

**Maryland State Commission on Criminal Sentencing Policy
Judicial Training Center
Training Room 3
Annapolis, Maryland
April 21, 2003**

Commission Members in Attendance:

Charles Wellford, PhD, Acting Chair
Russell P. Butler, Esquire
Honorable Timothy J. Doory
Senator John A. Giannetti, Jr.
Robert Gibson
Janis Judson, PhD
Senator Delores Kelley
Patrick Kent, Esquire for Stephen E. Harris, Esquire
Honorable Robert Riddle, Esquire
Secretary Mary Ann Saar
Director Barry L. Stanton
Delegate Joseph Vallario

Staff Members in Attendance:

Kate Wagner
Kristi Waits

University of Maryland Interns:

Sakeenah Smith

Visitors:

Brea Stevenson, Howard University
Asia Whitney, Howard University

1. Call to Order

Dr. Wellford, acting as chair called the meeting to order.

2. Roll Call and Declaration of Quorum

It was noted that Kate Wagner had taken roll, and quorum had been reached.

3. Approval of Minutes, November 18th Meeting

The minutes were approved.

4. Introduction of New Commissioners

Dr. Wellford introduced Secretary of Department of Public Safety and Correctional Services, Mary Ann Saar and welcomed her to the Commission. He also announced that Senator John A. Giannetti would also be joining the Commission.

5. Sentencing Guidelines Subcommittee-Discussion and Recommendations

Review and Approve COMAR changes

Dr. Wellford stated that all the Commissioners had copies of the approved changes to COMAR by the Sentencing Guidelines Subcommittee. Judge Doory and Patrick Kent noted their desire to remove the phrase "unless a PSI is ordered" from prayers for jury trials from district court and appeals from district court to define which criminal cases to which the guidelines apply. This matter was discussed last meeting and it was concluded that these objections would stand as the majority of the Commission felt the language was fine. With the objection noted, the changes to COMAR passed.

Discuss plan to review cell ranges after 2003 Legislative Session

Senator Kelley stated that when the Commission is asked for Fiscal Notes, there should be a better projected impact by using a structured sentencing model. Secretary Saar agreed with the sentiment that the Commission needed to help get information out to other agencies, legislators, and the public. Robert Gibson said that the Commission was unable to gather data with the accuracy that DPSCS was able to because all data submitted to the Commission is done so voluntarily.

Dr. Wellford suggested that Kristi, Robert Gibson, and possibly former Commission staffer, Claire Souryal-Shriver meet to discuss data collecting to facilitate more accurate reporting. Secretary Saar noted that fiscal impact statements were very important now because the legislature may pass unfunded mandates. She said that the bulk of the costs of these fall on the local detention centers. She said in Maine, unfunded mandates simply do not pass. Bills cannot pass there without funding. Senator Kelley said that it was important to let the legislature know that the Commission's budget was unable to meet the statutory charge. Judge Doory thanked Kate Wagner and Kristi Waits for their work in keeping things running in the absence of an executive director. Russell Butler noted that if the budget allowed, staff should pay for the online worksheet submission program out of the FY2003 budget.

6. Old Business

Dr. Wellford announced that each of the Commissioners was given a copy of the executive summary of the study on the death penalty in Maryland done by Ray Paternoster of the University of Maryland. Judge Doory said that he would need to read and digest the report, and hoped other commissioners would too, then they could discuss if necessary. Senator Kelley announced the 2 Kelley Interns at the Commission had been working on a draft of a public information policy. She introduced Sakeenah Smith who was at the meeting.

Dr. Judson said that she would like to discuss the death penalty study after devoting some time to the report. Judge Doory said that the death penalty was not a subject the Commission should broach. He said it is a policy decision that is made by the people of Maryland, not the judiciary. Patrick Kent said he would like time to read the report, then would like to discuss it with the Commission. Robert Gibson said that one thing that that the Commission could learn from the study, whether or not it decides to address the issue of the death penalty, is the amount of work and time it takes to put together a comprehensive study like this. Specifically, it shows how much time, money, and work would be involved if the Commission decided to complete a study on sentencing disparity in Maryland.

Patrick Kent asked Dr. Wellford if Ray Paternoster would come and speak to the Commission about the study. Dr. Wellford said that he could arrange it. Robert Riddle asked if the Commission was getting ahead of itself by devoting time to a topic that was not specifically in the enabling legislation. Senator Kelley answered that Paternoster could explain the methodology of the study so that the

Commission could learn how to eventually study disparity in sentencing.

Dr. Wellford adjourned the meeting. The next meeting will be set as soon as the Governor's office appoints a new chairman after Judge Sonner's term is up at the end of June.