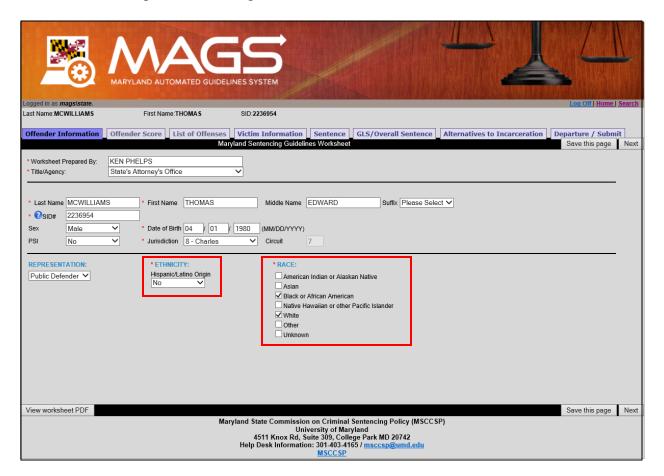


What's New in MAGS MAGS 10.0, April 2021

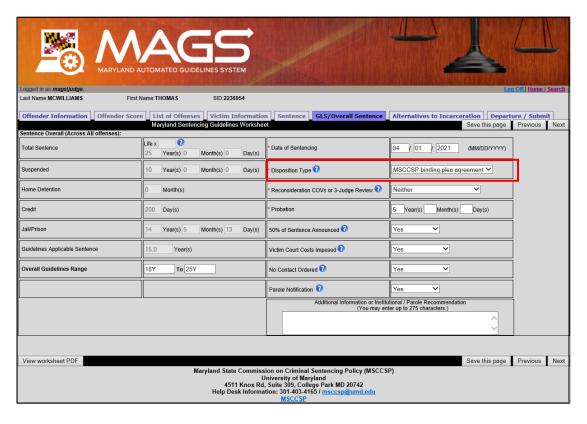
On April 1, 2021, an updated version of the Maryland Automated Guidelines System (MAGS, version 10.0) will be released for immediate use. The following is a summary of the changes to MAGS. In addition, the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) suggests that users reference the MAGS User Manual and Frequently Asked Questions (FAQ) documents, which have been revised in accordance with the new version of MAGS and are available on the MSCCSP website, www.msccsp.org.

• Effective April 1, 2021, *Ethnicity* and *Race* are mandatory fields on the *Offender Information* tab. An "Unknown" option has also been added to the Ethnicity field and should be selected if the defendant's Hispanic/Latino origin is unknown.





In combination with the newly adopted instructions regarding binding pleas that are deemed guidelines-compliant, under the *Disposition Type* field on the *GLS/Overall Sentence* tab, the former "ABA plea agreement" disposition type has been replaced with "MSCCSP binding plea agreement", and the former "Non-ABA plea agreement" has been replaced with "Other plea agreement". MAGS users may select the question mark information icon to read the definitions of the various disposition types.



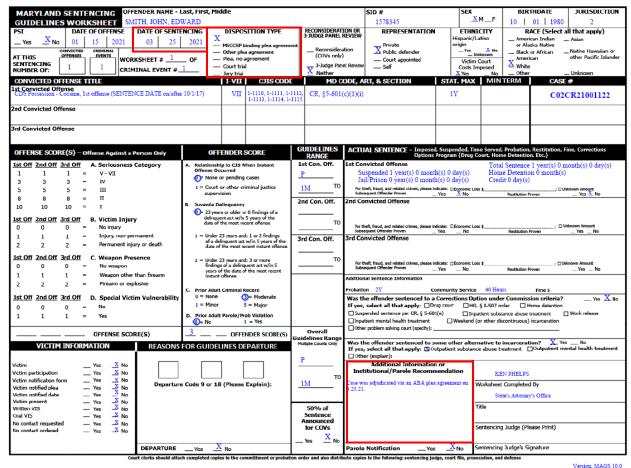
By rule, sentences adjudicated by an MSCCSP binding plea are guidelines-compliant. MAGS will indicate that a sentence is not a guidelines departure when the case has been adjudicated via an MSCCSP binding plea by displaying "(MSCCSP Binding Plea)" in red next to "No" for Departure on the *Departure/Submit* tab.





Guidance for Unsubmitted Worksheets Adjudicated Via an ABA Plea Agreement Prior to April 1, 2021

All <u>unsubmitted</u> worksheets that were previously adjudicated and marked as an "ABA plea agreement" with a sentence date prior to April 1, 2021 will automatically convert to and reflect an "MSCCSP binding plea agreement" in MAGS. To note, an MSCCSP binding plea meets the former criteria for an ABA plea agreement. In this scenario, while the worksheet will reflect an "MSCCSP binding plea agreement" in the *Disposition Type* field, practitioners may note that the case was actually adjudicated via an ABA plea agreement in the *Additional Information* box on the *GLS/Overall Sentence* tab (see example below).



Version. 307005 10.0

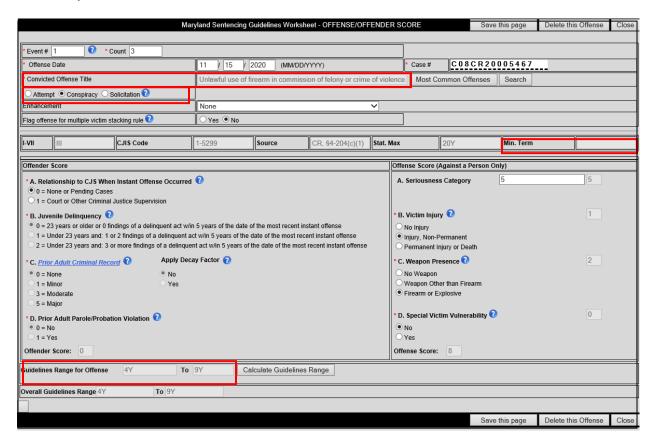
(continued on next page)



• MAGS has been revised to allow users to enter sentences that fall below non-suspendable mandatory minimums, if the offense involves an "attempt" or "conspiracy". Pursuant to *DeLeon v. State*, 102 Md. App. 58 (1994) and *Wyatt v. State*, 169 Md. App. 394 (2006), both conspiracies and attempts are subject to only the maximum punishment for the crime that the person conspired to or attempted to commit. Unless otherwise outlined in statute, conspiracies and attempts are not subject to non-suspendable mandatory minimums associated with a given offense.

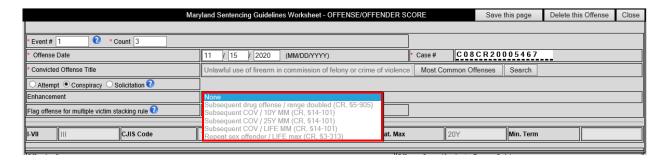
Therefore, unless otherwise outlined in statute, when a user selects an offense containing a non-suspendable mandatory minimum, and the offense involves an "attempt" or "conspiracy", the mandatory minimum will no longer display on the *Offense/Offender Score* screen, and the individual guidelines range for the offense will no longer be adjusted to account for the non-suspendable mandatory minimum.

In this example, *Unlawful use of a firearm in commission of a felony or crime of violence- Ist offense* is selected. The offense involves a "conspiracy", so the appropriate radio button is selected. While *Unlawful use of a firearm in commission of a felony or crime of violence- 1st offense* carries a 5-year non-suspendable mandatory minimum, because "conspiracy" is selected, the non-suspendable mandatory minimum does not apply and therefore, does not appear in the "Min. Term" field. The individual guidelines range is also not adjusted to account for the mandatory minimum.

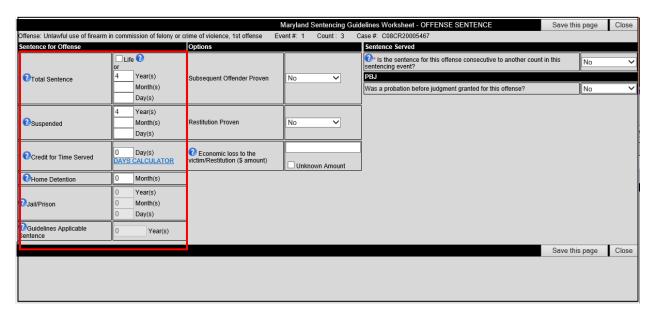




Additionally, the Subsequent COV/10 year/25 year/Life mandatory minimum enhancement will be disabled.



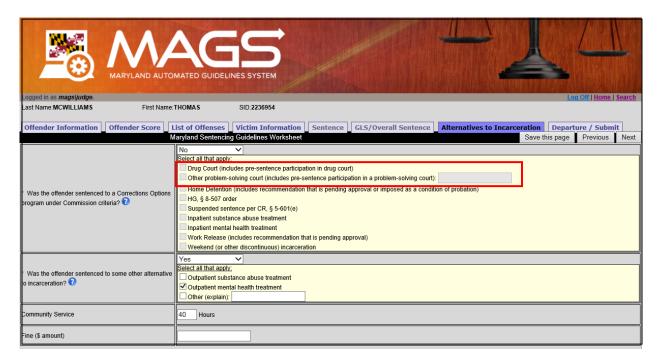
Furthermore, users are able to input a total sentence that falls below the 5-year non-suspendable mandatory minimum, given that it does not apply in this scenario.



(continued on next page)



• Additional language has been added to the *Alternatives to Incarceration* tab to clarify that a defendant's pre-sentence participation in drug court or other problem-solving court constitutes a "Corrections Options Program" and should be marked accordingly in MAGS.



• The **Days Calculator** on the *Individual Offense Sentence* screen has been revised to mirror how credit for time served is calculated in Maryland Electronic Courts (MDEC), in that the start date and end date are included when calculating the number of days served. The judges and/or attorneys are responsible for determining the official number of days of credit.

