

### Commissioner Appointments



The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) welcomes the Honorable Diane O. Leasure as its new chair. Judge Leasure was appointed chair of the MSCCSP by Governor Martin O'Malley on August 8, 2011 for a term of four years from July 1, 2011. She replaces outgoing chair, the Honorable Howard S. Chasanow, who made significant contributions to the work of the MSCCSP, its predecessor Study Commission, and the original Guidelines Advisory Board. The MSCCSP thanks Judge Chasanow for his many years of dedicated service and leadership.

The MSCCSP is also pleased to announce the reappointments of Commissioners James V. Anthenelli, Marcus L. Brown, Richard A. Finci, and Bernard B. Foster, Sr. by Governor O'Malley, as well as the reappointments of Commissioners Curtis S. Anderson and Joseph F. Vallario, Jr. by Speaker of the Maryland House, Michael E. Busch.

### Revisions to the Guidelines Offense Table

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

- (1) new offenses passed during the 2011 Legislative Session;
- (2) amended offenses passed during the 2011 Legislative Session; and
- (3) minor edits to the table.

These changes were adopted in the Code of Maryland Regulations (COMAR) **effective November 1, 2011**. They are summarized briefly on the following page. 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/Files/Guidelines/offensetable.pdf](http://www.msccsp.org/Files/Guidelines/offensetable.pdf). This file is searchable by key word, CJIS Code, Source, etc. Please discard any prior versions of the Guidelines Offense Table, as information contained within may no longer be accurate.

#### New Offenses, 2011 Legislative Session

Legislation	Statute	Offense	Statutory Maximum	Adopted Seriousness Category
Senate Bill 178/ House Bill 162	CR, §3-602.1	<b>Abuse and Other Offensive Conduct</b> Child neglect	5 years	VI
House Bill 1252	NR, §4-1201(d)(2)	<b>Animals, Crimes Against</b> Unlawful capture of over \$20,000 worth of striped bass	2 years	VII

New Offenses, 2011 Legislative Session (*cont.*)

Legislation	Statute	Offense	Statutory Maximum	Adopted Seriousness Category
Senate Bill 803/ House Bill 1276	TR, §27-101(h)(1), TR, §16-113(k)	<b>Motor Vehicle Offense</b> Violation of ignition interlock system participation requirements, 1st offense	1 year	VII
Senate Bill 803/ House Bill 1276	TR, §27-101(h)(2), TR, §16-113(k)	<b>Motor Vehicle Offense</b> Violation of ignition interlock system participation requirements, subsequent	2 years	VI
House Bill 510	CR, §3-803(c)(2)	<b>Stalking and Harassment</b> Harassment, subsequent	6 months	VII

Note: Two new offenses are not included in the above table: (1) Possession of rifle or shotgun after having been convicted of a crime of violence or select drug crimes, PS, §5–206 and (2) Criminally negligent manslaughter by vehicle or vessel, CR §2–210. The Commission reviewed the categorization of these offenses at a subsequent meeting. They will be included in the next release of the offense table. In addition, several new offenses with a maximum penalty of 1 year or less are omitted from both the above table and the Guidelines Offense Table. These offenses do not require classification or inclusion in the Guidelines Offense Table because by MSCCSP rule, offenses with a maximum penalty of 1 year or less are automatically assigned a seriousness category VII, unless otherwise specified by the MSCCSP.

## Amended Offenses, 2011 Legislative Session

Legislation	Statute	Offense	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category
Senate Bill 174/ House Bill 241	PS, §5-133(c)	<b>Weapons Crimes—In General</b> Possession of regulated firearm after having been convicted of a crime of violence or select drug crimes	5 years / V (MM=5 years)	15 years / V <sup>a</sup> (MM=5 years)
House Bill 519	PS, §5-133(d), PS, §5-143 (penalty)	<b>Weapons Crimes—In General</b> Possession of regulated firearm <del>or</del> <del>ammunition</del> by person younger than 21 years old	5 years / VI	5 years / VI <sup>b</sup>

<sup>a</sup>No change to seriousness category.

<sup>b</sup>The Legislature repealed the prohibition against the possession of ammunition designated solely for a firearm by a person who is under the age of 21. There was no change to the penalty structure. No change to seriousness category.

MM = Non-suspendable mandatory minimum penalty.

**Revision to the FAQ Section of the Guidelines Manual**

The FAQ section of the Maryland Sentencing Guidelines Manual has been revised due to a change in the maximum penalty for one of the offenses that is cited in the FAQ. The revised page is attached for your convenience (p. 64). It may be printed and inserted in place of the affected page of your hard copy of the May 2010 Guidelines Manual.

**Q: When the non-suspendable mandatory minimum and/or maximum sentence falls outside the calculable guidelines range, which controls?**

A: If the non-suspendable mandatory minimum is greater than the lower guidelines range, the non-suspendable mandatory minimum should replace the lower guidelines range. If the statutory maximum is less than the upper guidelines range, the statutory maximum should replace the upper guidelines range. In sum, the lower range can never be less than the non-suspendable mandatory minimum and the upper range can never exceed the statutory maximum. MSGM 8.5., 10.2-10.4.

Note: Offenses with non-suspendable mandatory minimums are marked in the offense table with the indicator “MM\*”.

**Q: What authority does the Maryland State Commission on Criminal Sentencing Policy have?**

A: The MSCCSP can make recommendations and offer interpretations of the manual and the worksheets, but the ultimate authority lies with the sentencing judge. *See* Preface to MSGM.

**Q: How do I order more worksheets?**

A: Visit <http://www.msccsp.org> to place an electronic request for additional worksheets. You may also contact the MSCCSP staff by e-mail at [msccsp@umd.edu](mailto:msccsp@umd.edu) or by phone at (301) 403-4165 to place an order. Although some exceptions may occur, the worksheets will most likely be mailed to you the next business day.

**Q: How can I get another copy of the Maryland Sentencing Guidelines Manual?**

A: You can view and download a full-text version of the manual immediately online at <http://www.msccsp.org>. Both the manual and the offense table are text searchable for your convenience.

**Q: How can I learn more about sentencing guidelines worksheet preparation?**

A: The MSCCSP staff is available to conduct worksheet training sessions at your convenience. They regularly travel throughout the state to train and assist practitioners in guidelines worksheet completion. Judges, State’s Attorneys, Public Defenders, and parole/probation agents have all participated in various forms of these training sessions. If you would like to schedule a session, please contact the MSCCSP staff by e-mail at [msccsp@umd.edu](mailto:msccsp@umd.edu) or by phone at (301) 403-4165.