



## **Maryland Sentencing Guidelines Compliance and Average Sentence for the Most Common Person, Drug and Property Offenses (Fiscal Year 2023)**

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, 2021 and June 30, 2022. 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 sentencing event. The MSCCSP deems 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 sentencing event 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 MSCCSP binding plea agreement are guidelines-compliant (COMAR 14.22.01.17). The MSCCSP adopted the binding plea agreement compliance policy in 2001 to acknowledge that binding plea agreements reflect the consensus of the local view of an appropriate sentence within each specific community. The corrections options and binding 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 2023

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]	1,263	86.1%	10.5%	3.3%	76.2%	5.8 years (3.4)	1.1 years (1.5)
Possession of Regulated Firearm by Restricted Person [PS, § 5-133(b)]	333	81.4%	18%	0.6%	88.3%	4.2 years (1.3)	1.6 years (1.5)
Wear, Carry, or Transport Handgun [CR, §4-203(c)(2)(i)]	328	94.5%	5.5%	---	64.6%	2.5 years (0.9)	0.6 years (0.8)
Assault, 1 <sup>st</sup> Degree [CR, § 3-202]	301	64.8%	33.2%	2%	95%	15 years (6.9)	4.9 years (4.5)
Robbery [CR, § 3-402]	239	78.7%	17.6%	3.8%	94.6%	9.5 years (4.3)	2.5 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.



### Drug Offenses – Fiscal Year 2023

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. Cocaine [CR, § 5-608(a)]	572	85.8%	11.4%	2.8%	86.4%	7.5 years (5.4)	1.7 years (2.6)
Distribute, PWID, Manufacture, etc. Fentanyl [CR, § 5-608(a)]	313	83.7%	12.5%	3.8%	81.2%	8.8 years (5.8)	1.9 years (2.8)
Distribute, PWID, Manufacture, etc. Cannabis <sup>a</sup> [CR, § 5-607(a)]	245	91.8%	4.5%	3.7%	44.1%	2.9 years (1.7)	0.4 years (0.4)
Possess Cannabis [CR, § 5-601(c)(2)(i)]	153	97.4%	---	2.6%	26.8%	0.3 years (0.2)	0.1 years (0.2)
Possess Cocaine [CR, §5-601(c)(1)(i)]	126	91.3%	---	8.7%	64.3%	0.8 years (0.3)	0.3 years (0.3)

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.

<sup>a</sup> The legislature lowered the maximum penalty for cannabis PWID, manufacture, and possess production equipment from five years to three years effective January 1, 2023. In response, the Commission changed the seriousness category from IV to V effective April 1, 2023. Sentencing events involving this subset of cannabis offenses with a lesser maximum penalty and seriousness category are excluded from the table.



### Property Offenses – Fiscal Year 2023

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, 2 <sup>nd</sup> Degree [CR, § 6-203(c)(1)]	159	89.3%	6.9%	3.8%	75.5%	7.5 years (4.4)	1.8 years (2.4)
Felony Theft or Theft Scheme, At Least \$1,500 but Less Than \$25,000 [CR, § 7-104(g)(1)(i)]	118	94.9%	2.5%	2.5%	72.9%	3.5 years (1.7)	1.1 years (1.3)
Burglary, 4 <sup>th</sup> Degree [CR, § 6-205]	103	90.3%	3.9%	5.8%	66%	2.1 years (1.1)	0.6 years (0.7)
Burglary, 1 <sup>st</sup> Degree [CR, § 6-202(c)]	81	79%	12.3%	8.6%	85.2%	7.7 years (5.8)	1.8 years (2.5)
Burglary, 3 <sup>rd</sup> Degree [CR, § 6-204]	59	86.4%	10.2%	3.4%	89.8%	5.2 years (3.3)	1 year (1.2)

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.