

**GUIDELINES  
E-NEWS**



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**Revisions to the Guidelines Offense Table  
(Effective December 1, 2008)**

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) has revised the Guidelines Offense Table to reflect:

- (1) new offenses passed during the 2008 Legislative Session;
- (2) amended offenses passed during the 2008 Legislative Session; and
- (3) minor edits, including the addition of *conspiracy to 1<sup>st</sup> degree murder* to the table.

These changes were submitted to the Code of Maryland Regulations (COMAR) and were adopted **effective December 1, 2008**. They are summarized briefly below. A print friendly version of the updated Guidelines Offense Table (Appendix A of the Maryland Sentencing Guidelines Manual) is available on the MSCCSP website at: [www.msccsp.org/guidelines/offensetable.pdf](http://www.msccsp.org/guidelines/offensetable.pdf). Please discard any prior versions of the Guidelines Offense Table, as information contained within may no longer be accurate.

**New Offenses, 2008 Legislative Session**

Legislation	Statute	Offense	Adopted Seriousness Category
House Bill 550	CR, §8-606.1	<b>Counterfeiting</b> Forge, falsify, or counterfeit the signature of a judge, court officer, or court employee; or use a document with forged signature of a court official	VI
House Bill 626	BO, §17-613(a)	<b>Commercial Fraud, Other</b> Violation of certain provisions of the Maryland Real Estate Brokers Act, 1 <sup>st</sup> offense <sup>a</sup>	VII
House Bill 626	BO, §17-613(d)(1)	<b>Commercial Fraud, Other</b> Violation of certain provisions of the Maryland Real Estate Brokers Act, 2 <sup>nd</sup> offense	VII
House Bill 626	BO, §17-613(d)(2)	<b>Commercial Fraud, Other</b> Violation of certain provisions of the Maryland Real Estate Brokers Act, 3 <sup>rd</sup> or subsequent offense	VI

<sup>a</sup> This is not a new offense, but it was not previously listed in the Guidelines Offense Table. The Legislature created additional penalties for 2<sup>nd</sup> and 3<sup>rd</sup> or subsequent violations.

**New Offenses, 2008 Legislative Session (cont.)**

<b>Legislation</b>	<b>Statute</b>	<b>Offense</b>	<b>Adopted Seriousness Category</b>
House Bill 1113	CR, §8-301(d) CR, §8-301(g)(2) (penalty)	<b>Identity Fraud</b> Use a re-encoder or skimming device for purpose of identity theft. Benefit less than \$500	VII
House Bill 1113	CR, §8-301(d) CR, §8-301(g)(1) (penalty)	<b>Identity Fraud</b> Use a re-encoder or skimming device for purpose of identity theft. Benefit \$500 or greater	V
House Bill 1113	CR, §8-301(e) CR, §8-301(g)(4) (penalty)	<b>Identity Fraud</b> Possess, obtain, or help another obtain a re-encoder or skimming device for purpose of identity theft	VII
Senate Bill 211	PS, §2-512(c), (e)	<b>Statewide DNA Data Base System, Crimes Involving</b> Willfully testing DNA for information not related to identification of individuals	V
Senate Bill 217	RP, §7-407(a)	<b>Commercial Fraud, Other</b> Commission of mortgage fraud	V
Senate Bill 217	RP, §7-407(b)	<b>Commercial Fraud, Other</b> Commission of mortgage fraud, involving victim who is a vulnerable adult under CR, §3-604	V
Senate Bill 217	RP, §7-407(c)	<b>Commercial Fraud, Other</b> Commission of mortgage fraud, engaging in a pattern of mortgage fraud	IV
Senate Bill 218	RP, §7-318.1(a) RP, §7-321 (penalty)	<b>Commercial Fraud, Other</b> Failure of foreclosure consultant to obtain a real estate broker's license	VI
Senate Bill 218	RP, §7-318.1(b) RP, §7-321 (penalty)	<b>Commercial Fraud, Other</b> Violation of any provision of Title 17 of the Business Occupations and Professions Article by foreclosure consultant	VI

**Amended Offenses, 2008 Legislative Session**

<b>Legislation</b>	<b>Statute</b>	<b>Offense</b>	<b>Prior Seriousness Category</b>	<b>New Seriousness Category</b>
House Bill 719	CR, §10-605	<b>Animals, Crimes Against</b> Attending a dogfight or cockfight	Not previously categorized	VII
Senate Bill 211	PS, §2-512(a), (e)	<b>Statewide DNA Data Base System, Crimes Involving</b> Improper disclosure of DNA information to a person/agency not entitled to receive the information	Not previously categorized	V
Senate Bill 211	PS, §2-512(b), (e)	<b>Statewide DNA Data Base System, Crimes Involving</b> Fraudulent obtainment of DNA information from the statewide DNA data base/repository	Not previously categorized	V

**Minor Edits**

As noted above, a number of minor edits were made to the Guidelines Offense Table, including the addition of *conspiracy to 1<sup>st</sup> degree murder (seriousness category I)*. The seriousness category for *conspiracy to 1<sup>st</sup> degree murder* has not changed. This offense was simply added to the table for clarification.