



Minutes

Maryland State Commission on Criminal Sentencing Policy

Videoconference

July 7, 2026

Commission Members in Attendance:

Honorable Dana M. Middleton, *Chair*

Honorable Melanie M. Shaw, *Vice-Chair*

Delegate J. Sandy Bartlett

Honorable Brian L. DeLeonardo

Katie Dorian, *representing Honorable Anthony G. Brown*

Richard A. Finci, Esq.

Matthew B. Fraling, III, Esq. *representing Public Defender Natasha Dartigue*

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 Moon

Agent Nakita A. Ross

Honorable Michelle R. Saunders

Staff Members in Attendance:

Sarah Bowles

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 5:31 p.m. after a quorum had been established.



3. Approval of Minutes from May 5, 2026, MSCCSP Meeting

The minutes from the May 5, 2026, MSCCSP meeting were approved.

4. Proposed Amendments to December 2, 2025, Public Comments Hearing Minutes

Dr. Soulé explained that two individuals who testified during the Commission's December 2, 2025, public comments hearing requested that the meeting minutes identify them by name. Staff explained that, under a policy adopted by the Commission in 2017, public hearing minutes do not identify private citizens or publish individual testimony in order to protect speakers from potential harassment. Because Commission meetings are now recorded and publicly available on YouTube, staff noted that it may be appropriate to revisit the policy and plan to present the issue to the Guidelines Subcommittee for future review. In response to the requests from Ms. Shaunesi DeBerry and Mr. Marcus Snipes, staff presented proposed amendments to the December 2, 2025, public hearing minutes to identify both speakers by name. Staff also declined Mr. Snipes' request that the minutes contain a more detailed summary of his testimony, explaining that the minutes are intended to provide only a brief summary and that the full testimony is available through the meeting recording.

A motion was made to approve the amended December 2, 2025, public comments hearing minutes.

The motion was approved, with one opposition.

A second motion was made to revise the Commission's policy to allow individuals providing public hearing testimony to be identified by name if they request it, while maintaining the default practice of not identifying private individuals. The revised policy also would provide that only the testifying individual may choose to be identified, and any other private individuals referenced during the testimony would remain unidentified.

The motion was approved with no opposition, and the Commission agreed that staff would draft revised policy language and update the public hearing notice to clearly inform speakers that they may request to be identified by name.

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

Judge Middleton announced the next item on the agenda, the Guidelines Subcommittee Report. Judge DeLeonardo, the Guidelines Subcommittee Co-Chair, noted that the staff will present the agenda items.

a. Proposed classification of new and revised offenses, 2026 Legislative Session (Action item)

Dr. Soulé first presented agenda item 5a, the proposed classification of new and revised offenses from the 2026 Legislative Session. He noted that the Guidelines Subcommittee



met on June 23, 2026, to review the new and amended offenses and offer the proposed classifications that are in the memorandum.

Dr. Soulé noted that each year, the MSCCSP reviews new and revised criminal penalties and considers how they fit within the Maryland sentencing guidelines. The task of classifying new and revised criminal offenses is designated to the Guidelines Subcommittee, and those classifications are then presented to the full Commission for review. In preparation for this task, the staff reviewed all legislation from the most recent legislative session and prepared a memorandum that identifies any new or revised criminal offenses that carry a maximum penalty of greater than one year of incarceration. The memorandum focuses on penalties of one year or more because, by rule, the Commission does not require classification of offenses that carry a maximum penalty of one year or less. Rather, these offenses are automatically assigned a seriousness category of VII.

Dr. Soulé then referred Commissioners to the memorandum titled, *Proposed Classification of New and Revised Offenses_2026 Legislative Session*. Also provided was a supporting document titled, *Combined File of Legislative Text for New and Amended Offenses_2026*. This PDF combines all the legislation that is reviewed in the new or revised offenses memo. The bills appear in the order they are listed in the memo.

Dr. Soulé explained that based on previously established protocol, the Guidelines Subcommittee offers seriousness category recommendations by examining currently classified offenses that are comparable based on the following: type of offense (person, drug, property); statutory maximum; misdemeanor/felony classification; and nature of the offense when possible. For each new or amended offense, the memorandum presents the staff-identified comparable offenses at the bottom of each page or on the next page.

Dr. Soulé began with the new offenses in 2026, starting on page one of the memorandum.

- i. Chapters 662 and 663 (House Bill [HB] 216/Senate Bill [SB] 140) prohibits a person, through deception, coercion, exploitation, or isolation, from knowingly recruiting, harboring, transporting, or obtaining an individual for the purpose of appropriating the government benefits of an individual for their personal benefit or the benefit of another. A violator is guilty of a misdemeanor and subject to imprisonment not exceeding 1 year and/or a fine not exceeding \$500 if the aggregate value of the government benefits involved is less than \$1,500. A violator is guilty of a felony and is subject to a fine not exceeding \$10,000 and/or imprisonment not exceeding 5 years if the aggregate value is at least \$1,500 but less than \$25,000. A violator is guilty of a felony and is subject to a fine not exceeding \$15,000 and/or imprisonment not exceeding 10 years if the aggregate



value is at least \$25,000 but less than \$100,000. If the aggregate value of the government benefits involved is \$100,000 or more, a violator is guilty of a felony and is subject to a fine not exceeding \$25,000 and/or imprisonment not exceeding 20 years. The 1-year maximum incarceration penalty is included so the Commission could review the full range of penalties for this statute at the same time.

- a. Chapters 662 and 663 (HB 216/SB 140)- Benefits exploitation, less than \$1,500 (CR, §8-524(c)(1))

The Guidelines Subcommittee has included this offense for informational purposes only and unanimously recommends no action from the Commission. The offense carries a 1-year penalty. By MSCCSP rule, any offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII.

- b. Chapters 662 and 663 (HB 216/SB 140)- Benefits exploitation, at least \$1,500 but less than \$25,000 (CR, §8-524(c)(2))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a property offense with a seriousness category of VI.

- c. Chapters 662 and 663 (HB 216/SB 140)- Benefits exploitation, at least \$25,000 but less than \$100,000 (CR, §8-524(c)(3))

The Guidelines Subcommittee unanimously recommends classifying this offense as a property offense with a seriousness category of V.

- d. Chapters 662 and 663 (HB 216/SB 140)- Benefits exploitation, \$100,000 or greater (CR, §8-524(c)(4))

The Guidelines Subcommittee unanimously recommends classifying the third offense as a property offense with a seriousness category of III.

Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee's recommendation to classify the three offenses as property offenses with seriousness categories of VI, V, and III, respectively, without opposition.**

- ii. Chapter 429 (SB 512)- Stalking someone while a protective or court order involving the victim is in effect against the defendant, or after a prior stalking conviction (CR, §3-802(d)(2))

Dr. Soulé explained that Chapter 429 prohibits a person who has a protective or court order against them from stalking the individual who is the subject of the



order, or from stalking any individual following a previous stalking conviction in Maryland or in another state. A violator of this offense is guilty of a felony and subject to imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000. Based on the comparables listed on page 4, the Guidelines Subcommittee recommends classifying this violation as a person offense with a seriousness category of IV.

Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee's recommendation to classify the offense as a property offense with a seriousness category of IV without opposition.**

- iii. Chapters 520 and 521 (SB 482/HB 593)- Intentional, willful, and unauthorized computer access or possession of ransomware that denies access to an authorized user access of or interrupts or impairs the functioning of critical infrastructure of or a public safety answering point (CR, § 7-302(d)(6))

SB 482/HB 593 prohibits an individual from intentionally, willfully, and without authorization committing an act prohibited under Section 7-302 of the Criminal Law Article that denies access to an authorized user of or interrupts or impairs the functioning of critical infrastructure or a public safety answering point. A violator is guilty of a felony and subject to imprisonment for up to ten years and/or a fine up to \$50,000. This bill also amends a violation of CR, § 7-302(d)(5) to require that the action taken be intentional, willful, or without authorization, and adds to the list of prohibited actions the intent to interrupt or impair the functioning of a critical infrastructure. Based on the comparables identified on page 6, the Guidelines Subcommittee recommends classifying the new 10Y felony as a property offense with a seriousness category of IV.

Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee's recommendation to classify the offense as a property offense with a seriousness category of IV, without opposition.**

- iv. Chapters 456/457 (SB 437/HB 752)- Altering or tampering with a gift card with the intent to defraud another (CR, §8-409(3)(c))

SB 437/HB 752 prohibits a person from altering or tampering with a gift card with the intent of defrauding another. A violator is guilty of a misdemeanor and subject to imprisonment not exceeding 18 months and/or a fine not exceeding \$500. The staff identified the comparables shown at the bottom of page 7. Based on these comparables, the Guidelines Subcommittee recommends classifying this offense as a property offense with a seriousness category of VII.



Judge Middleton asked if there was any discussion. **The Commission adopted the Guidelines Subcommittee's recommendation to classify the offense as a property offense with a seriousness category of VII, without opposition.**

- v. Dr. Soulé explained that Chapters 401 and 402 (SB 360/HB 563) repeals the prohibition against intentionally inflicting bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit, currently prohibited under CR, § 10-606 (aggravated animal cruelty). Additionally, this bill prohibits an individual from intentionally harassing or interfering with an emergency response animal during the performance of the animal's duties, intentionally injuring an emergency response animal, or intentionally committing either of these acts during the commission of a crime. The bill also prohibits a person from intentionally killing or causing serious physical injury to an emergency response animal. The 1-year maximum incarceration penalty is included so the Commission could review the full range of penalties for this statute at the same time.

- a. Chapters 401 and 402 (SB 360/HB 563)- Intentional injury of an emergency response animal, or intentional harassment or interference with an emergency response animal during performance of the animal's duties (CR, §10-606.1(c)(1))

The Guidelines Subcommittee has included this offense for informational purposes only and unanimously recommends no action from the Commission. The offense carries a 1-year penalty. By MSCCSP rule, any offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII.

- b. Chapters 401 and 402 (SB 360/HB 563)- Intentional injury of an emergency response animal during the commission of a crime; intentional harassment or interference with an emergency response animal during performance of the animal's duties during the commission of a crime; intentional killing or serious physical injury to emergency response animal (CR, §10-606.1(c)(2))

The Guidelines Subcommittee unanimously recommends classifying this offense as a property offense with a seriousness category of VI.

Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee's recommendation to classify the offense as a person offense with a seriousness category of IV, without opposition.**



- vi. Chapter 547 (HB 564) establishes the Maryland Pet Cremation and Burial Services Consumer Protection Act under both Title 5, Subtitle 7A of the Business Regulation Article and Title 7, Subtitle 4B of the Health Occupations Article. The Act requires disclosure of pet cremation services from registered cemeterians and crematory licensees, accurate descriptions of cremation types, compliance with federal and state laws that protect the health of all individuals responsible for handling pet remains, retention of complete and accurate cremation records for at least 5 years, maintenance of confidentiality and security procedures for records and personally identifying information, and provision of certificates when cremains are returned. A violator is guilty of a misdemeanor and subject to imprisonment not exceeding 1 year and/or a fine not exceeding \$5,000 for a first offense, 2 years and/or a fine not exceeding \$10,000 for a second offense, and 3 years and/or a fine not exceeding \$15,000 for a third or subsequent offense. MSCCSP staff included the 1-year maximum incarceration penalty so the Commission could review the full range of penalties for this statute at the same time.

- a. Chapter 547 (HB 564)- Violation of any provision of the Maryland Pet Cremation and Burial Services Consumer Protection Act, 1st offense (BR, §5-7A-07(a)(1); HO, §7-4B-06(a)(1))

The Guidelines Subcommittee has included this offense for informational purposes only and unanimously recommends no action from the Commission. The offense carries a 1-year penalty. By MSCCSP rule, any offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII.

- b. Chapter 547 (HB 564)- Violation of any provision of the Maryland Pet Cremation and Burial Services Consumer Protection Act, 2nd offense (BR, §5-7A-07(a)(2); HO, §7-4B-06(a)(2))

Based on the identified comparable offenses, the Guidelines Subcommittee unanimously recommends classifying the offense as a property offense with a seriousness category of VII.

- c. Chapter 547 (HB 564)- Violation of any provision of the Maryland Pet Cremation and Burial Services Consumer Protection Act, 3rd or subsequent offense (BR, §5-7A-07(a)(3); HO, §7-4B-06(a)(3))

Based on the identified comparable offenses, the Guidelines Subcommittee unanimously recommends classifying the offense as a property offense with a seriousness category of VI.



Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee's recommendation to classify the three new offenses with action recommended as property offenses with seriousness categories of VII, VII, and VI, respectively, without opposition.**

- vii. Chapter 444 (SB 141)- Knowing or reckless creation, use, or dissemination of a deepfake to produce false information to influence an election (EL, §16-905(d))

Senate Bill 141 prohibits an individual from knowingly or with reckless disregard creating, using, or disseminating a deepfake to produce materially false information; and generally relating to election misinformation, election disinformation, and deepfakes. A violator is guilty of a misdemeanor and subject to imprisonment not exceeding 5 years and/or a fine not exceeding \$5,000. Based on the identified comparables, specifically EL, § 16-201 (*Voting offenses*), the Guidelines Subcommittee recommends classifying this offense as a property offense with a seriousness category of VII.

Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee's recommendation to classify the offense as a property offense with seriousness category of VII without opposition.**

- viii. Senate Bill 221 prohibits child pornography with 100 images or more. A violator of the two offenses listed is guilty of a felony and subject to imprisonment not exceeding 10 years. A sentence imposed for these acts may be separate from and consecutive to or concurrent with a sentence imposed for any other crime based on the act establishing a violation of CR, § 11-207 or § 11-208.

- a. Chapter 530 (SB 221)- Violation of CR, §11-207(a)(4) or CR, §11-208(b)(1) with 100 images or more (CR, §11-208.2(b)(2))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a person offense with a seriousness category of IV.

- b. Chapter 530 (SB 221)- Violation of CR, §11-207(a)(4) or CR, §11-208(b)(1) or (b)(2) with any image depicting a minor or an individual indistinguishable from an actual and identifiable child under the age of 13 years (CR, §11-208.2(c)(2))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a person offense with a seriousness category of IV.

Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee's recommendation to**



classify the two offenses as person offenses with a seriousness category of IV, with no opposition.

- ix. House Bill 374/Senate Bill 370 prohibits an individual from employing a person to practice acupuncture without a license or aiding or abetting the unauthorized practice of acupuncture. A violator is guilty of a misdemeanor and is subject to imprisonment not exceeding 1 year and/or a fine not exceeding \$5,000 for a first offense. For a subsequent violation, an individual is guilty of a felony and subject to imprisonment not exceeding 5 years and/or a fine not exceeding \$10,000. Dr. Soulé explained that Maryland law currently prohibits an individual from practicing acupuncture without a license or falsely representing themselves as an acupuncturist though the Commission has not yet classified this offense, so staff included it here. MSCCSP staff included HO, §1A-404(b)(1), the 3rd offense in the table, even though this offense carries a 1-year maximum incarceration penalty because staff thought it would be helpful to review the full range of penalties for this statute at the same time.

- a. Chapters 233 and 234 (HB 374/SB 370)- Practicing acupuncture without a license or misrepresentation as practitioner of acupuncture (HO, §1A-404(a)(1))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a person offense with a seriousness category of VI.

- b. Chapters 233 and 234 (HB 374/SB 370)- Aiding or abetting the unauthorized practice of acupuncture therapy in violation of HO, §1A-404(b), 1st offense (HO, §1A-404(b)(1))

The Guidelines Subcommittee has included this offense for informational purposes only and unanimously recommends taking no action from the Commission, as it carries a 1-year maximum penalty. By MSCCSP rule, any offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII.

- c. Chapters 233 and 234 (HB 374/SB 370)- Aiding or abetting the unauthorized practice of acupuncture therapy in violation of HO, §1A-404(b), subsequent (HO, §1A-404(b)(2))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a person offense with a seriousness category of VI.



Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee's recommendation to classify the offenses as person offenses with seriousness categories of VI, VII, and VI, respectively, without opposition.**

- x. Dr. Soulé explained that Chapter 445 (SB 8) adds the use of artificial intelligence or deepfake representations to prohibitions against identity fraud. The bill prohibits an individual from knowingly, willfully, and with fraudulent intent using AI or a deepfake representation to (1) cause harm to another by impersonating, falsely depicting, or claiming to represent another person, or (2) create or distribute false records with the intent to cause harm to another, induce another to provide personally identifying information, or obtain a benefit, credit, good, service, or other thing of value. A violator is guilty of a felony and is subject to imprisonment not exceeding 5 years and/or a fine not exceeding \$10,000 for one victim. For two or more victims, a violator is guilty of a felony and subject to imprisonment not exceeding 10 years and/or a fine not exceeding \$15,000. Senate Bill 8 also prohibits an individual from knowingly and willfully assuming the identity of another, including a fictitious person, with fraudulent intent to harm, harass, intimidate, threaten, or coerce the other person. Based on the offense descriptions, which involve directly harming a person and/or unlawfully obtaining property, the Guidelines Subcommittee believes a dual property/person offense type classification is appropriate for these two offenses.

Finally, Senate Bill 8 also prohibits a person from knowingly, willfully, and with fraudulent intent using the personal identifying information of another, without their consent, to cause harm. A violator is guilty of a misdemeanor and is subject to imprisonment not exceeding 1 year and/or a fine not exceeding \$500.

- a. Chapter 445 (SB 8)- Use artificial intelligence or deepfake representation to cause harm to another by impersonating, falsely depicting, or claiming to represent another person, or to create or distribute false records with the intent to cause harm to another, induce another to provide personal identifying information, or obtain a benefit, credit, good, service, or other thing of value, one victim (CR, §8-301(f)(2); CR, §8-301(g)(5)(i) (penalty))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a property/person offense with a seriousness category of VI.

- b. Chapter 445 (SB 8)- Use artificial intelligence or deepfake representation to cause harm to another by impersonating, falsely depicting, or claiming to represent another person, or to create or distribute false records with the intent to cause harm to another, induce another to provide personal



identifying information, or obtain a benefit, credit, good, service, or other thing of value, two or more victims (CR, §8-301(f)(2); CR, §8-301(g)(5)(ii) (penalty))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a property/person offense with a seriousness category of V.

- c. Chapter 445 (SB 8)- Maliciously use an interactive computer service to disclose personal identifying information of an individual, without their consent, in order to annoy, threaten, embarrass, or harass; knowingly, willfully, and with fraudulent intent use personal identifying information of an individual, without their consent, in order to cause harm (CR, §8-301(b-1), (b-2); CR, §8-301(g)(4) (penalty))

The Guidelines Subcommittee has included this offense for informational purposes only and unanimously recommends taking no action from the Commission, as it carries a 1-year maximum penalty. By MSCCSP rule, any offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII.

- d. Chapter 445 (SB 8)- Falsely represent self as another person (CR, §8-301(c)(1), (f)(1); CR, §8-301(g)(4) (penalty))

The Guidelines Subcommittee has included this offense for informational purposes only and unanimously recommends taking no action from the Commission, as it carries a 1-year maximum penalty. By MSCCSP rule, any offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII.

Judge Middleton asked if there was any discussion.

Delegate Bartlett stated that she supported the proposed dual classification for the deepfake offense. She noted that she had also considered whether the offense of interference with an answering point warranted a dual classification but recalled that existing law may already classify offenses involving harm to a person accordingly. She observed that many offenses could potentially be classified as both property and person crimes, although the rationale for a dual classification was more apparent for the deepfake offense.

The Commission adopted the Guidelines Subcommittee's recommendation to classify the offenses as property/person offenses with seriousness categories of VI, V, VII and VII, respectively, without opposition.



Dr. Soulé directed Commissioners to page 20, which starts the review of changes to existing offenses with recommended action.

- xi. Chapters 28 and 29 (SB 907/HB 1389)- Female genital mutilation—perform, attempt, conspire, or consent to perform, or transport out of state to perform or facilitate performance (HG, §20-602; HG, §20-604 (penalty))

Senate Bill 907/House Bill 1389 increases the maximum incarceration penalty from 5 years to 10 years for female genital mutilation and adds to the list of prohibited acts the conspiracy or attempt to perform genital mutilation and the transportation of an individual under the age of 18 years out of the state for the purpose of performing or facilitating its performance. A violator is guilty of a felony and is subject to imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000. Based on the new statutory maximum penalty and the comparables identified, the Guidelines Subcommittee recommends revising the seriousness category from V to IV.

Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee’s recommendation to revise the offense seriousness category from a V to IV, without opposition.**

- xii. Dr. Soulé explained that House Bill 501 removes sex offense by a person in a position of authority from the list of acts defined as a sex offense in the fourth degree, recodifies it under CR. § 3-308.1., and alters the penalty structure. The bill alters the penalty for a sex offense committed by a person in a position of authority and previously convicted of a violation of CR, §3-303, §3-304, §3-307 through §3-310, §3-311 or §3-312 as the statutes existed before October 1, 2017, or CR, §3-306, or CR, §3-315, increasing the offense from a misdemeanor punishable by imprisonment not exceeding 3 years and/or a fine not exceeding \$1,000 to a felony punishable by imprisonment not exceeding 20 years and/or a fine not exceeding \$50,000. House Bill 501 also provides an increased penalty for a person in a position of authority who committed a sex offense with a victim younger than 13 years old. A violator is guilty of a felony and subject to imprisonment not exceeding 10 years and/or a fine not exceeding \$25,000. The MSCCSP staff included CR, §3-308.1(e)(1) which has a 1-year maximum incarceration penalty to review the full range of penalties for this statute at the same time.
 - a. Chapter 426 (HB 501)- Sex Offense by a person in a position of authority (CR, § 3-308.1(b); CR, §3-308.1(e)(1) (penalty))

The Guidelines Subcommittee has included this offense for informational purposes only and unanimously recommends taking no action from the Commission, as it carries a 1-year maximum penalty. By MSCCSP rule, any



offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII.

- b. Chapter 426 (HB 501)- Sex Offense by a person in a position of authority previously convicted of a sex offense (CR, §3-308.1(e)(3) (penalty))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a person offense with a seriousness category of III.

- c. Chapter 426 (HB 501)- Sex Offense, by a person in a position of authority with victim younger than 13 years old (CR, § 3-308.1(c); CR, §3-308.1(e)(2) (penalty))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a person offense with a seriousness category of IV.

Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee's recommendation to revise the offense seriousness categories to a III and a IV, respectively, without opposition.**

- xiii. Senate Bill 388/House Bill 898 increases the penalties for knowingly submitting a false statement on an application for financial assistance or affecting bonding assistance from imprisonment not exceeding 6 months and/or a fine not exceeding \$1,000 to imprisonment not exceeding 5 years and/or a fine not exceeding \$50,000. Although there is no change to the penalty structure for the first two offenses, EC, §5-524(c) or EC, §5-534(c), they are currently unclassified by the Commission.

- a. Chapters 351 and 352 (SB 388/HB 898)- Knowingly make or cause to be made a false statement or report in an application or document submitted to, or to influence an action of, the Maryland Economic Development Assistance Authority — Small Business Development Contract Financing (EC, §5-524(c))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a property offense with a seriousness category of VII.

- b. Chapters 351 and 352 (SB 388/HB 898)- Knowingly make or cause to be made a false statement or report in an application or document submitted to, or to influence an action of, the Maryland Economic Development Assistance Authority — Small Business Development Guaranty Program (EC, §5-534(c))



Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a property offense with a seriousness category of VII.

- c. Chapters 351 and 352 (SB 388/HB 898)- Knowingly make or cause to be made a false statement or report in an application or document submitted to, or to influence an action of, the Maryland Economic Development Assistance Authority — Small Business Surety Bond Program (EC, §5-559(c))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a property offense with a seriousness category of VII.

Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee’s recommendation to classify the offenses as property offenses with a seriousness category of VII, without opposition.**

- xiv. Dr. Soulé stated that the final bill that required action is House Bill 259/Senate Bill 43. The bill expands and restructures the Maryland Community Investment Venture Fund, providing that its purpose is to provide investments, grants, and other financial assistance aimed at developing opportunities for banking institutions and credit unions to better serve the needs of low- and moderate-income communities, and extends the State’s authority to match private investments through 2030. House Bill 259/Senate Bill 43 also repeals certain fees charged by the Commissioner of Financial Regulation, including charter certificate fees for banking institutions and amendment examination fees for commercial banks. The bill also revises the definition of “bank” to include any “banking institution, national banking association, [or] other-state bank” for the purposes of prohibiting certain individuals from doing business in Maryland. Although there is no change to the penalty structure of these offenses, they are currently unclassified by the Commission.

- a. Chapters 131 and 132 (HB 259/SB 43)- Unauthorized representation as a bank, national banking association, or savings and loan association (FI, §5-806(d))

Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a property offense with a seriousness category of VII.

- b. Chapters 131 and 132 (HB 259/SB 43)- Unauthorized representation as a credit union (FI, §6-901(a)(2))



Based on the identified comparables, the Guidelines Subcommittee unanimously recommends classifying this offense as a property offense with a seriousness category of VII.

Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee’s recommendation to classify the offenses as property offenses with a seriousness category of VI, without opposition.**

Dr. Soulé noted that there is no recommended action by the Guidelines Subcommittee for the remainder of the document, pages 28-42. The Guidelines Subcommittee unanimously recommends no action on the remaining offenses for two reasons. These bills either (1) offer no change to the criminal penalty structure for the specific offenses or (2) are new offenses with a maximum penalty of 1 year or less. The Commission has a long-standing policy regarding offenses with penalties of 1 year or less, whereby these offenses are automatically assigned a seriousness category of VII unless the Commission chooses to adopt a different seriousness category. For these reasons, the Guidelines Subcommittee unanimously recommends that no action is needed.

Dr. Soulé noted that the staff can review any specific legislation and corresponding offenses with no designated action if needed, but he would defer to the Commission members to decide if any legislation or offense-specific review is necessary.

Judge Middleton asked if there was any discussion on the remaining offenses requiring no action by the Commission.

Judge Shaw added that House Bill 1012 discusses the disclosure of identifying information, which may be useful to look at when the staff is developing new language for the public comments hearings.

Dr. Soulé thanked Judge Shaw for the suggestion and concluded the discussion of new and revised offenses from the 2026 Legislative Session.

b. Proposed classification of miscellaneous previously unclassified offenses (Action item)

Dr. Soulé stated that Ms. Caspero would present agenda item 5b.

Ms. Caspero referred the Commission to the corresponding memorandum, *Proposed Classification of Miscellaneous Previously Unclassified Offenses*. The MSCCSP staff were contacted by criminal justice practitioners regarding two offenses not contained in the Guidelines Offense Table. The first offense is knowingly making a false statement to obtain a marriage license. Under FL, § 2-407(b), a person who violates this is guilty of perjury, which carries a maximum penalty of up to 10 years imprisonment. Based on



the comparables listed on page 2, the Guidelines Subcommittee recommends classifying this offense as a property offense with a seriousness category of IV.

Ms. Caspero continued to page three of the memo, which lists the second set of offenses. These offenses relate to counterfeit tobacco tax stamps. A violator of creating or procuring an altered or counterfeited tobacco tax stamp is guilty of a misdemeanor and subject to up to 5 years imprisonment and/or a fine not exceeding \$5,000. Using, transferring, or possessing an altered or counterfeited tobacco tax stamp and using a tobacco tax stamp more than once are also misdemeanors subject to 5 years imprisonment and/or a \$5,000 fine. Based on the comparables listed on page 4, the Guidelines Subcommittee recommends classifying these offenses as property offenses with a seriousness category of VI.

The purchase of a tobacco tax stamp from unauthorized individuals is also prohibited and is a misdemeanor subject to up to 1 year imprisonment and/or a fine not exceeding \$1,000. The Guidelines Subcommittee recommends no action from the Commission, as this offense will automatically be assigned as a seriousness category VII property offense unless the Commission wants to discuss it further. Ms. Caspero concluded her summary and said the staff were happy to answer any questions. She turned it over to the Subcommittee for discussion.

The Commission unanimously adopted the Guidelines Subcommittee's recommended classifications for the previously unclassified offenses.

Dr. Soulé concluded the Guidelines Subcommittee Report.

6. Executive Director Report – Dr. David Soulé

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

a. July 6, 2026, sentencing guidelines updates (Status report)

Dr. Soulé said that the MSCCSP released new versions of the Maryland Sentencing Guidelines Manual (MSGM) and the Guidelines Offense Table, effective July 6, 2026. These updates include revisions to the Guidelines Offense Table 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. The July 2026 Guidelines E-News provides further details about these updates.

b. Forthcoming October 1, 2026, sentencing guidelines updates (Status report)



Dr. Soulé stated that the next round of proposed sentencing guidelines amendments will be published in the Maryland Register on July 10, 2026. These modifications reflect decisions made at recent MSCCSP meetings and include the following: 1) removal of select fields from the sentencing guidelines worksheet that lack direct utility to the sentencing guidelines; and 2) expansion of the definition of physical victim injury (part C of the offense score) and inclusion of examples of minor, non-permanent, and permanent injuries. The proposed revisions will also reorganize the instructions for scoring victim injury. Lastly, the proposed amendments clarify that an individual is not involved with the criminal justice system for the purposes of calculating the offender score if the individual's only involvement is to comply with the ongoing reporting requirements associated with sex offender registration in the State or elsewhere. The proposed language is being added to provide clarity to practitioners. After the proposed revisions are published in the Maryland Register, they are expected to be finalized and adopted effective October 1, 2026.

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

Dr. Soulé reminded the Commission that, at its May 5, 2026, meeting, he provided an update regarding the timeline for the prior adult criminal record study. Although the MSCCSP received data from the Department of Public Safety and Correctional Services (DPSCS) in January 2026 after a lengthy delay, staff identified significant missing data issues. Despite working with DPSCS staff to obtain an updated data file, additional issues were identified, and the data remain unworkable for analysis. Staff met with DPSCS again last week and are hopeful a resolution will be reached soon. An updated project timeline will be provided once the data issues are resolved.

Mr. Finci asked what issues the staff had encountered with the data.

Dr. Soulé answered that around 40% of offenses do not have accurate offense identifiers. The offense literal description used is problematic because it allows the entry of the offense name to be written. For example, second degree assault may be described hundreds of different ways, and the staff has to write code to identify all those different descriptions and categorize them correctly as the same offense, which is tedious. The staff is hoping to avoid this process by getting accurate offense identifiers.

d. MSCCSP staff vacancy update (Status Report)

Dr. Soulé explained that, as noted at the MSCCSP May 5, 2026, meeting, the staff have been working to fill their vacant faculty specialist/research assistant position. Approximately 150 candidates submitted applications for the position. Initial Search



Committee interviews were completed, and a final group was identified in June. Dr. Soulé interviewed the finalists, and the final candidate accepted the offer. This candidate will start on Monday, July 27, 2026.

Dr. Soulé noted that he looked forward to introducing the selected candidate at the next Commission meeting in September and thanked the Search Committee for all their work reviewing the candidates as it was a significant workload to review the large applicant pool. Stacy Najaka served as the Chair of the Search Committee, and she was joined by Sarah Bowles and Katharine Pembroke.

Dr. Soulé concluded his report.

7. Remaining 2025 MSCCSP Meetings (Status report)

The remaining MSCCSP meetings were noted on the agenda:

- Tuesday, September 15, 2026 (virtual)
- Monday, November 30, 2026 (in-person, Maryland Judicial Center).

8. Old Business

There was no old business to discuss.

9. New Business/Announcements

There was no new business to discuss.

The meeting was adjourned at 6:44 p.m.