

# Maryland State Commission on Criminal Sentencing Policy



## Guidelines Offenses with Seriousness Category Changes

Last Updated February 2022

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Abuse and Other Offensive Conduct <i>Child Abuse—physical, 1<sup>st</sup> degree</i>	CR, §3-601(b)(2)(i)	III	II	February 1, 2007
Abuse and Other Offensive Conduct <i>Child Abuse—physical, with death<sup>1</sup></i>	CR, §3-601(b)(2)(ii)	III	II	July 1, 2001
Abuse and Other Offensive Conduct <i>Child Abuse—physical, with death, victim younger than 13 years old<sup>1</sup></i>	CR, §3-601(b)(2)(iii)	II	I	October 1, 2017
Abuse and Other Offensive Conduct <i>Child Abuse—physical, with death, previous conviction for child abuse<sup>1</sup></i>	CR, §3-601(c)(2)	II	I	October 1, 2017
Abuse and Other Offensive Conduct <i>Child Abuse—sexual</i>	CR, §3-602(b)	III	II	February 1, 2007
		IV	III	March 28, 2005
Abuse and Other Offensive Conduct <i>Contributing to a child being delinquent or in need of supervision</i>	CJ, §3-8A-30	VII	VI	July 1, 2001
Animals, Crimes Against <i>Interfering with an equine</i>	CR, §10-620	VI	VII	November 2, 2020
Arson and Burning <i>Arson—threat of</i>	CR, §6-107(a)	IV	V	July 1, 2001
Arson and Burning <i>Burning property with intent to defraud</i>	CR, §6-106(a)	VII	VI	July 1, 2001
Assault and Other Bodily Wounding <i>Assault, 1<sup>st</sup> degree</i>	CR, §3-202	II	III	July 1, 2001
Assault and Other Bodily Wounding <i>Assault, 2<sup>nd</sup> degree</i>	CR, §3-203	IV	V	July 1, 2001
Bad Check <i>Felony bad check, \$100,000 or greater</i>	CR, §8-103 CR, §8-106(a)(3)	V	III	October 1, 2017
CDS and Paraphernalia <i>Controlled dangerous substance importation into State, marijuana (5 to less than 45 kilos)</i>	CR, §5-614(b)	III	IV	July 1, 2001
CDS and Paraphernalia <i>Paraphernalia—deliver drug paraphernalia to minor by adult who is 3 or more years older</i>	CR, §5-619(d)(4)	III	IV	July 1, 2001
CDS and Paraphernalia <i>Paraphernalia—deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, subsequent</i>	CR, §5-619(d)(2)(ii)	IV	VII	July 1, 2001

<sup>1</sup> The Maryland General Assembly created a separate maximum penalty for *Child Abuse—physical, with death, victim younger than 13 years old* (LIFE) and increased the maximum penalty for *Child Abuse—physical, with death, previous conviction for child abuse* (LIFE) effective October 1, 2017.



**Guidelines Offenses with Seriousness Category Changes (continued)**

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
CDS and Paraphernalia <i>Paraphernalia—use or possess with intent to use drug paraphernalia, subsequent</i>	CR, §5-619(c)(3)(ii)	V	VII	July 1, 2001
CDS and Paraphernalia <i>Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 1<sup>st</sup> offense<sup>2</sup></i>	CR, §5-601(c)(1)(i)	V	VII	October 1, 2017
CDS and Paraphernalia <i>Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 2<sup>nd</sup> or 3<sup>rd</sup> offense<sup>2</sup></i>	CR, §5-601(c)(1)(ii)	V	VII	October 1, 2017
CDS and Paraphernalia <i>Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-marijuana, 4<sup>th</sup> or subsequent offense<sup>2</sup></i>	CR, §5-601(c)(1)(iii)	V	VII	October 1, 2017
CDS and Paraphernalia <i>Possession of less than 10 grams of marijuana</i>	CR, §5-601(c)(2)(ii)	VII	N/A <sup>3</sup>	December 1, 2014
Credit Card Crimes <i>Felony credit card crimes, \$100,000 or greater</i>	CR, §8-206(c)(1)(iii) CR, §8-207(b)(1)(iii) CR, §8-209(b)(1)(iii)	V	III	October 1, 2017
Extortion and Other Threats <i>Extortion—by false accusation</i>	CR, §3-704(a)	VI	V	February 27, 2006
False Statements, Other <i>False Statement—rumor as to bomb</i>	CR, §9-504(b)	VII	V	July 1, 2001
False Statements, Other <i>Fraud—willful failure to file income tax return</i>	TG, §13-1001(c)	VII	VI	July 1, 2001
False Statements, Other <i>Fraud—willful failure to withhold income tax</i>	TG, §13-1007(b)	VII	VI	July 1, 2001

<sup>2</sup> The Maryland General Assembly created separate maximum penalties for *Possession—non-marijuana, 1<sup>st</sup> offense* (1 year), *2<sup>nd</sup> or 3<sup>rd</sup> offense* (18 months), and *4<sup>th</sup> or subsequent offense* (2 years) effective October 1, 2017.

<sup>3</sup> The Maryland General Assembly made *Possession of less than 10 grams of marijuana* a civil offense punishable by a fine effective October 1, 2014. Since the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table. *Possession of less than 10 grams of marijuana* occurring on/after October 1, 2014, is not a guidelines offense.

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## Guidelines Offenses with Seriousness Category Changes (continued)

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
False Statements, Other <i>Fraud—willful preparation of false income tax return</i>	TG, §13-1004	VII	VI	July 1, 2001
Fraud, Financial Crimes Against Vulnerable Adults <i>Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, \$100,000 or greater</i>	CR, §8-801(c)(1)(iii)	II	III	October 1, 2017
Fraud, Miscellaneous <i>Practicing dentistry without a license or misrepresentation as practitioner of dentistry, subsequent</i>	HO, §4-601(a) HO, §4-602 HO, §4-606(a)(1)(ii) (penalty)	VII	VI	November 2, 2020
Fraud, Miscellaneous <i>Violate certain provisions of Health Occupations Article, Title 8 (Nurses), Subtitle 7 (Prohibited Acts; Penalties)</i>	HO, §8-710 (penalty)	VII	VI	November 1, 2016
Gambling—General Provisions <i>Play "thimbles", "little joker", "craps", etc. for money</i>	CR, §12-103	VII	N/A <sup>4</sup>	November 4, 2019
Handguns, in General <i>Handgun—unlawful wearing, carrying, etc. with deliberate purpose to injure or kill</i>	CR, §4-203 (c)(4)(i)2B	V	III	February 27, 2006
Handguns, in General <i>Handgun—wearing, carrying, etc., under influence</i>	PS, §5-314	VI	VII	July 1, 2001
Identity Fraud <i>Possess, obtain personally identifying information or willfully assume the identity of another, benefit \$100,000 or greater</i>	CR, §8-301(b), (c) CR, §8-301(g)(1)(iii) (penalty)	II	III	October 1, 2017
Identity Fraud <i>Use a re-encoder or skimming device for purpose of identity theft, benefit \$100,000 or greater</i>	CR, §8-301(d) CR, §8-301(g)(1)(iii) (penalty)	II	III	October 1, 2017
Influencing or Intimidating Judicial Process <i>Induce false testimony (witness or victim intimidation)</i>	CR, §9-302(c)(1)	V	IV	October 1, 2018
Influencing or Intimidating Judicial Process <i>Intimidating or corrupting jurors, etc.; obstructing justice</i>	CR, §9-305(c)(1)	V	IV	October 1, 2018

<sup>4</sup> The Maryland General Assembly made *Playing "thimbles", "little joker", "craps", etc. for money* a civil offense punishable by a fine effective October 1, 2019. Since the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table. *Playing "thimbles", "little joker", "craps", etc. for money* occurring on/after October 1, 2019, is not a guidelines offense.

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## Guidelines Offenses with Seriousness Category Changes (continued)

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Influencing or Intimidating Judicial Process <i>Retaliation for testimony, reporting a crime, performance of juror's or officer of the court's duties</i>	CR, §9-303(c)(1)	V	IV	October 1, 2018
Kidnapping and Related Crimes <i>Abduction—child younger than 16 years old by relative outside State more than 30 days</i>	FL, §9-305(a) FL, §9-307(c) (penalty)	VII	VI	November 1, 2009
Manslaughter and Related Crimes <i>Negligent homicide by motor vehicle or vessel while impaired by CDS, 1<sup>st</sup> offense</i>	CR, §2-506(c)(1)	VI	V	December 1, 2017
Manslaughter and Related Crimes <i>Negligent homicide by motor vehicle or vessel while impaired by CDS, subsequent</i>	CR, §2-506(c)(2)	V	IV	December 1, 2017
Manslaughter and Related Crimes <i>Negligent homicide by motor vehicle or vessel while impaired by drugs, 1<sup>st</sup> offense</i>	CR, §2-505(c)(1)	VI	V	November 4, 2019
Manslaughter and Related Crimes <i>Negligent homicide by motor vehicle or vessel while impaired by drugs, subsequent</i>	CR, §2-505(c)(2)	V	IV	November 4, 2019
Manslaughter and Related Crimes <i>Negligent homicide by motor vehicle or vessel while under the influence of alcohol</i>	CR, §2-503	VI	V	July 1, 2001
Motor Vehicle Offense <i>Conduct the business of an automotive dismantler and recycler or a scrap processor without a license, subsequent</i>	TR, §15-502(e)(2)	VI	VII	April 1, 2009
Motor Vehicle Offense <i>Driving while impaired by alcohol, while transporting a minor, 2<sup>nd</sup> offense</i>	TR, §21-902(b)(2)(ii)(2)	VII	VI	November 4, 2019
Motor Vehicle Offense <i>Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 2<sup>nd</sup> offense</i>	TR, §21-902(c)(2)(ii)(2)	VII	VI	November 4, 2019
Obscene Matter <i>Child pornography, 1<sup>st</sup> offense</i>	CR, §11-207(b)(1)	V	IV	July 1, 2001
Obscene Matter <i>Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, 1<sup>st</sup> offense</i>	CR, §11-208(b)(1)	VI	V	November 1, 2009
		VII	VI	January 1, 2008
Obscene Matter <i>Possession of visual representations of persons younger than 16 years old engaged in certain sexual acts, subsequent</i>	CR, §11-208(b)(2)	V	IV	November 1, 2009
		VI	V	January 1, 2008

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## Guidelines Offenses with Seriousness Category Changes (continued)

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Perjury <i>Affirmation of two contradictory statements</i>	CR,§9-101(c)	V	IV	October 23, 2006
Perjury <i>Perjury</i>	CR,§9-101(a)	V	IV	October 23, 2006
Prescription Drugs and Other Substances <i>Harmful substances—distribution; possession with intent to distribute; instruction in the unlawful inhaling; or distribution of butane can to minor, subsequent</i>	CR, §5-709	VII	V	July 1, 2001
Prescription Drugs and Other Substances <i>Possession—compounding or selling different drug, controlled dangerous substance, medicine, etc.</i>	CR, §5-702	VI	VII	July 1, 2001
Prescription Drugs and Other Substances <i>Possession—prescription drugs—manufacture, distribute, etc.; obtain by fraud, etc., forgery, etc., label property, destruction</i>	CR, §5-701(d)	VI	VII	July 1, 2001
Prostitution and Related Crimes <i>Abduction—Persuade, entice, secrete, or harbor individual younger than 16 years old for the purpose of committing a sexual crime</i>	CR, §11-305	III	II	December 1, 2014
Prostitution and Related Crimes <i>Prostitution, etc.—Human trafficking, take, harbor, or unlawfully detain another for prostitution</i>	CR, §11-303(c)(1)	IV	III	January 1, 2008
Public Fraud <i>Perjury—Public Assistance fraud in application</i>	CR, §8-504(b) CR, §9-101 (penalty)	V	IV	February 1, 2007
		IV	V	July 1, 2001
Robbery <i>Carjacking—unarmed</i>	CR, §3-405(b)	II	III	July 1, 2001
Sexual Crimes <i>Continuing course of conduct which includes 3 or more acts involving 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree sex offense or 1<sup>st</sup> or 2<sup>nd</sup> degree rape over a period of 90 days or more, with a victim younger than 14 years old</i>	CR, §3-315	III	II	February 1, 2007
Sexual Crimes <i>Incest</i>	CR, §3-323	V	IV	February 1, 2007
Sexual Crimes <i>Perverved sexual practices</i>	CR, §3-322	VII	VI	July 1, 2001



**Guidelines Offenses with Seriousness Category Changes (continued)**

OFFENSE	SOURCE	PREVIOUS CATEGORY	REVISED CATEGORY	COMAR ADOPTION DATE
Sexual Crimes <i>Sex Offense, 3<sup>rd</sup> degree (a)(1) employ or display a dangerous weapon, etc.; (a)(2) with substantially cognitively impaired, mentally incapacitated, or physically helpless individual</i>	CR, §3-307(a)(1) CR, §3-307(a)(2)	V	IV	February 1, 2007
Sexual Crimes <i>Sex Offense, 3<sup>rd</sup> degree (a)(3), (a)(4), (a)(5) — age based elements</i>	CR, §3-307(a)(3) CR, §3-307(a)(4) CR, §3-307(a)(5)	V	IV	February 1, 2022
Sexual Crimes <i>Sexual solicitation of a minor or law enforcement officer posing as a minor</i>	CR, §3-324	V	IV	February 1, 2007
Sexual Crimes <i>Sodomy</i>	CR, §3-321	IV	N/A <sup>5</sup>	November 2, 2020
		V	IV	February 1, 2007
Telecommunications and Electronics, Crimes Involving <i>Use of electronic communication to alarm or seriously annoy another; or to inflict serious emotional distress on a minor or place a minor in fear of death or serious bodily injury; or that has the effect of intimidating or harassing a minor and causing physical injury or serious emotional distress</i>	CR, §3-805(b)(1)-(5) CR, §3-805(e)(1) (penalty) <sup>6</sup>	VII	VI	November 4, 2019
Theft, Crimes Involving <i>Felony theft or theft-scheme, \$100,000 or greater</i>	CR, §7-104(g)(1)(iii)	II	III	October 1, 2017
Unlawful Use of Goods <i>Unauthorized removal of property</i>	CR, §7-203	V	VI	July 1, 2001

<sup>5</sup> The Maryland General Assembly repealed the crime of sodomy effective October 1, 2020. Since the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table. *Sodomy* occurring on/after October 1, 2020, is not a guidelines offense.

<sup>6</sup> The Maryland General Assembly expanded the list of crimes involving telecommunications and electronics effective October 1, 2019.