



Minutes

Maryland State Commission on Criminal Sentencing Policy
Maryland Judicial Center
May 5, 2026

Commission Members in Attendance:

Honorable Dana M. Middleton, *Chair*
Honorable Melanie M. Shaw, *Vice-Chair*
Delegate J. Sandy Bartlett
Honorable Brian L. DeLeonardo
Richard A. Finci, Esq.
Matthew B. Fraling, III, Esq. *representing Public Defender Natasha Dartigue, Esq.*
Richard E. Gibson
Angelina Guarino, *representing Secretary Carolyn J. Scruggs*
Robert H. Harvey, Jr., Esq.
Brian D. Johnson, Ph.D.
Larry L. Johnson
Alethea P. Miller
Delegate David H. Moon
Agent Nakita S. Ross
Honorable Michelle R. Saunders
Senator Charles E. Sydnor, III
Senator Christopher R. West

Staff Members in Attendance:

Julia Caspero
Stacy Najaka, Ph.D.
Katharine Pembroke
David Soulé, Ph.D.

Visitors: None

1. Call to Order

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) Chair, Judge Dana M. Middleton, called the meeting to order.

2. Declaration of Quorum

The meeting began at 5:32 p.m. after a quorum had been established.



3. Approval of Minutes

The minutes from both the December 2, 2025, public comments hearing and business meeting were approved as submitted.

4. Guidelines Subcommittee Report – Judge Melanie Shaw and Judge Brian DeLeonardo

Judge DeLeonardo, the Guidelines Subcommittee Co-Chair, announced the next item on the agenda, the Guidelines Subcommittee Report, and deferred the presentation of the agenda items to the staff.

a. Proposed Removal of Select Sentencing Guidelines Worksheet Fields (Action item)

Dr. Najaka introduced the first item from the Guidelines Subcommittee report and referred the Commission to the corresponding meeting memo titled *Proposed Removal of Select Sentencing Guidelines Worksheet Fields*. At its December 2, 2025, meeting, the Commission considered a recommendation from the Guidelines Subcommittee to remove select fields from the sentencing guidelines worksheet, the majority of which are victim-related items. While there was general agreement that the identified fields lack direct utility to the guidelines, several commissioners expressed concern over removing the items before receiving input from victims' advocacy groups. As such, the Commission voted unanimously to send the issue back to the Subcommittee for further review after receiving feedback from victims' advocates.

Following the December meeting, Commission staff reached out to the Commission's Victims' Advocacy Representative, Alethea Miller, to request her input and that of her colleagues. Ms. Miller in turn communicated with colleagues in Cecil and Harford Counties and the Maryland Crime Victims' Resource Center (MCVRC). The feedback gathered indicates that the victim information collected on the worksheet is not currently being utilized by victims' advocates. However, they would like to see at least some of the victim-related questions remain to show victim participation and awareness. Further, the victims' advocates are agreeable to reducing the number of questions. At its April 16, 2026, meeting, the Guidelines Subcommittee once again considered the removal of select worksheet fields, considering the input received from victims' advocates. Consistent with that input, the Subcommittee unanimously agreed to recommend to the full Commission the proposed changes summarized in the table on page 5 of the memo.

Dr. Najaka explained that the proposed changes would streamline, but not eliminate, the victim-related fields by limiting them to the following:

1. Was there a victim?
2. Was the victim present at sentencing?



3. Was there a written or an oral Victim Impact Statement (VIS)?
4. Did the sentencing judge order the defendant to have no contact with the victim?

The proposed changes would also remove the fields *Subsequent Offender Proven* and *50% of Sentence Announced for COVs*. The corresponding proposed revisions to the Maryland Sentencing Guidelines Manual (MSGM) and Code of Maryland Regulations (COMAR) are located on pages 6-8 of the memo. Dr. Najaka concluded her summary and turned over the discussion to the Commission.

Judge Middleton summarized the fields proposed to be removed from the sentencing guidelines worksheet.

A motion was made and seconded to accept the Guidelines Subcommittee's proposed language. **The Commission voted with no opposition to adopt the Guidelines Subcommittee's proposed removal of select sentencing guidelines worksheet fields.**

b. Proposed Revisions for Scoring Physical Injury and Reorganizing Victim Injury Instructions (Action item)

Ms. Caspero introduced agenda item 4b and began by referring Commissioners to the memo titled, *Proposed Revisions for Scoring Physical Injury and Reorganizing Victim Injury Instructions*. At its September 9, 2025, meeting, the MSCCSP adopted new language defining psychological victim injury for the purposes of scoring part C of the offense score and assigned the task of next reviewing the definition of physical injury to the Guidelines Subcommittee. At its November 21, 2025, meeting, the Guidelines Subcommittee reviewed staff's proposal to expand the definition of physical injury in part C of the offense score. After discussion, the Subcommittee asked staff to prepare a revised document with the proposed revisions before voting. The staff circulated the revisions following the November 21 meeting. While the Subcommittee generally agreed on the proposed language, they asked staff to reorganize the section to present the instructions in a more consistent and logical order before presenting a final recommendation to the Commission.

Ms. Caspero explained that the proposed reorganization and revisions to the MSGM are found on page 2 of the memo. In addition to reorganizing the victim injury section, the staff also made some changes to the physical injury language. Considering the Subcommittee's discussions on revisions to psychological and physical injury, staff reorganized the instructions for scoring victim injury into three sections: the first two sections provide general instructions and proof requirements for both physical and psychological injury, and the third section provides specific examples of minor, non-permanent, and permanent injuries. Revisions to COMAR and the Sentencing Guidelines Worksheet will also be revised in accordance with any revisions to the



language in the MSGM. Lastly, the revisions to table 6-1 of the MSGM are on page 4. Ms. Caspero concluded her summary and turned the discussion over to the Commission.

Delegate Bartlett asked whether the language that will go in COMAR will match what is on page 3 of the memo.

Dr. Soulé clarified that the COMAR language will mirror what is proposed in the bold, underlined text.

Multiple members of the Commission noted that the revised language was clear, concise, and will be very helpful to practitioners.

A motion was made and seconded to accept the recommendations of the Guidelines Subcommittee. **The Commission voted with no opposition to adopt the Guidelines Subcommittee's proposed revisions for scoring physical injury and reorganizing the victim injury instructions.**

c. Instructions for Sex Offender Registration as It Applies to the Offender Score (Action item)

Dr. Soulé presented the last item of the Guidelines Subcommittee Report and referred the Commission to the memo titled, *Instructions for Sex Offender Registration as It Applies to the Offender Score*. He started by explaining that the memo proposes to add to the MSGM and COMAR language in part A of the offender score instructing users that an individual is not involved with the criminal justice system (CJS) for the purposes of calculating the offender score if the individual's only involvement was to comply with the ongoing reporting requirements associated with sex offender registration in the State or elsewhere. In terms of scope, this language would apply only where a defendant is on the sex offender registry, but not on probation or parole, and commits a new offense. A defendant who is on probation or parole when they commit a new offense will receive a point for involvement in the criminal justice system at the time of the instant offense and will be precluded from the criminal record decay factor, regardless of whether they were on the sex offender registry at the time of the offense.

This language is consistent with the rules adopted by the Commission in 2019, and instructions staff have provided to practitioners since that time. The Guidelines Subcommittee discussed the issue at its April 16, 2026, meeting and decided to present the language to the Commission without a recommendation so that all Commission members would have the opportunity to voice their opinions. Dr. Soulé reminded the Commission that this issue was first brought to their attention after Mr. Finci received a question from a defense attorney asking whether sex offender registration would preclude application of the criminal record decay factor to the defendant's prior record score (part C of the offender score).



The Guidelines Subcommittee discussed the issue in 2016 but tabled it pending more questions from practitioners. Staff received multiple questions over the next few years, so the Guidelines Subcommittee revisited the issue in 2019. At the time, the Guidelines Subcommittee voted to make two recommendations to the full Commission. First, the Subcommittee unanimously agreed that sex offender registration should not count towards the offender score for purposes of the decay factor, which reduces the prior criminal record by one level if the defendant has lived in the community crime free for 10 years preceding the instant offense. Second, the Subcommittee voted to recommend that sex offender registration should count as criminal justice system involvement for the purposes of part A of the offender score, which is the defendant's relationship to the criminal justice system at the time of the instant offense. The Subcommittee also proposed corresponding instructions for the MSGM and COMAR. The full Commission, however, voted 5 to 7 against the Subcommittee's recommendation to define sex offender registration as criminal justice system involvement for the purposes of part A of the offender score.

Dr. Soulé explained that since the Commission's vote with respect to part A was consistent with its recommendation for the decay factor, the Commission didn't formally vote on whether sex offender registration counts as criminal justice system involvement for the purposes of the decay factor. There was no further discussion about instructions, and no instructions were added to the MSGM or COMAR. Staff continue to receive questions about sex offender registration and the offender score. Consistent with the Commission's 2019 vote, staff instruct practitioners that it does not count as criminal justice system involvement for purposes of the offender score. The MSCCSP's training and administrative coordinator also notes these instructions in training provided to state's attorneys, parole and probation agents, defense attorneys, and court staff.

Given the frequency of questions from practitioners, staff think it would be useful to include explicit language in the MSGM and COMAR. Pages 5 through 8 of the memo provide the proposed language, which instructs that sex offender registration does not count as criminal justice system involvement for the purposes of the offender score. The memo also summarizes the history of sex offender registration in Maryland, relevant case law discussed by the Commission in 2019, and treatment in other sentencing guidelines jurisdictions. No other jurisdiction that measures involvement in the criminal justice system at the time of the instant offense provides explicit instructions as to how the measure applies to someone on the sex offender registry. Dr. Soulé concluded his summary stating he was happy to answer any questions the Commission has on the issue.

Mr. Finci asked as a point of clarification whether no other states explicitly included instructions on whether involvement in the justice system applied to someone on the



sex offender registry. The federal guidelines explicitly define supervision status, and Mr. Finci called their helpline out of curiosity, and their staff stated that sex offender registration is never counted.

Dr. Johnson said that one of the issues from the 2019 discussion was that a person could be put on the sex offender registry for a long time, even up to life, in Maryland. If there is nothing a person could do to get off the registry, even if they have been crime-free for 25 years, then how could that count as justice involvement? From his recollection, that was part of the Commission debate in 2019 for why sex offender registration should not count as current criminal justice involvement.

Judge DeLeonardo added that the discussion from 2019 covered two main issues. First, the decay factor, which there was agreement. Second, whether the guidelines are reflective of what judges do, or is the Commission telling them what to do. He noted that judges consider sex offender registration status at sentencing and argued that if the Commission is trying to treat people similarly situated the same, then being on the sex offender registry is essentially intensive supervision.

Mr. Finci stated that there was also much discussion regarding the nature of sex offender registration versus the nature of probation. A probationer is under direct supervision of a probation officer as to where they live and work, and whether they can have contact with the police. A person on the sex offender registry who violates any rules of their registration is being charged with a new crime, requiring proof beyond reasonable doubt. On the other hand, a probationer has backup time from the original offense, the judge applies a preponderance of the evidence standard and is more so seen as a continuation of the crime a person was sentenced for. Sex offender registration is more of a preventative measure.

Delegate Moon asked if a person on the sex offender registry committed a new offense that was not a sex offense, whether they are penalized for having been on the registry.

Judge DeLeonardo answered that it depends on the facts of the case. If a person is driving with a suspended license, then likely no, but there are different levels of registration. It is probably more relevant for shorter stays on the sex offender registry that have a different level of supervision than lifetime registration.

Judge Shaw added that the defense would push back if a defendant's sex offender registration was considered in a robbery case.

Mr. Finci noted that the current discussion should focus on whether to assess a point for something that has not been assessed before, and therefore, that person's guidelines, which a judge takes seriously, are going to be higher for someone who already has at least one very serious prior.



Judge Middleton stated that she reviewed the minutes from the 2019 Commission meeting, and there was a point of contention between Judges Avery and Lewis on how sex offender registration would be weighed by judges. She summarized that Judge Avery asserted that registration status would be considered and that a judge should have the ability to use their discretion. Judge Lewis questioned whether it would be appropriate to apply one point for the entire term of a defendant's sex offender registration when the individual successfully completed their term of supervision.

Agent Ross said that from the probation side, if the point is not considered for sex offender registration, then it minimizes the score because a lot of times offenders will reoffend outside of the registration window. From her experience, most of the time sex offenders do not have lengthy prior records to begin with, or they have a new offense that is sexual in nature or sexually violent that gets pled down. Where factors in their history should be considered, they get minimized.

Mr. Harvey said that he could not support the proposed change. To him, the issue is whether a convicted sex offender is under criminal justice supervision, and the answer is yes. According to the statute, the convicted offender must register with the supervising authority and report a change of address or school. In Calvert County, the sheriff's office checks the address provided to verify it. For lifetime registration, the supervising authority can order GPS monitoring, can restrict where a person can live or work, and can require treatment. To Mr. Harvey, this is clearly criminal justice supervision.

Judge Middleton reminded Commissioners that the Commission has already opposed including sex offender registration as criminal justice supervision for the purposes of scoring the offender score. What needs to be decided in this meeting is whether to adopt the proposed language.

Judge DeLeonardo added that the language can either be approved, or if not, then the Commission must decide what to do about sex offender registration after this meeting.

Ms. Guarino asked if sex offender registration was mentioned anywhere else in the guidelines manual.

Dr. Soulé answered that the sentencing guidelines offense table includes a seriousness category classification if an individual is convicted for failing to comply with the sex offender registration. However, the sentencing guidelines do not otherwise address sex offender registration, if there is not a new conviction for failing to comply with the registration.

Delegate Moon asked whether this issue equally touches on whether the offense committed was a sex offense or non-sex offense as to whether a defendant will be treated more punitively.



Mr. Finci answered that the impact would be across the board.

Judge DeLeonardo said that on the sex offender registry, a person is on a form of supervision that others are not, so it is a consideration for the judge.

Recalling what Mr. Harvey said earlier in the discussion, Mr. Finci argued that when a person is on probation, they need to ask permission to move and change jobs. None of that applies to people on the sex offender registry, so the type of supervision is not the same.

Mr. Harvey disagreed, stating that a person on the registry cannot move or work anywhere, they still have limitations (e.g., cannot live close to a school) because of their supervision.

Dr. Johnson stated that whether the sentencing guidelines should score sex offender registration is something that has already been adjudicated by the MSCCSP, and if the Subcommittee wants to revisit that, then the Subcommittee should bring a different issue to the table. The issue before the Commission today is a matter of clarity and consistency in the language so that practitioners are applying these rules the same way across the State.

Delegate Moon said that he was comfortable voting on the language that is consistent with the 2019 decision.

A motion was made and seconded to accept the proposed language. **The Commission voted 10-5 to adopt the proposed language for instructions for the sex offender registration as it applies to the offender score. There was one abstention.**

Dr. Soulé stated that he had seven items to discuss as part of the Executive Director Report.

a. January 1, 2026, sentencing guidelines updates, MSGM 17.2 (Status report)

Dr. Soulé said that the MSCCSP released new versions of the Maryland Sentencing Guidelines Manual (MSGM) and the Guidelines Offense Table, effective January 1, 2026. These updates include: (1) revisions to the Guidelines Offense Table; (2) instructions for calculating sentencing guidelines for multiple violations, including contemporaneous violations, of CR, § 4-204 or CR, § 4-306(b); and (3) a revision to the definition of psychological victim injury in the sentencing guidelines Offense Score (MSGM, 6.1.B. Victim Injury). The January 2026 Guidelines E-News provides further details about these updates, as well as a note regarding the Maryland Automated Guidelines System (MAGS) indicating that the list of offenses has been updated to reflect the revisions to the Guidelines Offense Table and a note indicating that several information icons on the Offense/Offender Score screen



were updated to provide further clarification regarding guidelines changes adopted in the last year.

b. MSCCSP 2025 Annual Report released

Next, Dr. Soulé noted that the MSCCSP released its 2025 Annual Report on January 31, 2026. The report summarizes the Commission's work last year, describes fiscal year 2025 circuit court sentencing trends in Maryland, provides a comprehensive examination of judicial compliance with the State's voluntary sentencing guidelines, and details information provided on the State's sentencing guidelines worksheets. The report also offers a description of planned activities for the year ahead.

c. MAGS 13.0 new features deployed (Status report)

Next, Dr. Soulé stated that new features were deployed in MAGS on March 9, 2026. These updates include providing an alert message to help ensure accurate entry of date of birth and automatically identifying Health General, § 8-507 commitments as corrections options when applicable. Finally, based on a discussion during the MSCCSP public hearing and business meeting in December, a hyperlink to the MSCCSP website was added to the bottom of the sentencing guidelines worksheet and to the footer of the MAGS application itself. The addition of the website URL was done to help pro se litigants who may access their sentencing guidelines worksheet in MDEC. The link provides directions on where to find more information about the sentencing guidelines and how they work.

d. Forthcoming July 6, 2026, updates (Status report)

Dr. Soulé then explained that the next round of proposed sentencing guidelines amendments was published in the Maryland Register on May 1, 2026. The first revision will clarify that criminal desertion is not a guidelines offense. This is not a new guidelines rule, but rather clarification of an existing rule. Additionally, the Guidelines Offense Table will be modified to reflect (1) the addition of three previously unclassified offenses; (2) the reclassification of one offense from property to person; (3) the addition of two offenses with a maximum penalty of one year or less since they may be prosecuted in circuit courts; and (4) minor edits to the table, including a slight revision to an offense description and the correction of a statute. These updates are expected to be adopted effective July 6, 2026.

e. Training and educational outreach (Status report)

Next, Dr. Soulé said that the MSCCSP training coordinator, Katharine Pembroke, provided multiple MAGS-related training sessions on March 25th and 27th, and on April 8th and 10th to highlight recent sentencing guidelines updates to our justice



partners. Recordings of these webinars are available on the MSCCSP website. In addition to the training that Ms. Pembroke provided, on April 7, 2026, Dr. Soulé participated in a judicial seminar regarding structural inequality. As one portion of a larger judicial seminar on anti-racism, Dr. Soulé provided a summary of the MSCCSP July 2023 report assessing racial differences in sentences among those sentenced under the criminal sentencing guidelines.

f. Update on timeline for prior record study (Status report)

Dr. Soulé then reminded the Commission that at the December 2, 2025, meeting, he provided an update regarding the timeline for the study on the prior adult criminal record, noting that an estimated timeline provided the year before in December 2024 would need to be adjusted. The adjustment was necessary because the MSCCSP staff had yet to receive the necessary criminal history RAP sheet data. The process to secure the data sharing MOU and to obtain the corresponding data was more complicated than expected, and accordingly, the MSCCSP staff were essentially at least one year behind on the projected timeline because the data had not yet been obtained. While the staff finally received the data in January 2026, they identified significant missing data issues, so this work has still not progressed. The MSCCSP staff coordinated meetings with data staff from DPSCS and they are currently working to resolve this issue. The MSCCSP staff hope to receive complete and accurate data within the next month and will provide a more definitive update to the timeline for the full project once these data are provided.

g. MSCCSP staff vacancy (Status report)

Lastly, Dr. Soulé shared that the MSCCSP staff research assistant, Bella Nosel, ended her employment with the MSCCSP on May 1, 2026. Ms. Nosel left for a new career in the federal government. She was a tremendous asset to the Commission staff, and she will be missed. Accordingly, the MSCCSP is currently seeking applicants for this vacant faculty specialist/research assistant position. An email detailing the full job description, including qualifications, compensation, and benefits, was distributed to the Commission's listserv. All Commissioners should have received this email on Monday, April 27, 2026. Dr. Soulé asked Commissioners if they knew of any candidates that may be a good fit, to please forward the job posting email and/or encourage them to visit the Commission website. Applications will be submitted via the University of Maryland Workday Application Portal. For best consideration, applicants should apply online via the portal by 5/22/2026.

Dr. Soulé concluded his report and said he was happy to answer any questions.



5. Remaining 2026 MSCCSP Meetings (Status report)

The remaining MSCCSP meetings were noted in the agenda:

- Tuesday, July 7, 2026 (videoconference)
- Tuesday, September 15, 2026 (videoconference)
- November 30, 2026, public comments hearing, 5:00 pm (In-Person, Maryland Judicial Center)
- November 30, 2026, business meeting, starts 10 minutes after conclusion of the public hearing (In-Person, Maryland Judicial Center)
- Dr. Soulé noted that the November 30, 2026, meeting was previously scheduled for December 1, 2026, but due to scheduling conflicts, was moved to Monday, November 30.

6. Old Business

There was no old business to discuss.

7. New Business/Announcements

Judge DeLeonardo raised an issue that was brought to his attention. He explained that he received a call from a judge recently about a case in which a defendant was charged with first-degree murder and conspiracy to commit first-degree murder against the same victim. The judge had imposed a life sentence but given that there is one more than seriousness category I or II offense in the criminal event, current guidelines rule dictates that two consecutive life sentences would have to be imposed for the two convictions in order to be compliant with the guidelines. Because of this rule, the sentence in this case resulted in a departure below the guidelines. Judge DeLeonardo said that there may be other instances where this occurs and given that the conspiracy was for the same underlying crime as the first-degree murder, he thought it should be something the Commission addresses.

A motion was made and seconded to assign to the Subcommittee the task of reviewing the guidelines stacking for cases involving multiple category I or II offenses, conspiracy, and one victim. **The Commission voted unanimously to assign to the Subcommittee the task of reviewing the guidelines stacking for cases involving multiple Category I or II offenses, conspiracy, and one victim.**

Judge Middleton asked if there were any announcements. Hearing none, she thanked Commissioners for their time. She also thanked Commissioners and the Guidelines Subcommittee for their work during the meeting.

The meeting was adjourned at 6:41 p.m.