



## Minutes

Maryland State Commission on Criminal Sentencing Policy  
Maryland Judicial Center  
Annapolis, MD 21401  
December 2, 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, Esq., *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 H. Moon  
Honorable Michelle R. Saunders  
Senator Charles E. Sydnor, III  
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 5:58 p.m. after a quorum had been established.

## 3. Approval of Minutes

The minutes from the September 9, 2025, MSCCSP meeting were approved as submitted.

## 4. 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 removal of select sentencing guidelines worksheet (Action item)

Dr. Soulé referred commissioners to the corresponding memorandum titled *Proposed Removal of Select Sentencing Guidelines Worksheet Fields*. He explained that the Maryland sentencing guidelines worksheet is primarily used to determine the recommended sentencing outcome and to record sentencing data. Prosecutors and parole and probation agents record the worksheet information up through the recommended sentence range, and sentencing judges and their designees provide sentence information. Over the years, fields have been added and removed from the worksheet. Currently, the worksheet contains more than 80 fields, making it time-consuming for justice partners to complete.

Recognizing this, the MSCCSP staff conducted a review to determine if there are fields that are not being used and could potentially be removed. The review utilized five criteria to identify potential fields:

- (1) the field is not used by the Commission to inform the guidelines and sentencing policy;
- (2) the field is not used by another State agency to perform its duties;
- (3) the field is not routinely listed as a field of interest by outside parties requesting the guidelines data;
- (4) the field is often left blank by the justice partners responsible for completing the worksheet; and/or
- (5) the information captured by the field is captured by another field on the worksheet.

Dr. Soulé explained that the staff identified the fields in Table 1 and Image 1 as meeting one or more of the five criteria. The fields include:

- a. *Victim Court Costs Imposed*;
- b. The 10 fields in the *Victim Information* section of the worksheet (*Victim, Victim Participation, Victim Notification Form, Victim Notified Plea, Victim*



*Notified Date, Victim Present, Written VIS, Oral VIS, No Contact Requested, No Contact Ordered);*

- c. *50% of Sentence Announced for COVs; and*
- d. *Subsequent Offender Proven.*

Dr. Soulé noted that the victim-related fields were added to the worksheets at the request of Roberta Roper, who was the victims' representative to the Study Commission, which is the commission that preceded the current MSCCSP. The items were intended to reflect the extent to which victims' rights provisions were exercised at sentencing.

Based on the criteria, the staff believes the burden of collecting these data outweighs their limited utility. The Guidelines Subcommittee considered the staff's recommendation at its November 21, 2025, meeting and, by unanimous vote, agreed to recommend to the full Commission that the identified fields be removed from the sentencing guidelines worksheet. The proposed revisions to the Maryland Sentencing Guidelines Manual (MSGM) and the Code of Maryland Regulations (COMAR) are listed on pages 6 and 7 of the memo.

Dr. Soulé concluded his summary and said he was happy to answer any questions. He turned the discussion over to the Commission.

Delegate Bartlett thanked the staff for the memo and the report. She hoped that the proposed removal of the 10 fields in the *Victim Information* section was because the data are collected or captured elsewhere, which was the fifth criteria used in the review of the worksheet fields. She asked what the specific reason was for the proposed removal of these 10 fields.

Dr. Soulé responded that he believes the data are captured at the county level since the courts have individual victims' coordinators. The primary reason for the proposed removal of the *Victim Information* section is the burden it places on the courts and prosecutors in reporting that information. Dr. Soulé explained that this section generates the most questions/comments. Court staff typically do not know the relevant victim information and most reach out to others to obtain much of the information. Because the information is not readily available to those completing the worksheets, the worksheet completion and submission process can become more difficult and burdensome. The same is true for the other fields listed in the memorandum. If the courts wait until after sentencing to get this information, it leads to a less efficient and untimely worksheet submission.

Dr. Soulé added that the conversation about including the victim information section occurred in the late 1990s, and the section was officially added to the guidelines worksheet in 2001. During this time, there was a significant victims'



rights movement, and Dr. Soulé believed the Commission felt compelled to add the section to the worksheet. He noted, however, that the Commission does not use that data. The staff are also frequently told that the victim information questions are difficult for the courts and prosecutors to fill out and therefore are left blank. If someone asked the Commission for data to study victim trends in Maryland, the data would be incomplete and unqualified.

Dr. Soulé explained that the Commission has added fields to the worksheet over the years, most frequently because the Commission is mandated to do so by the legislature. However, the Commission has never removed fields from the worksheet. He expressed that completing the guidelines worksheet is not an insignificant task for the courts.

Delegate Bartlett said this decision makes sense knowing that the data on victim information are not being used because they are incomplete due to the low response rate.

Mr. Harvey noted that he voted in favor of the removal of these fields at the Subcommittee meeting. He asked if there had ever been a request for the victim information data. Dr. Soulé replied that requests for the victim information data have been rare over 20 years.

Mr. Harvey mentioned that as a former member of the Board of Directors of the Maryland Crime Victims Resource Center, there will be concerns if the *Victim Information* section is removed. He thought the information was there to remind prosecutors in the court to take the laws relating to victims into account. If this section was removed, even though it does not produce useful data, he thought there would be adverse feedback.

Dr. Soulé indicated that was a fair point, but he also noted that when the questions were added to the worksheet, he does not believe much thought was put into whether the Commission should be put in a position to check if the prosecutors are completing these tasks about victims' rights. He added that removing these fields does not remove any provisions related to victims' rights. It would just remove the collection of data by the MSCCSP.

Dr. Johnson said he had some concerns about removing these fields, specifically the *Victim Information* section. He understood that it does not provide good quality data, however part of the Commission's goal is to make the sentencing guidelines worksheet information available to researchers and the public. Having some data, though incomplete, is better than no data. He asked if there could be a middle ground. Perhaps the *Victim Information* section is a burden because there are ten different questions about victims. Dr. Johnson said he does not understand the difference between some of them, like *Victim Present* or *Victim*



*Participation.* He offered reducing the *Victim Information* section to fewer fields and combining some existing questions. This way the information is still collected without upsetting victim advocates, the questions are streamlined to reduce the burden on the court, and maybe the data obtained are more usable data if the section is easier to complete.

Dr. Soulé acknowledged that streamlining the questions would be an improvement. However, he did not think that those completing the worksheet would see it as a *substantial* improvement by simply reducing the number of questions. He also noted that no other sentencing commission collects victim-related information.

Judge Shaw highlighted that the Commission has specific intended objectives, and that the MSCCSP should not be the repository for all criminal justice information. She expressed concern that victim information may not be captured. However, she understood that when the sentencing guidelines were created there was a bigger need to safeguard victims' rights information. She offered that some people may skip the section because they see the questions asking about victim injury when the case involved no victims (e.g., property crimes). She asked if the MSCCSP wanted to develop a different worksheet for non-victim crimes or keep the victim information questions knowing that the Commission will be the repository for any inquiries.

Mr. Finci mentioned that he voted in favor of the removal of these sections on the worksheet. Citing his history serving on the Commission, he noted that the *Victim Information* questions were inserted over 20 years ago for the purpose of making sure victims' rights were recognized, and the involvement of the victim is supported by the judge. Additionally, the questions were added before data on victim rights was a major factor. Today, there will be a statement by the prosecutor that the victim was contacted, is present, or provided an impact statement. He noted that there has been a huge change in victims' rights and the recognition of the need for victims to be involved in sentencing since the fields were added to the worksheet. He felt these fields are extraneous for the purpose of the sentencing guidelines.

Mr. Finci reaffirmed that court staff may not immediately have a response to these fields. He agreed with Mr. Harvey's point, if Ms. Roper and her committee had suggestions on specific questions or had an objection to removing them, he would want to consider that. However, as it currently stands, he thought the removal of the fields was the correct option.

Mr. Finci asked if the Commission wanted to table the conversation to think of better victim information questions or talk to Ms. Roper's committee. Delegate



Bartlett said she was uncomfortable removing the fields but that she saw the redundancy in multiple victim-information questions. She said she would feel comfortable consolidating the information.

Judge Shaw made a motion to table the issue and resubmit the agenda item to the Guidelines Subcommittee for further discussion. Mr. Harvey added that the Commission would also reach out to the Maryland Crime Victims' Resource Center (MCVRC) to get their opinion. This would allow the Commission to move forward with the conversation with added clarity without negative feedback from victims' rights groups.

Dr. Johnson asked if there was historical information on why the victim-related questions were initially added to the worksheet. Mr. Finci replied that he believes the questions were added to make the courts more aware of victims' rights and encourage the prosecution's contact with the victim. Early in his career, victims were never present for sentencing, and no one asked for their input. Therefore, all these questions were added at the same time.

Assistant Secretary Guarino added that the Department of Public Safety and Correctional Services (DPSCS) is sensitive to the weight that is put on existing data systems to capture every question people may have about the criminal justice system. She asked whether the Subcommittee examined other data systems within Maryland's criminal justice system that may collect some of these data points. This would help prioritize what fields could be combined or captured on the sentencing guidelines worksheet and what fields could be removed.

Mr. Finci replied that data collection on this information today is very different from how it was collected in 1998. Victim notification is currently filed in MDEC by the state's attorney. Thirty years ago, there was no requirement that a victim should be notified. Perhaps the point the Commission could emphasize to the MCVRC is that the MSCCSP is not receiving good data and ask if there are other questions that are important for them.

**The Commission voted unanimously to send the issue back to the Guidelines Subcommittee for further review and reconsideration after receiving input from the MCVRC.**

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

Dr. Soulé said that Ms. Nosel would present the next two agenda items. Ms. Nosel directed commissioners to the memorandum labeled *Proposed Classification of Previously Unclassified Offenses*. Ms. Nosel noted this memo contains three offenses for review.



First, the MSCCSP staff were contacted by criminal justice practitioners regarding two offenses not contained in the Guidelines Offense Table. These offenses, which are listed on page 1, are *Obtaining, or attempting to obtain, a driver's license or moped operator's permit by misrepresentation* and *Failure to provide satisfactory documentary evidence of lawful status and valid social security number when applying for an identification card*. A violator of these offenses is guilty of a misdemeanor with a maximum penalty of three years and/or a fine of up to \$2,500. Based on the comparables listed on page 2, the Guidelines Subcommittee recommends classifying both offenses as property offenses with a seriousness category of VII.

On page 3, the MSCCSP staff identified a third offense as being previously unclassified while reviewing the new and revised penalties from the 2025 Legislative Session. This offense is a subsequent violation of *Providing heating, ventilation, air conditioning, or refrigeration services without a license; employing unlicensed individuals; misrepresentation as a license holder*. A violator of this offense is guilty of a misdemeanor with a maximum penalty of 2 years and/or a fine of up to \$5,000. Based on the comparables listed on page 4, the Guidelines Subcommittee recommends classifying this offense as a property offense with a seriousness category of VII. Ms. Nosel concluded her summary and turned the conversation over to the Commission.

**The Commission unanimously voted to accept the Subcommittee's proposed reclassifications to the previously unclassified offenses.**

c. Proposed reclassification of HO, §14-5C-23(a) (Action item)

Ms. Nosel referred the Commission to the memorandum titled *Proposed Reclassification of HO, §14-5C-23(a)*. While reviewing the new and revised penalties from the 2025 Legislative Session, MSCCSP staff noticed that the offense *Practice polysomnography without a license* is currently classified as a property offense when similar "practicing without a license" offenses are classified as person offenses. She noted that polysomnography refers to a sleep study used to diagnose sleep disorders. This offense was originally classified at the MSCCSP's June 5, 2006, meeting, however, there is no record of discussion about the offense type classification. Based on the comparable offenses listed on page 2, the Guidelines Subcommittee recommends reclassifying HO, §14-5C-23(a) from a property offense to a person offense.

Ms. Nosel concluded her summary and said the staff are happy to answer any questions.



Dr. Soulé added that there was a good question that came up during the Subcommittee's discussion of this offense as to why it was originally classified as a property offense. At that meeting Ms. Nosel noted that the comparable offenses listed in the 2006 memorandum were fraud related. Today the comparable offenses are more in line with someone without a license who is in a position to harm an individual, which is why it is more appropriate to categorize it as a person offense.

**The Commission unanimously voted to adopt the Guidelines Subcommittee's proposed reclassification of HO, §14-5C-23(a).**

d. Proposed revisions for scoring physical victim injury (Status report)

Dr. Soulé told the Commission he had a status report on the proposed revisions for scoring physical victim injury. He reminded the commissioners that at its September 9, 2025, meeting, the MSCCSP voted to adopt new language defining psychological victim injury for the purposes of scoring part C of the offense score. After a thorough review of the definition of psychological injury, the Subcommittee expressed interest in possibly expanding the definition of physical victim injury. The Subcommittee presented this recommendation to the Commission at its September 9, 2025, meeting, and the Commission voted unanimously to assign the review to the Guidelines Subcommittee.

He noted that the Subcommittee met on November 21, 2025, and discussed proposed revisions to the definition of physical injury. The Subcommittee reviewed how other sentencing commissions score physical victim injury and agreed that the Maryland Sentencing Guidelines Manual should provide examples of non-permanent and permanent victim injuries. The Subcommittee plans to continue this discussion at its next meeting and to present proposed revisions to the scoring instructions for physical victim injury to the full Commission at its next meeting in May 2026.

Dr. Soulé concluded his update and said he can answer any questions. Seeing none, Judge Middleton directed the Commission to the next agenda item.

## 5. Executive Director Report – Dr. David Soulé

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

a. November 3, 2025, sentencing guidelines revisions (Status report)

Dr. Soulé reported that effective November 3, 2025, new versions of the Maryland Sentencing Guidelines Manual (MSGM) and the Guidelines Offense Table were released, and the corresponding updates were adopted in the Code of Maryland Regulations (COMAR). The amendments modify Regulation .12 under COMAR 14.22.01 General Regulations in response to Senate Bill 152/House Bill 89 (2025),



which provides that each animal harmed in violation of Criminal Law Article, Title 10, Subtitle 6, Annotated Code of Maryland, shall be considered a victim for the purposes of applying the multiple victims stacking rule (MVSR). Additionally, the amendments modify Regulation.02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories to reflect (1) new and revised penalties from the 2025 Legislative Session and (2) minor edits to the table, including the addition of new CJIS Codes for several existing offenses.

b. Forthcoming January 1, 2026, sentencing guidelines revisions (Status report)

Dr. Soulé noted that additional proposed COMAR amendments were published in the October 17, 2025, edition of the Maryland Register. These proposed amendments reflect action taken by the MSCCSP at its September 9, 2025, meeting. The proposed amendments modify Regulation .09 under COMAR 14.22.01 to expand the definition of psychological victim injury (part C of the offense score). Additionally, the proposed amendments modify Regulation .15 under COMAR 14.22.01 to instruct that when an individual is being sentenced for multiple violations, including contemporaneous violations, of CR, § 4-204 (use of a firearm in the commission of a crime of violence or any felony) or CR, § 4-306 (use of an assault weapon in the commission of a felony or crime of violence), the guidelines for all but the first violation of each offense shall be calculated pursuant to CR, § 4-204(c)(2) or CR, § 4-306(b)(3), respectively, both of which provide penalties for subsequent violations.

Dr. Soulé further explained that the proposed revisions to Regulation .15 also include additions to the existing instructions for calculating the guidelines for subsequent offenses, including subsequent drug offenses, subsequent crimes of violence, and other subsequent offenses. He reiterated that the guidelines calculation rules described in these instructions are not new and are presently provided in Chapter 8.6 of the MSGM. Lastly, he noted that the proposed amendments modify Regulation .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories to reflect (1) revised seriousness categories for two offenses and (2) minor edits to the table, including the removal of old CJIS Codes. These amendments are expected to be adopted effective January 1, 2026.

c. Sentencing guidelines trainings and judiciary feedback meetings (Status report)

Dr. Soulé reported that in September, the MSCCSP training coordinator, Katharine Pembroke, provided a webinar series titled, *Sentencing Guidelines and MAGS 101: Law Clerk and Court Staff Orientation*. Two sessions of this webinar were offered on September 10 and September 19, 2025. Additionally, Ms. Pembroke provided a webinar on September 12, 2025, titled, *“Refresher” Sentencing Guidelines and MAGS*



101. The target audience for this webinar was state’s attorneys, parole and probation investigators, and defense attorneys.

Additionally, since the last MSCCSP meeting in September, Dr. Soulé noted that he met with judges and court staff in four jurisdictions. First, he met with the judges in the Circuit Court for Prince George’s County on September 18, 2025, and with Judge DeLeonardo and his colleagues in Carroll County on October 8, 2025. Additionally, he met with the Howard County Circuit Court judges, state’s attorney’s representatives, and a local Office of the Public Defender (OPD) representative on October 30, 2025. He then met with the judges in the Circuit Court for Calvert County, along with representatives from State’s Attorney, Bob Harvey’s, office and the local OPD on November 3, 2025.

Lastly, Dr. Soulé noted that he has an upcoming meeting with the judges, state’s attorneys, and local OPD in the Circuit Court for Anne Arundel County on December 16, 2025. His 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.

Dr. Soulé then explained that he wanted to provide an update to follow up on a question Judge Shaw asked during the September meeting. Specifically, Judge Shaw asked about what sentencing guidelines training was provided for new judges. During the September meeting, Dr. Soulé responded that in the past, the MSCCSP provided information about the sentencing guidelines during the annual new trial judges’ orientation (NTJO). However, he further noted that the NTJO had been restructured a few years back and the guidelines portion of the training was no longer included. Accordingly, it was suggested that Judge Middleton and Dr. Soulé follow up with the Judicial College about providing training at future NTJOs.

After the September meeting, Judge Middleton, Judge DeLeonardo, and Dr. Soulé communicated with judicial education staff. Regarding the 2025 NTJO, Dr. Soulé stated that he was informed it was too late to add materials. However, the Judicial Education staff indicated that the MSCCSP’s request to provide a brief orientation about the sentencing guidelines at future NTJOs was communicated to the NTJO coordinators, and they will take that request into consideration for future years.

Dr. Soulé also inquired about the November Criminal Law University (CLU) training that the Judicial College was organizing. Fortunately for the Commission, Dr. Soulé stated that Judge DeLeonardo was responsible for the sentencing portion of the CLU training. Accordingly, the staff created handouts explaining the goals and purpose of the sentencing guidelines, and these handouts were added to the printed materials that Judge DeLeonardo organized for the CLU. As an additional reference, new



laminated bench cards with the updated list of common reasons for guidelines departures were also provided and continue to be provided to all newly appointed judges.

d. Review of protocol for MSCCSP response to legislative proposals (Status report)

Dr. Soulé reminded commissioners that in 2019, the MSCCSP adopted a protocol for responding to legislative proposals. Given that the General Assembly session starts next month and considering that the Commission has some newer commissioners, Dr. Soulé believed it would be helpful to review the protocol. During the past few legislative sessions, the legislature introduced a few bills with the potential to affect the MSCCSP beyond its routine operations. Given that the Commission does not typically meet during the legislative session, the Commission adopted a policy to guide future responses to legislation that directly affects the sentencing guidelines and/or the operations of the Sentencing Commission.

The MSCCSP assesses the fiscal and operational impact of all legislation that affects criminal sentencing policy. Legislation that creates new offenses and/or alters the penalties for existing offenses represent most of these bills, and they do not impact the MSCCSP beyond its routine operations. Dr. Soulé explained that the policy he is referencing is titled, *Policy for the MSCCSP Response to Legislative Proposals*, and refers to legislation that impacts the MSCCSP beyond these routine operations.

For these less common, non-routine bills, the Commission adopted the following proposal:

1. The MSCCSP staff shall identify legislative proposals that will affect the sentencing guidelines and/or the MSCCSP's operations.
2. The staff shall promptly notify the MSCCSP Chair of such proposals and the bills' hearing dates before the relevant legislative committees, when known.
3. The MSCCSP Chair and/or MSCCSP staff will schedule a virtual meeting for the full Commission with the purpose of soliciting feedback and requesting a vote whether to support, oppose, or take no position on the proposed legislation. The MSCCSP will provide prompt notice of the scheduled date and time for the conference call and will offer public access to the teleconference by publishing a call-in number on the MSCCSP website. The MSCCSP will adopt the majority position of the voting Commission members, provided that a quorum of Commission members participates in the conference call.



4. The MSCCSP Chair and the Sentencing Guidelines Subcommittee shall convene in a timely manner to consider relevant bills after receiving feedback from the full Commission.
  5. The MSCCSP Chair and Sentencing Guidelines Subcommittee will decide whether it is necessary, and if so, present the position of the Commission to the legislative committees, legislative leadership, and/or Governor.
  6. The MSCCSP staff, in conjunction with the MSCCSP Chair and the Sentencing Guidelines Subcommittee, will prepare formal testimony for relevant Senate and House bill hearings.
- e. Update on preparation of the MSCCSP 2025 annual report (**Status report**)

The MSCCSP 2025 Annual Report is due on January 31, 2026. Dr. Soulé explained that staff have begun preparations for the annual report and will distribute a draft for commissioners to review on or about January 16, 2026. Additionally, Dr. Soulé reminded commissioners to direct any feedback, questions, or concerns related to the annual report directly to him, and staff will review and incorporate feedback as needed ahead of the January 31<sup>st</sup> deadline.

- f. Update on timeline for study on prior adult criminal record (**Status report**)

Dr. Soulé reported that the final item he wanted to discuss is an update on the timeline for the study on the prior adult criminal record. He reminded commissioners that last year, at the MSCCSP December 3, 2024, meeting, an estimated timeline was provided in which data from DPSCS would be obtained by March 2025, the data would be analyzed by MSCCSP staff by November 2025, the analysis findings would be presented to the Guidelines Subcommittee in November 2025, findings would be presented to the full Commission in December 2025, and then potential actions would be considered in December 2025 and beyond. He noted that the staff has not yet obtained all of the data requested from DPSCS and explained that the process of obtaining the data has been more complicated than expected.

Accordingly, Dr. Soulé stated the timeline for the project must be revised and that the timeline is essentially being pushed back by one year. He explained that there was a misunderstanding regarding one of the data points the staff had requested, but noted that the data are expected to be received soon. He thanked Assistant Secretary Guarino and her team for accommodating the Commission's data request and noted that the staff anticipate presenting study findings to the Commission at this time next year.



With respect to the prior adult criminal record study, Judge Middleton asked Dr. Soulé to explain the importance of receiving this data.

Dr. Soulé referenced the Commission's 2023 *"An Assessment of Racial Differences in Maryland Guidelines-Eligible Sentencing Events"* report, which noted that an individual's prior criminal history has the most significant impact on both sentence length and the likelihood of incarceration. He stated that the prior record is a primary driver of observed racial differences in sentencing outcomes. Maryland's sentencing guidelines rely on a matrix-based scoring system that assigns a summary score of prior adult criminal history: none, minor, moderate, or major. This score is derived from counting previous offenses and weighing their seriousness. Notably, Dr. Soulé stated that this matrix has not been revisited since the guidelines' inception, which the race report recommended as a priority. Dr. Soulé explained that to properly reassess and analyze the scoring framework, the Commission must obtain offense-specific RAP sheet data because the guidelines worksheet only captures the prior adult criminal record categories (none/minor/moderate/major), not how the summary score is calculated.

As an example, he noted feedback from a judge that highlighted a key concern: an individual can obtain a "major" record purely by accumulating a large volume of relatively minor offenses. This raises the question as to whether the scoring should be structured that way. Dr. Soulé explained that the staff wants to examine how often such scenarios occur and if there are similar scenarios where a person can accrue a serious criminal history score strictly through nonviolent or motor vehicle offenses. Without promising any changes in advance, the goal of the study is to understand the components that drive the prior adult criminal record score, review the specific offenses used in the calculation, and then have an informed discussion about potential revisions.

Considering the comments made at the public comments hearing held earlier in the evening, Judge Middleton stated that she wanted to reinform the Commission of the coming prior adult criminal record study and highlight its importance.

Mr. Finci questioned what type of report and information would be available in the data obtained from DPSCS.

Assistant Secretary Guarino summarized the standard data elements in the Criminal Justice Information System (CJIS) data being provided: state identification number; all arrests; arresting jurisdiction; the offense(s) listed with the arrest; all charges brought; the court in which they were heard; sentencing outcomes (including whether incarceration or probation); and sentence durations.

Mr. Finci asked if the data only covered Maryland offenses. Assistant Secretary Guarino affirmed that the data are specific to reporting agencies within Maryland.



Mr. Harvey asked if information was being collected on incarcerable motor vehicle offenses and noted that multiple “driving while suspended” convictions could contribute to a “major” criminal history score. He believes this point is worthy of further scrutiny. Dr. Soulé responded that yes, data on incarcerable motor vehicle offenses would be included.

## **6. Proposed MSCCSP meeting dates for 2026 (Status report)**

Dr. Soulé presented the proposed meeting dates for 2026 and asked if there were any objections. Dr. Soulé confirmed that the May and December meetings would be held in person, while the July and September meetings would be held via videoconference. Seeing no objections, the proposed meeting dates for 2026 were adopted as follows:

- Tuesday, May 5, 2026 (in-person)
- Tuesday, July 7, 2026 (videoconference)
- Tuesday, September 15, 2026 (videoconference)
- Tuesday, December 1, 2026 (in-person)

## **7. Old Business**

There was no old business to discuss.

## **8. New Business/Announcements**

Judge Middleton asked if there was any new business to discuss. Delegate Bartlett noted that she wanted to address a couple of questions that were raised during the earlier public comments hearing testimony. The first question is with respect to the availability of sentencing guidelines worksheets to pro se litigants. Dr. Soulé affirmed that, as a matter of protocol, pro se litigants receive access to these materials. It is the staff’s understanding that pro se litigants can access documents, such as the sentencing guidelines worksheet, through MDEC. As an example, Dr. Soulé referred to the individual who testified earlier during the public comments hearing. In her case, there appeared to be four worksheets, but in fact it was one worksheet scanned into MDEC at different points (e.g., after the presentence investigation, after sentencing, once more with a correction). He clarified that multiple MDEC entries can reflect iterations or corrections of the same document rather than different versions. For older cases predating MDEC and the Maryland Automated Guidelines System (MAGS), distribution depended on court clerks, and protocols for pro se cases in that period were less clear.

Delegate Bartlett then asked Dr. Soulé to clarify the Commission’s data retention policy for paper guidelines worksheets. Dr. Soulé explained that with the full deployment of MAGS and the adoption of MDEC statewide, the Commission no longer receives paper worksheets.



The court downloads the worksheet from MAGS and scans it into MDEC, where it is kept in perpetuity. Historically, the Commission retained hard copies of the guidelines worksheets, but due to concerns about volume and space, implemented a seven-year retention policy after which the paper worksheets would be destroyed. This retention policy was established with and ultimately approved by the Maryland State Archives. Dr. Soulé noted that it is important to keep in mind that even though the paper worksheets are destroyed, the data remains in the MSCCSP sentencing guidelines database. Additionally, although the MSCCSP paper copies of the guidelines worksheet are not available beyond seven years, defendants (including pro se litigants) can still obtain their worksheet through the official court file in MDEC. He further noted that for more current cases, the Commission can download the worksheet from MAGS and share it, but again, does not maintain physical copies.

Judge Middleton commented that this information does generate some thought as to how and when pro se litigants can access their sentencing guidelines worksheet, especially if a period of incarceration is imposed.

Assistant Secretary Guarino asked whether the Commission has any public-facing “Frequently Asked Questions (FAQ)” documents tailored to pro se litigants. Judge Middleton acknowledged that one of the speakers from the public comments hearing presented a similar recommendation. Dr. Soulé stated that while a specific pro se guide is not currently labeled as such, the Commission provides a wealth of resources on its website. The resources include, but are not limited to: a FAQ section addressing common sentencing guidelines questions, the Guidelines Calculator Tool (GLCT) that allows anyone to calculate sample guidelines without requiring MAGS access, the Maryland Sentencing Guidelines Manual (a searchable PDF), YouTube training videos (e.g., Guidelines 101 and GLCT tutorials), and annual reports. He further noted that the percentage of guidelines cases with pro se representation is under 1%, though it is possible that percentage could be increasing.

Delegate Bartlett suggested printing the website URL on the bottom of the guidelines worksheet, since pro se litigants can access the worksheet via MDEC and may benefit from a direct link to supporting materials.

As a final announcement, Dr. Soulé celebrated Dr. Stacy Najaka, research director for the MSCCSP, for completing 20 years of service on October 1. Dr. Soulé praised Dr. Najaka for her exceptional leadership and contributions. Among many duties, he noted that she oversees the Maryland Sentencing Guidelines database, leads data cleaning and analytical work for annual reports and memoranda, coordinates the “Managing for Results” report required for budget submissions, and oversees the Commission’s data dissemination activities. She also serves as the Commission’s COMAR coordinator, ensuring accurate promulgation of changes to regulations, which is a painstaking and detail-oriented process. He commended her attention to detail, editorial eye, and thoughtful decision-making, as



well as her collegiality. Dr. Najaka expressed appreciation for her work with the Commission, staff, and commissioners.

The meeting was adjourned at 7:05 p.m.