

## **MSCCSP Releases Updated Maryland Sentencing Guidelines Manual and Offense Table, Effective May 1, 2010**

### **May 1, 2010 Release of the Maryland Sentencing Guidelines Manual**

On May 1, 2010, the MSCCSP released a new version of the Maryland Sentencing Guidelines Manual (MSGM). This new manual includes revisions to the guidelines and the offense table submitted to the Code of Maryland Regulations (COMAR) and adopted effective May 1, 2010. Details on these revisions are provided below. The manual also includes minor edits and updated examples using the latest version of the guidelines worksheet (version 1.6).

### **Revisions to the Guidelines Offense Table**

Effective May 1, 2010, the MSCCSP has revised the Guidelines Offense Table to reflect minor edits, including updated CJIS codes. See the link below for a print friendly version of the updated Guidelines Offense Table (along with the updated Manual).

### **Assigning Offense Score Points for Presence of a Weapon**

Effective May 1, 2010, references to the “usage” or “use” of a weapon within COMAR, the MSGM, and the guidelines worksheet have been changed to “presence.” This update reflects the Commission’s position that offense score points shall be assigned when a weapon was present during the commission of a crime, even if the offender did not use the weapon. A copy of the revised worksheet (version 1.6) with the changed language highlighted is attached.

### **Instructions for Computation of the Offender Score**

Effective May 1, 2010, the instructions for computation of the offender score include the following: *A prior adjudication of not criminally responsible (NCR) or not guilty by reason of insanity shall not be included when calculating the offender score.*

Due to budget constraints, the MSCCSP is not able to provide printed copies of the MSGM. Please download a print friendly version of the updated Manual and Guidelines Offense Table via the MSCCSP website at: <http://www.msccsp.org/Files/Guidelines/guidelinesmanual.pdf>. You should discard any prior versions of the Manual and Guidelines Offense Table, as information contained within may no longer be accurate.

MARYLAND SENTENCING GUIDELINES WORKSHEET				OFFENDER NAME - Last, First, Middle				SID#		SEX __ M __ F	BIRTHDATE 		JURISDICTION		
PSI __ Yes __ No		DATE OF OFFENSE 		DATE OF SENTENCING 		DISPOSITION TYPE __ ABA plea agreement __ Jury trial __ Non-ABA plea agreement __ Reconsideration __ Plea, no agreement __ Review __ Court trial				REPRESENTATION __ Private __ Public Defender __ Court Appointed __ Self		ETHNICITY Hispanic/Latino Origin __ Yes __ No		RACE __ Unidentifiable __ Black __ Asian __ White __ Other __ Native Hawaiian/Pacific Islander __ American Indian/Alaskan Native	
AT THIS SENTENCING, NUMBER OF:		CONVICTED OFFENSES	CRIMINAL EVENTS	WORKSHEET # ____ OF CRIMINAL EVENT # ____.											
CONVICTED OFFENSE TITLE				I-VII	CJIS CODE	MD CODE, ART, & SECTION				STAT. MAX	MAND. MIN	CASE #/DOCKET #			
1 <sup>st</sup> Convicted Offense					—										
2 <sup>nd</sup> Convicted Offense					—										
3 <sup>rd</sup> Convicted Offense					—										
OFFENSE SCORE(S) – Offense Against a Person Only				OFFENDER SCORE				GUIDELINES RANGE	ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Programs (Drug Treatment Court, Home Detention, Etc.)						
<u>1<sup>st</sup> Off</u>	<u>2<sup>nd</sup> Off</u>	<u>3<sup>d</sup> Off</u>	<b>A. Seriousness Category</b>	<b>A. Relationship to CJS When Instant Offense Occurred</b>				<b>1<sup>st</sup> Con. Off.</b>	<b>1<sup>st</sup> Convicted Offense</b>						
1	1	1	= V – VII	0 = None or Pending Cases				_____	For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____; <input type="checkbox"/> Unknown Amount						
3	3	3	= IV	1 = Court or Other Criminal Justice Supervision				_____ TO _____	Subsequent Offender Filed <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Requested <input type="checkbox"/> Yes <input type="checkbox"/> No						
5	5	5	= III	<b>B. Juvenile Delinquency</b>				_____	<b>2<sup>nd</sup> Convicted Offense</b>						
8	8	8	= II	0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act				_____ TO _____	For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____; <input type="checkbox"/> Unknown Amount						
10	10	10	= I	1 = Under 23 years old and: 2 or more findings of a delinquent act or 1 commitment				_____	Subsequent Offender Filed <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Requested <input type="checkbox"/> Yes <input type="checkbox"/> No						
<u>1<sup>st</sup> Off</u>	<u>2<sup>nd</sup> Off</u>	<u>3<sup>d</sup> Off</u>	<b>B. Victim Injury</b>	2 = Under 23 years and committed 2 or more times				<b>2<sup>nd</sup> Con. Off.</b>	<b>2<sup>nd</sup> Convicted Offense</b>						
0	0	0	= No Injury	<b>C. Prior Adult Criminal Record</b>				_____	For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____; <input type="checkbox"/> Unknown Amount						
1	1	1	= Injury, Non-Permanent	0 = None 3 = Moderate				_____ TO _____	Subsequent Offender Filed <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Requested <input type="checkbox"/> Yes <input type="checkbox"/> No						
2	2	2	= Permanent Injury or Death	1 = Minor 5 = Major				_____	<b>3<sup>rd</sup> Convicted Offense</b>						
<u>1<sup>st</sup> Off</u>	<u>2<sup>nd</sup> Off</u>	<u>3<sup>d</sup> Off</u>	<b>C. Weapon Presence</b>	<b>D. Prior Adult Parole/Prob Violation</b>				<b>3<sup>rd</sup> Con. Off.</b>	<b>3<sup>rd</sup> Convicted Offense</b>						
0	0	0	= No Weapon	0 = No 1 = Yes				_____	For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____; <input type="checkbox"/> Unknown Amount						
1	1	1	= Weapon Other Than Firearm					_____ TO _____	Subsequent Offender Filed <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Requested <input type="checkbox"/> Yes <input type="checkbox"/> No						
2	2	2	= Firearm or Explosive					_____	Subsequent Offender Proven <input type="checkbox"/> Yes <input type="checkbox"/> No Restitution Proven <input type="checkbox"/> Yes <input type="checkbox"/> No						
<u>1<sup>st</sup> Off</u>	<u>2<sup>nd</sup> Off</u>	<u>3<sup>d</sup> Off</u>	<b>D. Special Victim Vulnerability</b>												
0	0	0	= No												
1	1	1	= Yes												
_____ OFFENSE SCORE(S)				_____ OFFENDER SCORE				<b>Overall Guidelines Range</b>	<b>Was the offender sentenced to a Corrections Options program under Commission criteria?</b>						
								Multiple Counts Only	<b>Drug Court</b> __ Yes __ No <b>Other</b> __ Yes __ No						
<b>VICTIM INFORMATION</b>				<b>SENTENCE DEPARTURE INFORMATION</b>				_____	<b>Additional Information or Institutional/ Parole Recommendation</b>		Worksheet Completed By				
<b>Victim</b>	__ Yes __ No			If the actual sentence departs from the guidelines range, please indicate the Court's reason(s) using the numerical code(s) on the list of common departure factors in the manual, if applicable.  <div style="display: flex; justify-content: space-around; width: 100%;"> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> </div> <b>Departure Code 9 or 18 (Please Explain):</b>				_____	_____ TO _____			Title			
<b>Victim Unavailable</b>	__ Yes __ No							_____							
NRF	__ Yes __ No							_____							
Victim Notified Plea	__ Yes __ No							_____							
Victim Notified Date	__ Yes __ No							_____							
Victim Present	__ Yes __ No							_____							
Written VIS	__ Yes __ No							_____							
Oral VIS	__ Yes __ No			_____											
No Contact with Victim	__ Yes __ No			_____						Sentencing Judge (Please Print)					
CICB Cost Imposed	__ Yes __ No			_____						Sentencing Judge's Signature					
								<b>50% of Sentence Announced</b>	<b>Parole Notification</b> __ Yes __ No						
								__ Yes __ No							