



Minutes

Maryland State Commission on Criminal Sentencing Policy

Videoconference

July 8, 2025

Commission Members in Attendance:

Honorable Dana M. Middleton, *Chair*
Honorable Melanie M. Shaw, *Vice-Chair*
Delegate J. Sandy Bartlett
Rodney R. Davis
Honorable Brian L. DeLeonardo
Katie Dorian, *representing Honorable Anthony G. Brown*
Richard A. Finci, Esq.
Matthew B. Fraling, *representing Public Defender Natasha Dartigue*
Angelina Guarino, *representing Secretary Carolyn J. Scruggs*
Brian D. Johnson, Ph.D.
Larry L. Johnson
Delegate David Moon
Agent Nakita A. Ross
Honorable Michelle R. Saunders
Senator Christopher R. West

Staff Members in Attendance:

Sarah Bowles
Julia Caspero
Stacy Najaka, Ph.D.
Anabella Nosel
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 5:33 p.m. after a quorum had been established.



3. Approval of Minutes

The minutes from the February 24, 2025, MSCCSP meeting were approved, with a correction to the spelling of Mr. Fraling's name.

4. Announcement of Commissioner Reappointments

Judge Middleton was pleased to share that Governor Moore reappointed two Commissioners to the MSCCSP, Dr. Johnson and Ms. Miller. Dr. Johnson was reappointed as the criminal justice policy expert, and Ms. Miller was reappointed as the victims' advocacy group representative. Each of these appointments is for a term of four years, starting on July 1, 2025. The Commission congratulated Dr. Johnson and Ms. Miller.

Next, Judge Middleton was pleased to announce that Governor Moore appointed Agent Ross to a four-year term as a member of the Commission. Agent Ross is a senior investigator from Kent County with the Division of Parole and Probation in the Maryland Department of Public Safety and Correctional Services, and was appointed as one of the two public representatives. The Commission congratulated Agent Ross.

Judge Middleton expressed her appreciation to Agent Ross for accepting the appointment and to Dr. Johnson and Ms. Miller for accepting their reappointments. Dr. Soulé added that Agent Ross is replacing Kyle Scherer, whose four-year term expired July 30, 2025. Dr. Soulé recognized Mr. Scherer's service and commitment to the MSCCSP.

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 Shaw, the Guidelines Subcommittee Co-Chair, noted that the staff will present the agenda items.

a. Proposed classification of new and revised offenses, 2025 Legislative Session (Action item)

Dr. Soulé first presented agenda item 5a, the proposed classification of new and revised offenses from the 2025 Legislative Session. He noted that the Guidelines Subcommittee met on June 25, 2025, 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_2025 Legislative Session*. Also provided was a supporting document titled, *Combined File of Legislative Text for New and Amended Offenses_2025*. 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 2025, starting on page one of the memorandum.

- i. Chapters 191 and 192 (Senate Bill [SB] 11/House Bill [HB] 179) prohibit one or more persons from committing a series of thefts from retail merchants with an aggregate value exceeding \$1,500. If these crimes are committed in more than one county, they can be aggregated to meet the \$1,500 threshold. This legislation targets organized groups coordinating thefts on a large scale, grabbing merchandise with high resale value. A violation involving at least \$1,500 but less than \$25,000 is a felony subject to a maximum penalty of 5 years imprisonment and/or a \$10,000 fine. A violation involving at least \$25,000 but less than \$100,000 is a felony subject to a maximum penalty of 10 years imprisonment and/or a \$15,000 fine. A violation involving \$100,000 or greater is a felony subject to a maximum penalty of 20 years imprisonment and/or a \$25,000 fine.

- a. Chapters 191 and 192 (SB 11/HB 179)- Organized retail theft, at least \$1,500 but less than \$25,000 (CR, §7-104.1(c)(1))

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



- b. Chapters 191 and 192 (SB 11/HB 179)- Organized retail theft, at least \$25,000 but less than \$100,000 (CR, §7-104.1(c)(2))

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

- c. Chapters 191 and 192 (SB 11/HB 179)- Organized retail theft, \$100,000 or greater (CR, §7-104.1(c)(3))

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

Judge Shaw noted that this bill is in response to groups of people running into retail stores and grabbing valuable items like jewelry or clothing. Judge Middleton asked if there was any further 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. Chapters 160 and 161 (SB 81/HB 445)- Taking certain actions with the intent to interrupt or impair the functioning of a public safety answering point (CR, §7-302(d)(5))

Dr. Soulé explained that Chapters 160/161 create a new felony if someone takes actions intended to interrupt or impair the functioning of a 911 call center. This includes cyberattacks on 911 call centers that render them inoperative for a certain period. A violator of this offense is guilty of a felony and subject to a maximum penalty of imprisonment for five years and/or a \$25,000 fine. Based on the comparables, the Guidelines Subcommittee unanimously recommends classifying this violation as a property offense with a seriousness category of V.

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 V without opposition.**

Delegate Bartlett asked if the memorandum later discusses an aspect of the bill relating to death or injury that results from the misuse of or cyberattack on 911 call centers. She prefaced that she had not read through the entire memorandum, but she recalled conversations from the Legislative Session about death or injury resulting from 911 call center misuse. Judge Shaw asked if Delegate Bartlett could give her an example scenario. Delegate Bartlett offered if someone dies or is injured because of swatting.

Delegate Bartlett thought this element was added to the bill, which would make it a person offense versus a property offense. Dr. Soulé offered to look through



the bill's language, but he did not recall seeing that element. Delegate Bartlett said she would look through the bill's language as well and email him if she found anything.

Judge Shaw suggested that, if the language exists, the Subcommittee can discuss it at their next meeting.

Mr. Fraling interpreted the bill as specifically addressing the volitional act by a person or entity to create a situation that prompted 911 to respond ineffectively. He did not know if this addressed Delegate Bartlett's concern.

Judge Shaw said that Delegate Bartlett's and Mr. Fraling's explanations made sense, but the Commission should rely on the language in the bill itself. She requested that Judge Middleton defer this issue to the next Subcommittee meeting to come up with a recommendation on the crime classification and seriousness category.

Judge Shaw replied that the staff should research the legislation to see if the language Delegate Bartlett referenced is a component of the bill. If so, the Subcommittee should vote on its classification and seriousness category.

(This issue is later resolved during the New Business discussion.)

- iii. Chapter 545 (HB 674)- Committing, or aiding or abetting another to commit, certain destructive acts to human remains with the intent to conceal a crime (CR, §10-405)

HB 674 prohibits knowingly and willfully dismembering, destroying, removing, burying, disposing of, or obliterating any portion of human remains with the intent to conceal a crime or aiding or abetting another in a violation of this act. A violator is guilty of a felony and subject to imprisonment for up to five years. Based on the identified comparables, 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. Delegate Bartlett asked why this offense is considered a property offense versus a person offense, and if it is because the person is deceased. Judge Shaw answered that she was correct, as cemetery crimes deal with people who are not considered alive at the time of the offense. **The Commission adopted the Guidelines Subcommittee's recommendation to classify the offense as a property offense with a seriousness category of VI, without opposition.**



iv. Chapters 189 and 190 (HB 943/SB 334)- Malicious or fraudulent burning resulting in the death of or serious physical injury to a firefighter (CR, §6-112)

HB 943/SB 334 prohibit a person from committing a certain crime of malicious or fraudulent burning that results in the death of or serious physical injury to a firefighter. A violator is guilty of a felony and subject to imprisonment not exceeding 10 years, and the sentence shall be separate from and consecutive to any sentence for a crime based on the act establishing the violation. The Guidelines Subcommittee identified comparable offenses and since this particular offense includes death or serious physical injury to a firefighter, the Guidelines Subcommittee believed the fourth listed comparable, *Fleeing or eluding police that results in death of another person*, which also carries a 10-year maximum penalty, is the most relevant comparable. Accordingly, the Guidelines Subcommittee unanimously recommends classifying this felony 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 person offense with a seriousness category of IV, without opposition.**

- v. Dr. Soulé explained that Chapter 275 (SB 123) requires the operator of a vessel to immediately stop a vessel involved in a collision, accident, or other casualty as close as possible to the scene of the collision, accident, or other casualty. A violator is guilty of a misdemeanor and is subject to imprisonment up to 1 year and/or up to a \$3,000 fine. A violator is guilty of a misdemeanor and is subject to imprisonment not exceeding 5 years and/or a fine not exceeding \$5,000 if the collision, accident, or other casualty results in the death of another person. A person who violates this subsection and who knew or reasonably should have known that the collision, accident, or other casualty might result in serious bodily injury to another person and serious bodily injury actually occurred is guilty of a felony and is subject to imprisonment up to 5 years and/or up to a \$5,000 fine. A person who violates this subsection and who knew or reasonably should have known that the collision, accident, or other casualty might result in the death of another person and death actually occurred is guilty of a felony and is subject to imprisonment up to 10 years and/or up to a \$10,000 fine. Lastly, the bill prohibits the operator of the vessel from failing to render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save the persons from danger caused by the collision, accident, or casualty, to the extent the operator can do so without serious danger to the operator's own vessel or persons aboard, and to provide the operator's information to any person injured and to the owner of the property damaged. A violator is guilty of



a misdemeanor and subject to imprisonment up to 2 months and/or a fine not exceeding \$500.

- a. Chapter 275 (SB 123)- Failure to render all practical and necessary assistance to persons affected by a vessel collision, accident, or other casualty; failure to provide operator's information (NR, §8-724(b))

The Guidelines Subcommittee has included this offense for informational purposes only and unanimously recommends no action from the Commission. The offense carries a 2-month penalty. By MSCCSP rule, any offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII.

- b. Chapter 275 (SB 123)- Failure to immediately stop a vessel involved in a collision, accident, or other casualty that results in bodily injury to another person (NR, §8-724(a)(3)(ii)(1))

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

- c. Chapter 275 (SB 123)- Failure to immediately stop a vessel involved in a collision, accident, or other casualty that results in the death of another person (NR, §8-724(a)(3)(ii)(2))

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

- d. Chapter 275 (SB 123)- Failure to immediately stop a vessel involved in a collision, accident, or other casualty when the person knew or reasonably should have known that serious bodily injury might occur and serious bodily injury actually occurred (NR, §8-724(a)(3)(iii)(1))

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

- e. Chapter 275 (SB 123)- Failure to immediately stop a vessel involved in a collision, accident, or other casualty when the person knew or reasonably should have known that the death of another person might occur and death actually occurred (NR, §8-724(3)(iii)(2))

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 three new offenses with action recommended as person offenses with seriousness categories of V, V, and IV, respectively, without opposition.

Dr. Soulé directed Commissioners to page 9, which starts the review of changes to existing offenses with recommended action.

- vi. House Bill 413 specifies that a violation of Section 5-612(a) of the Criminal Law Article relating to manufacturing, distributing, dispensing, or possessing certain large amounts of certain controlled substances is a felony. The bill alters the penalties for being a volume dealer and drug kingpin with regard to cannabis. A violation of the prohibition against being a volume dealer of cannabis is a misdemeanor and is subject to imprisonment not exceeding 10 years and/or a fine not exceeding \$50,000. A violation of the prohibition against being a drug kingpin with regard to cannabis is a felony subject to imprisonment not exceeding 20 years and/or a fine not exceeding \$100,000.

- a. Chapter 136 (HB 413)- Manufacture, distribute, dispense, or possess 50 pounds or more of cannabis (CR, §5-612(c)(2))

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

- b. Chapter 136 (HB 413)- Conspiring to manufacture, distribute, dispense, transport in, or bring into the State a controlled dangerous substance in a certain amount, cannabis- drug kingpin (CR, §5-613(b)(2))

The Guidelines Subcommittee unanimously recommends classifying this offense as a drug offense with a seriousness category of IIIB.

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

- vii. House Bill 413 reclassifies a violation of Section 5-138 of the Public Safety Article (specifically *Possess, sell, transfer, or otherwise dispose of stolen regulated firearm*) from a misdemeanor to a felony and provides that each violation of the section is a separate crime. Next, the bill reclassifies violations of Section 5-406 of the Public Safety Article involving the distribution and sale of a handgun not included on the handgun roster from a misdemeanor to a felony, and provides that, upon conviction, a violator is subject to imprisonment not exceeding 5 years and/or certain fines. The Handgun Roster Board within the Maryland Department of State Police compiles and maintains a list or roster of handguns approved for manufacture or sale within the State. Additionally, House Bill 413



reclassifies under PS, § 5-703, the prohibition against purchasing, receiving, selling, offering to sell, or transferring a “ghost gun” from a misdemeanor to a felony. Lastly, under PS, § 5-140, Senate Bill 443 and House Bill 413 reclassify the prohibition against *Transporting a regulated firearm into the State for the purpose of unlawfully selling or trafficking the firearm* from a misdemeanor to a felony.

- a. Chapters 465 and 136 (SB 443/ HB 413)- Possess, sell, transfer, or otherwise dispose of stolen regulated firearm (PS, §5-138)

The Guidelines Subcommittee unanimously recommends no action as the only change to the offense was to its misdemeanor/felony classification. The offense is already classified as a seriousness category VI, and the maximum penalty did not change.

- b. Chapter 136 (HB 413)- Manufacture for distribution or sale of a handgun that is not included on the handgun roster (PS, §5-406(c)(1))

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

- c. Chapter 136 (HB 413)- Sell or offer to sell a handgun that is not included on the handgun roster (PS, §5-406(c)(2))

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

- d. Chapter 136 (HB 413)- Purchase, receive, sell, offer to sell, or transfer an unfinished frame or receiver that has not been imprinted with a serial number in compliance with federal laws and regulations (i.e., a “ghost gun”) (PS, §5-703(c)(1))

The Guidelines Subcommittee unanimously recommends no action as the only change to the offense was to its misdemeanor/felony classification. This offense is already classified as a seriousness category V, and the maximum penalty did not change.

- e. Chapter 136 (HB 413)- Transport regulated firearm into State for purpose of unlawfully selling or trafficking (PS, §5-140)

The Guidelines Subcommittee unanimously recommends no action as the only change to the offense was to its misdemeanor/felony classification. This offense is already classified as a seriousness category IV, and the maximum penalty did not change.



Judge Middleton asked if there was any discussion. **Hearing none, the Commission adopted the Guidelines Subcommittee's recommendation to classify the two revised offenses with action recommended as person offenses with a seriousness category of VI, with no opposition.**

- viii. Dr. Soulé explained that House Bill 260 reduces the penalty for a violation of Section 5-620 of the Criminal Law Article, which prohibits the distribution of controlled paraphernalia under certain circumstances, from imprisonment not exceeding 4 years and/or a fine not exceeding \$25,000 to a fine not exceeding \$500 for a first violation and imprisonment not exceeding 1 year and/or a fine not exceeding \$1,000 for a subsequent offense. The bill also reduces the penalty for a subsequent violation of Section 5-619(c) of the Criminal Law Article, which prohibits the *Use or possession with intent to use drug paraphernalia for certain purposes*, from imprisonment not exceeding 2 years and/or a fine not exceeding \$2,000 to imprisonment not exceeding 1 year and/or a fine not exceeding \$1,000. Lastly, the bill reduces the penalty for a subsequent violation of Section 5-619(d), which prohibits a person from *Delivering, selling, or manufacturing or possessing with the intent to deliver or sell, drug paraphernalia when the person knew or should have known that the paraphernalia would be used for certain purposes* from imprisonment not exceeding 2 years and/or a fine not exceeding \$2,000 to imprisonment not exceeding 1 year and/or a fine not exceeding \$1,000.

Dr. Soulé stated that the first listed offense in the table applies to a first violation of drug paraphernalia and it no longer includes the possibility of incarceration. Therefore, it will be removed from the Guidelines Offense Table because the guidelines do not apply to offenses that do not carry the possibility of incarceration.

- a. CDS and Paraphernalia- Distribute controlled paraphernalia- non cannabis, subsequent (CR, §5-602(d)(2))

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 maximum penalty. By MSCCSP rule, any offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII.

- b. CDS and Paraphernalia- Use or possess with intent to use drug paraphernalia-non-cannabis, subsequent (CR, §5-619(c)(2)(ii))



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.

- c. CDS and Paraphernalia- Deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, subsequent (CR, §5-619(d)(2)(ii))

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.

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

Dr. Soulé noted that there is no recommended action by the Guidelines Subcommittee for the remainder of the document, pages 14-29. 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. Hearing none, Dr. Soulé concluded the discussion of new and revised offenses from the 2025 Legislative Session.

- b. Proposed revisions in response to HB 89/SB 152, animal victims and the sentencing guidelines stacking rule (Action item)

Dr. Soulé stated that Ms. Caspero would present agenda item 4b. Ms. Caspero referred Commissioners to the corresponding meeting memorandum, *Proposed Guidelines Revisions in Response to Senate Bill 152/House Bill 89*.

She reminded Commissioners that the MSCCSP met on January 7, 2025, to discuss the potential impact that SB 152, cross-filed with HB 89, would have on the Commission’s work. At the time, the Commission decided to submit written testimony for SB 152’s hearing, which took place on January 9. Since then, SB 152 was passed by the Maryland



General Assembly. The bill provides that each animal harmed in a violation of Section 10, Subtitle 6 of the Criminal Law Article is a separate offense and shall be deemed an individual victim for purposes of the sentencing guidelines stacking rule or what is referred to in the Maryland Sentencing Guidelines Manual (MSGM) as the multiple victims “stacking” rule (MVSR). She said that, currently, Chapter 10.1 of the MSGM provides instructions for the MVSR stating that:

“When there is a criminal event with multiple victims and not more than one seriousness category I or II offense, the person completing the sentencing guidelines worksheet shall add the highest of the upper limits of the guidelines ranges for each victim to find the correct overall range for the criminal event. Animals may not be considered victims for the purposes of applying the multiple victims stacking rule.”

The added instruction to exclude animals was adopted in February 2024 and was not considered a rule change but rather a clarification of an existing rule.

Ms. Caspero stated that the number of sentencing events potentially impacted by SB 152 is small. Only 9 of the 37 guidelines-eligible sentencing events in fiscal year 2024 involving crimes against animals included more than one of these offenses. Violations of Section 10, Subtitle 6 are also more likely to be prosecuted in the District Court, where the guidelines are not applied. Appendix A, found on page 4 of the memo, includes a complete list of crimes against animals found in Section 10, Subtitle 6 that are included in the Maryland Sentencing Guidelines Offense Table.

She directed the Subcommittee to page 3 of the memo which includes the proposed revisions to the MSGM and Code of Maryland Regulations (COMAR), in response to SB 152 that revise the sentence clarifying that animals may not be considered victims to state, “Each animal harmed in violation of Section 10, Subtitle 6 of the Criminal Law Article shall be considered a victim for the purposes of applying the multiple victims stacking rule.” Ms. Caspero concluded her summary and said the staff were happy to answer any questions. She turned it over to the Commission for discussion.

Judge Shaw added that this change was originally discussed last term before the legislation was passed. She thought the legislation was consistent with the Commission’s previous discussion.

Mr. Finci said he had a proposed amendment to the proposed MSGM language. Since this change is statutorily mandated, and it is not an internal MSCCSP policy decision, he recommended adding the phrase “Pursuant to Criminal Law Article, §10-627” to the beginning of the proposed language.

Judge Shaw said that Mr. Finci’s recommendation is consistent with the Subcommittee’s discussion.



The Commission adopted the Guidelines Subcommittee’s recommended language, with the amendment from Mr. Finci adding to the beginning of the language, “Pursuant to Criminal Law Article, §10-627,” with no opposition.

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 1, 2025, sentencing guidelines updates (Status report)

Dr. Soulé said there are two sentencing guidelines updates to report. First, at the September 10, 2024, meeting, the MSCCSP voted to revise the list of common departure reasons to (1) more closely align with the reasons reflected in the current guidelines data, (2) reflect input received via a survey of circuit court judges, and (3) provide greater insight into the circumstances of the case. The MSCCSP also voted to revise the corresponding instructions to more clearly explain why data on departure reasons are collected.

The revised list of common departure reasons and corresponding instructions were adopted in COMAR and the MSGM effective July 1, 2025. New yellow laminated reference cards listing the updated common reasons for departure and their corresponding numerical codes were distributed to the circuit courts.

Dr. Soulé stated that the second update includes revisions to the Guidelines Offense Table. Specifically, the table was updated to include: (1) one previously unclassified offense (EL, § 16-205); (2) one reclassified offense (CR, § 3-708); and (3) minor, non-substantive edits to two offenses.

b. MAGS 13.0 and MAGS 12.1 deployments (Status report)

Dr. Soulé stated that on July 1, 2025, the MSCCSP released MAGS 13.0.

MAGS 13.0 includes the revised list of common departure reasons and corresponding instructions. Additionally, MAGS 13.0 updates the criminal codes offense table to include the Guidelines Offense Table updates mentioned previously. Finally, this latest MAGS release includes extensive library upgrades that will help to maintain and ensure the security and functionality of the application.

Dr. Soulé stated that on April 3, 2025, the MSCCSP released MAGS 12.1. MAGS 12.1 included two significant updates. The first update added an alert message that will identify a potential multiple criminal event/single sentencing event scenario. When multiple criminal events, often indicated by multiple unique case numbers, are sentenced by the same judge, on the same day, they constitute one sentencing event,



and the guidelines worksheets for all case numbers should be initiated under one MAGS record or worksheet ID. Additionally, to ensure proper calculation of the overall guidelines range in this scenario, MAGS 12.1 added a new feature that prompts users to correctly initiate a multiple criminal event/single sentencing event scenario. If a user attempts to initiate a worksheet with the same defendant name, date of birth, and jurisdiction as a previously initiated but unsubmitted worksheet, MAGS displays an alert message prompting the user to combine the worksheets for all case numbers within the same sentencing event under one worksheet ID. This was an important update. The goal of this feature was to ensure that in a multiple criminal event/single sentencing event scenario, judges are presented with the proper overall guidelines range prior to sentencing. So far, the update seems to be accomplishing that goal as the staff is not receiving nearly as many emails requesting that multiple criminal event/single sentencing scenarios be combined after sentencing.

Dr. Soulé said the second MAGS 12.1 update makes it easier for worksheet submitters to identify required missing fields prior to submission. In MAGS, all required fields marked with a red asterisk must be completed prior to submission. After the MAGS 12.1 update, if a user attempts to submit a worksheet without completing all required fields, an error message is displayed identifying which specific MAGS screen is missing a required field. The staff believe this feature has also been well received, as it saves time for MAGS users by identifying which specific field is missing.

Dr. Soulé recognized Ms. Pembroke's work on the MAGS upgrades. He said Ms. Pembroke is the MSCCSP help desk manager, but she is the engine that drives MAGS. He noted that she takes the lead on performing quality assurance tests and working with MAGS programmers. Dr. Soulé thanked Ms. Pembroke for the incredible effort and time she put into MAGS. Ms. Pembroke thanked the Commission.

c. Sentencing guidelines training/feedback meetings (Status report)

Dr. Soulé stated that, in preparation for the April 3, 2025, release of MAGS 12.1, the MSCCSP training coordinator, Ms. Pembroke, provided multiple MAGS-related training sessions on April 1, 4, 9, and 11 to highlight these updates to our justice partners. A recording of these webinars is available on the MSCCSP website.

Dr. Soulé shared that he participated in a judicial seminar regarding structural inequality on February 25, 2025. As one portion of a larger judicial seminar on anti-racism, he provided a summary of the MSCCSP July 2023 report assessing racial differences in sentences among those sentenced under the criminal sentencing guidelines. Likewise, on March 24, 2025, he presented about the recent activities of the MSCCSP to the Conference of Circuit Judges.



He noted that, since the beginning of the year, he has met with circuit court judges and court staff in Baltimore City, Baltimore County, Charles County, Frederick County, Garrett County, and Harford County. Additional meetings are scheduled for later in July for the circuit courts in Montgomery County and Washington County.

Dr. Soulé's goal is to meet with each jurisdiction every two to three years. The meetings are a great opportunity to share sentencing guidelines data, discuss recent guidelines updates, review the work of the Commission, and finally, to solicit feedback regarding the sentencing guidelines and the work of the MSCCSP.

d. Follow-up regarding SB 152/HB 89 and HB 1423, 2025 Legislative Session (Status Report)

Dr. Soulé stated he wanted to provide a brief wrap-up regarding the 2025 Legislative Session as it pertains to the work of the Sentencing Commission. The MSCCSP staff prepared fiscal and operational impact statements for 92 bills during the 2025 General Assembly Session. The staff reviewed all guidelines-relevant legislation and prepared the corresponding proposed revisions for new and amended offenses that this Commission reviewed earlier in the meeting.

He wanted to highlight two specific bills from the 2025 session. He reminded the Commission that the MSCCSP met twice during the legislative session to discuss separate proposed bills that, if passed, would impact the sentencing guidelines and/or the work of the Commission. At its January 7, 2025, meeting, the Commission discussed Senate Bill 152, cross-filed with House Bill 89. This legislation passed, and the Commission acted in response to the legislation earlier in this meeting. The second legislation, House Bill 1423, would have established the Commission to Review and Assess Racial Disparities in the State Criminal Justice System. On February 24, 2025, the MSCCSP met to discuss the potential impact of HB 1423 on the work of the Commission. The MSCCSP voted to support HB 1423 with amendments. Ultimately, HB 1423 did not advance out of the House Judiciary Committee.

Dr. Soulé concluded his report. Judge Middleton sincerely thanked Dr. Soulé and the staff for the tedious work they put into conducting the research and preparing the memorandums for the Commission. She said that preparing 92 fiscal and operational impact statements is no light task. Dr. Soulé thanked the Commission on behalf of the staff.

7. Remaining 2025 MSCCSP Meetings (Status report)

The remaining MSCCSP meetings were noted on the agenda:

- Tuesday, September 9, 2025 (virtual)
- Tuesday, December 2, 2025 (in-person, Maryland Judicial Center).



8. Old Business

There was no old business to discuss.

9. New Business/Announcements

Delegate Bartlett shared that during the meeting, she was researching and contacting colleagues about SB 81/HB 445 on cyberattacks to 911 call centers. She said that the portion of the bill she was thinking of was amended out of the bill and, therefore, the Guidelines Subcommittee does not need to discuss this bill at their next meeting. Dr. Soulé appreciated Delegate Bartlett's research and thanked her for the update.

Agent Ross asked how quickly the Guidelines Offense Table is officially updated once the changes made from this meeting are approved. Dr. Soulé said that she asked a good question. He stated that it typically takes three to four months for guidelines revisions to be promulgated as regulations. Anything that is adopted by the Commission goes through the proper adoption process. This involves publishing the proposed amendments in the Maryland Register and allowing 45 days for public comment, and then for another 15 days after that. He said he expected the changes from this meeting to be effective either November 1, 2025, or December 1, 2025.

Agent Ross said she understood. She asked Dr. Soulé to confirm that when she is applying the guidelines, she will still use the currently published Guidelines Offense Table and that there will be an update once these changes take effect. Dr. Soulé said she was correct and that justice partners would be notified of the updated Guidelines Offense Table via a Guidelines E-News email.

Judge Middleton asked if there was any other new business to discuss. Hearing none, she thanked the Commissioners for their time.

The meeting was adjourned at 6:35 p.m.