

**Maryland State Commission on Criminal Sentencing Policy**  
**House Judiciary Committee Room**  
**Low Office Building, Room 121**  
**Annapolis, Maryland**  
**June 5, 2000**

**Commission Members in Attendance:**

Davis  
Doory  
Kelley  
Marshall  
McLendon  
Mitchell, C.  
Sonner  
Themelis  
Vallario  
Wellford  
Amy Brennan for Commissioner Harris  
David Czorapinski for Colonel Mitchell  
Commissioner Butler was unable to attend due to the hospitalization of his father

**Staff Members in Attendance:**

Michael Connelly  
Claire Souryal-Shriver  
Doug McDonald  
Jennifer Cox

**Visitors:**

Adam Gelb, Dennis Hoyle, and Brian Sklar, *Lt. Governor's Office*  
Laura Sager, *Families Against Mandatory Minimums*

Judge Sonner called the meeting to order and, waiving the call of the roll, declared a quorum. Approval of the minutes of the May 8 meeting was delayed until later in the meeting. Dr. Connelly gave the Executive Director's report, directing attention to the meeting packet for research reports. He then introduced two new staff people-Doug McDonald, Field Coordinator, and Jennifer Cox, Project Manager-and noted that a third new staff person, Kate Wagner, Policy Specialist, would start the following day but had already participated in the May 24 Corrections Options subcommittee meeting.

Dr. Connelly then updated the Commission on the Attorney General's Office's opinion that Commission work posed no constitutional ex post facto difficulties; the AG's office is also considering interpretations of statutes involving marijuana penalties that had arisen during Sentencing Guidelines subcommittee deliberation. Dr. Connelly noted that the initial revision of the Commission web site had been put on-line, with more materials to be added by the next Commission meeting. He also detailed staff and commissioner participation and involvement in conferences and meetings, including the Conference of Circuit Court Administrators, the NIJ Conference on Sentencing and Corrections, and the June 7 Maryland Correctional Administrators Association. He reminded Commissioners of the August meeting of the National Association

of Sentencing Commissions in Pittsburg and asked again for members interested in attending to contact him before the July 15 deadline for conference rates. He concluded by summarizing a conversation with AELR Committee staff which indicated that the AELR Committee would only schedule a hearing on the Commission's submitted COMAR proposal if a committee member specifically requested it. Therefore, the Commission needed to reconsider its past intention to hold its annual public meeting two to three weeks before the AELR hearing.

In subcommittee reports, Dr. Connelly substituted for Commissioner Stanton and gave a brief overview, summarized in the meeting packet, of the May 24 Corrections Options subcommittee meeting which included a working group of practitioners who would be involved in implementation of a corrections options program. Judge Themelis and Senator Kelley provided a summary of discussions of participants in the NIJ Sentencing and Corrections Conference at which consensus was built for basing the corrections options program on a sentence to incarceration and probation, which, pending assessment by the Division of Corrections and approval by the Parole Commission, would move to parole and probation. This would alleviate judicial concern about the constitutionality of the program and maintain judicial supervision of the offender through the probation period, if desired. Adam Gelb of the Lt. Governor's Office noted that he did not believe the Lt. Governor could support a program based on immediate parole of offenders. Judge Sonner responded that the Lt. Governor's office was welcome to submit alternative proposals for Commission consideration. Dr. Connelly commented that the Corrections Options subcommittee would meet independently and with the practitioner working group to develop a proposal for Commission decision by late summer/early fall. Senator Kelley recommended quick action to submit necessary requests in time for the Governor's budget.

Dr. Wellford presented recommendations of the Sentencing Guidelines subcommittee on a revised drug matrix and on changes to existing sentencing guidelines offenses. Following a recommendation that the defense bar be surveyed for "anecdotal evidence" on drug offenses, Dr. Wellford moved for preliminary approval of the proposed drug matrix pending feedback, with Senator Kelley's second, and there was no objection. The attached Table D-2 reflects Commission action on proposed changes for individual offenses in the existing guidelines. The proposals were to be sent to the same groups receiving Commission proposals from the May 8 meeting for feedback. Dr. Connelly described the limited response received on the May 8 proposals. Senator Kelley recommended maintenance of a detailed log outlining when and to whom proposals were sent and what and when responses were received. The log would serve as a basis for a report to be presented along with the Commission's final decisions on all its activities.

Dr. Connelly noted the inactivity of the Compliance subcommittee and recommended its incorporation into a broadened Outreach subcommittee which would work on public education as well as practitioner training. The Commission agreed that the Outreach subcommittee should be formed. Dr. Connelly said that he would solicit ideas and members prior to the next Commission meeting.

Under new business, Dr. Connelly informed the Commission as to the member survey for possible summer Commission meeting dates. The Commission decided to hold its next meeting on Monday, August 21. Dr. Connelly also announced results of a state survey on questions concerning sentencing commission by-laws, operation of corrections options programs, existence of separation of powers clauses in state constitutions, and whether state sentencing data systems identified individual sentencing judges and, if so, kept the identities confidential.

Judge Sonner called for approval of the minutes for the May 8 meeting. Senator Kelley noted that Judge Davis had not been included as attending the meeting and asked for change in the draft. With no other changes, the May 8 minutes were approved. Judge Sonner then called for meeting adjournment, with no objection.