



## **Maryland Sentencing Guidelines Compliance and Average Sentence for the Most Common Person, Drug and Property Offenses (Fiscal Year 2017)**

The tables below summarize Maryland sentencing guidelines compliance and average sentence for the five most common offenses in each crime category (person, drug, and property). The tables are based on sentencing guidelines worksheets submitted to the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) for circuit court convictions sentenced between July 1, 2016 and June 30, 2017. Only single count cases were included. The accuracy and completeness of the sentencing data summarized below are directly related to the quality of the information entered in each guidelines worksheet.

The MSCCSP deems a sentence compliant with the guidelines if the initial sentence (defined as the sum of incarceration, credited time, and home detention) falls within the applicable guidelines range. In addition, the MSCCSP deems a sentence compliant if the judge sentenced an offender to a period of pre-sentence incarceration time with no additional post-sentence incarceration time and the length of credited pre-sentence incarceration exceeds the upper guidelines range for the case. The MSCCSP has also deemed sentences to corrections options programs (e.g., drug court; Health General Article, §8-507 commitments; home detention) compliant provided that the initial sentence plus any suspended sentence falls within or above the applicable guidelines range and the case does not include a crime of violence, child sexual abuse, or escape. By doing so, the Commission recognizes the state's interest in promoting these alternatives to incarceration. Finally, sentences pursuant to an ABA plea agreement (one in which the judge, prosecutor, and defense have agreed to the terms of the sentence before the hearing) are guidelines-compliant (COMAR 14.22.01.17). The MSCCSP adopted the ABA plea agreement compliance policy in July 2001 to acknowledge that ABA pleas reflect the consensus of the local view of an appropriate sentence within each specific community. The corrections options and ABA plea agreement compliance policies allow the court to set a "guidelines compliant" sentence which considers the individual needs of the offender, such as substance abuse treatment, as opposed to incarceration.



### Person Offenses – Fiscal Year 2017

Person Offenses	Cases with Valid Data	Guidelines Compliance			% Incarcerated*	Average Sentence Length Among Those Incarcerated:	
		% Within	% Below	% Above		Total Sentence	Total Sentence, Less Suspended Sentence
Assault, 2 <sup>nd</sup> Degree [CR, §3-203]	945	85.6%	11.8%	2.6%	67.4%	5.3 years (3.6)	1.2 years (1.8)
Robbery [CR, §3-402]	322	85.4%	13.7%	0.9%	88.2%	7.9 years (4.5)	2.3 years (2.7)
Wear, Carry, or Transport Handgun [CR, §4-203(c)(2)(i)]	218	95.9%	3.7%	0.5%	63.3%	2.5 years (0.9)	0.7 years (0.8)
Assault, 1 <sup>st</sup> Degree [CR, §3-202]	190	68.4%	28.4%	3.2%	90.5%	13.6 years (6.7)	4 years (4)
Robbery with Dangerous Weapon [CR, §3-403(a)(1)]	182	81.3%	17.6%	1.1%	94.5%	12 years (5.2)	5 years (4.8)

NOTE: The standard deviation is listed in parentheses below each mean. The standard deviation measures the spread of a set of data around the mean of the data. In a normal distribution, approximately 68 percent of scores fall within plus or minus one standard deviation of the mean, and 95 percent fall within plus or minus two standard deviations of the mean.

\* % *Incarcerated* includes those who are incarcerated pre-trial only, as well as those incarcerated after sentencing.



### Drug Offenses – Fiscal Year 2017

Drug Offenses	Cases with Valid Data	Guidelines Compliance			% Incarcerated*	Average Sentence Length Among Those Incarcerated:	
		% Within	% Below	% Above		Total Sentence	Total Sentence, Less Suspended Sentence
Distribute, PWID, Manufacture, etc. Marijuana [CR, §5-607(a)]	565	91.5%	8.1%	0.4%	46.4%	3.1 years (1.9)	0.5 years (0.8)
Distribute, PWID, Manufacture, etc. Heroin [CR, §5-608(a)]	522	74.9%	24.5%	0.6%	79.1%	8.3 years (5.7)	2.4 years (3.3)
Distribute, PWID, Manufacture, etc. Cocaine [CR, §5-608(a)]	475	72.6%	26.6%	0.8%	77.5%	8.2 years (5.5)	2.9 years (3.7)
Possess Marijuana or Possess/Distribute Paraphernalia [CR, §5-601(c)(2)(i)] [CR, §5-620(d)(2)]	197	94.3%	2.9%	2.9%	34.9%	0.5 years (0.4)	0.2 years (0.3)
Possess Cocaine or Possess/Distribute Paraphernalia [CR, §5-601(c)(1)] [CR, §5-620(d)(1)]	180	87.8%	10%	2.2%	70%	2.1 years (1.6)	0.5 years (0.8)

NOTE: The standard deviation is listed in parentheses below each mean. The standard deviation measures the spread of a set of data around the mean of the data. In a normal distribution, approximately 68 percent of scores fall within plus or minus one standard deviation of the mean, and 95 percent fall within plus or minus two standard deviations of the mean.

\* % *Incarcerated* includes those who are incarcerated pre-trial only, as well as those incarcerated after sentencing.



### Property Offenses – Fiscal Year 2017

Property Offenses	Cases with Valid Data	Guidelines Compliance			% Incarcerated*	Average Sentence Length Among Those Incarcerated:	
		% Within	% Below	% Above		Total Sentence	Total Sentence, Less Suspended Sentence
Burglary, 1 <sup>st</sup> Degree [CR, §6-202(c)]	258	74%	23.3%	2.7%	81%	10.1 years (5.9)	3.7 years (3.8)
Felony Theft or Theft Scheme, At Least \$1,000 but Less Than \$10,000 [CR, §7-104(g)(1)(i)]	192	83.9%	14.6%	1.6%	70.3%	5.6 years (3.5)	1.4 years (1.6)
Misdemeanor Theft or Theft Scheme, Less Than \$1,000 [CR, §7-104(g)(2)]	169	81.7%	16.6%	1.8%	62.7%	1.2 years (0.5)	0.4 years (0.5)
Burglary, 2 <sup>nd</sup> Degree [CR, §6-203(c)(1)]	166	75.9%	23.5%	0.6%	75.3%	6.8 years (4.6)	2.3 years (2.7)
Felony Theft or Theft Scheme, At Least \$10,000 but Less Than \$100,000 [CR, §7-104(g)(1)(ii)]	116	82.8%	15.5%	1.7%	73.3%	7.1 years (4.6)	2 years (2.6)

NOTE: The standard deviation is listed in parentheses below each mean. The standard deviation measures the spread of a set of data around the mean of the data. In a normal distribution, approximately 68 percent of scores fall within plus or minus one standard deviation of the mean, and 95 percent fall within plus or minus two standard deviations of the mean.

\* % *Incarcerated* includes those who are incarcerated pre-trial only, as well as those incarcerated after sentencing.