the worksheet should be completed using the information relating to the victim in the most serious offense. MSGM 10.1

Q: How do you calculate overall guidelines for a Single Criminal Event with multiple victims and less than two Category I or Category II offenses (i.e., “stacking rule”)?

A: Identify the correct guidelines range for each offense. Calculate the overall upper guidelines range by adding the upper range for each victim. Calculate the overall lower guidelines range using the standard protocol. MSGM 10.1.

For example, an offender with an Offender Score of 0 has been adjudicated guilty for 2 counts of 1st degree Assault [CR, §3-202], a person offense, category III. There were two victims, neither of whom was injured, neither of whom had a special vulnerability, and there was no weapon present during the crime – making a total Offense Score of 5. The guidelines range for Offender Score 0 and Offense Score 5 for each count of Robbery is 3M-4Y. The upper ranges should be added or “stacked” (to reflect two victims) so the correct overall guidelines range is 3M-8Y.

Q: Are there instances when the guidelines should be adjusted due to unique circumstances (e.g., multiple victims, subsequent offender status)?

A: Yes. See MSGM, Chapter 10 for a complete discussion of how to adjust the guidelines in these circumstances.

Q: When determining an offender’s prior adult criminal record to determine the Offense Score, is a Nolo Contendre plea or a sentence to Probation Before Judgment (PBJ) considered an adjudication of guilt?

A: Yes, a nolo contendere plea is an adjudication of guilt, as is a PBJ (unless expunged or proven by the defense to have been eligible for expungement prior to the date of offense). MSGM 7.1(C).

Q: When calculating an offender’s prior adult criminal record, if an offender has been convicted of another offense but not yet sentenced—should that conviction be counted in the history?

A: Yes, as stated above, an adjudication of guilt for each Criminal Event, regardless of whether it remains to be sentenced, should be included in calculating the adult criminal record. MSGM 7.1(C).

Q: What is the difference between seriousness categories III-A, III-B, and III-C in the drug matrix?

A: Seriousness category III-A is used for *Distribution of MDMA (ecstasy), 750 grams or more* [CR, §5-609(a)(9)] AND *Importation of marijuana, 45 kilograms or more* [CR, §5-614(a)(1)].

Seriousness category III-B is used for non-marijuana and non-MDMA offenses that have a seriousness category III, such as *Distribution of schedule I or II narcotics or hallucinogenics (e.g., heroin, cocaine, PCP, and LSD)* [CR, §5-608; CR, §5-609] or *Distribution of large amounts of controlled dangerous substance* [CR, §5-612(a)].

Seriousness category III-C is used for *Importation of certain controlled dangerous substances, other than marijuana* [CR, §5-614(a)].

Q: What is the seriousness category of “violation of protective order, 1st offense”?

A: Violation of protective order, 1st offense [FL, §4-509(a)(1)], is a person offense, with a seriousness category VII and a maximum term of 90 days.

Q: Where is “uttering” located in the offense table?

A: Uttering is now called Counterfeit Documents [CR, §8-602(a)] and is found under the Counterfeiting heading of the offense table. The offense is a property offense with a seriousness category V and a maximum term of 10 years.

Q: Where is “reckless endangerment” located in the offense table?

A: Reckless endangerment [CR, §3-204(a)] is found under the Assault and Other Bodily Woundings heading of the offense table. The offense is a person offense with a seriousness category V and a maximum term of 5 years.

Q: Where is “resisting arrest” located in the offense table?

A: Resisting arrest [CR, §9-408] is found under the Harboring, Escape, and Contraband heading of the offense table. The offense is a person offense with a seriousness category VI and a maximum term of 3 years.

Q: What does section A under “Offender Score” on the worksheet mean?

A: Section A of “Offender Score” corresponds to an individual’s relationship to the criminal justice system at the time the instant offense occurred. If the individual was on probation, parole, incarcerated, on work release, mandatory supervision, escape or comparable status at the time of the instant offense, s/he should be assigned 1 point for Section A. Otherwise, assign no points. MSGM 7.1(A).

Q: When the non-suspendable mandatory minimum and/or maximum sentence falls outside the calculable guidelines range, which controls?

A: If the non-suspendable mandatory minimum is greater than the lower guidelines range, the non-suspendable mandatory minimum should replace the lower guidelines range. If the statutory maximum is less than the upper guidelines range, the statutory maximum should replace the upper guidelines range. In sum, the lower range can never be less than the non-suspendable mandatory minimum and the upper range can never exceed the statutory maximum. MSGM 8.5., 10.2-10.4.

Note: Offenses with non-suspendable mandatory minimums are marked in the offense table with the indicator “MM*”.

Q: What authority does the Maryland State Commission on Criminal Sentencing Policy have?

A: The MSCCSP can make recommendations and offer interpretations of the manual and the worksheets, but the ultimate authority lies with the sentencing judge. *See* Preface to MSGM.

Q: How do I order more worksheets?

A: Visit <http://www.msccsp.org> to place an electronic request for additional worksheets. You may also contact the MSCCSP staff by e-mail at msccsp@umd.edu or by phone at (301) 403-4165 to place an order. Although some exceptions may occur, the worksheets will most likely be mailed to you the next business day.

Q: How can I get another copy of the Maryland Sentencing Guidelines Manual?

A: You can view and download a full-text version of the manual immediately online at <http://www.msccsp.org>. Both the manual and the offense table are text searchable for your convenience.

Q: How can I learn more about sentencing guidelines worksheet preparation?

A: The MSCCSP staff is available to conduct worksheet training sessions at your convenience. They regularly travel throughout the state to train and assist practitioners in guidelines worksheet completion. Judges, State’s Attorneys, Public Defenders, and parole/probation agents have all participated in various forms of these training sessions. If you would like to schedule a session, please contact the MSCCSP staff by e-mail at msccsp@umd.edu or by phone at (301) 403-4165.

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:	Clayton White
SID:	1234567
Date of Birth:	07/07/81
Sex:	Male
Race:	White
Ethnicity:	Non-Hispanic
Date of Offense:	01/03/10
Docket No.:	123456C
Date of Plea or Verdict:	04/02/10
Disposition Type:	ABA Plea Agreement
Jurisdiction:	Montgomery County
Convicted Count(s):	Robbery with a Deadly Weapon, CR, §3-403(a)(1)
Date of Sentencing:	05/03/10

Offense Description

On January 3, 2010, 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 April 2, 2010.

Offender's Prior Record

JUVENILE:

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

ADULT:

Date	Offense	Disposition
08/01/00	Possession of Marijuana	Fine \$100; Court Costs
09/10/07	Unemployment Insurance Fraud	6 months suspended; 4 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 Presence.....2 points
A firearm (sawed-off shotgun) was present.
- 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
Defendant was over 23 years of age when the instant offense was committed.

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 7-2 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 8-1 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.

Sample Case 1

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION					
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		JURISDICTION							
X	Yes	No	01	03	10	05	03	10	1234567	Private	Hispanic/Latino	Black	Unidentifiable	07	07	15					
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES		WORKSHEET #		OF CRIMINAL EVENT #		REPRESENTATION		INDIGENCE ESTABLISHED		Other		Native Hawaiian/Pacific Islander		American Indian/Alaskan Native					
1		1		1		1		Self		Yes		No									
CONVICTED OFFENSE TITLE										I-VII		CJS CODE		MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN		CASE #/DOCKET #	
1 st Convicted Offense										III		2		0705		CR, §3-403(a)(1)		20Y		123456C	
Robbery with a Deadly Weapon (RDW)																					
2 nd Convicted Offense																					
3 rd Convicted Offense																					
OFFENSE SCORE(S) – Offense Against a Person Only										OFFENDER SCORE		GUIDELINES RANGE		ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)							
1 st Off 2 nd Off 3 rd Off										A. Relationship to CJS When Instant Offense Occurred		1 st Con. Off.		1 st Convicted Offense							
1 1 1 = V – VII										0 = None or Pending Cases		5Y									
3 3 3 = IV										1 = Court or Other Criminal Justice Supervision		TO									
5 5 5 = III										B. Juvenile Delinquency		10Y									
8 8 8 = II										0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act											
10 10 10 = I										1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment											
1 st Off 2 nd Off 3 rd Off										C. Prior Adult Criminal Record		2 nd Con. Off.		2 nd Convicted Offense							
0 0 0 = No Injury										0 = None 3 = Moderate											
1 1 1 = Injury, Non-Permanent										1 = Minor 5 = Major											
2 2 2 = Permanent Injury or Death										D. Prior Adult Parole/Prob Violation											
1 st Off 2 nd Off 3 rd Off										0 = No 1 = Yes		3 rd Con. Off.		3 rd Convicted Offense							
0 0 0 = No Weapon																					
1 1 1 = Weapon Other Than Firearm																					
2 2 2 = Firearm or Explosive																					
1 st Off 2 nd Off 3 rd Off																					
0 0 0 = No																					
1 1 1 = Yes																					
7										OFFENSE SCORE(S)		Overall Guidelines Range		Was the offender sentenced to a Corrections Options program under Commission criteria?							
X Yes X No										2		Multiple Counts Only		Drug Court Yes No Other Yes No							
Victim Unavailable										SENTENCE DEPARTURE INFORMATION		5Y		Additional Information or Institutional/Parole Recommendation							
NRF										If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.		10Y		Senior Agent							
Victim Notified Plea										Departure Code 9 or 18 (Please Explain):				Title							
Victim Present														Sentencing Judge (Please Print)							
Written VIS														Sentencing Judge's Signature							
Oral VIS																					
No Contact with Victim																					
CICB Cost Imposed																					

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

5/2010 (1.6)

Case Information

Offender's Name: Jessica Heather Lawrence
SID: 2234567
Date of Birth: 06/13/76
Sex: Female
Race: White
Ethnicity: Non-Hispanic
Date of Offense: 10/13/09
Docket No.: 123457C
Date of Plea or Verdict: 01/07/10
Disposition Type: ABA Plea Agreement
Jurisdiction: Montgomery County
Convicted Count(s): Possession with Intent to
Distribute Marijuana,
CR, §5-607(a)
Date of Sentencing: 02/09/10

Offense Description

On October 13, 2009, 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 January 7, 2010, the defendant pled guilty to one count of *Possession with Intent to Distribute Marijuana*.

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 8-2 shows that the recommended range for *Possession with Intent to Distribute Marijuana* (Seriousness Category IV) 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.

Sample Case 2

[illegible]

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

Case Information

Offender's Name:	Damon Anthony Proctor
SID:	3234567
Date of Birth:	07/27/89
Sex:	Male
Race:	Black
Ethnicity:	Hispanic
Date of Offense:	08/20/09
Docket No.:	123458C
Date of Plea or Verdict:	02/10/10
Disposition Type:	ABA Plea Agreement
Jurisdiction:	Montgomery County
Convicted Count(s):	Theft, at least \$1,000 but less than \$10,000 CR, §7-104(g)(1)(i)
Date of Sentencing:	04/20/10

Offense Description

On August 20, 2009, 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 February 10, 2010, the defendant pled guilty to one count of *Theft, at least \$1,000 but less than \$10,000*.

Offender's Prior Record

JUVENILE:

Date	Offense	Disposition
06/26/02	Shoplifting	Delinquent; 1 year probation
12/11/02	Larceny	Delinquent; probation continued
06/10/05	Unauthorized Use	Delinquent; Green Ridge Regional Youth Center for 6 months

ADULT:

Date	Offense	Disposition
02/06/08	Petty Larceny – Violation of Bail Reform Act	Unknown
04/09/09	Burglary, 4 th Degree	18 months probation. (D.C.)

Computation of Guidelines Range

1st Convicted Offense: *Theft, at least \$1,000 but less than \$10,000*

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 Burglary, 4th Degree.
- B. Juvenile Delinquency.....1 point
Three findings of delinquency with one commitment.
- C. Prior Adult Criminal Record.....1 point

Step I:

Burglary, 4th Degree – Seriousness Category VII*

**In this case, the Petty Larceny (02/06/00) 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 7-2 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 8-3 shows that the recommended range for *Theft, at least \$1,000 but less than \$10,000* (Seriousness Category V) 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.

Sample Case 3

[illegible]

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

Case Information

Offender's Name: Kevin Alexander Chestnut
SID: 4234567
Date of Birth: 12/05/89
Sex: Male
Race: White
Ethnicity: Non-Hispanic
Date of Offense: 11/25/09
Docket No.: 110277010
Date of Plea or Verdict: 12/28/09
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 in a Crime of
Violence, CR, §4-404
Possession of Marijuana,
CR, §5-601(c)(2)
Date of Sentencing: 4/30/10

Offense Description

On November 25, 2009, 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 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 28, 2010, a jury found the defendant guilty of *Robbery with a Deadly Weapon*, *Possession or Use of a Machine Gun in a Crime of Violence*, and *Possession of Marijuana*.

Offender's Prior Record

JUVENILE:

Date	Offense	Disposition
10/03/02	Malicious Destruction	Delinquent; 18 months probation
11/30/04	Assault	Delinquent; probation continued

ADULT:

Date	Offense	Disposition
10/05/08	Theft under \$1,000	18 months suspended; 3 years probation

Offender was placed on three years adult probation in 2000 for *Theft under \$1,000* 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 Presence.....2 points
A firearm was present.

- 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 \$1,000* 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 \$1,000 – 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 7-2 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 1st Convicted Offense.....7Y-13Y

An examination of Table 8-1 shows that 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 in a Crime of Violence*

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 2nd Convicted Offense.....7Y-13Y

An examination of Table 8-1 shows that 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 or Use of a Machine Gun in a Crime of Violence*.

Total Offender Score 3 points

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

An examination of Table 8-2 shows that 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/Use 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 MSGM 9.1 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.

Sample Case 4

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		INDIGENCE			
X Yes	No	11	25	04	30	10	ABA plea agreement	4234567	X Private	Hispanic/Latino	Black	Unidentifiable					
AT THIS SENTENCING, NUMBER OF:		CRIMINAL EVENTS		WORKSHEET #		OF		REPRESENTATION		Public Defender		Asian		Other			
3		1		CRIMINAL EVENT #				Court Appointed		White		Native Hawaiian/Pacific Islander		Other			
								Self		American Indian/Alaskan Native							
CONVICTED OFFENSE TITLE										STAT. MAX		MAND. MIN		CASE #/DOCKET #			
1 st Convicted Offense										20Y				110277010			
Robbery with a Deadly Weapon (RDW)																	
2 nd Convicted Offense										20Y				110277010			
Possession/Use of Machine Gun in COV																	
3 rd Convicted Offense										1Y				110277010			
Possession of MJ (marijuana)																	
OFFENSE SCORE(S) - Offense Against a Person Only										ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)							
OFFENSE SCORE										GUIDELINES RANGE							
A. Relationship to CJS When Instant Offense Occurred										1 st Con. Off.		1 st Convicted Offense					
0 = None or Pending Cases										7Y							
1 = Court or Other Criminal Justice Supervision										TO							
B. Juvenile Delinquency										13Y							
0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act										2 nd Con. Off.		2 nd Convicted Offense					
1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment										7Y							
2 = Under 23 years and committed 2 or more times										TO							
C. Prior Adult Criminal Record										13Y							
0 = None 3 = Moderate										3 rd Con. Off.		3 rd Convicted Offense					
1 = Minor 5 = Major										P							
D. Prior Adult Parole/Prob Violation										TO							
0 = No 1 = Yes										1M							
3										Overall Guidelines Range							
OFFENDER SCORE										Multiple Counts Only							
SENTENCE DEPARTURE INFORMATION										7Y		Additional Information or Institutional/Parole Recommendation					
If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.										TO							
Departure Code 9 or 18 (Please Explain):										50% of Sentence Announced							
Victim										Yes		Parole Notification		Yes			
Victim Unavailable										No		Yes		No			
NRF																	
Victim Notified Plea																	
Victim Notified Date																	
Victim Present																	
Written VIS																	
Oral VIS																	
No Contact with Victim																	
CICB Cost Imposed																	
Was the offender sentenced to a Corrections Options program under Commission criteria?																	
Drug Court										Yes		No		Julie Williams			
Additional Information or Institutional/Parole Recommendation														Worksheet Completed By			
Senior Agent														Title			
Sentencing Judge (Please Print)																	
Sentencing Judge's Signature																	

COPIES: White - Judge; Blue - Sentencing Commission; Green - Attach to Commitment or Probation Order; Yellow - File; Pink - Prosecution; Gold - Defense

5/2010 (1.6)

Case Information

Offender's Name: Jerome Daniel Jameson
SID: 5234567
Date of Birth: 07/23/89
Sex: Male
Race: Black
Ethnicity: Non-Hispanic
Date of Offense: 08/22/09
Docket No.: 110290000, 110290001
Date of Plea or Verdict: 04/02/10
Disposition Type: Jury Trial
Jurisdiction: Baltimore City
Convicted Count(s): Rape First Degree,
CR, §3-303(d)(1)
Assault First Degree,
CR, §3-202
Kidnapping, CR, §3-502(a)
Possession or Use of a
Machine Gun in a Crime of
Violence, CR, §4-404
Date of Sentencing: 05/26/10

Offense Description

On August 22, 2010, the victim was walking to her car at 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 April 2, 2010, a jury found him guilty of *First Degree Rape, First Degree Assault, Kidnapping, and Possession or Use of a Machine Gun in a Crime of Violence*.

Offender's Prior Record

Juvenile:

Date	Offense	Disposition
07/10/01	Unauthorized Use	Delinquent; 1 year probation
08/05/02	Shoplifting	Delinquent; 1 year probation
08/26/05	Assault with Intent to Rob	Delinquent; committed to Boys Village for 2 months

Adult:

Date	Offense	Disposition
10/01/07	Driving While Intoxicated	6 months
07/10/08	Burglary, 2 nd Degree	1 year suspended; 1 year probation

The offender had recently completed his probation for the *Burglary* conviction (07/10/01).

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 Presence.....2 points
A firearm was present.

- 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 – Seriousness 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 7-2 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

Guidelines Range for 1st Convicted Offense.....Life

An examination of Table 8-1 shows that the recommended range for an offense score of 14 and an offender score of 4 is Life.

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 Presence.....2 points
A weapon was present.
- 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 2nd Convicted Offense.....12Y-18Y An examination of Table 8-1 shows that 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 Presence.....2 points
A weapon was present.
- 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

<p>Guidelines Range for 3rd Convicted Offense.....20Y-35Y An examination of Table 8-1 shows that the recommended range for an offense score of 12 and an offender score of 4 is 20Y-35Y.</p>
--

4th Convicted Offense: *Possession or Use of a Machine Gun in a Crime of Violence*

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 in a Crime of Violence* is a Category III Offense.
- B. Victim Injury.....2 points
Permanent injury resulting from gunshot wounds.
- C. Weapon Presence.....2 points
A weapon was present.
- 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 4th Convicted Offense.....12Y-18Y An examination of Table 8-1 shows that the recommended range for an offense score of 9 and an offender score of 4 is 12Y-18Y.</p>

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	First Degree Rape	I	Life
1	First Degree Assault	III	12-18 years
1	Kidnapping	II	20-35 years
1	Possession/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 either Seriousness Category I (*First Degree Rape*) or Seriousness Category II (*Kidnapping*) offenses, 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.

Sample Case 5, Worksheet 1

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		Mand. Min		CASE #/DOCKET #	
X Yes		06/22/09		05/26/10		ABA plea agreement		5234567		Hispanic/Latino		X Black		07/23/89		Unidentifiable	
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES		WORKSHEET #		Plea, no agreement		Private		Origin		X White				Asian	
4		1		1		Court trial		Court Appointed		INDIGENCE ESTABLISHED		X No				Other	
								Self				X Yes				Native Hawaiian/Pacific Islander	
																American Indian/Alaskan Native	
CONVICTED OFFENSE TITLE																	
1 st Convicted Offense																	
Rape 1st Degree																	
2 nd Convicted Offense																	
Assault 1st Degree																	
3 rd Convicted Offense																	
Kidnapping																	
OFFENSE SCORE(S) - Offense Against a Person Only																	
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 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act																	
1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment																	
2 = Under 23 years and committed 2 or more times																	
C. Prior Adult Criminal Record																	
0 = None 3 = Moderate																	
1 = Minor 5 = Major																	
D. Prior Adult Parole/Prob Violation																	
0 = No 1 = Yes																	
OFFENSE SCORE(S)																	
14 9 12																	
SENTENCE DEPARTURE INFORMATION																	
If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.																	
Departure Code 9 or 18 (Please Explain):																	
Victim Information																	
Victim Unavailable																	
NRF																	
Victim Notified Plea																	
Victim Notified Date																	
Victim Present																	
Written VIS																	
Oral VIS																	
No Contact with Victim																	
CICB Cost Imposed																	
ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)																	
1 st Convicted Offense																	
LIFE																	
2 nd Convicted Offense																	
LIFE																	
3 rd Convicted Offense																	
LIFE																	
Overall Guidelines Range																	
Multiple Counts Only																	
LIFE + 20Y																	
LIFE + 30Y																	
50% of Sentence Announced																	
Yes No																	
Parole Notification Yes No																	
Was the offender sentenced to a Corrections Options program under Commission criteria?																	
Drug Court Yes No Other Yes No																	
Additional Information or Institutional/Parole Recommendation																	
Senior Agent Title																	
Sentencing Judge (Please Print)																	
Sentencing Judge's Signature																	

COPIES: White - Judge; Blue - Sentencing Commission; Green - Attach to Commitment or Probation Order; Yellow - File; Pink - Prosecution; Gold - Defense

5/2010 (1.6)

May 2010

90

Case Information

Offender's Name: Joseph Tyler Fenwick
SID: 6234567
Date of Birth: 01/07/80
Sex: Male
Race: White
Ethnicity: Non-Hispanic
Date of Offense: 08/10/09
08/25/09
Docket No.: 12K10000001
12K10000002
Date of Plea or Verdict: 06/15/10
Disposition Type: ABA Plea Agreement
Jurisdiction: Harford County
Convicted Count(s): Distribution of PCP,
CR, §5-609(a)
Assault First Degree,
CR, §3-202
Date of Sentencing: 07/01/10

Offense Description

On August 10, 2009, 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 August 25, 2009, 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 June 15, 2010, 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
03/23/96	Possession of Marijuana	Delinquent; 1 year probation

ADULT:

Date	Offense	Disposition
09/12/99	Possession of Cocaine	4 years suspended
09/12/99	Carrying a Handgun	1 year suspended; 2 years probation

The offender was placed on 2 years adult probation in 1999. 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 Occurred.....0 points
Defendant was not under any supervision at the time of the offense.

- B. Juvenile Delinquency.....0 points
Defendant was over 23 years of age when the instant offense was committed.
- C. Prior Adult Criminal Record.....1 point

Step I:

Possession of Cocaine – Seriousness Category V
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	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 7-2 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 Violations.....0 points
None.

Total Offender Score 1 point

Guidelines Range for 1st Convicted Offense.....1Y-3Y

An examination of Table 8-2 shows that the recommended range for *Distribution of PCP* (Seriousness Category III-B) with 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 Presence.....2 points
A firearm was present.
- 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 8-1 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</u> <u>Event</u>	<u>Offense</u>	<u>Seriousness</u> <u>Category</u>	<u>Guidelines Range</u>
1	Distribution of PCP	III-B	1-3 years
2	First Degree Assault	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 MSGM 9.3 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).

Sample Case 6, Worksheet 1

MARYLAND SENTENCING GUIDELINES WORKSHEET									
OFFENDER NAME - Last, First, Middle Fenwick, Joseph, Tyler									
PSI	DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		JURISDICTION
X Yes AT THIS SENTENCING, NUMBER OF:	No	08	07	01	10	X ABA plea agreement Non-ABA plea agreement Plea, no agreement Court trial	6234567	12	
CONVICTED OFFENSE TITLE		I-VII		CJS CODE		MD CODE, ART, & SECTION		STAT. MAX	MAND. MIN
1 st Convicted Offense PWID PCP		III-B		1 0696		CR, §5-609(a)		20Y	12K10000001
2 nd Convicted Offense									
3 rd Convicted Offense									

OFFENSE SCORE(S) – Offense Against a Person Only		OFFENDER SCORE		GUIDELINES RANGE		ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)	
<p>A. Seriousness Category</p> <p>1st Off 2nd Off 3rd Off</p> <p>1 1 = V – VII</p> <p>3 3 = IV</p> <p>5 5 = III</p> <p>8 8 = II</p> <p>10 10 = I</p>		<p>A. Relationship to CJS When Instant Offense Occurred</p> <p>0 = None or Pending Cases</p> <p>1 = Court or Other Criminal Justice Supervision</p> <p>B. Juvenile Delinquency</p> <p>0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act</p> <p>1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment</p> <p>2 = Under 23 years and committed 2 or more times</p> <p>C. Prior Adult Criminal Record</p> <p>0 = None 3 = Moderate</p> <p>1 = Minor 5 = Major</p> <p>D. Prior Adult Parole/Prob Violation</p> <p>0 = No 1 = Yes</p>		<p>1st Con. Off. 1Y</p> <p>2nd Con. Off. 3Y</p> <p>3rd Con. Off. TO</p>		<p>1st Convicted Offense</p> <p>2nd Convicted Offense</p> <p>3rd Convicted Offense</p>	
<p>Victim Information</p> <p>Victim Unavailable Yes No</p> <p>NRF Yes No</p> <p>Victim Notified Date Yes No</p> <p>Victim Present Yes No</p> <p>Written VTS Yes No</p> <p>Oral VTS Yes No</p> <p>No Contact with Victim Yes No</p> <p>CICB Cost Imposed Yes No</p>		<p>OFFENSE SCORE(S)</p> <p>1</p>		<p>OFFENDER SCORE</p> <p>1</p>		<p>Overall Guidelines Range</p> <p>Multiple Counts Only</p> <p>6Y</p> <p>13Y</p> <p>50% of Sentence Announced</p> <p>Yes No</p>	
<p>SENTENCE DEPARTURE INFORMATION</p> <p>If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.</p> <p>Departure Code 9 or 18 (Please Explain):</p>		<p>Was the offender sentenced to a Corrections Options program under Commission criteria?</p> <p>Drug Court Yes No Other Yes No</p> <p>Additional Information or Institutional/Parole Recommendation</p>		<p>Parole Notification Yes No</p>		<p>John Herndon</p> <p>Worksheet Completed By</p> <p>ASA</p> <p>Title</p> <p>Sentencing Judge (Please Print)</p> <p>Sentencing Judge's Signature</p>	

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5/2010 (1.6)

Sample Case 6, Worksheet 2

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION			
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		RACE		ETHNICITY		INDIGENCE		MAND. MIN		CASE #/DOCKET #	
X Yes No		08 10 09		07 01 10		X ABA plea agreement Non-ABA plea agreement Plea, no agreement Court trial		6234567		Black X White Native Hawaiian/Pacific Islander American Indian/Alaskan Native		Hispanic/Latino Origin Yes No		X No Yes		25Y		12K10000002	
AT THIS SENTENCING, NUMBER OF:		WORKSHEET #		OF		CRIMINAL EVENT #		MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN		CASE #/DOCKET #		JURISDICTION		JURISDICTION	
2		2		1		2		CR. §3-202		25Y		25Y		12K10000002		12		12	
CONVICTED OFFENSE TITLE										ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)									
1 st Convicted Offense										1 st Convicted Offense									
Assault 1st Degree										For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____									
2 nd Convicted Offense										2 nd Convicted Offense									
3 rd Convicted Offense										3 rd Convicted Offense									
OFFENSE SCORE(S) - Offense Against a Person Only										GUIDELINES RANGE									
1 st Off 2 nd Off 3 rd Off										1 st Con. Off.									
A. Seriousness Category										5Y									
1 1 = V - VII										TO									
3 3 = IV										10Y									
5 5 = III										2 nd Con. Off.									
8 8 = II										TO									
10 10 = I										3 rd Con. Off.									
B. Victim Injury										TO									
0 0 = No Injury										For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____									
1 1 = Injury, Non-Permanent										2 nd Convicted Offense									
2 2 = Permanent Injury or Death										3 rd Convicted Offense									
C. Weapon Presence										TO									
0 0 = No Weapon										For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____									
1 1 = Weapon Other Than Firearm										2 nd Convicted Offense									
2 2 = Firearm or Explosive										3 rd Convicted Offense									
D. Special Victim Vulnerability										TO									
1 st Off 2 nd Off 3 rd Off										1 st Con. Off.									
0 0 = No										TO									
1 1 = Yes										For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$ _____; Restitution Requested _____; Restitution Proven _____									
8										Overall Guidelines Range									
OFFENSE SCORE(S)										Multiple Counts Only									
1										6Y									
OFFENDER SCORE										13Y									
1										50% of Sentence Announced									
SENTENCE DEPARTURE INFORMATION										Yes No									
If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.										Parole Notification Yes No									
Departure Code 9 or 18 (Please Explain):										Was the offender sentenced to a Corrections Options program under Commission criteria?									
Victim Information										Drug Court Yes No Other Yes No									
Victim X Yes No										Additional Information or Institutional/Parole Recommendation									
Victim Unavailable X Yes No										John Herndon									
NRF X Yes No										Worksheet Completed By									
Victim Notified Plea X Yes No										ASA									
Victim Notified Date X Yes No										Title									
Victim Present X Yes No										Sentencing Judge (Please Print)									
Written VIS X Yes No										Sentencing Judge's Signature									
Oral VIS X Yes No										No Contact with Victim Yes No									
CICB Cost Imposed X Yes No										CICB Cost Imposed Yes No									

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5/2010 (1.6)

Case Information

Offender's Name: Antwon James Washington
SID: 7234567
Date of Birth: 06/10/81
Sex: Male
Race: Black
Ethnicity: Non-Hispanic
Date of Offense: 09/10/08
12/09/09
Docket No.: 110343001
110393002
Date of Plea or Verdict: 01/29/10
Disposition Type: ABA Plea Agreement
Jurisdiction: Baltimore City
Convicted Count(s): Robbery with a Deadly
Weapon, CR, §3-403(a)(1)
Robbery, CR, §3-402(a)
Assault Second Degree,
CR, §3-203
Date of Sentencing: 03/10/10

Offense Description

On September 10, 2008, 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, 2009, 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 January 29, 2010, 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 birth date provided.		

ADULT:

Date	Offense	Disposition
07/30/08	Theft under \$1,000	PBJ, 2 years 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 Presence----- 2 points
A firearm was present.
- 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 criminal events.
- B. Juvenile Delinquency----- 0 points
No record found.
- C. Prior Adult Criminal Record----- 1 point

Step I:

Theft under \$1,000 – 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 7-2 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 8-1 shows that 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 Presence----- 1 point
A starter pistol was present; 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 8-1 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 V Offense.
- B. Victim Injury ----- 0 points
No injury.
- C. Weapon Presence ----- 1 point
A starter pistol was present; 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 8-1 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</u> <u>Event</u>	<u>Offense</u>	<u>Seriousness</u> <u>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: 6-15 years</i>			

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. 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).

May 2010

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Sample Case 7, Worksheet 2

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		REPRESENTATION		ETHNICITY		RACE		BIRTHDATE	
X Yes		No		09		03		10		10		Private		Hispanic/Latino		06	
AT THIS SENTENCING, NUMBER OF:		3		1		OF		2		Court trial		X Yes		No		81	
CONVICTED OFFENSE TITLE		1 st Convicted Offense		I-VII		CJIS CODE		MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN		CASE #/DOCKET #			
Robbery		Washington, Antwon		James		IV		2		0700		CR, §3-402(a)		15Y		110393002	
2 nd Convicted Offense																	
Assault 2nd Degree						V		1		1415		CR, §3-203		10Y		110393002	
3 rd Convicted Offense																	
OFFENSE SCORE(S) - Offense Against a Person Only										GUIDELINES RANGE		ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)					
1 st Off										1 st Con. Off.		1 st Convicted Offense					
A. Seriousness Category										1Y		For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$					
1 = None or Pending Cases										TO		Restitution Requested					
2 = Court or Other Criminal Justice Supervision										5Y		Restitution Proven					
B. Juvenile Delinquency										2 nd Con. Off.		2 nd Convicted Offense					
0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act										P		For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$					
1 = Under 23 years old and: 2 or more findings of a delinquent act or 1 commitment										18M		Restitution Requested					
2 = Under 23 years and committed 2 or more times										TO		Restitution Proven					
C. Prior Adult Criminal Record										3 rd Con. Off.		3 rd Convicted Offense					
0 = None 3 = Moderate												For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$					
1 = Minor 5 = Major												Restitution Requested					
D. Prior Adult Parole/Prob Violation										TO		Restitution Proven					
0 = No 1 = Yes												For Theft, Fraud, and Related Crimes, please indicate: Economic loss \$					
OFFENSE SCORE(S)										Overall Guidelines Range		Was the offender sentenced to a Corrections Options program under Commission criteria?					
2										Multiple Counts Only		Drug Court Yes No Other Yes No					
SENTENCE DEPARTURE INFORMATION										6Y		Additional Information or Institutional/Parole Recommendation					
If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.										15Y		Thomas Alpert					
Departure Code 9 or 18 (Please Explain):										50% of Sentence Announced		Worksheet Completed By					
Victim Information										Yes No		P&P Agent					
Victim Unavailable										TO		Title					
Victim Notified Date										50% of Sentence Announced		Sentencing Judge (Please Print)					
Victim Present										Yes No		Sentencing Judge's Signature					
Written VIS										Yes No							
Oral VIS										Yes No							
No Contact with Victim										Yes No							
CICB Cost Imposed										Yes No							

COPIES: White - Judge; Blue - Sentencing Commission; Green - Attach to Commitment or Probation Order; Yellow - File; Pink - Prosecution; Gold - Defense

5/2010 (1.6)

Case Information

Offender's Name:	Antonio Lester Williams
SID:	8234567
Date of Birth:	02/10/77
Sex:	Male
Race:	White
Ethnicity:	Non-Hispanic
Date of Offense:	07/19/09
Docket No.:	CT100595B
Date of Plea or Verdict:	10/01/10
Disposition Type:	Jury Trial
Jurisdiction:	Prince George's County
Convicted Count(s):	Manufacture of PCP, CR, §5-609(b)
Date of Sentencing:	12/30/10

Offense Description

On July 19, 2009, 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 October 1, 2010, the jury found the defendant guilty of *Manufacture of PCP*.

Offender's Prior Record

JUVENILE:

Date	Offense	Disposition
12/28/92	Possession of Marijuana	Delinquent; probation
07/05/93	Possession of LSD	Delinquent; probation continued

ADULT:

Date	Offense	Disposition
01/06/00	Possession of LSD	6 months, all but 10 days suspended; 1 year probation
04/09/01	Burglary, 2 nd Degree	6 months jail
02/20/09	Distribution of PCP	5 years, 3 years suspended
	Carrying a Handgun	1 year concurrent; 2 years 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-B
 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 7-2 that indicates one Seriousness Category III conviction. This block identifies the record as *Major*, since combined with two or more category IV – VI convictions.

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 8-2 shows that the recommended range for *Manufacture of PCP* (Seriousness Category III-B) with an offender score of 6 is 7Y-14Y.

Overall Guidelines Range for the Sentencing Event

If the offender in this case is being sentenced as a second time offender pursuant to CR, §5-609(b) (prior *PCP Distribution* conviction), 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 pursuant to CR §5-905, the recommended guidelines range would be double the usual guidelines range, or 14Y-28Y.

Sample Case 8

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle		SEX		BIRTHDATE		JURISDICTION	
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		SID#		ETHNICITY		RACE		ETHNICITY		JURISDICTION	
X Yes		07		12		ABA plea agreement		8234567		Hispanic/Latino		Black		Unidentifiable		16	
AT THIS SENTENCING, NUMBER OF:		1		30		Non-ABA plea agreement		X Private		Origin		X White		Asian		77	
		1		10		Plea, no agreement		X Public Defender		Other		Native Hawaiian/Pacific Islander		Other			
		1		1		Court trial		Court Appointed		American Indian/Alaskan Native							
		1		1		CRIMINAL EVENT #		Self									
CONVICTED OFFENSE TITLE										MD CODE, ART, & SECTION		STAT. MAX		MAND. MIN		CASE #/DOCKET #	
1 st Convicted Offense										CR. §5-608(b)		20Y		10Y		CT100595B	
2 nd Convicted Offense																	
3 rd Convicted Offense																	
OFFENSE SCORE(S) – Offense Against a Person Only										OFFENDER SCORE		GUIDELINES RANGE		ACTUAL SENTENCE – Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)			
<p>A. Seriousness Category</p> <p>1st Off 2nd Off 3rd Off 4th Off</p> <p>1 1 1 1 = V – VII</p> <p>3 3 3 3 = IV</p> <p>5 5 5 5 = III</p> <p>8 8 8 8 = II</p> <p>10 10 10 10 = I</p>										<p>A. Relationship to CJS When Instant Offense Occurred</p> <p>0 = None or Pending Cases</p> <p>1 = Court or Other Criminal Justice Supervision</p>		<p>1st Con. Off.</p> <p>14Y TO 10Y MM</p>		<p>1st Convicted Offense</p>			
<p>B. Victim Injury</p> <p>1st Off 2nd Off 3rd Off 4th Off</p> <p>0 0 0 0 = No Injury</p> <p>1 1 1 1 = Injury, Non-Permanent</p> <p>2 2 2 2 = Permanent Injury or Death</p>										<p>B. Juvenile Delinquency</p> <p>0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act</p> <p>1 = Under 23 years old and 2 or more findings of a delinquent act or 1 commitment</p> <p>2 = Under 23 years and committed 2 or more times</p>		<p>2nd Con. Off.</p> <p>TO</p>		<p>2nd Convicted Offense</p>			
<p>C. Weapon Presence</p> <p>1st Off 2nd Off 3rd Off 4th Off</p> <p>0 0 0 0 = No Weapon</p> <p>1 1 1 1 = Weapon Other Than Firearm</p> <p>2 2 2 2 = Firearm or Explosive</p>										<p>C. Prior Adult Criminal Record</p> <p>0 = None 3 = Moderate</p> <p>1 = Minor 5 = Major</p>		<p>3rd Con. Off.</p> <p>TO</p>		<p>3rd Convicted Offense</p>			
<p>D. Special Victim Vulnerability</p> <p>1st Off 2nd Off 3rd Off 4th Off</p> <p>0 0 0 0 = No</p> <p>1 1 1 1 = Yes</p>										<p>D. Prior Adult Parole/Prob Violation</p> <p>0 = No 1 = Yes</p>		<p>Overall Guidelines Range</p> <p>Multiple Counts Only</p> <p>10Y MM TO 14Y</p>		<p>Was the offender sentenced to a Corrections Options program under Commission criteria?</p> <p>Drug Court Yes No Other Yes No</p>			
OFFENSE SCORE(S)										OFFENDER SCORE		Overall Guidelines Range		Additional Information or Institutional/Parole Recommendation			
6										6		Multiple Counts Only		Trisha Donovan			
SENTENCE DEPARTURE INFORMATION										SENTENCE DEPARTURE INFORMATION		Additional Information or Institutional/Parole Recommendation		P&P Agent			
<p>If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.</p>										<p>Victim Unavailable Yes No</p> <p>NRF Yes No</p> <p>Victim Notified Plea Yes No</p> <p>Victim Notified Date Yes No</p> <p>Victim Present Yes No</p> <p>Written VTS Yes No</p> <p>Oral VTS Yes No</p> <p>No Contact with Victim Yes No</p> <p>CICB Cost Imposed Yes No</p>		<p>50% of Sentence Announced</p> <p>Yes No</p>		<p>Sentencing Judge (Please Print)</p>			
Departure Code 9 or 18 (Please Explain):										50% of Sentence Announced		Parole Notification		Sentencing Judge's Signature			
										Yes No		Yes No		Sentencing Judge's Signature			

COPIES: White – Judge; Blue – Sentencing Commission; Green – Attach to Commitment or Probation Order; Yellow – File; Pink – Prosecution; Gold – Defense

5/2010 (1.6)

Sentencing Guidelines Offense Table (Updated 11/1/12)

Appendix A contains a table of guidelines offenses including their CJIS code, source code, seriousness category, and penalties. If an offense is not listed in Appendix A and the offense has a maximum penalty of one year or less, the offense should be identified as a category VII offense. If an offense is not listed in Appendix A and the maximum penalty is greater than one year, the individual completing the worksheet should use the seriousness category for 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 OF OFFENSES

Abuse & Other Offensive Conduct	1	Marriage, Crimes Against	26
Accessory After the Fact	1	Motor Vehicle Offenses	26
Animals, Crimes Against	2	Murder	30
Arson & Burning	2	Nudity & Related Sexual Displays	31
Assault & Other Bodily Woundings	2	Obscene Matter	31
Assault Pistols	4	Perjury	32
Assisted Suicide	4	Prescription Drugs & Other Substances	32
Bad Check	5	Prostitution & Related Crimes	33
Bribery	5	Public Fraud	34
Burglary & Related Crimes	5	Public Health & Safety, Crimes Against	36
CDS & Paraphernalia	6	Railroads, Crimes Involving	38
CDS Registration	9	Robbery	38
Cemeteries & Funerary Objects	9	Sabotage & Related Crimes	38
Commercial Fraud, Other	10	Sexual Crimes	38
Consumer Protection Laws	12	Stalking & Harassment	40
Counterfeiting	12	Statewide DNA Data Base System, Crimes Involving	41
Credit Card Crimes	14	Surveillance & Other Crimes Against Privacy	41
Crimes Against the Person, Generally	14	Telecommunications & Electronics	42
Criminal Gang Offenses	15	Theft, Crimes Involving	43
Destructive Devices	15	Trespass	44
Disturbing the Peace	16	Unlawful Use of Goods	44
Election Offenses	16	Weapons Crimes	44
Estates, Crimes Against	17		
Extortion & Other Threats	17		
False Statements, Other	17		
Fraud, Financial Crimes Against Vulnerable Adults	18		
Fraud, Miscellaneous	18		
Fraud, Telecommunication Service Providers	19		
Gambling, General Provisions	20		
Handguns	20		
Harboring, Escape, & Contraband	21		
Hate Crimes	22		
Identity Fraud	22		
Influencing or Intimidating Judicial Process	23		
Interference with Government Operations	24		
Kidnapping & Related Crimes	24		
Lotteries	25		
Machine Guns	25		
Malicious Destruction & Related Crimes	25		
Manslaughter & Related Crimes	26		

Most Common Offenses

Arson (found under <i>Arson and Burning</i>).....	2
Assault (found under <i>Assault and Other Bodily Woundings</i>)	2
Burglary (found under <i>Burglary and Related Crimes</i>)	5
Carjacking (found under <i>Robbery</i>).....	38
CDS, Distribution (found under <i>CDS & Paraphernalia</i>).....	6
Child Abuse (found under <i>Abuse & Other Offensive Conduct</i>)	1
Child Pornography (found under <i>Obscene Matter</i>)	31
Counterfeit Documents (formerly known as Uttering; found under <i>Counterfeiting</i>)	13
Destruction of Property (found under <i>Malicious Destruction</i>).....	25
Driving While Impaired (found under <i>Motor Vehicle Offenses</i>).....	26
Driving While Under the Influence (found under <i>Motor Vehicle Offenses</i>)	27
Escape (found under <i>Harboring, Escape, and Contraband</i>).....	21
Failure to Register as a Sex Offender (found under <i>Sexual Crimes</i>).....	40
Felon in Possession of a Firearm (found under <i>Weapons</i>)	46
Fleeing & Eluding Police (found under <i>Motor Vehicle Offenses</i>).....	28
Forgery (found under <i>Counterfeiting</i>)	12
Handgun/Firearm Use in Commission of a Felony (found under <i>Weapons</i>)	44
Manslaughter (found under <i>Manslaughter and Related Crimes</i>)	26
Murder (found under <i>Murder</i>)	30
Rape (found under <i>Sexual Crimes</i>).....	38
Reckless Endangerment (found under <i>Assault & Other Bodily Woundings</i>)	3
Resisting Arrest (found under <i>Harboring, Escape, and Contraband</i>).....	21
Robbery with a Dangerous Weapon (found under <i>Robbery</i>).....	38
Sex Offenses (found under <i>Sexual Crimes</i>).....	39
Theft (found under <i>Theft, Crimes Involving</i>)	43
Unauthorized Use of Vehicle (found under <i>Unlawful Use of Goods</i>).....	44
Unlawful Taking of a Motor Vehicle (found under <i>Theft, Crimes Involving</i>)	43
Wearing, Carrying, Transporting of a Handgun (found under <i>Handguns</i>).....	20

Maryland Codes

2B.....	Alcoholic Beverages
83A.....	Department of Business and Economic Development
88A.....	Department of Human Resources
BO.....	Business Occupations and Professions
BR.....	Business Regulations
CJ.....	Courts and Judicial Proceedings
CL.....	Commercial Law
CP.....	Criminal Procedure
CR.....	Criminal Law
CS.....	Correctional Services
EL.....	Election Law
EN.....	Environment
FI.....	Financial Institutions
FL.....	Family Law
HG.....	Health General
HO.....	Health Occupations
IN.....	Insurance
NR.....	Natural Resources
PS.....	Public Safety
RP.....	Real Property
SF.....	State Finance and Procurement
TG.....	Tax General
TR.....	Transportation

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
1	Abuse and Other Offensive Conduct Child Abuse—physical, with death	1-0335	CR, §3-601(b)(2)(ii)	Felony	40Y ♦		Person	II	
2	Abuse and Other Offensive Conduct Child Abuse—physical, 1 st degree	1-0334	CR, §3-601(b)(2)(i)	Felony	25Y ♦		Person	II	
2-1	Abuse and Other Offensive Conduct Child Abuse—physical, 2 nd degree	1-0173 1-3802	CR, §3-601(d)	Felony	15Y		Person	IV	
3	Abuse and Other Offensive Conduct Child Abuse—sexual	1-0322	CR, §3-602(b)	Felony	25Y ♦♦		Person	II	
4	Abuse and Other Offensive Conduct Abuse, neglect of vulnerable adult by custodian, 1 st degree	2-1138	CR, §3-604	Felony	10Y		Person	IV	\$10,000
4-1	Abuse and Other Offensive Conduct Abuse, neglect of vulnerable adult by custodian, 2 nd degree	1-0466 2-0350	CR, §3-605	Misd.	5Y		Person	V	\$5,000
4-2	Abuse and Other Offensive Conduct Child neglect	1-1614	CR, §3-602.1	Misd.	5Y		Person	VI	\$5,000
5	Abuse and Other Offensive Conduct Sell, barter, trade, etc. a child for money, property, etc.	1-0481	CR, §3-603	Misd.	5Y		Person	V	\$10,000
6	Abuse and Other Offensive Conduct Contributing to a child being delinquent or in need of supervision	2-0238	CJ, §3-8A-30	Misd.	3Y		Person	VI	\$2,500
6-1	Abuse and Other Offensive Conduct Contributing to a child in need of assistance		CJ, §3-828	Misd.	3Y		Person	VI	\$2,500
7	Abuse and Other Offensive Conduct Interfering with rights of mentally retarded individual		HG, §7-1102	Misd.	2Y		Person	VII	\$5,000
8	Abuse and Other Offensive Conduct Desertion; non-support—minor child	2-3899 3-3899	FL, §10-203	Misd.	3Y		Person	VII	\$100
9	Accessory after the Fact Accessory after the fact to a felony	1-1480	CR, §1-301	Felony	Lesser of 5Y or max. term penalty for the crime		Person, Drug, Property	V	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
9-1	Animals, Crimes Against Aggravated Animal Cruelty	1-0505 1-0508	CR, §10-606(b)	Felony	3Y		Property	VI	\$5,000
10	Animals, Crimes Against Arranging, conducting, or using dog in dogfight	1-0506	CR, §10-607(b)	Felony	3Y		Property	VI	\$5,000
11	Animals, Crimes Against Cockfight	1-0507	CR, §10-608(b)	Felony	3Y		Property	VI	\$5,000
11-1	Animals, Crimes Against Attending a dogfight or cockfight	1-0597 1-0598	CR, §10-605	Misd.	1Y		Property	VII	\$2,500
12	Animals, Crimes Against Cruelty to Animals—injuring a racehorse	2-0260 5-7199	CR, §10-620	Felony	3Y	1Y	Property	VI	
12-1	Animals, Crimes Against Hunting via an internet connection		NR, §10-426(c)	Misd.	1Y		Property	VII	\$10,000
12-2	Animals, Crimes Against Unlawful capture of over \$20,000 worth of striped bass		NR, §4-1201(d)(2)	Misd.	2Y		Property	VII	varies
13	Arson and Burning Arson—dwelling or occupied structure (arson 1 st degree)	1-6500	CR, §6-102(a)	Felony	30Y ♦		Property	III	\$50,000
14	Arson and Burning Arson—Other structure (arson, 2 nd degree)	1-6501	CR, §6-103(a)	Felony	20Y		Property	IV	\$30,000
15	Arson and Burning Arson—threat of	1-6505	CR, §6-107(a)	Misd.	10Y		Property	V	\$10,000
16	Arson and Burning Burning personal property of another, \$1,000 or more (malicious burning 1 st degree)	1-6502	CR, §6-104(b)	Felony	5Y		Property	VI	\$5,000
17	Arson and Burning Burning property with intent to defraud	1-6504	CR, §6-106(a)	Misd.	5Y		Property	VI	\$5,000
18	Arson and Burning Burn personal property of another less than \$1,000 (malicious burning, 2 nd degree)	1-6503	CR, §6-105(b)	Misd.	18M		Property	VII	\$500
19	Arson and Burning Arson—trash bin	2-2003	CR, §6-108(a)	Misd.	30D		Property	VII	\$500
20	Assault and Other Bodily Woundings Poisoning—attempted	2-0999	CR, §3-213	Felony	10Y	2Y	Person	II	
21	Assault and Other Bodily Woundings Poisoning—contaminating water, food, etc.	3-0999	CR, §3-214	Felony	20Y		Person	II	
22	Assault and other Bodily Woundings Assault, 1 st degree	1-1420	CR, §3-202	Felony	25Y ♦		Person	III	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
24	Assault and Other Bodily Woundings Assault, 2 nd degree	1-1415	CR, §3-203	Misd.	10Y		Person	V	\$2,500
25	Assault and Other Bodily Woundings Female genital mutilation—perform or consent to	1-0965 1-0970	HG, §20-601 HG, §20-603	Felony	5Y		Person	V	\$5,000
25-1	Assault and Other Bodily Woundings—Other Willfully expose others to infectious disease		HG, §18-601	Misd.	1Y		Person	VII	\$500
25-2	Assault and Other Bodily Woundings—Other Knowingly transfer or attempt to transfer HIV virus		HG, §18-601.1	Misd.	3Y		Person	V	\$2,500
25-4	Assault and Other Bodily Woundings—Other Knowingly and willfully causing another to ingest bodily fluid	1-0321	CR, §3-215	Misd.	10Y		Person	V	\$2,500
25-5	Assault and Other Bodily Woundings—Other Failure to comply with or violation of protective order, 1 st offense	2-0254	FL, §4-509(a)(1)	Misd.	90D		Person	VII	\$1,000
25-6	Assault and Other Bodily Woundings—Other Failure to comply with or violation of protective order, subsequent	2-0254	FL, §4-509(a)(2)	Misd.	1Y		Person	VII	\$2,500
25-7	Assault and Other Bodily Woundings—Other Failure to comply with or violation of peace order	2-0105	CJ, §3-1508	Misd.	90D		Person	VII	\$1,000
26	Assault and Other Bodily Woundings Reckless endangerment	1-1425 1-1430 (from car)	CR, §3-204(a)	Misd.	5Y		Person	V	\$5,000
27	Assault and Other Bodily Woundings Cause a life threatening injury by motor vehicle or vessel while under the influence of alcohol	1-0765	CR, §3-211(c)	Misd.	3Y		Person	VI	\$5,000
28	Assault and Other Bodily Woundings Cause a life threatening injury by motor vehicle or vessel while impaired by alcohol	1-0770	CR, §3-211(d)	Misd.	2Y		Person	VI	\$3,000
29	Assault and Other Bodily Woundings Cause a life-threatening injury by motor vehicle or vessel while impaired by drugs	1-0775	CR, §3-211(e)	Misd.	2Y		Person	VI	\$3,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
30	Assault and Other Bodily Woundings Cause a life-threatening injury by motor vehicle or vessel while impaired by a controlled dangerous substance	1-0780	CR, §3-211(f)	Misd.	3Y		Person	VI	\$5,000
30-1	Assault and Other Bodily Woundings Assault on law enforcement officer or parole or probation agent, 2 nd degree	1-1416	CR, §3-203(c)	Felony	10Y		Person	V	\$5,000
30-2	Assault and Other Bodily Woundings Assault by inmate on employee or other inmate of State, local, or sheriff's office correctional facility, 1 st degree	1-1435	CR, §3-210	Felony	25Y		Person	III	
30-3	Assault and Other Bodily Woundings Assault by inmate on employee or other inmate of State, local, or sheriff's office correctional facility, 2 nd degree	1-1440	CR, §3-210	Misd.	10Y		Person	V	\$2,500
30-4	Assault and Other Bodily Woundings Inmate causing correctional employee or sheriff to come in contact with bodily fluid	1-0222	CR, §3-205	Misd.	10Y		Person	V	\$2,500
31	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, subsequent	3-5260	CR, §4-306(b)(3)	Misd.	20Y	10Y	Person	II	\$5,000
32	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, 1 st offense	3-5260	CR, §4-306(b)(2)		20Y	MM*=5Y	Person	III	\$5,000
33	Assault Pistols 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 ammo	3-5250 3-5255	CR, §4-303(a) CR, §4-305(b) CR, §4-306(a)	Misd.	3Y		Person	VI	\$5,000
34	Assisted Suicide Coercion; provide means; participation	2-0175 2-0180 2-0185	CR, §3-102 CR, §3-104	Felony	1Y		Person	VII	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
35	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 CR, §8-106(a), (b)	Felony	15Y		Property	V	\$1,000
36	Bad Checks Misdemeanor Bad Check, less than \$500	3-4045 3-4055 3-4065 3-4075 3-4085	CR, §8-103 CR, §8-106(c)	Misd.	18M		Property	VII	\$100
36-1	Bad Checks Misdemeanor Bad Check, less than \$100	1-1141 1-1142 1-1143 1-1144	CR, §8-103 CR, §8-106(d)	Misd.	90D		Property	VII	\$500
37	Bribery Bribery to or by public officer	1-5101 1-5103	Common law; CR, §9-201	Misd.	12Y	2Y	Property	V	\$100— \$5,000
38	Bribery Bribe juror or acceptance of bribe by juror	2-5100 2-5110	CR, §9-202	Misd.	6Y	18M	Property	VI	
39	Bribery Person or persons who bribe or attempt to bribe a participant, etc., in athletic contest	1-5100	CR, §9-204	Misd.	3Y	6M	Property	VI	\$100— \$5,000
40	Bribery Bribery—athletic contestant accepts bribe	2-5103	CR, §9-205	Misd.	3Y		Property	VII	\$5,000
41	Burglary and Related Crimes Burglary, 1 st degree	2-3000	CR, §6-202(a)	Felony	20Y ♦		Property	III	
42	Burglary and Related Crimes Burglary, with explosives	2-3060	CR, §6-207(a)	Felony	20Y ♦		Property	III	
43	Burglary and Related Crimes Burglary, 2 nd degree	2-3010	CR, §6-203(a)	Felony	15Y ♦		Property	IV	
44	Burglary and Related Crimes Burglary, 2 nd degree, steal or take firearm	2-3015	CR, §6-203(b)	Felony	20Y ♦		Property	IV	\$10,000
45	Burglary and Related Crimes Burglary, 3 rd degree	2-3020	CR, §6-204(a)	Felony	10Y ♦		Property	IV	
46	Burglary and Related Crimes Breaking and entering—research facility	2-3070	CR, §6-208(b)	Felony	5Y		Property	VI	\$5,000
47	Burglary and Related Crimes Breaking and entering—motor vehicle (rogue and vagabond)	2-3080 2-3090	CR, §6-206	Misd.	3Y		Property	VII	
48	Burglary and Related Crimes Burglary, 4 th degree	2-3030 2-3040 2-3045 2-3050	CR, §6-205	Misd.	3Y		Property	VII	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
49	CDS and Paraphernalia Drug distribution—drug kingpin	1-0488	CR, §5-613	Felony	40Y	MM*=20Y	Drug	II	\$1,000,000
50	CDS and Paraphernalia Controlled dangerous substance importation into State, non-marijuana	3-3550	CR, §5-614(a)	Felony	25Y		Drug	IIIC	\$50,000
50-1	CDS and Paraphernalia Controlled dangerous substance importation into State, marijuana (45 kilograms or more)	3-3550	CR, §5-614(a)	Felony	25Y		Drug	IIIA	\$50,000
51	CDS and Paraphernalia Bringing minor into State to violate drug laws	1-0489	CR, §5-628(a)	Felony	20Y		Drug	IIIB	\$20,000
52	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone)	1-0661 1-0662 1-0696 2-0233 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	20Y		Drug	IIIB	CR, §5-608(a)= \$25,000 CR, §5-609(a)= \$20,000
53	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, and methadone), subsequent	1-0661 1-0662 1-0696 2-0233 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	20Y 25Y 40Y	MM*=10Y MM*=25Y MM*=40Y	Drug	IIIB	\$100,000
54	CDS and Paraphernalia Manufacture, distribute, dispense, or possess certain Schedule I or II controlled dangerous substances, large amounts as specified in CR, §5-612	2-0220 2-0225 2-0230 2-0231	CR, §5-612	Felony	20Y	MM*=5Y	Drug	IIIB	\$100,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
54-1	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, MDMA (methylenedioxymethamphetamine), 750 grams or more	1-0662 1-0696 2-0233 2-0237 2-0300 2-0301	CR, §5-609(a)	Felony	20Y		Drug	IIIA	\$20,000
54-2	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc., manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, MDMA (methylenedioxymethamphetamine), 750 grams or more, subsequent	1-0662 1-0696 2-0233 2-0237 2-0300 2-0301	CR, §5-609(b) CR, §5-609(c) CR, §5-609(d)	Felony	20Y 25Y 40Y	MM*=10Y MM*=25Y MM*=40Y	Drug	IIIA	\$100,000
55	CDS and Paraphernalia Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, 1 st offense	1-0483 1-0484	CR, §5-627	Felony	20Y		Drug	IIIB	\$20,000
55-1	CDS and Paraphernalia Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, subsequent	1-0483 1-0484	CR, §5-627	Felony	40Y	MM*=5Y	Drug	IIIB	\$40,000
56	CDS and Paraphernalia Using minors for manufacture, delivery, or distribution of controlled dangerous substances	1-5409	CR, §5-628(a)(1)	Felony	20Y		Drug	IIIB	\$20,000
57	CDS and Paraphernalia Controlled dangerous substance importation into State, marijuana (5 to less than 45 kilos)	1-0730	CR, §5-614(b)	Felony	10Y		Drug	IV	\$10,000
58	CDS and Paraphernalia Distribution—distribution of non-controlled substance as controlled dangerous substance	1-0246 7-0000	CR, §5-617	Felony	5Y		Drug	IV	\$15,000
59	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc.; manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, Schedules I through V non-narcotics (e.g., amphetamines, marijuana, diazepam, MDMA under 750 grams, and Valium) and buprenorphine	1-0233 1-0234 1-0235 1-0236 1-0237 1-0238 1-0239 1-0660 2-3550	CR, §5-607(a)	Felony	5Y		Drug	IV	\$15,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
60	CDS and Paraphernalia Unlawful distribution, manufacture, etc.; counterfeiting, etc.; manufacture, possession, etc., of certain equipment for illegal use; keeping common nuisance, Schedules I through V non-narcotics (e.g., amphetamines, marijuana, diazepam, MDMA under 750 grams, and Valium), and buprenorphine, subsequent	1-0233 1-0234 1-0235 1-0236 1-0237 1-0238 1-0239 1-0660 2-3550	CR, §5-607(b)	Felony	5Y	MM*=2Y	Drug	IV	\$15,000
61	CDS and Paraphernalia Manufacture, distribute, dispense, or possess certain Schedule I through V non-narcotics, large amounts as specified in CR, §5-612	2-0210 2-0215	CR, §5-612	Felony	5Y	MM*=5Y	Drug	IV	\$100,000
62	CDS and Paraphernalia Paraphernalia—delivery or sale to minor by adult who is 3 or more years older	7-3550	CR, §5-619(d)(4)	Misd.	8Y		Drug	IV	\$15,000
63	CDS and Paraphernalia 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	5Y		Drug	IV	1 st = \$250,000 Sub= \$500,000
65	CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance or paraphernalia by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering, etc., label; unlawful possession or distribution of, controlled paraphernalia—non-marijuana	4-3550 1-0247 1-0248 1-0249 1-0250 1-0251 1-0252 1-0255 1-0256	CR, §5-601(c)(1) CR, §5-620(d)(1)	Misd.	4Y		Drug	V	\$25,000
66	CDS and Paraphernalia Paraphernalia—delivery or sale generally, etc., subsequent	6-3550	CR, §5-619(d)(2)(ii)	Misd.	2Y		Drug	VII	\$2,000
67	CDS and Paraphernalia Paraphernalia—use or possession, with intent to use, subsequent	5-3550	CR, §5-619(c)(2)(ii)	Misd.	2Y		Drug	VII	\$2,000
68	CDS and Paraphernalia Paraphernalia—unlawfully advertise with the purpose to promote the sale and delivery of drug paraphernalia, subsequent	9-0082	CR, §5-619(e)(2)(ii)	Misd.	2Y		Drug	VII	\$2,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
69	CDS and Paraphernalia Possession—unlawful possession or administering to another, obtaining, etc., substance or paraphernalia by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label; unlawful possession or distribution of controlled paraphernalia—marijuana	1-0566 1-0567 1-0568 1-0569 1-0570 1-0571 1-0573	CR, §5-601(c)(2)(i) CR, §5-620(d)(2)	Misd.	1Y		Drug	VII	\$1,000
69-1	CDS and Paraphernalia Possession of less than 10 grams of marijuana		CR, §5-601(c)(2)(ii)	Misd.	90D		Drug	VII	\$500
70	CDS and Paraphernalia Possession—unsolicited mailing of certain drugs, controlled dangerous substances, medicines, etc.	1-0025	CR, §5-703	Misd.	6M		Drug	VII	\$500
71	CDS and Paraphernalia Possession/purchase of non-CDS believed to be a controlled dangerous substance	1-0691	CR, §5-618(a)	Misd.	1Y		Drug	VII	\$500
72	CDS—Registration CDS—deliver as a registrant a CDS of Schedule I/II without an order form	9-3550	CR, §5-904(a)	Felony	10Y		Drug	IV	\$100,000
73	CDS-Registration CDS registration—use fictitious, etc. registration number; distribute without an order form	1-0263	CR, §5-903(a)	Felony	10Y		Drug	IV	\$100,000
74	CDS-Registration Manufacture CDS which was not authorized by registration	8-3550	CR, §5-902(b)	Misd.	2Y		Drug	VII	\$100,000
75	CDS-Registration CDS Registration—unlawful acts	1-0258 1-0259 1-0260 1-0261 1-0262	CR, §5-902(a)	Misd.	2Y		Drug	VII	\$100,000
76	Cemeteries and Funerary Objects, Crimes Involving Removal or attempted removal of human remains from a burial site	3-3932	CR, §10-402(a)	Misd.	5Y		Property	VI	\$10,000
77	Cemeteries and Funerary Objects, Crimes Involving Destruction of funerary objects/structures placed in a cemetery	3-3942	CR, §10-404(a)	Misd.	5Y		Property	VI	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
78	Cemeteries and Funerary Objects, Crimes Involving Destruction of graveyard plants	3-3946	CR, §10-404(b)	Misd.	2Y		Property	VII	\$500
79	Cemeteries and Funerary Objects, Crimes Involving Disorderly conduct in cemetery	3-3947	CR, §10-404(c)	Misd.	2Y		Property	VII	\$500
80	Commercial Fraud, Other 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		FI, §5-803(b)	Felony	10Y		Property	V	\$5,000
81	Commercial Fraud, Other Misappropriation, fraudulent conversion, or any fraudulent act in the course of engaging in the mortgage lending business		FI, §11-523(c)	Felony	15Y		Property	V	\$100,000
82	Commercial Fraud, Other Fraudulent Insurance Acts—Violation of §27-407 or any other provision of §§27-403, 27-404, 27-405, 27-406, 27-407, or 27-407.1 where the value of the fraud is \$300 or greater		IN, §27-408(a)(1)	Felony	15Y		Property	V	\$10,000
83	Commercial Fraud, Other Fail to obtain and maintain a corporate surety bond or irrevocable letter of credit or to hold sums of money in an escrow account		RP, §10-305(a)	Felony	15Y		Property	V	\$10,000
84	Commercial Fraud, Other 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		RP, §10-507(b)(2)	Felony	15Y		Property	V	\$10,000
84-1	Commercial Fraud, Other Sales of property, Custom Home Protection Act—any other conduct that fails to comply with RP, Title 10, Subtitle 5		RP, §10-507 (b)(3)	Misd.	1Y		Property	VII	\$1,000
84-2	Commercial Fraud, Other Commission of mortgage fraud		RP, §7-407(a)	Felony	10Y		Property	V	\$5,000
84-3	Commercial Fraud, Other Commission of mortgage fraud involving victim who is a vulnerable adult under CR, §3-604		RP, §7-407(b)	Felony	15Y		Property	V	\$15,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
84-4	Commercial Fraud, Other Commission of mortgage fraud, engaging in a pattern of mortgage fraud		RP, §7-407(c)	Felony	20Y		Property	IV	\$100,000
84-5	Commercial Fraud, Other Failure of foreclosure consultant to obtain a real estate broker's license		RP, §7-318.1(a) RP, §7-321 (penalty)	Misd.	3Y		Property	VI	\$10,000
84-6	Commercial Fraud, Other Violation of any provision of Business Occupations and Professions Article, Title 17, by foreclosure consultant		RP, §7-318.1(b) RP, §7-321 (penalty)	Misd.	3Y		Property	VI	\$10,000
84-7	Commercial Fraud, Other Violation of certain provisions of the Maryland Real Estate Brokers Act, 1 st offense		BO, §17-613(a)	Misd.	1Y		Property	VII	\$5,000
84-8	Commercial Fraud, Other Violation of certain provisions of the Maryland Real Estate Brokers Act, 2 nd offense		BO, §17-613(d)(1)	Misd.	2Y		Property	VII	\$15,000
84-9	Commercial Fraud, Other Violation of certain provisions of the Maryland Real Estate Brokers Act, 3 rd or subsequent offense		BO, §17-613(d)(2)	Misd.	3Y		Property	VI	\$25,000
85	Commercial Fraud, Other Fraud—breach of trust	1-2602	CR, §8-406(a)	Misd.	10Y	1Y	Property	VI	\$500-\$5,000
86	Commercial Fraud, Other Fraud—convert to own use the property of partner, make entries of a partnership transaction	2-2701 3-2607	CR, §8-401(a)	Misd.	10Y		Property	VI	\$5,000
87	Commercial Fraud, Other Fraud, misrepresentation by corporate officer	4-2607	CR, §8-402(a)	Misd.	3Y	6M	Property	VI	\$1,000-\$10,000
88	Commercial Fraud, Other False or misleading statement or omission of material fact in sale of business opportunity		BR, §14-127(b)	Felony	5Y		Property	VI	\$10,000
89	Commercial Fraud, Other Offer or sale of franchise without registration		BR, §14-228(b)	Felony	5Y		Property	VI	\$10,000
90	Commercial Fraud, Other Untrue statements or omissions of material fact in connection with an offer to sell or sale of a franchise		BR, §14-229(b)	Felony	5Y		Property	VI	\$10,000
91	Commercial Fraud, Other False or misleading statement or omission in prospectus or amendment		BR, §14-230(b)	Felony	5Y		Property	VI	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
92	Commercial Fraud, Other Untrue statements or omissions of material fact in applications, notices, or reports in sale of franchise		BR, §14-231(b)	Felony	5Y		Property	VI	\$10,000
93	Commercial Fraud, Other Failure to notify Commissioner of material change in sale of franchise		BR, §14-232(b)	Felony	5Y		Property	VI	\$10,000
94	Commercial Fraud, Other Fraud—false advertising	5-2607	CL, §14-2903	Misd.	1Y		Property	VII	\$500
95	Commercial Fraud, Other Fraud—pyramid, promotional scheme	6-2600	CR, §8-404(b)	Misd.	1Y		Property	VII	\$10,000
96	Commercial Fraud, Other Fraudulent Insurance Acts— Violation of §27-407 or any provision of §§27-403, 27-404, 27-405, 27-406, 27-407, or 27-407.1 where the value of the fraud is less than \$300		IN, §27-408(a)(2)	Misd.	18M		Property	VII	\$10,000
98	Commercial Fraud, Other Unlawful subleasing of motor vehicle		CR, §8-408(b)	Misd.	3Y		Property	VII	\$5,000
98-1	Commercial Fraud, Other Operation of an assisted living program without a license, 1 st offense		HG, §19-1809(a)(2)(i)	Felony	5Y		Property	VII	\$10,000
98-2	Commercial Fraud, Other Operation of an assisted living program without a license, subsequent		HG, §19-1809(a)(2)(ii)	Felony	5Y		Property	VI	\$20,000
98-3	Commercial Fraud, Other Fraudulently obtaining motor vehicle accident report		TR, §20-110(e)(1)	Felony	15Y		Property	V	\$10,000
98-4	Commercial Fraud, Other Improper disclosure of motor vehicle accident report by law enforcement agent		TR, §20-110(e)(2)	Felony	15Y		Property	V	\$10,000
99	Consumer Protection Laws Violation of Title 14 — Miscellaneous Consumer Protection Provisions, Credit Card Number Protection Act	2-0550 2-0560	CR, §8-216	Felony	15Y		Property	V	\$1,000
100	Counterfeiting Counterfeiting any public seal		CR, §8-607(b)	Misd.	10Y	2Y	Property	V	
101	Counterfeiting Counterfeiting United States currency	1-0067 1-0069	CR, §8-604	Felony	10Y		Property	V	\$10,000
102	Counterfeiting Forgery, counterfeiting, etc.	1-2502	CR, §8-601(a)	Felony	10Y		Property	V	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
102-1	Counterfeiting Possession of counterfeit items	1-1502	CR, §8-601(c)(2)	Misd.	3Y		Property	VII	\$1,000
103	Counterfeiting Forgery, counterfeiting, pass forged, etc. of public documents	1-2500 1-2504	CR, §8-605(a)	Felony	10Y	2Y	Property	V	
104	Counterfeiting Orders, etc., for money or goods	1-2501 2-2510 2-2520	CR, §8-609(b)	Felony	10Y	2Y	Property	V	
104-1	Counterfeiting Trademark counterfeiting, less than \$1,000, 1 st offense	1-2545	CR, §8-611(d)	Misd.	18M		Property	VII	\$1,000
104-2	Counterfeiting Trademark counterfeiting, less than \$1,000, subsequent	1-2545	CR, §8-611(d)	Misd.	18M		Property	VII	\$5,000
105	Counterfeiting Trademark counterfeiting, \$1,000 or greater	1-2540	CR, §8-611(c)	Felony	15Y		Property	V	\$10,000
106	Counterfeiting Issuing or publishing counterfeit documents	1-2513	CR, §8-602	Felony	10Y		Property	V	\$1,000
107	Counterfeiting Counterfeit comptroller stamp		CR, §8-608(a)	Misd.	10Y	2Y	Property	V	
109	Counterfeiting Falsifying, destroying, concealing, accessing, etc., public records	2-2504 3-2504 5-2504	CR, §8-606(b)	Misd.	3Y		Property	VII	\$1,000
110	Counterfeiting Forge, falsify, or counterfeit the signature of a judge, court officer, or court employee; or use a document with forged signature of a court official	1-1698 1-1699	CR, §8-606.1	Misd.	5Y		Property	VI	\$10,000
112	Counterfeiting Possess or issue counterfeit U.S. currency	1-0494	CR, §8-604.1	Misd.	3Y		Property	VII	\$1,000
113	Counterfeiting Unlawful possession of forged, etc., motor vehicle title	2-0035	CR, §8-603(a)	Misd.	3Y		Property	VII	\$1,000
114	Counterfeiting 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.	1Y		Property	VII	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
114-1	Credit Card Crimes Falsely make or emboss credit card, transfer or possess falsely made or embossed credit card, or sign credit card with intent to defraud	1-0196 1-0198	CR, §8-205	Felony	15Y		Property	V	\$1,000
115	Credit Card Crimes Felony credit card crimes, greater than \$500	1-0197 3-4125 3-4145 3-4155 3-4165 3-4175	CR, §8-206(c)(1) CR, §8-207(b)(1) CR, §8-209(b)(1)	Felony	15Y		Property	V	\$1,000
115-1	Credit Card Crimes Possess incomplete credit card or knowingly possess machinery, plates, etc. to reproduce credit cards	1-0199 1-0200	CR, §8-208	Felony	15Y		Property	V	\$1,000
116	Credit Card Crimes Unlawfully use or disclose credit card number or other payment device number or holder's signature	2-0550 2-0560	CR, §8-214 CR, §8-216 (penalty)	Felony	15Y		Property	V	\$1,000
116-1	Credit Card Crimes Make or cause to be made a false written statement with respect to identity to procure the issuance of a credit card	1-2607	CR, §8-203	Misd.	18M		Property	VII	\$500
116-2	Credit Card Crimes Steal credit card, receive stolen or lost credit card, or sell or buy credit card	1-2399 2-2803 1-2899 1-2605 1-2803	CR, §8-204	Misd.	18M		Property	VII	\$500
117	Credit Card Crimes Misdemeanor credit card crimes, \$500 or less	3-4120 3-4130 3-4140 3-4150 3-4160 3-4170	CR, §8-206(c)(2) CR, §8-207(b)(2) CR, §8-209(b)(2)	Misd.	18M		Property	VII	\$500
118	Credit Card Crimes Publish or cause to be published the number or code of a telephone credit card with intent to defraud	2-2605	CR, §8-210	Misd.	1Y		Property	VII	\$500
119	Crimes Against the Person, Generally Administered controlled dangerous substance before committing crime of violence	2-0710	CR, §5-624(b)	Misd.	1Y		Person	VII	\$2,500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
119-1	Criminal Gang Offenses Use of or threat of force to coerce participation or prevent leaving gang	1-1770	CR, §9-802	Misd.	2Y		Person	VII	\$1,000
119-2	Criminal Gang Offenses Use of or threat of force to coerce participation or prevent leaving gang in school or within 1,000 feet of school property	1-1771	CR, §9-803	Misd.	4Y		Person	VI	\$4,000
119-3	Criminal Gang Offenses Participate as member of criminal gang in commission of crime		CR, §9-804(c)(1)(i)	Felony	10Y		Person	One category more serious than most serious underlying offense. If no conviction on underlying offense, category=IV	\$100,000
119-4	Criminal Gang Offenses Participate as member of criminal gang in commission of crime resulting in death of victim		CR, §9-804(c)(1)(ii)	Felony	20Y		Person	One category more serious than most serious underlying offense. If no conviction on underlying offense, category=III	\$100,000
119-5	Criminal Gang Offenses Organize, supervise, finance, or manage a criminal gang	1-0619	CR, §9-805	Felony	20Y		Person	III	\$100,000
120	Destructive Devices Explosives—sale without license with intention to use in violation of various statutes		PS, §11-114(c) PS, §11-116(b)	Felony	20Y		Person	III	\$10,000
121	Destructive Devices Explosives—possession without license with intention to use in violation of various statutes		PS, §11-114(b) PS, §11-116(a)	Felony	20Y		Person	III	\$10,000
122	Destructive Devices Firearm, explosive on aircraft	2-5203	TR, §5-1008	Felony	10Y		Person	III	
123	Destructive Devices Manufacture, transport, possess, control, store, sell, distribute, or use a destructive device	1-0720	CR, §4-503(a)(1)	Felony	25Y		Person	III	\$250,000
124	Destructive Devices Possess explosive, incendiary, or toxic material with the intent to create a destructive device	1-0725	CR, §4-503(a)(2)	Felony	25Y		Person	III	\$250,000
125-1	Destructive Devices Explosives—sale without license		PS, §11-114(c), (g)	Misd.	5Y		Person	VI	\$5,000
126	Destructive Devices Explosives—possession without a license		PS, §11-114(b), (g)	Misd.	5Y		Person	VI	\$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
127	Destructive Devices Explosives—unlawful manufacture or dealing without license		PS, §11-114(a), (g)	Misd.	5Y		Person	VI	\$5,000
127-1	Disturbing the Peace, Disorderly Conduct, and Related Crimes Disturbing the peace, disorderly conduct in public place	2-0045 2-0050 2-0055 2-0060 2-0065	CR, §10-201	Misd.	60D		Person	VII	\$500
128	Disturbing the Peace, Disorderly Conduct, and Related Crimes Rioting	3-1314	Common law	Misd.	LIFE		Person	IV	
129	Disturbing the Peace, Disorderly Conduct, and Related Crimes Flag—official 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	1-0671	CR, 10-704(a)	Misd.	1Y		Property	VII	\$1,000
129-1	Disturbing the Peace, Disorderly Conduct, and Related Crimes Willfully violate order given by Governor in time of emergency		PS, §14-114	Misd.	1Y		Person	VII	\$5,000
129-2	Disturbing the Peace, Disorderly Conduct, and Related Crimes Willfully and knowingly fail to comply with order in time of investigation of communicable disease		HG, §18-907(a)	Misd.	1Y		Person	VII	\$3,000
130	Election Offenses False reports by election judge or election official		EL, §16-601(b)	Felony	10Y	1Y	Property	V	
131	Election Offenses Defacing or removing election records related to voting		EL, §16-701(e)	Felony	10Y	1Y	Property	V	\$50,000
132	Election Offenses Unauthorized access of the electronic voting systems; or tampering, altering the electronic voting system for the purpose of affecting the vote count	1-0785	EL, §16-804(b)	Felony	10Y		Property	V	\$50,000
133	Election Offenses Voting by person convicted of infamous crime (i.e., felony)		EL, §16-202(b)	Felony	5Y	1Y	Property	VI	
134	Election Offenses Tampering with election records		EL, §16-302(b)	Felony	5Y	1Y	Property	VI	
135	Election Offenses Adding or deleting votes by election judge		EL, §16-304(b)	Felony	5Y	1Y	Property	VI	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
135-1	Election Offenses Violate election laws as defined in Election Law Article, §16-201, Annotated Code of Maryland		EL, §16-201	Misd.	5Y		Property	VII	\$2,500
136	Election Offenses Destruction of voting equipment used or intended to be used on the day of election		EL, §16-801(b)	Felony	3Y		Property	VI	
136-1	Election Offenses Employer attempt to influence vote of employee		EL, §13-602	Misd.	1Y		Property	VII	\$1,000
136-2	Election Offenses Failure to include name of finance entity and treasurer on campaign material		EL, §13-401 EL, §13-602 (penalty)	Misd.	1Y		Property	VII	\$1,000
137	Estates, Crimes Against Embezzling—destroy, conceal will or codicil	2-2700	CR, §8-702(a)	Misd.	15Y	18M	Property	V	
138	Extortion and Other Threats Felony Extortion—by anyone, greater than \$500	3-5060	CR, §3-701(c)	Felony	10Y		Property	V	\$5,000
139	Extortion and Other Threats Felony Extortion—by State or local officer, greater than \$500	3-5080	CR, §3-702(b)	Felony	10Y		Property	V	\$5,000
140	Extortion and Other Threats Extortion—sending, etc. a threatening letter, etc.	1-1705 1-1706 1-1707	CR, §3-706(b)	Felony	10Y		Property	V	\$10,000
141	Extortion and Other Threats Extortion—threatening verbally	1-1702 1-1703 1-1704	CR, §3-705(a)	Felony	10Y		Property	V	\$10,000
142	Extortion and Other Threats 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.	3Y		Person	VI	\$2,500
143	Extortion and Other Threats Extortion—by false accusation	1-1700 1-1701	CR, §3-704(a)	Misd.	10Y		Property	V	\$10,000
144	Extortion and Other Threats Extortion—by State or local officer or employee against another employee	4-2100	CR, §3-703(a)	Felony	5Y		Property	VI	\$5,000
145	Extortion and Other Threats Misdemeanor Extortion—by anyone, less than \$500	3-5050	CR, §3-701(d)	Misd.	18M		Property	VII	\$500
146	Extortion and Other Threats Misdemeanor Extortion—by State or local officer, less than \$500	3-5070	CR, §3-702(c)	Misd.	6M		Property	VII	\$500
147	False Statements, Other False Statement—rumor as to bomb	1-5300	CR, §9-504(b)	Felony	10Y		Property	V	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
147-1	False Statements, Other False Statement-manufacture, possess, transport, or place a phony destructive device	2-5215	CR, §9-505	Felony	10Y		Property	V	\$10,000
148	False Statements, Other Fraud—failure to provide or providing false information willfully or with intent to evade taxes		TG, §13-1024(a)	Misd.	18M		Property	VI	\$5,000
149	False Statements, Other Fraud—willful failure to file income tax return		TG, §13-1001(c)	Misd.	5Y		Property	VI	\$5,000
150	False Statements, Other Fraud—willful failure to withhold income tax		TG, §13-1007(b)	Misd.	5Y		Property	VI	\$10,000
151	False Statements, Other Fraud—willful preparation of false income tax return		TG, §13-1004	Misd.	5Y		Property	VI	\$10,000
152	False Statements, Other False statement—on application for funds for Maryland higher education commission	2-5099	CR, §9-506(a)	Misd.	1Y		Property	VII	\$5,000
153	False Statements, Other False Statement—to official or agencies of State or its subdivisions	1-5099	CR, §9-503(a)	Misd.	6M		Property	VII	\$500
154	False Statements, Other False Statement—to peace or police officers	1-0207 1-0690 1-4803	CR, §9-501(a) CR, §9-502(a)	Misd.	6M		Property	VII	\$500
154-1	Fraud, Financial Crimes Against Vulnerable Adults Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, less than \$500	1-0781	CR, §8-801(c)(2)	Misd.	18M		Property	VII	\$500
154-2	Fraud, Financial Crimes Against Vulnerable Adults Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, \$500 or greater	1-0782	CR, §8-801(c)(1)	Felony	15Y		Property	V	\$10,000
155	Fraud, Miscellaneous Fraud—misuse by lawyer		BO, §10-306, BO, §10-606 (b)	Misd.	5Y		Property	V	
156	Fraud, Miscellaneous Forgery—forgery, etc. of prescriptions, etc.	1-0180 2-0262 2-2502 2-2530	CR, §8-610(a), (b)	Misd.	2Y		Property	VI	
157	Fraud, Miscellaneous Fraud—failure to deliver receipts for stored grain	6-2610	CR, §7-116(b)	Misd.	10Y	1Y	Property	VI	\$500- \$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
158	Fraud, Miscellaneous 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.	5Y		Property	VI	\$5,000
159	Fraud, Miscellaneous Out-of-State unlicensed sellers of alcohol		2B, §16-506.1(b)	Felony	2Y		Property	VI	
159-1	Fraud, Miscellaneous Practicing as a Polysomnographic Technologist without authorization, etc.		HO, §14-5C-23(a)	Misd.	1Y		Property	VII	\$1,000
160	Fraud, Miscellaneous Fraud—falsely representing self as lawyer		BO, §10-602 BO, §10-606	Misd.	1Y		Person	VII	\$5,000
160-1	Fraud, Miscellaneous Impersonating a law enforcement officer	1-0604	PS, §3-502	Misd.	2Y		Person	VII	\$2,000
160-2	Fraud, Miscellaneous Altering the results of a drug or alcohol screening test, 1 st offense	1-0284	CR, §10-111	Misd.	1Y		Property	VI	\$1,000
160-3	Fraud, Miscellaneous Altering the results of a drug or alcohol screening test, subsequent	1-0284	CR, §10-111	Misd.	3Y		Property	V	\$5,000
161	Fraud, Miscellaneous False advertising		CL, §14-2902(a)	Misd.	1Y		Property	VII	\$1,000
162	Fraud, Miscellaneous Fraudulently substituting wood alcohol for grain alcohol while in the business of making, manufacturing, etc. drugs, medicines, medicinal or chemical preparations		CR, §8-802(b)	Misd.	1Y		Property	VII	\$100-\$500
163	Fraud, Miscellaneous Act as contractor or subcontractor without a license, subsequent		BR, §8-601	Misd.	2Y		Property	VII	\$5,000
163-1	Fraud, Miscellaneous Possession of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid, more than 30 cartons		TG, §13-1014(a)(3)	Misd.	1Y		Property	VII	\$1,000
164	Fraud, Miscellaneous Willful transportation of unstamped cigarettes or other tobacco products on which tobacco tax has not been paid		TG, §13-1015	Felony	2Y		Property	VII	Not exceeding \$50 for each carton
164-1	Fraud—Telecommunication Service Providers Telecom devices and telecom theft	1-0590	CR, §7-315	Misd.	3Y		Property	VI	\$2,500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
164-2	Fraud—Telecommunication Service Providers Telecom devices and telecom theft, over 100 devices	1-0591	CR, §7-315	Felony	10Y		Property	IV	\$10,000
166	Gambling—General Provisions Rent place for gambling	2-3921	CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500
167	Gambling—General Provisions Fix horse race	1-0433	CR, §12-109(a)	Misd.	3Y		Property	VII	\$5,000
168	Gambling—General Provisions Gambling—betting, wagering, etc.; pools on horses, etc.	1-3901 3-3921	CR, §12-102(a)	Misd.	1Y	6M	Property	VII	\$200- \$1,000
169	Gambling—General Provisions Gambling—keeping gaming table or place	1-3908 1-3921	CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500
170	Gambling-General Provisions Owner/occupier of building knowingly permits gaming table to be kept	2-3908	CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500
171	Gambling-General Provisions Fraud—enter horse in a race under a name other than that assigned and registered; racing horse under a false or unregistered name	3-2600	CR, § 8-904	Misd.	3Y		Property	VII	\$5,000
172	Gambling—General Provisions Play "thimbles", "little joker", "craps", etc. for money	1-3903	CR, §12-103	Misd.	2Y	6M	Property	VII	\$100
173	Gambling—General Provisions Off-shore gambling	6-2620	CR, §12-105(b)	Misd.	1Y		Property	VII	\$200- \$1,000
174	Gambling—General Provisions Keep, etc. slot machine unlawfully	3-3908	CR, §12-302(a)	Misd.	1Y		Property	VII	\$1,000
176-1	Handguns—In General Handgun-unlawful wearing, carrying, etc., 1 st weapon offense, generally	1-5212 1-0175	CR, §4-203(c)(2)(i)	Misd.	3Y	30D	Person	VII	\$250- \$2,500
177	Handguns—In General Handgun—unlawful wearing, carrying, etc., 2 nd weapon offense, generally	1-5212 1-0175	CR, §4-203(c)(3)(i)1	Misd.	10Y	1Y	Person	III	
177-1	Handguns—In General Handgun—unlawful wearing, carrying on school property, etc., 1 st weapon offense	1-5212 1-0175	CR, §4-203(c)(2)(ii)	Misd.	3Y	90D	Person	VII	\$250- \$2,500
178	Handguns—In General Handgun—unlawful wearing, carrying on school property, etc., 2 nd weapon offense	1-5212 1-0175	CR, §4-203(c)(3)(i)2	Misd.	10Y	3Y	Person	III	
179	Handguns—In General Handgun—unlawful wearing, carrying, etc., more than two prior weapon offenses, generally	1-5212 1-0175	CR, §4-203(c)(4)(i)1	Misd.	10Y	3Y	Person	III	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
180	Handguns—In General Handgun—unlawful wearing, carrying on school property, etc., more than two prior weapon offenses	1-5212 1-0175	CR, §4-203(c)(4)(i)2A	Misd.	10Y	5Y	Person	III	
181	Handguns—In General Handgun—unlawful wearing, carrying, etc., with deliberate purpose to injure or kill	1-5212 1-0175	CR, §4-203(c)(4)(i)2B	Misd.	10Y	5Y	Person	III	
182	Handguns—In General Handgun—wearing, carrying, etc., under influence		PS, §5-314	Misd.	1Y		Person	VII	\$1,000
186	Handguns—In General Sale of a handgun manufactured on or before 12/31/02 with no external safety lock	2-2020	PS, §5-132 PS, §5-143 (penalty)	Misd.	5Y		Person	VI	\$10,000
187	Handguns-In General Fail to return handgun permit		PS, §5-307(a) PS, §5-308	Misd.	1Y		Person	VII	\$100- \$1,000
192	Harboring, Escape, and Contraband Contraband—deliver, possess, with intent to deliver, conceal, receive weapon	2-1035 2-1040 2-1045 2-1055	CR, §9-414	Felony	10Y		Person	IV	\$5,000
193	Harboring, Escape, and Contraband Contraband—deliver, possess, with intent to deliver, conceal, receive contraband to effect an escape	2-1060 2-1065 2-1070 2-1075	CR, §9-413	Felony	10Y		Person	IV	\$5,000
194	Harboring, Escape, and Contraband Escape, 1 st degree	1-0615 2-1010	CR, §9-404	Felony	10Y		Person	IV	\$20,000
195	Harboring, Escape, and Contraband Escape, 2 nd degree	1-0766 2-1020 2-1025 2-1030	CR, §9-405	Misd.	3Y		Person	VI	\$5,000
196	Harboring, Escape, and Contraband Resisting or interfering with arrest	1-0600	CR, §9-408	Misd.	3Y		Person	VI	\$5,000
197	Harboring, Escape, and Contraband Contraband—deliver, possess with intent to deliver, knowingly possess contraband	1-1835 2-1080 2-1085	CR, §9-412	Misd.	3Y		Property	VI	\$1,000
198	Harboring, Escape, and Contraband Deliver, possess with intent to deliver, receive alcoholic beverage	1-0724 2-1090 2-1092	CR, §9-415	Misd.	3Y		Property	VI	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
199	Harboring, Escape, and Contraband Deliver, possess with intent to deliver, receive controlled dangerous substance	1-0718 2-1095 2-1097	CR, §9-416	Misd.	3Y		Property	VI	\$1,000
199-1	Harboring, Escape, and Contraband Possess, possess with intent to deliver, receive telecommunication device	1-0719 1-0721 1-0722 1-0723	CR, §9-417	Misd.	3Y		Property	VI	\$1,000
200	Harboring, Escape, and Contraband Harbor fleeing felon	1-4904	CR, §9-402	Misd.	1Y		Person	VII	\$1,000
201	Harboring, Escape, and Contraband Harbor felon/fugitive	1-0232	CR, §9-402	Misd.	1Y		Person	VII	\$1,000
202	Harboring, Escape, and Contraband Harboring—prison escapee	2-4904	CR, §9-403	Misd.	1Y		Person	VII	\$1,000
203	Harboring, Escape, and Contraband Violate Home Detention Program		CS, §3-409	Misd.	1Y		Person	VII	
204	Hate Crimes Crimes against persons or property because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness—resulting in death	1-0437	CR, §10-304(2)(ii) CR, §10-306(b)(2) (penalty)	Felony	20Y		Person	III	\$20,000
205	Hate Crimes Crimes against persons or property because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness—involving separate felony	1-0437	CR, §10-304(2)(i) CR, §10-306(b)(1) (penalty)	Felony	10Y		Person	IV	\$10,000
206	Hate Crimes Crimes against persons or property because of race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness	1-0435 1-0436 1-0437 2-0251 2-0252	CR, §10-306(a) (penalty)	Misd.	3Y		Person	V	\$5,000
207	Identity Fraud Possess, obtain personally identifying information or willfully assume the identity of another. Benefit less than \$500	2-0071 2-0073 2-0083	CR, §8-301(b), (c) CR, §8-301(g)(2) (penalty)	Misd.	18M		Property	VII	\$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
207-1	Identity Fraud Possess, obtain personally identifying information or willfully assume the identity of another. Benefit \$500 or greater	1-1300 1-1301 1-1302	CR, §8-301(b), (c) CR, §8-301(g)(1) (penalty)	Felony	15Y		Property	V	\$25,000
207-2	Identity Fraud Intent to manufacture, distribute, or dispense personally identifying information		CR, §8-301(g)(3)	Felony	15Y		Property	V	\$25,000
207-3	Identity Fraud Falsely represent self as another person	2-0082 1-1305	CR, §8-301(c)(1), (f) CR, §8-301(g)(4) (penalty)	Misd.	18M		Property	VII	\$5,000
207-4	Identity Fraud Use a re-encoder or skimming device for purpose of identity theft. Benefit less than \$500	1-0767 1-0769	CR, §8-301(d) CR, §8-301(g)(2) (penalty)	Misd.	18M		Property	VII	\$5,000
207-5	Identity Fraud Use a re-encoder or skimming device for purpose of identity theft. Benefit \$500 or greater	1-0768 1-0779	CR, §8-301(d) CR, §8-301(g)(1) (penalty)	Felony	15Y		Property	V	\$25,000
207-6	Identity Fraud Possess, obtain, or help another obtain a re-encoder or skimming device for purpose of identity theft	1-0778	CR, §8-301(e) CR, §8-301(g)(4) (penalty)	Misd.	18M		Property	VII	\$5,000
208	Identity Fraud Sell etc. false ID	1-0432 1-0434	CR, §8-302(b)	Misd.	2Y		Property	VII	\$2,000
209	Influencing or Intimidating Judicial Process Failure to appear in connection with a felony	1-1474	CP, §5-211(b)(1)	Misd.	5Y		Person	V	\$5,000
209 -1	Influencing or Intimidating Judicial Process Failure to appear in connection with a misdemeanor or for appearance as witness	1-1475	CP, §5-211(b)(2)	Misd.	1Y		Person	VII	\$1,000
209 -2	Influencing or Intimidating Judicial Process Induce false testimony or avoidance of a subpoena related to felony violation of Title 5 offense or crime of violence	1-0355	CR, §9-302(c)(2)	Felony	20Y		Person	III	
210	Influencing or Intimidating Judicial Process Induce false testimony (witness or victim intimidation)	1-0354	CR, §9-302(a)	Misd.	5Y		Person	V	\$5,000
211	Influencing or Intimidating Judicial Process Intimidating or corrupting jurors, etc.; obstructing justice	1-0358 1-0362	CR, §9-305(a)	Misd.	5Y		Person	V	\$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
212	Influencing or Intimidating Judicial Process Obstructing justice	2-5006	CR, §9-306(a)	Misd.	5Y		Person	V	\$10,000
213	Influencing or Intimidating Judicial Process Retaliation for testimony	1-0356	CR, §9-303(a)	Misd.	5Y		Person	V	\$5,000
214	Influencing or Intimidating Judicial Process Contempt, criminal		Common law	Misd.	LIFE		Person	VII	
215-1	Influencing or Intimidating Judicial Process Retaliation for testimony related to felony violation of Title 5 offense or crime of violence	1-0357	CR, §9-303(c)(2)	Felony	20Y		Person	III	
215-2	Influencing or Intimidating Judicial Process Intimidating or corrupting jurors in connection with a Title 5 offense or crime of violence	1-0359 1-0363	CR, §9-305(c)(2)	Felony	20Y		Person	III	
216	Interference with or Misuse of Government Operations Malfeasance, misconduct in office		Common law	Misd.	LIFE		Person Drug Property	V	
217	Interference with or Misuse of Government Operations False alarms, fire ambulance or rescue squad calls	1-0208 1-5308	CR, §9-604(a)	Misd.	5Y		Property	V	\$5,000
218	Interference with or Misuse of Government Operations Hinder police officer	1-0043	Common law	Misd.	LIFE		Person	VI	
219	Interference with or Misuse of Government Operations Interference, obstruction or false representation of fire or emergency services personnel	1-0165 2-0249 4-5397 4-5398 4-5399	PS, §6-602 PS, §7-402	Misd.	3Y		Person	VII	
220	Kidnapping and Related Crimes Child younger than 16 years old	4-1005	CR, §3-503(a)(2)	Felony	30Y ♦		Person	II	
221	Kidnapping and Related Crimes Kidnapping—generally	3-1005	CR, §3-502(a)	Felony	30Y ♦		Person	II	
222	Kidnapping and Related Crimes False imprisonment by inmate	3-5730	CS, §8-801(b)	Felony	30Y		Person	II	
223	Kidnapping and Related Crimes Abduction—child younger than 12 years old	1-1005 1-0163	CR, §3-503(a)(1)	Felony	20Y ♦		Person	III	
224	Kidnapping and Related Crimes False imprisonment	1-0042	Common law	Misd.	LIFE		Person	V	
225	Kidnapping and Related Crimes Abduction—child younger than 16 years old by relative in State	1-0364 1-0365 1-0366 2-1005	FL, §9-304 FL, §9-307(a) (penalty)	Misd.	30D		Person	VII	\$250

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
226	Kidnapping and Related Crimes Abduction—child younger than 16 years old by relative outside State 30 days or less	1-0736 1-0737 1-0738 1-0739	FL, §9-305(a) FL, §9-307(b) (penalty)	Felony	1Y		Person	VII	\$1,000
227	Kidnapping and Related Crimes Abduction—child younger than 16 years old by relative outside State more than 30 days	1-0746 1-0747 1-0748 1-0749	FL, §9-305(a) FL, §9-307(c) (penalty)	Felony	3Y		Person	VI	\$2,500
227-1	Kidnapping and Related Crimes Abduction—International parental kidnapping		FL, §9-305(b) FL, §9-307(d) (penalty)	Felony	5Y		Person	V	\$5,000
228	Lotteries Lottery offenses, subsequent	1-0286 1-0287 1-3915 2-3918 4-3921 5-3921	CR, §12-210	Misd.	5Y		Property	VI	\$5,000
229	Lotteries Lotteries—hold lottery or sell lottery device	2-3925 2-3930	CR, §12-203	Misd.	12M	3M	Property	VII	\$200- \$1,000
230	Lotteries Lotteries—importing lottery device or possession of lottery records or money	1-0286 1-0287 2-3918	CR, §12-205	Misd.	1Y		Property	VII	\$1,000
231	Lotteries Lotteries—keep place for selling lottery device or allow property to be used for selling lottery device	4-3921 5-3921	CR, §12-204	Misd.	1Y		Property	VII	\$1,000
234	Machine Guns Weapons—possession or use of a machine gun in commission of a crime of violence	2-5299	CR, §4-404	Felony	20Y		Person	III	
235	Machine Guns Possess, use a machine gun for an aggressive purpose	1-1314	CR, §4-405	Misd.	10Y		Person	IV	
236	Malicious Destruction and Related Crimes Throwing missiles into occupied vehicle or instrumentality of public transportation	1-2903	CR, §6-302(a)	Misd.	1Y		Person	VII	\$500
237	Malicious Destruction and Related Crimes Destruction of property, less than \$500	3-4025	CR, §6-301(c)	Misd.	60D		Property	VII	\$500
238	Malicious Destruction and Related Crimes Destruction of property, \$500 or greater	3-4030 3-4035	CR, §6-301(b)	Misd.	3Y		Property	VII	\$2,500
239	Malicious Destruction and Related Crimes Serial numbers, removing, etc.	1-0291 2-2800	CR, §6-306(a)	Misd.	18M		Property	VII	\$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
239 -1	Malicious Destruction and Related Crimes Sell or possess stolen serial number or vehicle identification plate, etc.	2-2810 2-2820	CR, §6-307	Misd.	18M		Property	VII	\$500
240	Manslaughter and Related Crimes Manslaughter—voluntary	1-0910	CR, §2-207	Felony	10Y ♦		Person	IV	\$500
241	Manslaughter and Related Crimes Manslaughter—involuntary	1-0910	Common law; CR, §2-207	Felony	10Y		Person	IV	\$500
242	Manslaughter and Related Crimes Manslaughter—by vehicle or vessel	1-0909	CR, §2-209	Felony	10Y		Person	IV	\$5,000
242-1	Manslaughter and Related Crimes Criminally negligent manslaughter by vehicle or vessel	1-1611	CR, §2-210	Misd.	3Y		Person	VII	\$5,000
243	Manslaughter and Related Crimes Negligent homicide by motor vehicle or vessel while under the influence of alcohol	1-0900	CR, §2-503	Felony	5Y		Person	V	\$5,000
244	Manslaughter and Related Crimes Negligent homicide by motor vehicle or vessel while impaired by alcohol, drugs, or CDS	1-0693 1-0755 1-0760	CR, §2-504 CR, §2-505 CR, §2-506	Felony	3Y		Person	VI	\$5,000
245	Marriage, Crimes Against Bigamy	1-3804	CR, §10-502(b)	Misd.	9Y		Person	VI	
245-1	Motor Vehicle Offense Driving while impaired by alcohol, 1 st offense		TR, §27-101(c)(23), TR, §21-902(b)	Misd.	2M		Person	VII	\$500
245-2	Motor Vehicle Offense Driving while impaired by alcohol, subsequent		TR, §27-101(f)(1)(ii) 2A, TR, §21-902(b)	Misd.	1Y		Person	VII	\$500
245-3	Motor Vehicle Offense Driving while impaired by alcohol, while transporting a minor, 1 st offense		TR, §27-101(q)(2)(i), TR, §21-902(b)	Misd.	6M		Person	VII	\$1,000
245-4	Motor Vehicle Offense Driving while impaired by alcohol, while transporting a minor, subsequent		TR, §27-101(q)(2)(ii), TR, §21-902(b)	Misd.	1Y		Person	VII	\$2,000
245-5	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, 1 st offense		TR, §27-101(c)(24), TR, §21-902(c)	Misd.	2M		Person	VII	\$500
245-6	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, subsequent		TR, §27-101(f)(1)(ii)2B, TR, §21-902(c)	Misd.	1Y		Person	VII	\$500
245-7	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 1 st offense		TR, §27-101(q)(2)(i), TR, §21-902(c)	Misd.	6M		Person	VII	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
245-8	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, while transporting a minor, subsequent		TR, §27-101(q)(2)(ii), TR, §21-902(c)	Misd.	1Y		Person	VII	\$2,000
245-9	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, 1 st offense		TR, §27-101(k)(1)(i), TR, §21-902(d)	Misd.	1Y		Person	VII	\$1,000
245-10	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, 2 nd offense		TR, §27-101(k)(1)(ii), TR, §21-902(d), TR, §27-101(j)(3)(i)	Misd.	2Y	within 5 years of prior conviction —MM 5 days	Person	VI	\$2,000
245-11	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, 3 rd or subsequent offense		TR, §27-101(k)(1)(iii), TR, §21-902(d), TR, §27-101(j)(3)(ii)	Misd.	3Y	within 5 years of prior conviction —MM 10 days	Person	V	\$3,000
245-12	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, while transporting a minor, 1 st offense		TR, §27-101(q)(1)(i), TR, §21-902(d)	Misd.	2Y		Person	VI	\$2,000
245-13	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, while transporting a minor, 2 nd offense		TR, §27-101(q)(1)(ii), TR, §21-902(d), TR, §27-101(j)(3)(i)	Misd.	3Y	within 5 years of prior conviction —MM 5 days	Person	V	\$3,000
245-14	Motor Vehicle Offense Driving while impaired by controlled dangerous substance, while transporting a minor, 3 rd or subsequent offense		TR, §27-101(q)(1)(iii), TR, §21-902(d), TR, §27-101(j)(3)(ii)	Misd.	4Y	within 5 years of prior conviction —MM 10 days	Person	V	\$4,000
245-15	Motor Vehicle Offense Driving while under the influence of alcohol, 1 st offense		TR, §27-101(k)(1)(i), TR, §21-902(a)	Misd.	1Y		Person	VII	\$1,000
245-16	Motor Vehicle Offense Driving while under the influence of alcohol, 2 nd offense		TR, §27-101(k)(1)(ii), TR, §21-902(a), TR, §27-101(j)(2)(i)	Misd.	2Y	Within 5 years of prior conviction —MM 5 days	Person	VI	\$2,000
245-17	Motor Vehicle Offense Driving while under the influence of alcohol, 3 rd or subsequent offense		TR, §27-101(k)(1)(iii), TR, §21-902(a), TR, §27-101(j)(2)(ii)	Misd.	3Y	Within 5 years of prior conviction —MM 10 days	Person	V	\$3,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
245-18	Motor Vehicle Offense Driving while under the influence of alcohol, while transporting a minor, 1 st offense		TR, §27-101(q)(1)(i), TR, §21-902(a)	Misd.	2Y		Person	VI	\$2,000
245-19	Motor Vehicle Offense Driving while under the influence of alcohol, while transporting a minor, 2 nd offense		TR, §27-101(q)(1)(ii), TR, §21-902(a), TR, §27-101(j)(2)(i)	Misd.	3Y	Within 5 years of prior conviction —MM 5 days	Person	V	\$3,000
245-20	Motor Vehicle Offense Driving while under the influence of alcohol, while transporting a minor, 3 rd or subsequent offense		TR, §27-101(q)(1)(iii), TR, §21-902(a), TR, §27-101(j)(2)(ii)	Misd.	4Y	Within 5 years of prior conviction —MM 10 days	Person	V	\$4,000
246	Motor Vehicle Offense Fleeing or eluding police, 1 st offense		TR, §27-101(p)(1)(i), TR, §21-904	Misd.	1Y		Person	VII	\$1,000
247	Motor Vehicle Offense Fleeing or eluding police, subsequent		TR, §27-101(p)(1)(ii), TR, §21-904	Misd.	2Y		Person	VI	\$1,000
248	Motor Vehicle Offense Fleeing or eluding police that results in bodily injury to another person		TR, §27-101(p)(2) TR, §21-904(d)(1)	Misd.	3Y		Person	V	\$5,000
249	Motor Vehicle Offense Fleeing or eluding police that results in death of another person		TR, §27-101(p)(3) TR, §21-904(d)(2)	Misd.	10Y		Person	IV	\$5,000
250	Motor Vehicle Offense Fleeing or eluding police attempting to apprehend driver for commission of crime of violence		TR, §27-101(p)(4) TR, §21-904(e)	Misd.	3Y		Person	V	\$5,000
251	Motor Vehicle Offense Driver failing to remain at scene of accident that results in bodily injury to another person		TR, §27-101(o)(1) TR, §20-102(a)	Misd.	1Y		Person	VII	\$3,000
252	Motor Vehicle Offense Driver failing to remain at scene of accident that results in death of another person		TR, §27-101(o)(2) TR, §20-102(b)	Misd.	5Y		Person	V	\$5,000
253	Motor Vehicle Offense Driver failing to remain at scene of accident with knowledge of serious bodily injury to another person		TR, §27-113(b) TR, §20-102	Felony	5Y		Person	V	\$5,000
254	Motor Vehicle Offense Driver failing to remain at scene of accident with knowledge of death of another person		TR, §27-113(c) TR, §20-102	Felony	10Y		Person	IV	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
254-1	Motor Vehicle Offense Commit or engage another to commit a violation of motor vehicle law for the purpose of recording the violation without permission		TR, §27-101(z) TR, §21-1126	Misd.	1Y		Person	VII	\$1,000
255	Motor Vehicle Offense Violation of ignition interlock system participation requirements, 1 st offense		TR, §27-101(h)(1) TR, §16-113(k)	Misd.	1Y		Property	VII	\$1,000
256	Motor Vehicle Offense Violation of ignition interlock system participation requirements, subsequent		TR, §27-101(h)(2) TR, §16-113(k)	Misd.	2Y		Property	VI	\$1,000
257	Motor Vehicle Offense Driving without having been issued a license, subsequent		TR, §27-101(y)(2) TR, §16-101	Misd.	1Y		Property	VII	\$500
258	Motor Vehicle Offense Driving while license is refused, canceled, suspended, or revoked, 1 st offense		TR, §27-101(h)(1) TR, §16-303(a)-(g)	Misd.	1Y		Property	VII	\$1,000
258-1	Motor Vehicle Offense Driving while license is refused, canceled, suspended, or revoked, subsequent		TR, §27-101(h)(2) TR, §16-303(a)—(g)	Misd.	2Y		Property	VI	\$1,000
259	Motor Vehicle Offense Driving commercial motor vehicle while license is refused, canceled, suspended, or revoked		TR, §27-101(s)(1) TR, §16-808(a)	Misd.	5Y		Property	VI	\$10,000
260	Motor Vehicle Offense Driver of commercial vehicle not in possession of license, 1 st offense		TR, §27-101 (s)(2)(i) TR, §16-808(c)	Misd.	6M		Property	VII	\$1,000
261	Motor Vehicle Offense Driver of commercial vehicle not in possession of license, 2 nd offense		TR, §27-101 (s)(2)(ii) TR, §16-808(c)	Misd.	1Y		Property	VII	\$2,000
262	Motor Vehicle Offense Driver of commercial vehicle not in possession of license, 3 rd or subsequent offense		TR, §27-101 (s)(2)(iii) TR, §16-808(c)	Misd.	2Y		Property	VI	\$3,000
263	Motor Vehicle Offense Obtaining commercial driver's license by misrepresentation		TR, §27-101(s)(3) TR, §16-813.1	Misd.	5Y		Property	VI	\$10,000
264	Motor Vehicle Offense Providing false evidence of required security, 1 st offense		TR, §27-101(h)(1) TR, §17-110	Misd.	1Y		Property	VII	\$1,000
265	Motor Vehicle Offense Providing false evidence of required security, subsequent		TR, §27-101(h)(2) TR, §17-110	Misd.	2Y		Property	VI	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
266	Motor Vehicle Offense Drive vehicle or permit another to drive vehicle knowing that vehicle is not covered by the required security, 1 st offense		TR, §27-101(h)(1) TR, §17-107	Misd.	1Y		Property	VII	\$1,000
267	Motor Vehicle Offense Drive vehicle or permit another to drive vehicle knowing that vehicle is not covered by the required security, subsequent		TR, §27-101(h)(2) TR, §17-107	Misd.	2Y		Property	VI	\$1,000
268	Motor Vehicle Offense Possession of motor vehicle master key		TR, §27-101(f)(1)(i) TR, §14-103	Misd.	1Y		Property	VII	\$500
268-1	Motor Vehicle Offense Conduct the business of a vehicle dealer without a license		TR, § 27-101(v) TR, §15-302	Misd.	1Y		Property	VII	\$5,000
268-2	Motor Vehicle Offense Conduct the business of an automotive dismantler and recycler or a scrap processor without a license, subsequent		TR, § 27-101(i)(2) TR, §15-502(a)	Misd.	1Y		Property	VII	\$2,000
268-3	Motor Vehicle Offense Act as a vehicle salesman without a license, subsequent		TR, § 27-101(i)(2) TR, §15-402	Misd.	1Y		Property	VII	\$2,000
268-4	Motor Vehicle Offense Transportation of hazardous materials, subsequent		TR, §27-101(e)(2) TR, §21-1411	Misd.	1Y		Property	VII	\$2,000
276	Murder 1 st degree generally	2-0900	CR, §2-201	Felony	LIFE ♦	LIFE	Person	I	
277	Murder 1 st degree during rape, etc.	2-0900	Common law; CR, §2-201	Felony	LIFE ♦	LIFE	Person	I	
278	Murder 1 st degree perpetration of arson	2-0900	Common law; CR, §2-201	Felony	LIFE ♦	LIFE	Person	I	
279	Murder 1 st degree burning barn, tobacco house, etc.	2-0900	Common law; CR, §2-201	Felony	LIFE ♦	LIFE	Person	I	
280	Murder 1 st degree, attempted	2-0910	CR, §2-205	Felony	LIFE ♦		Person	II	
280-1	Murder 1 st degree, conspiracy		Common law	Misd.	LIFE		Person	I	
281	Murder 1 st degree, solicitation		Common law	Misd.	LIFE		Person	II	
282	Murder 2 nd degree	1-0999	CR, §2-204	Felony	30Y ♦		Person	II	
283	Murder 2 nd degree, attempted	2-0920	CR, §2-206	Felony	30Y ♦		Person	III	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
284	Nudity and Related Sexual Displays Indecent exposure	1-3605	Common law; CR, §11-107	Misd.	3Y		Person	VI	\$1,000
284-1	Nudity and Related Sexual Displays Indecent exposure of an inmate to correctional officer	2-1133	CS, § 8-803	Misd.	3Y		Person	VI	\$1,000
285	Obscene Matter Child pornography, 1 st offense	1-0298 1-0299 1-0300 1-0315 2-3799	CR, §11-207(b)(1)	Felony	10Y		Person	IV	\$25,000
286	Obscene Matter Child pornography-subsequent	1-0298 1-0299 1-0300 1-0315 2-3799	CR, §11-207(b)(2)	Felony	20Y		Person	III	\$50,000
287	Obscene Matter Sending or bringing into State for sale or distribution, publishing, etc., subsequent	1-3705 1-0294 1-0295 1-0296	CR, §11-202(b)(2)	Misd.	3Y		Person	VI	\$5,000
288	Obscene Matter Obscene performances in Anne Arundel, Charles, Howard, Somerset, Wicomico, Worcester counties, subsequent		CR, §11-204(c)(2)	Misd.	3Y		Person	VI	\$5,000
289	Obscene Matter Sale or display of certain items to persons younger than 18 years old, subsequent	1-3799 1-0297	CR, §11-203(d)(2)	Misd.	3Y		Person	VI	\$5,000
290	Obscene Matter Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, subsequent		CR, §11-208(b)(2)	Felony	10Y		Person	IV	\$10,000
291	Obscene Matter 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.	3Y		Person	VI	\$5,000
292	Obscene Matter Hire minor to distribute obscene material	3-3799	CR, §11-209(a)	Misd.	1Y		Person	VII	\$1,000
293	Obscene Matter Sending or bringing into State for sale or distribution, publishing, etc., 1 st offense	1-3705 1-0294 1-0295 1-0296	CR, §11-202(b)(1)	Misd.	1Y		Person	VII	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
294	Obscene Matter Obscene performances in Anne Arundel, Charles, Howard, Somerset, Wicomico, Worcester counties, 1 st offense		CR, §11-204(c)(1)	Misd.	1Y		Person	VII	\$1,000
295	Obscene Matter Sale or display of certain items to persons younger than 18 years old, 1 st offense	1-3799 1-0297	CR, §11-202(d)(1)	Misd.	1Y		Person	VII	\$1,000
296	Obscene Matter Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, 1 st offense	1-1776	CR, §11-208(b)(1)	Misd.	5Y		Person	V	\$2,500
297	Obscene Matter Requiring acceptance of obscene matter as condition to sale, etc.; denial of franchise, etc., for failure to accept obscene matter, 1 st offense		CR, §11-206(b)(1)	Misd.	1Y		Person	VII	\$1,000
298	Obscene Matter Obscene advertising, 1 st offense		CR, §11-205(b)(1)	Misd.	1Y		Property	VII	\$1,000
299	Obscene Matter Obscene advertising, subsequent		CR, §11-205(b)(2)	Misd.	3Y		Property	VII	\$5,000
300	Perjury Perjury—subornation of perjury	1-5004	CR, §9-102(a)	Misd.	10Y		Person	IV	
301	Perjury Perjury-willfully filing false income tax returns-perjury		TG, §13-1002(b)	Misd.	10Y		Property	IV	
302	Perjury Perjury	1-0307 1-0308 1-0309 1-0310 1-5003	CR, §9-101(a)	Misd.	10Y		Property	IV	
303	Perjury Affirmation of two contradictory statements	2-5003	CR, §9-101(c)	Misd.	10Y		Property	IV	
304	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, 1 st offense	1-0272 1-0273 1-0735 1-3500	CR, §5-709	Misd.	18M		Drug	VII	\$1,000
304-1	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, subsequent	1-0272 1-0273 1-0735 1-3500	CR, §5-709	Misd.	18M		Drug	V	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
305	Prescription Drugs and Other Substances Harmful substances—smelling or inhaling harmful substances	1-5599	CR, §5-708(b)	Misd.	6M		Drug	VII	\$500
306	Prescription Drugs and Other Substances Possession—compounding or selling different drug, controlled dangerous substance, medicine, etc.	1-0018	CR, §5-702	Misd.	12M	1M	Drug	VII	\$100-\$500
307	Prescription Drugs and Other Substances Possession—prescription drugs—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.	2Y		Drug	VII	\$1,000
308-1	Prostitution and Related Crimes Abduction—Persuade, entice, secrete, or harbor individual younger than 16 years old for prostitution	1-1091 1-1092	CR, §11-305(a)	Misd.	10Y ♦		Person	III	\$5,000
309-1	Prostitution and Related Crimes Prostitution, etc.—Human trafficking, take, harbor, or unlawfully detain another for prostitution	1-1080 1-1081 1-1082 1-1083	CR, §11-303(c)(1)	Misd.	10Y		Person	III	\$5,000
310	Prostitution and Related Crimes Prostitution, etc.—Human trafficking, take, harbor, or unlawfully detain a minor for prostitution	1-0786 1-0787 1-0788 1-0789	CR, §11-303(c)(2)	Felony	25Y		Person	II	\$15,000
313-1	Prostitution and Related Crimes Prostitution, etc.—Receive money for prostitution	1-1090	CR, §11-304(a)	Misd.	10Y		Person	IV	\$10,000
317-1	Prostitution and Related Crimes Prostitution, etc.—General assignation and solicitation	1-1093	CR, §11-306(a)	Misd.	1Y		Person	VII	\$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
318	Public Fraud State Health Plan Fraud, Resulting in Death: Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc. of a facility, etc., to help such facility qualify to receive reimbursement under State Health Plan; Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds; Possession of a medical or pharmacy assistance card without authorization	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 CR, §8-516	Felony	LIFE		Person	II	\$200,000
319	Public Fraud State Health Plan Fraud, Resulting in Serious Injury Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc., of a facility, etc., to help such facility qualify to receive reimbursement under State Health Plan; Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds; Possession of a medical or pharmacy assistance card without authorization	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 CR, §8-516	Felony	20Y		Person	III	\$100,000
320	Public Fraud Perjury—Public Assistance fraud in application	2-2607	CR, §8-504(b), CR, §9-101(penalty)	Misd.	10Y		Property	IV	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
321	Public Fraud 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		SF, §2-305(b)	Felony	10Y		Property	V	\$5,000
322	Public Fraud Violation of Architectural and Engineering Services subtitle		SF, §13-322	Felony	10Y		Property	V	\$20,000
322-1	Public Fraud State Health Plan Fraud, less than \$500: Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc., of a facility, etc., to help the facility qualify to receive reimbursement under State Health Plan; Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds; Possession of a medical or pharmacy assistance card without authorization	2-2110 2-2150 2-2190 2-2350 2-2975 2-2865 2-2910 2-4110 2-2955	CR, §8-509 CR, §8-511 CR, §8-512 CR, §8-513 CR, §8-514 CR, §8-515 CR, §8-516	Misd.	3Y		Property	VII	\$50,000
323	Public Fraud State Health Plan Fraud, \$500 or greater: Defraud State Health Plan; Obtain State Health Plan benefits by false representation; Defraud State Health Plan of the right to honest services; Defraud State Health Plan by false representation; Solicit, offer, make, etc., kickback, bribe in connection with State Health Plan services, etc.; Solicit, offer, make, etc., a rebate of a fee, charge, etc., in connection with State Health Plan referral; Induce false representation with respect to conditions, etc., of a facility, etc., to help such facility qualify to receive reimbursement under State Health Plan; Fraudulently obtain or aid in obtaining a drug product/medical care using State Health Plan funds;	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 CR, §8-516	Felony	5Y		Property	V	\$100,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
	Possession of a medical or pharmacy assistance card without authorization								
324	Public Fraud Falsification, concealment, etc., of material facts in connection with a procurement contract		SF, §11-205.1(c)	Felony	5Y		Property	VI	\$20,000
325	Public Fraud Minority Business Participation- 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		SF, §14-308(a)(2)	Felony	5Y		Property	VI	\$20,000
326	Public Fraud Sale or purchase of food stamp benefits; or sale or purchase of merchandise with food stamp benefits, greater than \$1,000		88A, §89(c)(1)	Felony	5Y		Property	VI	\$10,000
327	Public Fraud Fraud—Public Assistance fraud, generally (with the exception of Medicaid fraud)	7-2607	CR, §8-503(b)	Misd.	3Y		Property	VII	\$1,000
328	Public Fraud Fraud—Falsely obtain legal representation by the Office of the Public Defender	6-2607	CR, §8-521(b)	Misd.	1Y		Property	VII	\$1,000
328-1	Public Fraud Fraud—Housing assistance fraud; Making false statements	1-0419	CR, §8-523(b)	Misd.	3Y		Property	VII	
329	Public Fraud Sale or purchase of food stamp benefits; or sale or purchase of merchandise with food stamp benefits, less than \$1,000		88A, §89(c)(2)	Misd.	3Y		Property	VII	\$1,000
330	Public Fraud Request or obtain info on HIV and/or AIDS under false pretenses or deception		HG, §18-215(f)(1)(i)	Misd.	5Y		Property	V	\$100,000
330-1	Public Fraud Request or obtain info on HIV and/or AIDS under false pretenses or deception with intent to sell		HG, §18-215(f)(1)(ii)	Misd.	10Y		Property	IV	\$250,000
331	Public Health and Safety, Crimes Against Endangering others	2-0015	EN, §7-265 (d)	Felony	15Y		Person	II	\$250,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
332	Public Health and Safety, Crimes Against Hazardous substances-storing, treating, dumping, etc., in other than hazardous substance facility; transporting for treatment, storage, etc. to any place other than hazardous substance 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	5Y		Person	V	\$100,000
333	Public Health and Safety, Crimes Against 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	1-0645 1-0646	CR, §10-110(f)(2)(iii)	Misd.	5Y		Property	VI	\$30,000
334	Public Health and Safety, Crimes Against Hazardous Substance-failure to meet requirement for generators; failure to meet standards for hauler certificate or driver certificate; violations of restrictions on transporting controlled hazardous substances		EN, §7-265(b)	Misd.	3Y		Person	VII	\$50,000
335	Public Health and Safety, Crimes Against Pollutants—dispersing into State waters, 1 st offense		EN, §9-322	Misd.	1Y		Property	VII	\$25,000
336	Public Health and Safety, Crimes Against Pollutants—dispersing into State waters, subsequent		EN, §9-322	Misd.	2Y		Property	VII	\$50,000
337	Public Health and Safety, Crimes Against Pollutants—dispersing into State waters, falsification		EN, §9-343(b)	Misd.	6M		Property	VII	\$10,000
338	Public Health and Safety, Crimes Against Unlawfully cause or unlawfully dump, deposit, throw, etc., litter, greater than 100 lbs. in weight or 27 cubic feet in volume	1-0643 1-0644	CR, §10-110(f)(2)(ii)	Misd.	1Y		Property	VII	\$10,000
338-1	Public Health and Safety, Crimes Against Falsifying permits, licenses, etc., to demonstrate compliance with environmental regulatory requirements		EN, §1-302	Misd.	2Y		Property	VII	\$50,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
338-2	Public Health and Safety, Crimes Against Conducting or attempting to conduct human cloning, etc., 1 st offense		83A, §5-2B-12	Misd.	3Y		Person	V	\$50,000
338-3	Public Health and Safety, Crimes Against Conducting or attempting to conduct human cloning, etc., subsequent		83A, §5-2B-13	Felony	10Y		Person	IV	\$200,000
339	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	10Y		Property	V	\$5,000
340	Railroads, Crimes Involving Shoot at, throw at a railroad locomotive, motor, tender, car	3-5312	CR, §6-505(b)	Misd.	5Y		Property	VI	\$1,000
341	Robbery Carjacking—armed	1-0826	CR, §3-405(c)	Felony	30Y ♦		Person	II	
342	Robbery Carjacking—unarmed	1-0825	CR, §3-405(b)	Felony	30Y ♦		Person	III	
343	Robbery Robbery	2-0700	CR, §3-402	Felony	15Y ♦		Person	IV	
344	Robbery Robbery with a dangerous weapon	2-0705	CR, §3-403(a)(1)	Felony	20Y ♦		Person	III	
345	Robbery Robbery by display of written instrument claiming possession of dangerous weapon	2-0705	CR, §3-403(a)(2)	Felony	20Y ♦		Person	III	
345-1	Sabotage and Related Crimes Defense related activities—Intentional defective workmanship		CR, §9-703	Felony	10Y		Property	IV	\$10,000
345-2	Sabotage and Related Crimes Defense related activities—Intentional injury or interference with property		CR, §9-702	Felony	10Y		Property	IV	\$10,000
348	Sexual Crimes Rape, 1 st degree	1-1102	CR, §3-303(d)(1)	Felony	LIFE ♦		Person	I	
348-1	Sexual Crimes Rape, 1 st degree, in conjunction with kidnapping child younger than 16 years old	1-1102	CR, §3-303(d)(2)	Felony	LIFE without Parole ♦		Person	I	
348-2	Sexual Crimes Rape, 1 st degree, subsequent	1-1102	CR, §3-303(d)(3)	Felony	LIFE without Parole ♦		Person	I	
348-3	Sexual Crimes Rape, 1 st degree, adult offender with victim younger than 13 years old	1-1102	CR, §3-303(d)(4)	Felony	LIFE without Parole ♦	MM*=25Y	Person	I	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
349	Sexual Crimes Sex Offense, 1 st degree	2-1102	CR, §3-305(d)(1)	Felony	LIFE ♦		Person	I	
349-1	Sexual Crimes Sex Offense, 1 st degree, in conjunction with kidnapping child younger than 16 years old	2-1102	CR, §3-305(d)(2)	Felony	LIFE without Parole ♦		Person	I	
349-2	Sexual Crimes Sex Offense, 1 st degree, subsequent	2-1102	CR, §3-305(d)(3)	Felony	LIFE without Parole ♦		Person	I	
349-3	Sexual Crimes Sex Offense, 1 st degree, adult offender with victim younger than 13 years old	2-1102	CR, §3-305(d)(4)	Felony	LIFE without Parole ♦	MM*=25Y	Person	I	
350	Sexual Crimes Attempted rape, 1 st degree	2-1120	CR, §3-309(a)	Felony	LIFE ♦		Person	II	
351	Sexual Crimes Attempted sexual offense, 1 st degree	2-1125	CR, §3-311(a)	Felony	LIFE ♦		Person	II	
352	Sexual Crimes Rape, 2 nd degree	2-1103	CR, §3-304(c)(1)	Felony	20Y ♦		Person	II	
352-1	Sexual Crimes Rape, 2 nd degree, adult offender with victim younger than 13 years old	2-1103	CR, §3-304(c)(2)	Felony	LIFE ♦	MM*=15Y	Person	II	
353	Sexual Crimes Sex Offense, 2 nd degree	2-3600	CR, §3-306(c)(1)	Felony	20Y ♦		Person	II	
353-1	Sexual Crimes Sex Offense, 2 nd degree, adult offender with victim younger than 13 years old	2-3600	CR, §3-306(c)(2)	Felony	LIFE ♦	MM*=15Y	Person	II	
354	Sexual Crimes Attempted rape, 2 nd degree	2-1110	CR, §3-310(a)	Felony	20Y ♦		Person	III	
355	Sexual Crimes Attempted sexual offense, 2 nd degree	2-1115	CR, §3-312(a)	Felony	20Y ♦		Person	III	
356	Sexual Crimes Incest	1-3604	CR, §3-323	Felony	10Y	1Y	Person	IV	
356-1	Sexual Crimes Sex Offense, 3 rd degree (a)(1) employ or display a dangerous weapon, etc.; (a) (2) with mentally defective, mentally incapacitated, or physically helpless individual	3-3600	CR, §3-307(a)(1) CR, §3-307(a)(2)	Felony	10Y		Person	IV	
357	Sexual Crimes Sex Offense, 3 rd degree (a)(3), (a)(4), (a)(5) —age based elements	3-3600	CR, §3-307(a)(3) CR, §3-307(a)(4) CR, §3-307(a)(5)	Felony	10Y		Person	V	
358	Sexual Crimes Sexual contact with inmates in correctional and juvenile facilities	2-1130 2-1132	CR, §3-314	Misd.	3Y		Person	V	\$3,000
359	Sexual Crimes Sodomy	5-3600	CR, §3-321	Felony	10Y		Person	IV	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
360	Sexual Crimes Solicit to commit 3 rd degree sex act		Common law	Misd.	LIFE		Person	V	
360-1	Sexual Crimes Sexual Solicitation of a minor or law enforcement officer posing as a minor	1-1604	CR, §3-324	Felony	10Y		Person	IV	\$25,000
361	Sexual Crimes Sex Offender—failing to register and/or providing false information, 1 st offense	1-1477 2-1134	CP, §11-721(b)(1)	Misd.	3Y		Person	VI	\$5,000
361-1	Sexual Crimes Sex Offender-failing to register and/or providing false information, subsequent		CP, §11-721(b)(2)	Felony	5Y		Person	V	\$10,000
361-2	Sexual Crimes Sex Offender—violation of restriction barring sex offenders from specified locations where children gather	1-1478	CP, §11-722(d)	Misd.	5Y		Person	V	\$5,000
361-3	Sexual Crimes Willfully and knowingly violating conditions of lifetime sexual offender supervision, 1 st offense	1-0713	CP, §11-724(b)(1)	Misd.	5Y		Person	V	\$5,000
361-4	Sexual Crimes Willfully and knowingly violating conditions of lifetime sexual offender supervision, subsequent	1-0713	CP, §11-724(b)(2)	Felony	10Y		Person	IV	\$10,000
362	Sexual Crimes Perverted sexual practices	6-3600	CR, §3-322	Misd.	10Y		Person	VI	\$1,000
363	Sexual Crimes Sex Offense, 4 th degree	4-3600	CR, §3-308(d)(1)	Misd.	1Y		Person	VII	\$1,000
363-1	Sexual Crimes Continuing course of conduct which includes 3 or more acts involving 1 st , 2 nd , or 3 rd degree sex offense or 1 st or 2 nd degree rape over a period of 90 days or more, with a victim younger than 14 years old	2-1136	CR, §3-315	Felony	30Y ♦		Person	II	
363-2	Sexual Crimes Sex Offense, 4 th degree, subsequent	4-3600	CR, §3-308(d)(2)	Misd.	3Y		Person	VI	\$1,000
364	Sexual Crimes Administered controlled dangerous substance before committing sex offense	2-0715	CR, §5-624(b)	Misd.	1Y		Person	VII	\$25,000
364-1	Stalking and Harassment Stalking	1-6525	CR, §3-802	Misd.	5Y		Person	V	\$5,000
365	Stalking and Harassment Harassment, 1 st offense	1-0191 1-5406	CR, §3-803(c)(1)	Misd.	90D		Person	VII	\$500
365-1	Stalking and Harassment Harassment, subsequent	1-0191 1-5406	CR, §3-803(c)(2)	Misd.	6M		Person	VII	\$1,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
365-2	Statewide DNA Data Base System, Crimes Involving Improper disclosure of DNA information to a person/agency not entitled to receive the information		PS, §2-512 (a), (e)	Felony	5Y		Property	V	\$5,000
365-3	Statewide DNA Data Base System, Crimes Involving Fraudulent obtainment of DNA information from the Statewide DNA data base/repository		PS, §2-512 (b), (e)	Felony	5Y		Property	V	\$5,000
365-4	Statewide DNA Data Base System, Crimes Involving Willfully testing DNA for information not related to identification of individuals		PS, §2-512 (c), (e)	Felony	5Y		Property	V	\$5,000
366	Surveillance and Other Crimes Against Privacy Breaking and entering, etc. to place or remove wiretapping or electronic surveillance or eavesdropping equipment without a court order		CJ, §10-412	Felony	10Y		Property	IV	
366-1	Surveillance and Other Crimes Against Privacy Visual and camera surveillance, private place	3-5715 1-1759	CR, §3-902 CR, §3-903	Misd.	1Y		Person	VII	\$2,500
367	Surveillance and Other Crimes Against Privacy Wiretapping-breaking and entering, etc., to place, remove, or adjust equipment		CJ, §10-412	Felony	10Y		Property	V	
368	Surveillance and Other Crimes Against Privacy Wiretapping-unlawful interception of communications		CJ, §10-402(a)	Felony	5Y		Property	V	\$10,000
369	Surveillance and Other Crimes Against Privacy Divulging contents of communications		CJ, §10-402(e)	Misd.	5Y		Property	VI	\$10,000
370	Surveillance and Other Crimes Against Privacy Manufacture, possession, or sale of intercepting device		CJ, §10-403(a)	Felony	5Y		Property	VI	\$10,000
371	Surveillance and Other Crimes Against Privacy Giving notice of interception of wire, oral, or electronic communications in order to obstruct, impede or prevent such interception		CJ, §10-414(b)	Felony	5Y		Property	VI	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
373	Telecommunications and Electronics, Crimes Involving Motion Picture Theaters—prohibition against audiovisual recording	1-0336	CR, §7-308(e) CR, §7-309	Misd.	1Y		Property	VII	\$2,500
373-1	Telecommunications and Electronics, Crimes Involving Motion Picture Theaters—prohibition against audiovisual recording, subsequent		CR, §7-308(e) CR, §7-309	Misd.	3Y		Property	VI	\$10,000
373-2	Telecommunications and Electronics, Crimes Involving Unlawfully access, attempt to access, cause access to, etc., a computer, computer network, etc.	1-2804	CR, §7-302(d)(1)	Misd.	3Y		Property	VI	\$1,000
374	Telecommunications and Electronics, Crimes Involving Unlawfully access, attempt to access, cause access to, etc., 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 1-0614	CR, §7-302(d)(2)(ii)	Misd.	5Y		Property	V	\$5,000
375	Telecommunications and Electronics, Crimes Involving Unlawfully access, attempt to access, cause access to, etc., 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 1-0714	CR, §7-302(d)(2)(i)	Felony	10Y		Property	IV	\$10,000
376	Telecommunications and Electronics, Crimes Involving Unauthorized computer access for sabotage of State government, public utilities, or other energy infrastructure, less than \$50,000	1-0638	CR, §7-302(d)(3)(ii)	Misd.	5Y		Property	V	\$25,000
376-1	Telecommunications and Electronics, Crimes Involving Unauthorized computer access for sabotage of State government, public utilities, or other energy infrastructure, \$50,000 or greater	1-0639	CR, §7-302(d)(3)(i)	Felony	10Y		Property	IV	\$25,000
377	Telecommunications and Electronics, Crimes Involving Sending lewd, lascivious, and obscene material by electronic communication to harass	2-1135	CR, §3-805(b)	Misd.	1Y		Person	VII	\$500

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
378	Telecommunications and Electronics, Crimes Involving Record/sell, etc., unauthorized performance, 1 st offense	1-0330 1-0331 1-0332 3-2602	CR, §7-308 CR, §7-309	Misd.	1Y		Property	VII	\$2,500
379	Telecommunications and Electronics, Crimes Involving Record/sell, etc., unauthorized performance, subsequent	1-0330 1-0331 1-0332 3-2602	CR, §7-308 CR, §7-309	Misd.	3Y		Property	VII	\$10,000
380	Telecommunications and Electronics, Crimes Involving Telephone, unlawful use of	1-0340 1-0341 1-5309	CR, §3-804(a)	Misd.	3Y		Property	VII	\$500
381	Telecommunications and Electronics, Crimes Involving Unauthorized connections, etc.; tampering or interfering with meters, poles, wires, etc.	1-0215 1-0216 1-0217 1-2608	CR, §6-303(c)	Misd.	6M		Property	VII	\$500
381-1	Telecommunications and Electronics, Crimes Involving Obtaining, selling, etc., telephone record without authorization		CR, §7-304(d)(2)	Misd.	2Y		Property	VII	\$2,000
382	Telecommunications and Electronics, Crimes Involving Manufacture, sell, use, etc., a code grabbing device with the intent for the code to be used in the commission of a crime		CR, §7-301(b)	Misd.	1Y		Property	VII	\$1,000
382-1	Telecommunications and Electronics, Crimes Involving Electronic security system blockers	1-1472	CR, §7-301(c)	Misd.	1Y		Property	VII	\$1,000
383	Theft, Crimes Involving Felony theft or theft-scheme, \$100,000 or greater	1-0624 1-0634	CR, §7-104(g)(1)(iii)	Felony	25Y		Property	II	\$25,000
384	Theft, Crimes Involving Felony theft or theft scheme, at least \$10,000 but less than \$100,000	1-0623 1-0633	CR, §7-104(g)(1)(ii)	Felony	15Y		Property	IV	\$15,000
384-1	Theft, Crimes Involving Felony theft or theft scheme, at least \$1,000 but less than \$10,000	1-0622 1-0632	CR, §7-104(g)(1)(i)	Felony	10Y		Property	V	\$10,000
384-2	Theft, Crimes Involving Misdemeanor theft or theft scheme, less than \$1,000	1-0621 1-0631	CR, §7-104(g)(2)	Misd.	18M		Property	VII	\$500
384-3	Theft, Crimes Involving Misdemeanor theft or theft scheme, less than \$1,000, 3 rd and subsequent	1-0621 1-0631	CR, §7-104(g)(4)	Misd.	5Y		Property	VI	\$5,000
385	Theft, Crimes Involving Misdemeanor theft or theft scheme, less than \$100	1-0521	CR, §7-104(g)(3)	Misd.	90D		Property	VII	\$500
386	Theft, Crimes Involving Motor vehicle—unlawful taking	2-0480	CR, §7-105	Felony	5Y		Property	V	\$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
387	Theft, Crimes Involving Embezzlement, misappropriation by fiduciaries	1-0460 1-2799	CR, §7-113	Misd.	5Y	1Y	Property	V	
387-1	Theft, Crimes Involving Defalcation by officer collecting revenue due State or county		CR, §7-114	Misd.	5Y	1Y	Property	VI	
387-2	Trespass Trespass on posted property or private property, 1 st offense	2-2210 2-2220 2-2230	CR, §6-402(b)(1) CR, §6-403(c)(1)	Misd.	3M		Property	VII	\$500
387-3	Trespass Trespass on posted property or private property, 2 nd offense within 2 years after first violation		CR, §6-402(b)(2) CR, §6-403(c)(2)	Misd.	6M		Property	VII	\$1,000
387-4	Trespass Trespass on posted property or private property, 3 rd and subsequent offense within 2 years after preceding violation		CR, §6-402(b)(3) CR, §6-403(c)(3)	Misd.	1Y		Property	VII	\$2,500
388-1	Trespass Trespass on railroad vehicle		CR, §6-503(c)	Misd.	6M		Property	VII	
388-2	Unlawful Use of Goods Unauthorized removal of property	2-2411	CR, §7-203	Misd.	4Y	6M	Property	VI	\$50—\$100
388-3	Unlawful Use of Goods Fraud—abandoning or refusing to return leased motor vehicle	1-0220	CR, §7-205(a)	Misd.	1Y		Property	VII	\$500
389	Weapons Crimes—In General Possess, use, wear, carry, or transport a firearm in a drug offense, 1 st offense	1-0493 1-0487	CR, §5-621(c)	Felony	20Y	MM*=5Y	Person	III	
390	Weapons Crimes—In General Possess, use, wear, carry, or transport a firearm in a drug offense, subsequent	1-0493 1-0487	CR, §5-621(c)	Felony	20Y	MM*=10Y	Person	III	
391	Weapons Crimes—In General Possess, use, wear, carry, or transport a firearm in a drug offense, 1 st offense (select firearms)	1-0493 1-0487	CR, §5-621(d)	Felony	20Y	MM*= 5Y	Person	III	
392	Weapons Crimes—In General Possess, use, wear, carry, or transport a firearm in a drug offense, subsequent (select firearms)	1-0493 1-0487	CR, §5-621(d)	Felony	20Y	MM*=20Y	Person	III	
392-1	Weapons Crimes—In General Unlawful use of firearm in commission of felony or crime of violence, 1 st offense	1-5299	CR, §4-204(c)(1)	Misd.	20Y ♦	MM*=5Y	Person	III	
392-2	Weapons Crimes—In General Unlawful use of firearm in commission of felony or crime of violence, subsequent	1-5299	CR, §4-204(c)(2)	Misd.	20Y ♦	MM*=5Y	Person	II	

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
393	Weapons Crimes—In General Carrying or possessing firearm, knife, or deadly weapon on school property, other than handgun	1-5203	CR, §4-102(b) PS, §5-141	Misd.	3Y		Person	VI	\$1,000
394	Weapons Crimes—In General Wear or carry concealed dangerous weapon; concealed possession of pepper mace by a minor	1-5202	CR, §4-101(c)(1) CR, §4-101(d)(1)	Misd.	3Y		Person	VII	\$1,000
395	Weapons Crimes—In General Wear or carry dangerous weapon, mace, or tear gas device openly with intent to injure; openly wear or carry pepper mace by a minor	1-5200 2-5200	CR, §4-101(c)(2) CR, §4-101(d)(1)	Misd.	3Y		Person	VII	\$1,000
396	Weapons Crimes—In General Wear or carry dangerous weapon openly or concealed with deliberate intent to kill or injure	1-5202 1-5200 2-5200	CR, §4-101(d)(2)	Misd.	3Y	3Y	Person	VI	\$1,000
397	Weapons Crimes—In General Minor carrying dangerous weapon between 1 hour after sunset and 1 hour before sunrise, whether concealed or not (select counties)		CR, §4-101(c)(3)	Misd.	3Y		Person	VII	\$1,000
397-1	Weapons Crimes—In General Illegal possession of electronic control device (e.g., stun gun, taser) while committing a separate crime of violence	1-0596	CR, §4-109(e)(2)	Felony	3Y		Person	VI	\$5,000
398	Weapons Crimes—In General Possession of firearm at a demonstration in a public place	3-5299	CR, §4-208(b)	Misd.	1Y		Person	VII	\$1,000
399	Weapons Crimes—In General Unlawful possession of short-barreled rifle or shotgun	2-5212	PS, §5-203(a)	Misd.	5Y		Person	VI	\$5,000
400	Weapons Crimes—In General Possession of rifle or shotgun by someone suffering from a mental disorder	1-0439	PS, §5-205	Misd.	3Y		Person	VI	\$1,000
400-1	Weapons Crimes—In General Possession of rifle or shotgun after having been convicted of a crime of violence or select drug crimes	1-1610	PS, §5-206	Felony	15Y		Person	V	
401	Weapons Crimes—In General Possess, own, carry, or transport a firearm after conviction of a Title 5 (CDS) offense	1-0692	CR, §5-622(b)	Felony	5Y		Person	VI	\$10,000
402	Weapons Crimes—In General Possession of regulated firearm by restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)	1-1106	PS, §5-133(b) PS, §5-143 (penalty)	Misd.	5Y		Person	VI	\$10,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
403	Weapons Crimes—In General Possession of regulated firearm after having been convicted of a crime of violence or select drug crimes	1-1609	PS, §5-133(c)	Felony	15Y	MM*=5Y ¹	Person	V	
404	Weapons Crimes—In General Possession of regulated firearm by person younger than 21 years old	1-5285	PS, §5-133(d) PS, §5-143 (penalty)	Misd.	5Y		Person	VI	\$10,000
405	Weapons Crimes—In General Sell, rent, or transfer regulated firearm to restricted person (younger than 21 years old, convicted of a disqualifying crime, fugitive, habitual drunkard, etc.)	1-1105	PS, §5-134(b) PS, §5-143 (penalty)	Misd.	5Y		Person	VI	\$10,000
406	Weapons Crimes—In General Sell, rent, or transfer regulated firearm ammo to a person younger than 21 years old; or firearm other than regulated firearm, firearm ammo, mace, or another deadly weapon to a minor	1-5270 1-5280	PS, §5-134(d)(1)	Misd.	1Y		Person	VII	\$1,000
407	Weapons Crimes—In General Sell, rent, or transfer a regulated firearm before the expiration of 7 days-dealer	1-5230	PS, §5-123 PS, §5-143 (penalty)	Misd.	5Y		Person	VI	\$10,000
408	Weapons Crimes—In General Sell, rent, transfer, or purchase a regulated firearm before the expiration of 7 days-person	1-5240	PS, §5-124 PS, §5-143 (penalty)	Misd.	5Y		Person	VI	\$10,000
409	Weapons Crimes—In General Sell, rent, or transfer a regulated firearm to an applicant whose application is placed on hold	1-5250	PS, §5-125 PS, §5-143 (penalty)	Misd.	5Y		Person	VI	\$10,000
410	Weapons Crimes—In General Possess, sell, transfer, or otherwise dispose of stolen regulated firearm	1-2801	PS, §5-138 PS, §5-143 (penalty)	Misd.	5Y		Person	VI	\$10,000
411	Weapons Crimes—In General Transport regulated firearm into State for purpose of unlawfully selling or trafficking	1-5295	PS, §5-140	Misd.	10Y		Person	IV	\$25,000
412	Weapons Crimes—In General Straw purchase of regulated firearm	1-5220	PS, §5-136(b) PS, §5-143 (penalty)	Misd.	5Y		Person	V	\$10,000
413	Weapons Crimes—In General Straw purchase of regulated firearm for minor or person prohibited by law from possessing a regulated firearm	1-5290	PS, §5-141	Misd.	10Y		Person	IV	\$25,000
414	Weapons Crimes—In General Multiple purchase of regulated firearms in 30-day period	1-1104	PS, §5-128 PS, §5-129	Misd.	3Y		Person	VI	\$5,000

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
415	Weapons Crimes—In General Sell, rent, or transfer regulated firearms without license	2-5210	PS, §5-106 PS, §5-143 (penalty)	Misd.	5Y		Person	VI	\$10,000
415-1	Weapons Crimes—In General Illegal sale, rental, transfer, purchase, possession, or receipt of regulated firearm	1-0642	PS, §5-143	Misd.	5Y		Person	VI	\$10,000
416	Weapons Crimes—In General Give false information in application for firearm or dealer's license	1-5210	PS, §5-139	Misd.	3Y		Person	VI	\$5,000
417	Weapons Crimes—In General Sell, barter, display, or offer to sell or barter switchblade knife/shooting knife	1-5214	CR, §4-105(a)	Misd.	12M		Person	VII	\$50-\$500
418	Weapons Crimes—In General Disarm law officer	1-1460	CR, §4-103(b)	Felony	10Y		Person	IV	\$10,000
419	Weapons Crimes—In General Wear bulletproof armor in the commission of a crime of violence or a drug trafficking crime	1-1450	CR, §4-106	Misd.	5Y		Person	V	\$5,000
420	Weapons Crimes—In General Obliterate, remove, change, or alter manufacturer's identification mark or number on firearm	1-1612	PS, §5-142 PS, §5-143 (penalty)	Misd.	5Y		Person	VI	\$10,000

¹At the time of the offense, if more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction of a crime of violence or select drug crimes (including all imprisonment, mandatory supervision, probation, and parole), the imposition of the mandatory minimum sentence is within the discretion of the court.

MM* = Non-suspendable mandatory minimum penalty

♦ Defined as a violent crime in Correctional Services Article, §7-101, Annotated Code of Maryland. At the time of imposition of a sentence of incarceration for these offenses, Criminal Procedure Article, §6-217, Annotated Code of Maryland indicates the Court shall state in open court the minimum time the defendant must serve before becoming eligible for parole.

♦♦ Defined as a violent crime only under certain circumstances specified in Criminal Law Article, §14-101, Annotated Code of Maryland.

General Rules:

- (a) If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty of 1 year or less, the offense shall be assigned the lowest seriousness category (VII).
- (b) If a Maryland offense has not been assigned a seriousness category and the offense has a maximum penalty greater than 1 year, the individual completing the worksheet shall use the closest analogous offense and the sentencing judge and parties shall be notified.
- (c) For Prior Record calculations involving offenses in which the offender has been convicted in another jurisdiction, the individual completing the worksheet shall match the offense as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the individual completing the worksheet shall count the offense in the lowest seriousness category (VII), and shall inform the judge and parties.
- (d) Incidents in which the State is seeking the death penalty (i.e., CR, §2-303) are exclusions under the Maryland Sentencing Guidelines. There is no need to prepare a Guidelines Worksheet for these offenses.