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Defining a Sentencing Event

The MSCCSP has revised the Maryland Sentencing Guidelines Manual (MSGM) to include the definition of a *sentencing event*, as well as instructions to indicate that only one set of guidelines should be completed for each sentencing event. As of November 1, 2013, Chapter 2 of the MSGM includes the following definition:

Sentencing event: A sentencing disposition or hearing for an individual defendant conducted in front of one judge on the same day.

Further, Chapter 3-Section 4 of the MSGM now states:

3.4 Sentencing Event

*One set of sentencing guidelines should be completed for each sentencing event. Multiple criminal events (as often indicated by multiple unique case numbers) sentenced by the **same judge on the same day** constitute **one sentencing event**, and only one set of guidelines worksheets should be completed for all of the counts in the sentencing event. Please note that one sentencing event can still involve multiple criminal events. The offender score (i.e., offender's prior adult and juvenile criminal history) includes any adjudication of guilt prior to the current sentence date and is the same for each offense in the sentencing event. The overall sentence across all included offenses is compared to the overall guidelines for the sentencing event to determine if the sentence is a departure from the guidelines.*

The revised pages of the MSGM are attached for your convenience. They may be printed and inserted in place of the affected pages of your hard copy of the April 2013 Guidelines Manual. These changes were adopted in the applicable section(s) of the Code of Maryland Regulations (COMAR) effective November 1, 2013.

Retroactive Completion of Sentencing Guidelines Worksheets

The MSCCSP has expanded the instructions in the MSGM on when to complete and submit a guidelines worksheet to include the retroactive completion of guidelines worksheets. As of November 1, 2013, Chapter 3-Section 1 of the MSGM states [new language is underlined]:

3.1 When to Complete and Submit a Guidelines Worksheet

The Sentencing Guidelines Worksheet should be completed and submitted for all "Guidelines Offenses" as defined in chapter 2. A Guidelines offense means an offense prosecuted in a

*Maryland Circuit Court. Guidelines offenses include new trials, reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland), and reviews. Guidelines worksheets for reconsiderations and reviews only need to be completed when there is an **adjustment** to an active sentence. If it is determined that a guidelines worksheet was not completed for a guidelines eligible case at the time of the sentencing hearing, the judge or judge's designee is encouraged to complete and submit the guidelines worksheet retroactively to ensure that the data analyzed by the MSCCSP is a comprehensive enumeration of guidelines eligible cases.*

The revised page of the MSGM is attached for your convenience. It may be printed and inserted in place of the affected page of your hard copy of the April 2013 Guidelines Manual.

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 2013 Legislative Session;
- (2) amended offenses passed during the 2013 Legislative Session; and
- (3) minor edits to the table.

These changes were adopted in the Code of Maryland Regulations (COMAR) **effective November 1, 2013**. 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/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 in prior versions may no longer be accurate.

New Offenses, 2013 Legislative Session

Legislation	Offense	Statute	Statutory Maximum	Adopted Seriousness Category
Chapter 366 HB 311	Abuse and Other Offensive Conduct Failure to report death of a minor	CR, §3-609	3Y	VI
Chapter 366 HB 311	Abuse and Other Offensive Conduct Failure to report disappearance of a minor	CR, §3-608	3Y	VI
Chapter 635 HB 709/SB 444	Accessory after the Fact Accessory after the fact to 1 st degree murder	CR, §1-301(b)(1)	10Y	V
Chapter 635 HB 709/SB 444	Accessory after the Fact Accessory after the fact to 2 nd degree murder	CR, §1-301(b)(2)	10Y	V
Chapter 656 HB 941/SB 770	False Statements, Other File false lien or encumbrance or make false statement on lien or encumbrance, 1 st offense	CR, §3-807(b)(1)	1Y	VII
Chapter 656 HB 941/SB 770	False Statements, Other File false lien or encumbrance or make false statement on lien or encumbrance, subsequent	CR, §3-807(b)(2)	5Y	VI
Chapter 164 SB 19/HB 12	Stalking and Harassment Aiming laser pointer at aircraft	CR, §3-807	3Y	VI

New Offenses, 2013 Legislative Session (*continued*)

Legislation	Offense	Statute	Statutory Maximum	Adopted Seriousness Category
Chapter 427 SB 281/HB 294	Weapons Crimes—In General Failure by licensed firearms dealer to comply with record-keeping and reporting requirements, subsequent	PS, §5-145	3Y	VI
Chapter 427 SB 281/HB 294	Weapons Crimes—In General Possess or use restricted firearm ammunition in a crime of violence	CR, §4-110	5Y	V
Chapter 427 SB 281/HB 294	Weapons Crimes—In General Possession of ammunition by a restricted person or after having been convicted of a crime of violence or select drug crimes	PS, §5-133.1	1Y	VII
Chapter 464 SB 383/HB 291	Commercial Fraud, Other Violation of any provision of Maryland Mortgage Assistance Relief Services Act	RP, §7-509 (penalty)	3Y	VI
Chapter 369 HB 396/SB 1052	Telecommunications and Electronics, Crimes Involving Use an interactive computer service to inflict emotional distress on a minor or place a minor in fear of death or serious bodily injury	CR, §3-805(b)(2) CR, §3-805(e) (penalty)	1Y	VII
Chapter 380 HB 631/SB 534	Abuse and Other Offensive Conduct Prevent or interfere with the making of a report of suspected child abuse or neglect	FL, §5-705.2 (penalty)	5Y	V
Chapter 99 HB 349	Commercial Fraud, Other Failure to deposit money received under or in connection with preneed burial contract, 2 nd offense	BR, §5-712(b)(1)(ii), (b)(2)(ii)	2Y	VII
Chapter 99 HB 349	Commercial Fraud, Other Failure to deposit money received under or in connection with preneed burial contract, 3 rd or subsequent offense	BR, §5-712(b)(1)(iii), (b)(2)(iii)	3Y	VI
Chapter 99 HB 349	Commercial Fraud, Other Misappropriation or fraudulent conversion of perpetual care trust funds in excess of \$100	BR, §5-610(c)	10Y	V
Chapter 99 HB 349	Commercial Fraud, Other Misappropriation or fraudulent conversion of preneed trust funds in excess of \$100	BR, §5-712(c)	10Y	V
Chapter 99 HB 349	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 2 nd offense	BR, §5-610(a)(2), (b)(2) (penalty)	2Y	VII
Chapter 99 HB 349	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 3 rd or subsequent offense	BR, §5-610(a)(3), (b)(3) (penalty)	3Y	VI

New Offenses, 2013 Legislative Session (*continued*)

Legislation	Offense	Statute	Statutory Maximum	Adopted Seriousness Category
Chapter 99 HB 349	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 2 nd offense	BR, §5-904(2) (penalty)	2Y	VII
Chapter 99 HB 349	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 3 rd or subsequent offense	BR, §5-904(3) (penalty)	3Y	VI
Chapter 415 HB 1396	Bad Check Felony bad check, \$100,000 or greater	CR, §8-103 CR, §8-106(a)(3)	25Y	V
Chapter 415 HB 1396	Bad Check Felony bad check, at least \$10,000 but less than \$100,000	CR, §8-103 CR, §8-106(a)(2)	15Y	V
Chapter 415 HB 1396	Bad Check Felony bad check, at least \$1,000 but less than \$10,000	CR, §8-103 CR, §8-106(a)(1)	10Y	V
Chapter 415 HB 1396	Bad Check Misdemeanor bad check, less than \$1,000	CR, §8-103 CR, §8-106(c)	18M	VII
Chapter 415 HB 1396	Bad Check Multiple bad checks within a 30-day period, each less than \$1,000 and totaling \$1,000 or more	CR, §8-103 CR, §8-106(b)	10Y	V
Chapter 415 HB 1396	Credit Card Crimes Felony credit card crimes, \$100,000 or greater	CR, §8-206(c)(1)(iii) CR, §8-207(b)(1)(iii) CR, §8-209(b)(1)(iii)	25Y	V
Chapter 415 HB 1396	Credit Card Crimes Felony credit card crimes, at least \$10,000 but less than \$100,000	CR, §8-206(c)(1)(ii) CR, §8-207(b)(1)(ii) CR, §8-209(b)(1)(ii)	15Y	V
Chapter 415 HB 1396	Credit Card Crimes Felony credit card crimes, at least \$1,000 but less than \$10,000	CR, §8-206(c)(1)(i) CR, §8-207(b)(1)(i) CR, §8-209(b)(1)(i)	10Y	V
Chapter 415 HB 1396	Credit Card Crimes Misdemeanor credit card crimes, less than \$1,000	CR, §8-206(c)(2) CR, §8-207(b)(2) CR, §8-209(b)(2)	18M	VII
Chapter 415 HB 1396	Extortion and Other Threats Felony Extortion—by anyone, \$100,000 or greater	CR, §3-701(c)(3)	25Y	II
Chapter 415 HB 1396	Extortion and Other Threats Felony Extortion—by anyone, at least \$10,000 but less than \$100,000	CR, §3-701(c)(2)	15Y	IV
Chapter 415 HB 1396	Extortion and Other Threats Felony Extortion—by anyone, at least \$1,000 but less than \$10,000	CR, §3-701(c)(1)	10Y	V

New Offenses, 2013 Legislative Session (*continued*)

Legislation	Offense	Statute	Statutory Maximum	Adopted Seriousness Category
Chapter 415 HB 1396	Extortion and Other Threats Misdemeanor Extortion—by anyone, less than \$1,000	CR, §3-701(d)	18M	VII
Chapter 415 HB 1396	Extortion and Other Threats Felony Extortion—by State or local officer, \$100,000 or greater	CR, §3-702(e)	25Y	II
Chapter 415 HB 1396	Extortion and Other Threats Felony Extortion—by State or local officer, at least \$10,000 but less than \$100,000	CR, §3-702(d)	15Y	IV
Chapter 415 HB 1396	Extortion and Other Threats Felony Extortion—by State or local officer, at least \$1,000 but less than \$10,000	CR, §3-702(c)	10Y	V
Chapter 415 HB 1396	Extortion and Other Threats Misdemeanor Extortion—by State or local officer, less than \$1,000	CR, §3-702(f)	18M	VII
Chapter 415 HB 1396	Fraud, Financial Crimes Against Vulnerable Adults Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, \$100,000 or greater	CR, §8-801(c)(1)(iii)	25Y	II
Chapter 415 HB 1396	Fraud, Financial Crimes Against Vulnerable Adults Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, at least \$10,000 but less than \$100,000	CR, §8-801(c)(1)(ii)	15Y	IV
Chapter 415 HB 1396	Fraud, Financial Crimes Against Vulnerable Adults Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, at least \$1,000 but less than \$10,000	CR, §8-801(c)(1)(i)	10Y	V
Chapter 415 HB 1396	Fraud, Financial Crimes Against Vulnerable Adults Obtain property of vulnerable adult or an individual at least 68 years old by deception, intimidation, or undue influence, less than \$1,000	CR, §8-801(c)(2)	18M	VII
Chapter 415 HB 1396	Identity Fraud Possess, obtain personally identifying information or willfully assume the identity of another, benefit \$100,000 or greater	CR, §8-301(b), (c) CR, §8-301(g)(1)(iii) (penalty)	25Y	II

New Offenses, 2013 Legislative Session (*continued*)

Legislation	Offense	Statute	Statutory Maximum	Adopted Seriousness Category
Chapter 415 HB 1396	Identity Fraud Possess, obtain personally identifying information or willfully assume the identity of another, benefit at least \$10,000 but less than \$100,000	CR, §8-301(b), (c) CR, §8-301(g)(1)(ii) (penalty)	15Y	IV
Chapter 415 HB 1396	Identity Fraud Possess, obtain personally identifying information or willfully assume the identity of another, benefit at least \$1,000 but less than \$10,000	CR, §8-301(b), (c) CR, §8-301(g)(1)(i) (penalty)	10Y	V
Chapter 415 HB 1396	Identity Fraud Possess, obtain personally identifying information or willfully assume the identity of another, benefit less than \$1,000	CR, §8-301(b), (c) CR, §8-301(g)(2) (penalty)	18M	VII
Chapter 415 HB 1396	Identity Fraud Use a re-encoder or skimming device for purpose of identity theft, benefit \$100,000 or greater	CR, §8-301(d) CR, §8-301(g)(1)(iii) (penalty)	25Y	II
Chapter 415 HB 1396	Identity Fraud Use a re-encoder or skimming device for purpose of identity theft, benefit at least \$10,000 but less than \$100,000	CR, §8-301(d) CR, §8-301(g)(1)(ii) (penalty)	15Y	IV
Chapter 415 HB 1396	Identity Fraud Use a re-encoder or skimming device for purpose of identity theft, benefit at least \$1,000 but less than \$10,000	CR, §8-301(d) CR, §8-301(g)(1)(i) (penalty)	10Y	V
Chapter 415 HB 1396	Identity Fraud Use a re-encoder or skimming device for purpose of identity theft, benefit less than \$1,000	CR, §8-301(d) CR, §8-301(g)(2) (penalty)	18M	VII
Chapter 415 HB 1396	Malicious Destruction and Related Crimes Destruction of property, \$1,000 or greater	CR, §6-301(b)	3Y	VII
Chapter 415 HB 1396	Malicious Destruction and Related Crimes Destruction of property, less than \$1,000	CR, §6-301(c)	60D	VII
Chapter 415 HB 1396	Public Fraud State health plan fraud, \$1,000 or greater	CR, §8-509 thru CR, §8-516	5Y	V
Chapter 415 HB 1396	Public Fraud State health plan fraud, less than \$1,000	CR, §8-509 thru CR, §8-516	3Y	VII

Amended Offenses with Changes to the Incarceration Penalty, 2013 Legislative Session

Legislation	Offense	Statute	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category
Chapter 146 HB 1088	Commercial Fraud, Other Violations of law relating to returnable containers and returnable textiles, 1 st offense	BR, §19-304(a)-(d) BR, §19-304(f)	1 year / VII fine only / NA	no change 1 year / VII
Chapter 146 HB 1088	Commercial Fraud, Other Violations of law relating to returnable containers and returnable textiles, subsequent	BR, §19-304(a)-(d) BR, §19-304(f)	1 year / VII fine only / NA	3 years / VII 3 years / VII
Chapter 146 HB 1088	Commercial Fraud, Other Violations of law relating to plastic secondary packaging, 1 st offense	BR, §19-308(e)(1)	fine only / NA	1 year / VII
Chapter 146 HB 1088	Commercial Fraud, Other Violations of law relating to plastic secondary packaging, subsequent	BR, §19-308(e)(2)	fine only / NA	3 years / VII
Chapter 391 HB 806	Fraud, Miscellaneous Violation of any provision of Health Occupations Article, Title 19, Subtitle 4	HO, §19-407	90 days / VII	2 years / VII

Departure	A judicially imposed sentence that falls outside of the recommended sentencing guidelines range. Departure does not include any sentence that complies with at least one of the requirements that deem a sentence to be within the guidelines as set forth in MSGM 13.6.
Drug Offense	An offense involving controlled dangerous substances or paraphernalia.
Economic Loss	For all offenses involving theft and related crimes under CR, Title 7, or fraud and related crimes under CR, Title 8, economic loss equals the amount of restitution ordered by a Circuit Court judge or, if not ordered, the full amount of restitution that could have been ordered.
Guidelines Offense	Offense prosecuted in a Circuit Court. Guidelines offenses <i>include</i> new trials AND also reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland) and reviews ¹ . Guidelines offenses <i>do not</i> include: <ul style="list-style-type: none"> • Prayers for jury trial from District Court, UNLESS a PSI is ordered; • Appeals from District Court, UNLESS a PSI is ordered; • Offenses that carry no possible penalty of incarceration; • Public local laws and municipal ordinances.
Guidelines Range	The recommended sentencing range for offenders who fall within a particular cell of the person, drug, and property offense sentencing matrices. The adjusted guidelines range refers to the range after adjusting for matters such as statutory maximums and mandatory minimums.
Judge	The trial judge who imposes or alters a sentence or a panel of trial judges who alter a sentence.
Multiple Criminal Events	More than one criminal transaction committed over a period of time. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events.

¹ A Guidelines Worksheet should be completed for reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland) and reviews if an adjustment was made to the active, original sentence.

Offender Score	A summary score ranging from 0 to 9 measuring an offender's prior criminal history and calculated for use in the person, drug, and property offense sentencing matrices.
Offense Score	A summary score ranging from 1 to 15 measuring the seriousness of a person offense and calculated for use in the person offense sentencing matrix.
Person Offense	An offense involving: <ul style="list-style-type: none"> • a confrontation between the offender and the victim, including offenses with bodily harm or the threat of bodily harm to a victim; or • weapons.
Property Offense	An offense where property is unlawfully damaged or taken.
PSI	A pre-sentence investigation prepared in accordance with Correctional Services Article (CS), §6-112, Annotated Code of Maryland.
Sentencing Event	A sentencing disposition or hearing for an individual defendant conducted in front of one judge on the same day.
Sentencing Guidelines Worksheet	The form issued by the State Commission on Criminal Sentencing Policy and used to determine the recommended sentence outcome and to record sentencing data.
Seriousness Category	An offense ranking ranging from I to VII, where I designates the most serious criminal offenses and VII designates the least serious criminal offenses.
Single Criminal Event	One or more crimes committed in the course of the same transaction.
Special Vulnerability of Victim	Cases in which the relative status of the victim tends to render actions of the perpetrator all the more serious. A vulnerable victim is anyone: <ul style="list-style-type: none"> • Younger than 11 years old; • 65 years old or older; or • Physically or mentally handicapped. The handicap may be temporary or permanent. Physically or mentally handicapped shall include any person who is either physically or mentally limited in any material way.
Victim Injury	Physical or psychological injury to the crime victim. The cause of physical or psychological injury is directly linked to the conduct of the defendant in the commission of the convicted offense.

Weapon Presence The presence of any article or device which reasonably appears capable of causing injury or any article that could result in conviction under CR, §4-101. Specific rules regarding the application of the weapon presence enhancement are found in MSGM 6.1(C).

‘White Collar’ Offense A property offense, identified as an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage.

Sentencing Guidelines Worksheet Completion and Distribution

3.1 When to Complete and Submit a Guidelines Worksheet

The Sentencing Guidelines Worksheet should be completed and submitted for all “Guidelines Offenses” as defined in chapter 2. A Guidelines offense means an offense prosecuted in a Maryland Circuit Court. Guidelines offenses include new trials, reconsiderations imposed on a defendant for a crime of violence (as defined in Criminal Law Article, §14-101, Annotated Code of Maryland), and reviews. Guidelines worksheets for reconsiderations and reviews only need to be completed when there is an **adjustment** to an active sentence. If it is determined that a guidelines worksheet was not completed for a guidelines eligible case at the time of the sentencing hearing, the judge or judge’s designee is encouraged to complete and submit the guidelines worksheet retroactively to ensure that the data analyzed by the MSCCSP is a comprehensive enumeration of guidelines eligible cases.

3.2 Single Criminal Event

The Sentencing Guidelines Worksheet is to be used for up to three convicted offenses from a single criminal event. A single criminal event is defined as one or more crimes committed in the course of the same transaction. If there are more than three convicted offenses from a single criminal event, additional worksheets are to be used as needed.

3.3 Multiple Criminal Events

Multiple criminal events means more than one criminal transaction committed over a period of time. Multiple criminal events being sentenced together may have occurred on the same or different dates. Offenses that occur on different dates are almost always separate criminal events.

The individual completing the worksheet is to use at least one worksheet for each event.

3.4 Sentencing Event

One set of sentencing guidelines should be completed for each sentencing event. Multiple criminal events (as often indicated by multiple unique case numbers) sentenced by the **same judge** on the **same day** constitute **one sentencing event**, and only one set of guidelines worksheets should be completed for all of the counts in the sentencing event. Please note that one *sentencing event* can still involve multiple *criminal events*. The *offender score* (i.e., offender's prior adult and juvenile criminal history) includes any adjudication of guilt prior to the current sentence date and is the same for each offense in the sentencing event. The overall sentence across all included offenses is compared to the overall guidelines for the sentencing event to determine if the sentence is a departure from the guidelines.

3.5 Sentencing Guidelines Worksheet Completion

Prior to a sentencing decision using the guidelines, an individual should complete the worksheet up to the section labeled "Actual Sentence" and include each convicted offense for which the offender is to be sentenced. *Only convicted offenses are to be included on the worksheet.* Each of these convicted offenses for which the offender is to be sentenced should be included. Merged offenses should not be included on the guidelines worksheet. A blank copy of the worksheet can be found on page 9.

If the judge orders a PSI, an agent of the Division of Parole and Probation shall complete each worksheet up to the section labeled "Actual Sentence." The agent should send to the court the first four copies, together with the PSI and the Maryland Sentencing Guidelines Criteria for Prior Record worksheet (found on page 27) issued by the State Commission on Criminal Sentencing Policy. The last two copies should be sent to the State's Attorney and the defense attorney, respectively, in compliance with the "sufficient time to investigate" requirement of Maryland Rule 4-341.

If the judge does not order a PSI, the judge may complete the worksheet personally or delegate the task to counsel or the judge's staff.

Regardless of who completes the worksheet, **the judge shall review the worksheets for completeness and for accuracy.** COMAR 14.22.01.03.E(4).

3.6 Pre-Sentencing Distribution of Sentencing Guidelines Worksheets

The individual who completes the worksheet should forward a copy of each completed worksheet to both the State and the defense so that they have an opportunity to review the information provided. The State and the defense shall bring any disagreements between them to the judge's attention prior to sentencing. Changes in the worksheet may be made only by or with the approval of the judge.

3.7 Post-Sentencing Worksheet Distribution

After sentencing, the clerk shall distribute copies according to individual court practice. The blue copy shall be sent to the Maryland State Commission on Criminal Sentencing Policy at the address shown below. If the court orders probation, the clerk shall forward a copy of the worksheet to the appropriate probation office. The clerk shall forward a copy of the worksheet to the agency that has been ordered to retain custody of the defendant. An agency receiving an inmate eligible for parole shall duplicate its worksheet and forward a copy of the worksheet to the Parole Commission. Table 3-1 provides distribution information for the worksheet copies.

Table 3-1. Distribution of Completed Worksheets

White	Sentencing Judge
Blue	Maryland State Commission on Criminal Sentencing Policy University of Maryland 4511 Knox Road, Suite 309 College Park, MD 20742
Green	Depends on the sentence: <ul style="list-style-type: none">• Attach to commitment order if defendant receives any period of incarceration; <i>or</i>• Attach to probation order if defendant is put on probation immediately; and• If the case is a split sentence, the preparer is to send a photocopy to the Division of Parole and Probation.
Yellow	Court File
Pink	State's Attorney
Gold	Defense Attorney