



Minutes

Maryland State Commission on Criminal Sentencing Policy
Judiciary Education and Conference Center
Annapolis, MD 21401
July 11, 2017

Commission Members in Attendance:

Honorable Glenn T. Harrell, Jr., Chair
Honorable Shannon E. Avery, Vice-Chair
Delegate Curtis A. Anderson
Senator Robert G. Cassilly
LaMonte E. Cooke
William Davis, Esquire, *representing Public Defender Paul B. DeWolfe*
Barbara Dorsey Domer
Elizabeth Embry, Esquire, *representing Attorney General Brian E. Frosh*
Richard A. Finci, Esquire
Brian D. Johnson, Ph.D.
Senator Delores G. Kelley
Honorable Laura L. Martin
Honorable James P. Salmon

Staff Members in Attendance:

Sarah Bowles
Stacy Najaka, Ph.D.
Katharine Pembroke
David Soulé, Ph.D.

Visitors:

Linda Forsyth, Community Liaison for Senator Kelley; Claire Rossmark, Department of Legislative Services; Jinney Smith, Maryland Data Analysis Center

1. Call to order

Judge Harrell called the meeting to order.

2. Roll call and declaration of quorum

The meeting began at 5:34 p.m. when attendance reached a quorum.

3. Approval of minutes from the May 9, 2017 MSCCSP meeting

The Commission approved the minutes as submitted.



4. Update on Juvenile Delinquency Score Project – Dr. David Soulé, MSCCSP, and Dr. Jinney Smith, Associate Director, Maryland Data Analysis Center (Status Report)

Dr. Soulé referred Commissioners to the memorandum, *Brief Summary of the Juvenile Delinquency Score Project and the Corresponding MDAC Analyses*, provided to Commissioner's prior to the meeting, and noted that his presentation was going to provide a recap of the memorandum and present a list of next steps for the Commission to consider. Dr. Soulé noted that Dr. Jinney Smith of the Maryland Data Analysis Center (MDAC) has graciously attended today to address any technical questions related to the juvenile delinquency score project.

Dr. Soulé stated that the motivation for the juvenile delinquency project arose when a public defender attended one of the Commission's annual public comments hearings and noted his concern regarding how the guidelines account for a defendant's juvenile record and, in particular, how variation across jurisdictions in the definition of "commitment" may result in disparities in the scoring of the juvenile delinquency component of the offender score. Prompted by these comments, the Commission partnered with the MDAC to study the juvenile delinquency component of the offender score. Over the course of three Commission meetings, Dr. Smith and her team presented the results of their study, which had three primary goals: (1) to identify whether variations in the scoring of the juvenile record exist; (2) to evaluate the predictive validity of the current juvenile score; and (3) to develop and evaluate potential alternative juvenile scoring measures. In response to these goals, Dr. Soulé noted that the results of the MDAC analyses indicated that (1) yes, variations in the scoring of the juvenile record do exist; (2) the current juvenile delinquency score does predict both sentence outcomes and adult recidivism; and (3) there are potential alternative juvenile delinquency score methods which perform as well as or better than the current method, and also offer the advantage of providing more clear and concise scoring instructions.

Dr. Soulé noted that, at the May 9, 2017, Commission meeting, Dr. Smith presented the results of the MDAC evaluation of six alternative juvenile scores. These six scores are what are referred to as "tripartite" measures, meaning that they use a 3-point scoring system (0, 1, or 2), similar to the current scoring method. After the May meeting, MSCCSP staff additionally asked the MDAC team to analyze potential binary measures of juvenile delinquency, which are those based on a 2-point scoring system (0 or 1). This request was driven by the observation that the majority of difference in recidivism rates occurred between offenders who had no prior juvenile record and offenders who had one or more formal findings of juvenile delinquency. Accordingly, the MDAC team looked at three potential binary scores bringing the total number of alternative methods examined to nine. Seven of the nine measures failed on one or more of the examined characteristics of a valid score (i.e., recidivism, disparity, and distribution). Dr. Smith and her team identified two alternative scoring measures (Adjudications #2 and Binary Score B) that performed as well as or better than the current juvenile scoring measure.

Dr. Soulé directed the Commissioner's attention to a PowerPoint slide with a table summarizing the scoring rules for the current juvenile score as well as those for Adjudications #2 and Binary Score B. Dr. Soulé noted that there are several differences between the current and alternative scores. The first difference is that both Adjudications #2



and Binary Score B eliminate commitment as a component of the juvenile score and, instead, use a straight count of juvenile adjudications. The next difference is that Adjudications #2 employs what Dr. Smith and her team refer to as a “true zero” category, in that to score zero points, an offender must have zero delinquent findings within five years of the date of offense (or be 23 years or older). In contrast, the current score allows an offender with up to one finding of juvenile delinquency to receive zero points. Adjudications #2 assigns one point for an offender younger than 23 years with one or two findings of delinquency within five years of the date offense, and assigns two points for an offender with three or more findings of delinquency within five years of the date offense. Similar to the current scoring method, Binary Score B awards zero points to offenders who have up to one finding of delinquency within five years of the date of offense, which Dr. Soulé noted would reduce the score’s impact on novice offenders relative to Adjudications #2.

Dr. Soulé stated that it was also important to note that the current juvenile delinquency scoring instructions included in the Maryland Sentencing Guidelines Manual provide somewhat confusing guidance as to how far back in the offender’s record the practitioner should look when scoring the offender’s juvenile record. This issue is exacerbated by the abbreviated version of the juvenile delinquency scoring instructions included on the hard copy of the sentencing guidelines worksheet. The MDAC analysis led Dr. Smith and her team to conclude that most practitioners are currently examining the offender’s juvenile record for *only the five years prior to the date of his or her offense*—a finding they referred to as the “five-year decay method.” Dr. Soulé noted that given that a majority of practitioners seem to interpret the rules to mean that they should apply a five-year decay to the offender’s juvenile record, Adjudications #2 and Binary Score B were designed with the five-year decay method.

Dr. Soulé reviewed the results of the analyses for the two alternative scoring methods, Adjudications #2 and Binary Score B. Dr. Soulé reminded the Commission that this would be a very basic summary. Additional details and further breakdown on the specific analyses were included in the May 9, 2017, presentation document (*Study Phase 3: A Preliminary Analysis of the Recording and Performance of the Juvenile Delinquency Score under the Sentencing Guidelines*) and the report distributed in advance of the meeting (*Supplemental Analyses and Discussion*).

Dr. Soulé noted that there were three main results. First, among their respective categories of tripartite and binary scores, both Adjudications #2 and Binary Score B maximized the difference in adult recidivism rates between offenders who scored 0, 1, or 2 points for Adjudications #2 and those who scored 0 or 1 point for Binary Score B. Second, both of the alternative scores performed best in their respective category (tripartite or binary) in terms of minimizing differences between racial groups. Dr. Soulé noted that it would be problematic if, for instance, when compared to the actual worksheet scores, a new scoring system increased the number of African American offenders who scored 1 or 2 points, but not the number of white offenders, or vice versa. Third, each removes commitment from the calculation of the juvenile score and therefore eliminates the main issue that ultimately led to this study by avoiding the issue of disparate commitment practices across jurisdictions.



Dr. Soulé noted that there were several other important considerations with the two preferred alternative scoring methods. First, Adjudications #2 would most likely lead to an increase in the percentage of offenders who score one point because the zero category would become a “true zero,” as previously explained. On the other hand, Binary Score B would lessen the impact of the juvenile delinquency score on the offender’s guidelines range by shifting offenders who would otherwise score two points one column to the left on the sentencing guidelines matrix. Dr. Soulé noted that while lessening the impact of the juvenile score under Binary Score B is appealing on some levels, judges would lose information about the expected adult recidivism of offenders by essentially collapsing together offenders who score one or two points. Dr. Soulé further noted that under a binary scoring system, judges may continue to take into account both the quantity and severity of the offender’s juvenile history, albeit now without the more detailed categories provided under a tripartite scoring system.

Dr. Soulé noted that the Commission has to address four potential questions regarding the juvenile delinquency score. First, should the Maryland sentencing guidelines continue to account for a juvenile record when calculating the guidelines? Dr. Soulé noted that the MDAC team did not analyze the potential impact of eliminating the score because the Commission did not ask them to do so and because its elimination is more of a policy question that the Commission will need to address. Dr. Soulé noted that there are pros and cons to consider regarding the potential elimination of the score and directed the Commission to a fuller explanation of the pros and cons provided in the summary memorandum.

Dr. Soulé noted that should the Commission choose to maintain the juvenile delinquency score as a component of the offender score, then the Commission will need to address the final three questions: (1) Should the instructions for the juvenile delinquency score be revised (Dr. Soulé noted that the Commission previously agreed that they should be revised)? (2) Should the five-year decay method be officially adopted? (3) Should an alternative scoring method be adopted?

Dr. Soulé provided a summary of the plan for the juvenile delinquency score moving forward. Dr. Soulé noted that the Guidelines Subcommittee will meet on August 31 to review all information regarding the juvenile delinquency score and to adopt a recommendation to bring forward to the full Commission at its September 19 meeting. Dr. Smith has agreed to participate in the Guidelines Subcommittee meeting on August 31.

Dr. Soulé noted that if any new policy is adopted by the Commission at its September 19 meeting, the proposed action will be offered for public comment at the December 11, 2017, Public Comments Hearing. If revisions are adopted, they will then be promulgated through COMAR and, once effective, publicized to practitioners via a Guidelines E-News, the MSCCSP website, and guidelines training sessions.

Judge Harrell asked the Commission whether there is a consensus among members as to the framing of the questions and the order in which they will be addressed. Senator Kelley responded that the order of the questions makes sense, however she thinks that the Guidelines Subcommittee (of which she is a member) should also look at additional documentation from the Department of Juvenile Services (DJS) regarding variability in the



DJS and the court system. Senator Kelley noted that the juvenile justice system is full of variability, particularly between jurisdictions. Senator Kelley also noted that race, income level, and access to community-based resources and private attorneys affect one's outcome in the system. Senator Kelley noted that whether or not the juvenile is ever committed is reflective of a lot of variability in the system.

Judge Avery (Chair of the Guidelines Subcommittee) requested that Commission members email any substantive concerns regarding the juvenile delinquency score to Dr. Soulé so that they could be forwarded to the Guidelines Subcommittee and considered during its August 31 meeting.

Dr. Soulé noted that the present meeting would be Dr. Smith's last full Commission meeting and, therefore, her last opportunity to answer in-person any questions related to the juvenile delinquency score, though Dr. Smith will be in attendance for the August 31 Guidelines Subcommittee meeting.

Senator Kelley noted that, both statewide and nationally, youth often come into the juvenile justice system with status offenses, which then accumulate violations, and then the youth start moving through system. Senator Kelley suggested that youth's brains are not fully developed even at 23 years old (the cutoff age for the current juvenile delinquency score).

Senator Cassilly referred back to question 1 (i.e., should the juvenile delinquency score be maintained as a component of the offender score) and asked what issues are being considered when answering this question and whether any analyses have been done to examine this question. Dr. Soulé noted that the question came out of advice that Senator Kelley solicited from the Office of the Attorney General's Juvenile Justice Monitoring Unit (JJMU). Both Senator Kelley and the JJMU's letter of advice advocated that the juvenile record should be eliminated. Dr. Soulé provided the following often cited reasons for eliminating the juvenile delinquency score (all of which are also summarized in the summary memorandum): recent behavioral development research regarding juveniles, the diminished culpability of juveniles, the three relevant Supreme Court cases (*Roper v. Simmons*; *Graham v. Florida*; and *Miller v. Alabama*), and findings that minority youth are overrepresented in the juvenile justice system.

Ms. Martin clarified that the three Supreme Court cases cited in the summary memorandum were not about whether the juvenile record should be considered at adult sentencing, but rather were about whether capital punishment, life without parole, and mandatory sentencing are constitutional punishments for defendants who were juveniles at time of their offense. Mr. Davis agreed with Ms. Martin's clarification, but noted that the information and research contained in the three cases could be taken into consideration when contemplating the juvenile delinquency component of the offender score.

Senator Cassilly asked whether there would be any statistical analysis of whether the juvenile delinquency score is predictive of recidivism. Dr. Soulé noted that those analyses had been performed, and that the juvenile delinquency score is predictive of both sentence outcomes and adult recidivism. Dr. Soulé also noted that all but one set of sentencing guidelines in the



United States include a juvenile delinquency component. Senator Cassilly summarized that the September discussion will be weighing this body of research against policy.

Senator Kelley noted that in some Maryland jurisdictions, youth are on probation for their entire teen years and, in some cases, only because they cannot afford to pay fines. Senator Kelley noted that the variability among youth is of concern. Senator Kelley also noted that some jurisdictions do not have access to good resources for youth.

Delegate Anderson asked Senator Kelley if she would provide him with a memo to share with the Commission regarding her specific concerns about youth. Delegate Anderson stated that he agreed with many of Senator Kelley's points, but wondered, if the juvenile score is not considered in the sentencing guidelines, would the judge know about the juvenile record at all. What would be the alternative to having the juvenile score included in the guidelines? Would a state's attorney still bring up the offender's juvenile record at sentencing? Delegate Anderson asked whether the Commission would rather the judge see a sanitized version of the juvenile record (e.g., the 0, 1, 2 point system currently being used).

Senator Kelley noted that Judge Stamm (St. Mary's County Circuit Court) is currently working on a committee to develop standards for juvenile defense in Maryland. Senator Kelley noted that a youth's defense is related to his or her family's income level, and many youth end up represented by novice public defenders. Delegate Anderson and Ms. Martin noted that, in their experience, the public defender's office is top rate and public defenders often serve their clients better than private attorneys because they are more frequently in the courtroom.

Prior to conclusion of the juvenile scoring project discussion, Dr. Soulé asked the Commission to consider language in the Memorandum of Understanding (MOU) regarding the maintenance of the data compiled for this project. Dr. Soulé stated that Dr. Smith and her team at the MDAC had completed a substantial amount of work in gathering and preparing data for the juvenile delinquency score project. This process involved the collection and merging of data from three sources: (1) MSCCSP guidelines data; (2) Department of Public Safety and Correctional Services (DPSCS) criminal history data; and (3) DJS juvenile data. Under the current MOU between the MDAC, MSCCSP, DPSCS, and DJS, the MDAC is supposed to destroy this dataset in December 2017. The planned destruction of data is a common provision in data sharing agreements. Dr. Soulé noted that the MDAC could ask for an extension of this data sharing agreement, which would permit the MDAC to maintain the dataset for an additional period of time. Dr. Soulé noted that it would be good for the Commission to maintain access to the data in case additional analyses are warranted. Dr. Smith noted that it would also be helpful for the MDAC researchers to have access to the data for consideration of future publication of these analyses.

Dr. Soulé noted that, given that the MSCCSP guidelines data is publically available, he personally supports the idea of allowing the MDAC to permanently archive the data they received for this project. Dr. Soulé explained that this would require a new MOU. If the Commission agrees to this request, the MDAC would like to request that the Commission send a statement of support to the DPSCS and DJS stating why it is important to archive the



data. The MDAC hopes that the support of the MSCCSP may convince the DPSCS and DJS of the utility and importance of maintaining the data. The Commission unanimously agreed to move forward with the request.

Dr. Smith noted that the final report on the juvenile delinquency project should be done around August 10. Dr. Smith stated that the MDAC would make a set of data driven recommendations for the juvenile delinquency score. The policy issues surrounding the juvenile delinquency score would be the purview of the Commission.

Senator Kelley commended Dr. Smith and her team for their work on the project, and noted that there was variability in the juvenile justice system that could not be accounted for in the data.

Delegate Anderson asked, if the Commission opted to eliminate the juvenile delinquency score, what would be the alternative as to whether and how judges receive information regarding the juvenile record. Judge Salmon responded that the Commission has no authority over access to the juvenile record. The guidelines are not mandatory, and the judge has discretion as to what factors are considered at sentencing. Delegate Anderson asked whether eliminating the juvenile delinquency component would make judges more likely to give weight to the juvenile record. Judge Avery summarized that the issue is whether the juvenile delinquency score enhances uniformity among judges. Judge Avery stated that she made a note to consider this issue during the Guidelines Subcommittee's August 31 meeting.

Senator Kelley asked, if the Commission decides to keep the juvenile delinquency score, whether the same cutoff age (23 years old) would be maintained. Judge Avery noted that, when conducting pre-sentence investigations, some agents do not provide the offender's juvenile record if the defendant is over a certain age. Delegate Anderson noted that the decay factor is not codified in COMAR.

Mr. Finci noted that there are instances in which a defendant has both an adult criminal history and a juvenile record and, therefore, under the current scoring system, receives scores for both the juvenile and adult components of the offender score (i.e., Parts B and C). Mr. Finci questioned whether the defendant should receive a score for both their juvenile and adult record. Dr. Soulé noted that Maryland is a progressive state in that there is a cutoff age for when the juvenile record counts against the defendant. In most states, the juvenile record counts indefinitely against the defendant. Judge Avery stated that this issue could be discussed at the Guidelines Subcommittee meeting and suggested that the Subcommittee (Judge Avery, Mr. Finci, Senator Kelley, and Ms. Martin) and Dr. Smith meet in person for their August 31 meeting.

5. Guidelines Subcommittee report – Judge Shannon Avery

Judge Avery stated that Dr. Soulé would provide the Guidelines Subcommittee report, but prior to his doing so she wished to commend him for the presentation he gave at the Maryland Judicial Conference in June. Dr. Soulé presented on sentencing reform and alternatives to sentencing as they relate to the Justice Reinvestment Act's mandates to the



MSCCSP. Judge Avery stated that she received very positive feedback from attendees regarding the presentation.

a. Proposed classification of new and revised offenses, 2017 Legislative Session (Action item)

Dr. Soulé noted that the Guidelines Subcommittee met via teleconference on June 16, 2017, to review the proposed classification of new/revised offenses from the 2017 Legislative Session, an annual task completed by the Commission. Dr. Soulé summarized how the Commission has traditionally worked to classify new and revised offenses. The staff reviews all legislation from the most recent Legislative Session and prepares 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 offenses with maximum penalties of greater than one year because, by rule, the MSCCSP does not require the classification of offenses that carry a maximum penalty of one year or less. Rather, these offenses are automatically assigned a seriousness category of VII. The task of classifying new and/or revised criminal offenses has been designated to the Guidelines Subcommittee. The Guidelines Subcommittee's recommended classifications are then presented to the Commission for official adoption. Seriousness category classification recommendations for new and revised offenses are generally made by examining currently classified offenses that are comparable based on the following characteristics: (1) type of offense (person, drug, or property); (2) statutory maximum; (3) misdemeanor/felony classification; and (4) nature of the offense.

Dr. Soulé referred the Commission to the memorandum, *Proposed Classification of New/ Revised Offenses, 2017 Legislative Session*. Dr. Soulé noted that this is a 22-page document, divided into 4 sections (New Offenses, Changes to Existing Offenses, New Offenses-No action recommended, Changes to Existing Offenses-No action recommended). Staff also provided three additional supporting documents to help guide the classification of the new and revised offenses. The first document, *Combined file of legislation with new and revised offenses 2017*, is a PDF that contains the first 12 separate bills that are reviewed in the *Proposed Classification* memorandum. The second document provided the final piece of legislation reviewed in the *Proposed Classification* memorandum (Chapter 55, SB 165), a recodification of the motor vehicle laws. The third document, *Offenses Requiring Consecutive Sentences*, related to the first piece of legislation reviewed in the *Proposed Classification* memorandum (CR, § 5-608.1).

- i. Chapter 569 (SB 539) – CDS and Paraphernalia - Knowingly violated CR, § 5-602 with a mixture of heroin and fentanyl or any analogue of fentanyl; or fentanyl or any analogue of fentanyl (CR, § 5-608.1).

Dr. Soulé noted that Chapter 569 (SB 539) is particularly significant due to the recent heightened scrutiny relative to fentanyl and because the bill requires that any sentence imposed for this offense must be consecutive to



any other sentence imposed under law. Given the type of offense, its felony classification, and its maximum penalty of 10 years, the staff initially recommended that a violation of CR, § 5-608.1 be classified as a category IV drug offense, identical to the seriousness category for its most comparable offense (*Controlled dangerous substance importation into State, marijuana (5 to less than 45 Kilos)*, CR § 5-614(b)). However, because the legislation requires a consecutive sentence, the staff thought it was important to further expand on the offense's comparables and to look at other offenses that, by law, require consecutive sentences. Dr. Soulé referred the Commission to the memorandum, *Offenses Requiring Consecutive Sentences*.

Dr. Soulé noted that the Subcommittee agreed that it was important to consider how a defendant's guidelines would be impacted (or not impacted) by the classification of this offense. Dr. Soulé explained that assuming that a defendant is convicted of a violation of CR, § 5-608.1 along with distribution of heroin, that the two offenses are considered part of the same criminal event, and that a violation of CR, § 5-608.1 is classified as a seriousness category IV, the overall guidelines range for this defendant would not be adjusted upward in response to the conviction for a violation of CR, § 5-608.1, as the guidelines range for distribution of heroin (a seriousness category III-B offense) would be greater than that of a violation of CR, § 5-608.1 and would therefore, by rule, become the overall guidelines range for the criminal event.

Dr. Soulé provided the following example. A defendant with no prior record is convicted of distribution of heroin (a seriousness category III-B offense) and a violation of CR, § 5-608.1. The guidelines for distribution of heroin would be 6 months to 3 years. Assuming it is classified as a seriousness category IV offense, the guidelines for a violation of CR, § 5-608.1 would be probation to 3 months. Assuming the two offenses are considered part of the same criminal event, the overall guidelines range for this sentencing event would be equivalent to the guidelines for the offense with the highest guidelines range, which is distribution of heroin. Therefore, the overall guidelines range would be 6 months to 3 years. The overall guidelines range would not be adjusted upward to account for the consecutive sentence required for violations of CR, § 5-608.1, nor would the overall guidelines range account for the more serious nature of fentanyl-related offenses contemplated by the legislature when passing SB 539.

Dr. Soulé noted that the Guidelines Subcommittee discussed various options for how to classify violations of CR, § 5-608.1. One option was to consider whether it should be classified similar to the manner in which



criminal gang offenses were classified by the Commission in 2007 (*Participate as member of criminal gang in commission of crime*, CR, § 9-804(c)(1)(i); and *Participate as member of criminal gang in commission of crime resulting in death of victim*, CR, § 9-804(c)(1)(ii)). In 2007, the Commission voted to classify these two offenses as one seriousness category more serious than that of the underlying offense or, if no conviction on an underlying offense, as a seriousness category IV and III, respectively. However, Dr. Soulé noted that, given that CR, § 5-608.1 requires that the offense must be a knowing violation of CR, § 5-602, a violation of CR, § 5-602 must be the underlying offense. Therefore, the Subcommittee members agreed that it did not make sense to base the classification of a violation of CR, § 5-608.1 on an underlying offense since the underlying offense would always be CR, § 5-602. The Subcommittee agreed that violations of CR, § 5-608.1 should be classified as one seriousness category more stringent than the seriousness category for the distribution, manufacture, or PWID of narcotics (i.e., III-B), which would make a violation of CR, § 5-608.1 a seriousness category III-C offense. The Subcommittee felt that a seriousness category III-C classification accurately reflects the more serious nature of this offense as evidenced by the statutory requirement of a consecutive sentence.

Delegate Anderson questioned what the guidelines would be if the defendant was convicted of possession with the intent to distribute heroin and a violation of CR, § 5-801.1, assuming that CR, § 5-801.1 is classified as a seriousness category III-C. Dr. Soulé stated that the overall guidelines range for a defendant with no prior record would be 1 year to 4 years instead of 6 months to 3 years.

The Commission adopted the Guidelines Subcommittee's recommendation to classify a violation of CR, § 5-608.1 as a drug offense with a seriousness category of III-C, without opposition.

ii.

- a. Chapters 167 /168 (SB 229/HB 635) – Manslaughter and Related Crimes – Negligent homicide by motor vehicle or vessel while impaired by CDS, 1st offense (CR, § 2-506(c)(1))

The Commission adopted the Guidelines Subcommittee's recommendation to classify the offense as a person offense with a seriousness category of V, without opposition.

- b. Chapters 167 /168 (SB 229/HB 635) – Manslaughter and Related Crimes – Negligent homicide by motor vehicle or vessel while impaired by CDS, subsequent (CR, § 2-506(c)(2))



The Commission adopted the Guidelines Subcommittee's recommendation to classify the offense as a person offense with a seriousness category of IV, without opposition.

iii.

- a. Chapters 161/162 (SB 944/HB 647) – Sexual Crimes – Sex Offense, 1st degree (offense date prior to October 1, 2017) (CR, § 3-305(d)(1))
- b. Chapters 161/162 (SB 944/HB 647) – Sexual Crimes – Sex Offense, 1st degree, in conjunction with kidnapping child younger than 16 years old (offense date prior to October 1, 2017) (CR, § 3-305(d)(2))
- c. Chapters 161/162 (SB 944/HB 647) – Sexual Crimes – Sex Offense, 1st degree, subsequent (offense date prior to October 1, 2017) (CR, § 3-305(d)(3))
- d. Chapters 161/162 (SB 944/HB 647) – Sexual Crimes – Sex Offense, 1st degree, adult offender with victim younger than 13 years old (offense date prior to October 1, 2017) (CR, § 3-305(d)(4))
- e. Chapters 161/162 (SB 944/HB 647) – Sexual Crimes – Attempted sex offense, 1st degree (offense date prior to October 1, 2017) (CR, § 3-311(a))
- f. Chapters 161/162 (SB 944/HB 647) – Sexual Crimes – Sex Offense, 2nd degree (offense date prior to October 1, 2017) (CR, § 3-306(c)(1))
- g. Chapters 161/162 (SB 944/HB 647) – Sexual Crimes – Sex Offense, 2nd degree, adult offender with victim younger than 13 years old (offense date prior to October 1, 2017) (CR, § 3-306(c)(2))
- h. Chapters 161/162 (SB 944/HB 647) – Sexual Crimes – Attempted sex offense, 2nd degree (offense date prior to October 1, 2017) (CR, § 3-312(a))
- i. Chapters 161/162 (SB 944/HB 647) – Sexual Crimes – Continuing course of conduct which includes 3 or more acts involving 1st, 2nd, or 3rd degree sex offense or 1st or 2nd degree rape over a period of 90 days of more with a victim younger than 14 years old (CR, § 3-315)

Dr. Soulé noted that Chapters 161/162 (SB 944/HB647) repeal CR, §§ 3-305 (1st degree sex offense), 3-306 (2nd degree sex offense), 3-311 (attempted 1st degree sex offense), and 3-312 (attempted 2nd degree sex offense), and amend the definition of 1st and 2nd degree rape to include 1st and 2nd degree sex offenses, respectively. Dr. Soulé noted that, typically,



repealed offenses are removed from the Sentencing Guidelines Offense Table. However, due to the nature of 1st and 2nd degree sex offenses and because there is no statute of limitations for felony sex offenses, staff determined that these offenses will likely continue to be charged and, therefore, the staff recommended that 1st and 2nd degree sex offenses remain in the Sentencing Guidelines Offense Table with language indicating that the offense occurred on or before October 1, 2017 (i.e., the law's effective date). The Guidelines Subcommittee agreed with the staff's recommendation. The Commission agreed with the recommendation, without opposition.

iv. Chapter 96 (HB 131) – Alcoholic Beverages – Issuing a nonrefillable container for draft beer without a permit (AB, § 21-1104.1)

The Commission adopted the Subcommittee's recommendation of no action because a violation of AB, § 21-1104.1 carries a maximum penalty of one year. By Commission rule, any offense providing for no more than one year of incarceration is automatically classified as a seriousness category VII (COMAR 14.22.01.09B(2)(f)) unless the Commission chooses to adopt a different seriousness category. By taking no action on this new offense, the Commission allowed the default rule to take effect.

With respect to this offense, Dr. Johnson inquired as to why it was listed in the memorandum as a person offense. Dr. Najaka stated that the classification may be based on the classification of comparable offenses contained in the Alcoholic Beverages article. Dr. Soulé noted that the offense would not be added to the Offense Table as the maximum penalty is one year.

The Commission followed the recommendation of the Guidelines Subcommittee to take no action with respect to the offenses on pages 7 through 23 of the *Proposed Classification* memorandum. These were existing offenses amended in ways that did not change the penalty structure of the offense. For the existing offenses amended in ways not substantively relevant to the sentencing guidelines, some nonsubstantive changes to COMAR 14.22.02.02 and the Guidelines Offense Table are nevertheless necessary (e.g., changes to subsection designations).

v. Chapter 628 (HB 906) – Burglary and Related Crimes – Home Invasion (CR, § 6-202(d))

vi. Chapter 31 (HB 879) – Bribery – Bribery to or by public officer (Common law; CR, § 9-201)



- vii.
 - a. Chapters 187/188 (SB 790/HB 455) – Animals, Crimes Against – Animal cruelty (CR, § 10-604)
 - b. Chapters 187/188 (SB 790/HB 455) – Animals, Crimes Against – Aggravated animal cruelty (CR, § 10-606)
- viii.
 - a. Chapter 649 (HB 521) – Sexual Crimes – Sex Offender – failing to register and/or providing false information, 1st offense (CP, § 11-721(b)(1))
 - b. Chapter 649 (HB 521) – Sexual Crimes – Sex Offender – failing to register and/or providing false information, subsequent (CP, § 11-721(b)(2))
- ix.
 - a. Chapter 345 (HB 603) – Motor Vehicle Offenses – Providing false evidence of required security, 1st offense (TR, § 17-110; TR, § 27-101(h)(1) (penalty))
 - b. Chapter 345 (HB 603) – Motor Vehicle Offenses – Providing false evidence of required security, subsequent (TR, § 17-110; TR, § 27-101(h)(2) (penalty))
 - c. Chapter 345 (HB 603) – Motor Vehicle Offenses – Drive vehicle or permit another to drive vehicle knowing that vehicle is not covered by the required security (TR, § 17-107; TR, § 27-101(h)(1) (penalty))
 - d. Chapter 345 (HB 603) – Motor Vehicle Offenses – Drive vehicle or permit another to drive vehicle knowing that vehicle is not covered by the required security, subsequent (TR, § 17-107; TR, § 27-101(h)(2) (penalty))
- x.
 - a. Chapter 650 (HB 738) – Sexual Crimes – Rape, 2nd degree (CR, § 3-304(c)(1))
 - b. Chapter 650 (HB 738) – Sexual Crimes – Rape, 2nd degree, adult offender with victim younger than 13 years old (CR, § 3-304(c)(2))
 - c. Chapter 650 (HB 738) – Sexual Crimes – Sex Offense, 2nd degree (CR, § 3-306(c)(1))



- d. Chapter 650 (HB 738) – Sexual Crimes – Sex Offense, 2nd degree, adult offender with victim younger than 13 years old (CR, § 3-306(c)(2))
- e. Chapters 650 (HB 738) – Sexual Crimes – Sex Offense, 3rd degree (a)(1) employ or display a dangerous weapon etc.; (a)(2) with substantially cognitively impaired, mentally incapacitated, or physically helpless individual (CR, § 3-307(a)(1), (a)(2))
- f. Chapters 650 (HB 738) – Sexual Crimes – Sex Offense, 3rd degree (a)(3), (a)(4), (a)(5) – age based elements (CR, § 3-307(a)(3), (a)(4), (a)(5))
- g. Chapter 650 (HB 738) – Sexual Crimes – Attempted rape, 2nd degree (CR, § 3-310(a))
- h. Chapter 650 (HB 738) – Sexual Crimes – Attempted sex offense, 2nd degree (CR, § 3-312(a))
- xi.
 - a. Chapter 804 (SB 224) – Weapons Crimes – In General – Possession of rifle or shotgun by restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc. (PS, § 5-205)
 - b. Chapter 804 (SB 224) – Weapons Crimes – In General – Possession of rifle or shotgun by restricted person (convicted of a disqualifying crime, fugitive, habitual drunkard, etc. (PS, § 5-133(b); PS, § 5-144 (penalty))
 - c. Chapter 804 (SB 224) – Weapons Crimes – In General – Sell, rent, or transfer regulated firearm to restricted person (younger than 21 years old, convicted of a disqualifying crime, fugitive, habitual drunkard, etc.) (PS, § 5-134(b); PS, § 5-144 (penalty))
 - d. Chapter 804 (SB 224) – Weapons Crimes – In General – Straw purchase of regulated firearm for minor or person prohibited by law from possession a regulated firearm (PS, § 5-141)
- xii. Chapter 55 (SB 165) recodifies the penalties for violations of the Maryland Vehicle Laws, moving the penalties from TR § 27-101 to the Transportation Article section corresponding to each offense.
 - a. Chapter 55 (SB 165) – Motor Vehicle Offense – Possession of a motor vehicle master key (TR, § 14-103)



- b. Chapter 55 (SB 165) – Motor Vehicle Offense – Conduct the business of a vehicle dealer without a license (TR, § 15-302)
- c. Chapter 55 (SB 165) – Motor Vehicle Offense – Act as a vehicle salesman without a license, subsequent (TR, § 15-402(c)(2))
- d. Chapter 55 (SB 165) – Motor Vehicle Offense – Conduct the business of an automotive dismantler and recycler or scrap processor without a license, subsequent (TR, § 15-502(e)(2))
- e. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving without having been issued a license, 1st offense (TR, § 16-101(c)(1))
- f. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving without having been issued a license, subsequent (TR, § 16-101(c)(2))
- g. Chapter 55 (SB 165) – Motor Vehicle Offense – Violation of ignition interlock system participation requirements, 1st offense (TR, § 16-113(1)(2)(i))
- h. Chapter 55 (SB 165) – Motor Vehicle Offense – Violation of ignition interlock system participation requirements, subsequent (TR, § 16-113(1)(2)(ii))
- i. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while license is refused, canceled, suspended, or revoked, 1st offense (TR, § 16-303(k)(1)(i))
- j. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while license is refused, canceled, suspended, or revoked, subsequent (TR, § 16-303(k)(1)(ii))
- k. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving a commercial motor vehicle while license is refused, canceled, suspended, or revoked (TR, § 16-808(d)(1))
- l. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving a commercial vehicle not in possession of license, 1st offense (TR, § 16-808(d)(2)(i))
- m. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving a commercial vehicle not in possession of license, 2nd offense (TR, § 16-808(d)(2)(ii))
- n. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving a commercial vehicle not in possession of license, 3rd or subsequent offense (TR, § 16-808(d)(2)(iii))



- o. Chapter 55 (SB 165) – Motor Vehicle Offense – Obtaining commercial driver’s license by misrepresentation (TR, § 16-813.1)
- p. Chapter 55 (SB 165) – Motor Vehicle Offense – Drive vehicle or permit another to drive vehicle knowing that vehicle is not covered by the required security, 1st offense (TR, § 17-107(d)(1))
- q. Chapter 55 (SB 165) – Motor Vehicle Offense – Drive vehicle or permit another to drive vehicle knowing that vehicle is not covered by the required security, subsequent (TR, § 17-107(d)(2))
- r. Chapter 55 (SB 165) – Motor Vehicle Offense – Providing false evidence of required security, 1st offense (TR, § 17-110(b)(1))
- s. Chapter 55 (SB 165) – Motor Vehicle Offense – Providing false evidence of required security, subsequent (TR, § 17-110(b)(2))
- t. Chapter 55 (SB 165) – Motor Vehicle Offense – Driver failing to remain at scene of accident that results in bodily injury to another person (TR, § 20-102(c)(2)(i))
- u. Chapter 55 (SB 165) – Motor Vehicle Offense – Driver failing to remain at scene of accident that results in the death of another person (TR, § 20-102(c)(2)(ii))
- v. Chapter 55 (SB 165) – Motor Vehicle Offense – Driver failing to remain at scene of accident with knowledge of serious bodily injury of another person (TR, § 20-102(c)(3)(i))
- w. Chapter 55 (SB 165) – Motor Vehicle Offense – Driver failing to remain at scene of accident with knowledge of death of another person (TR, § 20-102(c)(3)(ii))
- x. Chapter 55 (SB 165) – Motor Vehicle Offense – Driver failing to remain at scene of accident that results only in damage to attended vehicle or property (TR, § 20-103)
- y. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while under the influence of alcohol, 1st offense (TR, § 21-902(a)(1)(iii)(1))
- z. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while under the influence of alcohol, 2nd offense (TR, § 21-902(a)(1)(iii)(2); TR, § 21-902(f)(2)(i))



- aa. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while under the influence of alcohol, 3rd or subsequent offense (TR, § 21-902(a)(1)(iii)(3); TR, § 21-902(f)(2)(ii))
- bb. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while under the influence of alcohol, while transporting a minor, 1st offense (TR, § 21-902(a)(2)(ii)(1))
- cc. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while under the influence of alcohol, while transporting a minor, 2nd offense (TR, § 21-902(a)(2)(ii)(2), TR, § 21-902(f)(2)(i))
- dd. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while under the influence of alcohol, while transporting a minor, 3rd or subsequent offense (TR, § 21-902(a)(2)(ii)(3), TR, § 21-902(f)(2)(ii))
- ee. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by alcohol, 1st offense (TR, § 21-902(b)(1)(ii)(1))
- ff. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by alcohol, 2nd offense (TR, § 21-902(b)(1)(ii)(2))
- gg. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by alcohol, 3rd or subsequent offense (TR, § 21-902(b)(1)(ii)(3))
- hh. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by alcohol, while transporting a minor, 1st offense (TR, § 21-902(b)(2)(ii)(1))
- ii. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by alcohol, while transporting a minor, 2nd offense (TR, § 21-902(b)(2)(ii)(2))
- jj. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by alcohol, while transporting a minor, 3rd or subsequent offense (TR, § 21-902(b)(2)(ii)(3))
- kk. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by drugs or drugs and alcohol, 1st offense (TR, § 21-902(c)(1)(ii)(1))
- ll. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by drugs or drugs and alcohol, 2nd offense (TR, § 21-902(c)(1)(ii)(2))



- mm. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by drugs or drugs and alcohol, 3rd or subsequent offense (TR, § 21-902(c)(1)(ii)(3))
- nn. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 1st offense (TR, § 21-902(c)(2)(ii)(1))
- oo. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 2nd offense (TR, § 21-902(c)(2)(ii)(2))
- pp. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 3rd or subsequent offense (TR, § 21-902(c)(2)(ii)(3))
- qq. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by controlled dangerous substance, 1st offense (TR, § 21-902(d)(1)(ii)(1))
- rr. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by controlled dangerous substance, 2nd offense (TR, § 21-902(d)(1)(ii)(2), TR, § 21-902(f)(3)(i))
- ss. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by controlled dangerous substance, 3rd or subsequent offense (TR, § 21-902(d)(1)(ii)(3), TR, § 21-902(f)(3)(ii))
- tt. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by controlled dangerous substance, while transporting a minor, 1st offense (TR, § 21-902(d)(2)(ii)(1))
- uu. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by controlled dangerous substance, while transporting a minor, 2nd offense (TR, § 21-902(d)(2)(ii)(2), TR, § 21-902(f)(3)(i))
- vv. Chapter 55 (SB 165) – Motor Vehicle Offense – Driving while impaired by controlled dangerous substance, while transporting a minor, 3rd or subsequent offense (TR, § 21-902(d)(2)(ii)(3), TR, § 21-902(f)(3)(ii))
- ww. Chapter 55 (SB 165) – Motor Vehicle Offense – Fleeing or eluding a police officer, 1st offense (TR, § 21-904(f)(1)(i))
- xx. Chapter 55 (SB 165) – Motor Vehicle Offense – Fleeing or eluding a police officer, subsequent (TR, § 21-904(f)(1)(ii))



- yy. Chapter 55 (SB 165) – Motor Vehicle Offense – Fleeing or eluding police that results in bodily injury to another person (TR, § 21-904(d)(1), (f)(2))
- zz. Chapter 55 (SB 165) – Motor Vehicle Offense – Fleeing or eluding police that results in death of another person (TR, § 21-904(f)(3))
- aaa. Chapter 55 (SB 165) – Motor Vehicle Offense – Fleeing or eluding police attempting to apprehend driver for commission of crime of violence (TR, § 21-904(e), (f)(2))
- bbb. Chapter 55 (SB 165) – Motor Vehicle Offense – Use of text messaging device of handheld telephone while driving that causes an accident resulting in death or serious bodily injury (TR, § 21-1124.3)
- ccc. Chapter 55 (SB 165) – Motor Vehicle Offense – Commit or engage another to commit a violation of motor vehicle law for the purpose of recording the violation without permission (TR, § 21-1126)
- ddd. Chapter 55 (SB 165) – Motor Vehicle Offense – Transportation of hazardous materials, subsequent (TR, § 21-1411(d)(2))

6. Executive Director Report – Dr. David Soulé

a. Review of Chapter 526 (SB 450/2017) Open Meetings Act requirements

Dr. Soulé referred Commissioners to the *Open Meetings Act Training Requirement* memorandum and reviewed the new requirements for the Open Meetings Act. Under current law, each public body, of which the Commission is one, must designate at least one individual who is an employee, officer, or member to take a training class on the Open Meetings Act. He advised that the MSCCSP has complied with this requirement, as at least one staff member has already completed the training. Dr. Soule further stated that there are three notable revisions to the Open Meetings Act training requirements for public bodies that were adopted during the 2017 Legislative Session.

The first revision states that as of July 1, 2017, it is no longer necessary to forward the names of designees to the Open Meetings Compliance Board. Public bodies are responsible for maintaining internal records of the designation and of the designee's completion of the training class. The second revision instructs that, as of July 1, 2017, the training requirement does not apply to a public body that is part of the Judicial Branch of the State government. Dr. Soulé advised that the MSCCSP falls under the Executive Branch, not the Judicial Branch, and as such, is subject to the training requirement. The final revision instructs that, as of October 1, 2017, a public body may not meet in a closed session that is subject to the Act unless the public body has designated a member or, as applicable to the MSCCSP, a Commissioner to take the training. Dr. Soulé advised that the member only needs to be designated by October 1 and may take the class at a later date as long as it falls within 90 days after being designated. Furthermore, the designated



member must attend the open meeting at which the public body votes to hold the closed session, or, otherwise, the public body must complete the Compliance Checklist, and attach it to the open-session minutes.

Dr. Soulé advised that to his knowledge, the Commission has never held a closed session, but wanted to highlight the rules should the need ever arise. Delegate Anderson questioned whether the Guidelines Subcommittee meetings are subject to the Open Meetings Act. Dr. Najaka responded that they are not, as there has to be a quorum of the Commission in order to qualify under the Open Meetings Act. Judge Harrell noted that the need for a closed session would most likely arise out of nowhere and that it is important for a Commissioner to be designated and trained. Dr. Soulé responded that Elizabeth Embry has graciously agreed to serve as the designee and has already completed the necessary training.

Delegate Anderson asked if the training requirement would apply to the various committees of the Legislature. Elizabeth Embry stated that she believed it would apply, but that she could look into it to confirm.

b. Clarification of penalty for *Distribution/PWID/Manufacture of Methamphetamine*

Dr. Soulé referred to the memorandum *Clarification of Penalty for Distribution, Possession with Intent to Distribute, and Manufacture of Methamphetamine* that was distributed in advance of the meeting. He indicated that MSCCSP staff has received multiple inquiries from practitioners regarding the penalty and corresponding seriousness category for a felony conviction for *distribution, possession with intent to distribute (PWID), or manufacture of methamphetamine* (as outlined in CR, §§ 5-602 through 5-606). Based on questions from practitioners and a review of the MSCCSP's sentencing data, there is confusion as to the proper classification and penalty of the *distribution, PWID, and manufacture of methamphetamine*. Dr. Soulé noted that CR, § 5-607 provides for a 5-year statutory maximum for felony drug offenses involving all drugs not penalized pursuant to CR, § 5-608 or CR, § 5-609. He added that the Commission has categorized violations of CR, § 5-607 as seriousness category IV drug offenses for the purposes of calculating the sentencing guidelines. Dr. Soulé further explained that CR, § 5-608 provides for a 20-year statutory maximum for felony drug offenses involving Schedule I or Schedule II *narcotic* drugs and CR, § 5-609 provides for a 20-year statutory maximum for felony drug offenses involving the following select Schedule I and II hallucinogenic substances:

- (1) phencyclidine [PCP];
- (2) 1-(1-phenylcyclohexyl) piperidine;
- (3) 1-phenylcyclohexylamine;
- (4) 1-piperidinocyclohexanecarbonitrile;
- (5) N-ethyl-1-phenylcyclohexylamine;
- (6) 1-(1-phenylcyclohexyl)-pyrrolidine;
- (7) 1-(1-(2-thienyl)-cyclohexyl)-piperidine;
- (8) lysergic acid diethylamide [LSD]; or
- (9) 750 grams or more of 3, 4-methylenedioxymethamphetamine (MDMA).



Dr. Soulé advised that MSCCSP staff consulted with both the Office of the Attorney General and the District Court Commissioner's Office regarding the appropriate penalty for the *distribution, PWID, and manufacture of methamphetamine*. Both agencies confirmed that, in accordance with CR, § 5-101, methamphetamine is not classified as a *narcotic* drug. Additionally, methamphetamine is not listed as one of the select Schedule I or II hallucinogenic substances in CR, § 5-609. Accordingly, *distribution, PWID, and manufacture of methamphetamine* should be penalized pursuant to CR, § 5-607, subject to a 5-year statutory maximum and, thus, classified as a seriousness category IV drug offense for the purposes of calculating the sentencing guidelines. Dr. Soulé indicated that MSCCSP staff is recommending to add methamphetamine as an example of a Schedule I through V non-narcotic drug to the Sentencing Guidelines Offense Table for clarification purposes.

Delegate Anderson commented that *distribution, PWID, and manufacture of marijuana* has the same drug seriousness category of IV as *distribution, PWID, and manufacture of methamphetamine*. Laura Martin stated that methamphetamine is a Schedule II stimulant, but many people are under the impression that it is a hallucinogenic substance, which is why it may be mistaken as being subject to the 20-year statutory maximum. Delegate Anderson asked if the mistake is being made by State's Attorneys or the police who are charging the offense. Ms. Martin responded that with respect to the calculation of the sentencing guidelines, the police are not making an error, as they are simply charging the defendant with "distribution." Rick Finci stated that in the past he has seen the wrong drug and corresponding penalty erroneously cited on the charging document. He further noted that another factor may be that the substance has not been tested at the time of the statement of charges, so it may be assumed to be something it is not.

To provide greater clarity to practitioners, the Commission unanimously approved a motion to add methamphetamine as an example of a Schedule I through V non-narcotic drug to the Sentencing Guidelines Offense Table and corresponding entry in COMAR 14.22.02.02.

c. Update on MAGS Deployment

Dr. Soule reported that MAGS was deployed in Caroline and Talbot Counties on July 1, 2017, and noted that the transition to the automated guidelines system has continued to run smoothly. MAGS will next be deployed in Kent and Queen Anne's Counties on October 1, 2017, bringing the total number of MAGS jurisdictions to 16.

7. Date, time, and location of the next Commission meeting.

The next meeting is scheduled for Tuesday, September 19, 2017, at the Judiciary Education and Conference Center at 5:30 p.m.

8. Old business

None.



9. New business and announcements

Senator Cassilly commented that with respect to the Maryland Senate, most of the criminal penalty laws come through the Judicial Proceedings Committee and noted that the Committee makes a conscious effort not to impose criminal penalties for minor offenses, such as SB 491/HB 292 (Issuing a nonrefillable container for draft beer without a permit). He added that these types of penalties will sometimes originate in other committees as part of a large bill (as occurred with SB 491/HB 292) and while the Senate has amended or removed these type of minor violations when voting as a full body on several occasions when necessary, there are unfortunately times when such penalties are overlooked.

The meeting adjourned at 6:55 p.m.