

MSCCSP Releases Updated Maryland Sentencing Guidelines Manual and Offense Table, Effective April 15, 2013

April 15, 2013 Release of the Maryland Sentencing Guidelines Manual

On April 15, 2013, 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). 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 1.8).

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://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.

Revisions to the Guidelines Offense Table

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

1. the addition of Affray to the list of offenses under Disturbing the Peace, Disorderly Conduct, and Related Crimes -- maximum penalty LIFE and seriousness category VI; and
2. minor edits to the table, including updated CJIS codes.

See the link above for a print friendly version of the updated Guidelines Offense Table (along with the updated Manual).

Revisions to the Indigence Established Section of the Worksheet

The MSCCSP has revised the *Indigence Established* section of the Maryland Sentencing Guidelines Worksheet to more clearly indicate that the field pertains to whether or not victim related court costs were imposed. The language on the worksheet was amended from *Indigence Established* to *Victim Court Costs Imposed*.

The instructions in the MSGM indicate that this item asks “Were the victim related court costs imposed pursuant to Courts and Judicial Proceedings Article, §7-409 and Maryland Rule 4-353?” The costs outlined in CJ, §7-409 include a \$45 circuit court fee that is divided among the State Victims of Crime Fund, the Victim and Witness Protection and Relocation Fund, and the Criminal Injuries Compensation Fund.

This question should be answered regardless of whether the case involved a direct victim because the victim related court costs are expected to be imposed for all crime types, including drug offenses.

A copy of the revised worksheet (version 1.8) with the changed language highlighted is attached. The above revision to the worksheet is effective immediately, but do not discard your current supply of worksheets. Please use all existing worksheets before placing a new order.

Revisions to the Victim Information Section of the Worksheet

The MSCCSP has also revised the *Victim Information* section of the Maryland Sentencing Guidelines Worksheet. These changes are detailed below.

1. *CICB Cost Imposed* question was removed from the guidelines worksheet, as it was redundant with the *Victim Court Costs Imposed* question noted on the previous page.
2. *Victim Unavailable* question was changed to *Victim Non-participation*. The instructions in the MSGM indicate that this question should also be answered YES if the victim did not participate, was not located, did not maintain contact with involved parties, or waived his/her rights.
3. *NRF* question was changed to *Victim Notification Form*, as this latter term is regularly used by prosecutors and is more clearly understood to represent the Crime Victim Notification & Demand for Rights form. Few are familiar with the *NRF* abbreviation; as a result, this question was often left blank.
4. *No Contact with Victim* question was changed to *No Contact Requested* to more clearly indicate that this question is asking “Did victim or State make a request that defendant have no contact with victim?”
5. Added *No Contact Ordered* question to the guidelines worksheet. The purpose of this question is to distinguish whether a judge ordered the defendant to have no contact with the victim, as opposed to whether a request for no contact was made by the victim or the State.

A copy of the revised worksheet (version 1.8) with the changed language highlighted is attached. The above revisions to the worksheet are effective immediately, but do not discard your current supply of worksheets. Please use all existing worksheets before placing a new order.

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 Victim Court Costs Imposed 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	CJS CODE	MD CODE, ART, & SECTION	STAT. MAX	MAND. MIN	CASE #/DOCKET #		
1 st Convicted Offense				—						
2 nd Convicted Offense				—						
3 rd 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.)				
1 st Off	2 nd Off	3 rd Off	A. Seriousness Category		A. Relationship to CJS When Instant Offense Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision	1st Con. Off. _____ TO	1st Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____; <input type="checkbox"/> Unknown Amount Subsequent Offender Filed __ Yes __ No Restitution Requested __ Yes __ No Subsequent Offender Proven __ Yes __ No Restitution Proven __ Yes __ No			
1	1	1	=	V – VII						
3	3	3	=	IV						
5	5	5	=	III						
8	8	8	=	II	B. Juvenile Delinquency 0 = 23 years or older or crime-free for 5 years or no more than 1 finding of a delinquent act 1 = Under 23 years old and: 2 or more findings of a delinquent act or 1 commitment 2 = Under 23 years and committed 2 or more times	2nd Con. Off. _____ TO	2nd Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____; <input type="checkbox"/> Unknown Amount Subsequent Offender Filed __ Yes __ No Restitution Requested __ Yes __ No Subsequent Offender Proven __ Yes __ No Restitution Proven __ Yes __ No			
10	10	10	=	I						
1 st Off	2 nd Off	3 rd Off	B. Victim Injury							
0	0	0	=	No Injury						
1	1	1	=	Injury, Non-Permanent	C. Prior Adult Criminal Record 0 = None 3 = Moderate 1 = Minor 5 = Major	3rd Con. Off. _____ TO	3rd Convicted Offense For Theft, Fraud, and Related Crimes, please indicate: <input type="checkbox"/> Economic loss \$ _____; <input type="checkbox"/> Unknown Amount Subsequent Offender Filed __ Yes __ No Restitution Requested __ Yes __ No Subsequent Offender Proven __ Yes __ No Restitution Proven __ Yes __ No			
2	2	2	=	Permanent Injury or Death						
1 st Off	2 nd Off	3 rd Off	C. Weapon Presence							
0	0	0	=	No Weapon						
1	1	1	=	Weapon Other Than Firearm	D. Prior Adult Parole/Prob Violation 0 = No 1 = Yes	50% of Sentence Announced for COVs __ Yes __ No	Was the offender sentenced to a Corrections Options program under Commission criteria? Drug Court __ Yes __ No Other __ Yes __ No			
2	2	2	=	Firearm or Explosive						
1 st Off	2 nd Off	3 rd Off	D. Special Victim Vulnerability							
0	0	0	=	No						
1	1	1	=	Yes						
____ OFFENSE SCORE(S)			____ OFFENDER SCORE		Overall Guidelines Range Multiple Counts Only					
VICTIM INFORMATION			SENTENCE DEPARTURE INFORMATION			Additional Information or Institutional/Parole Recommendation		Worksheet Completed By		
Victim __ Yes __ No Victim Non-participation __ Yes __ No Victim Notification Form __ 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 Requested __ Yes __ No No Contact Ordered __ 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. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Departure Code 9 or 18 (Please Explain):							Parole Notification __ Yes __ No
								Sentencing Judge's Signature		