

IN THIS ISSUE

- *Scoring Multiple Prior Convictions from a Single Criminal Event*
- *Applying the Multiple Victim Stacking Rule in Sentencing Events Involving Multiple Criminal Events*
- *Revisions to the Maryland Sentencing Guidelines Manual*
- *Revisions to the Guidelines Offense Table*

Scoring Multiple Prior Convictions from a Single Criminal Event

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) has clarified the instructions in the Maryland Sentencing Guidelines Manual (MSGM) for the computation of the offender score when there are multiple prior convictions from a single criminal event (in the case of the adult record) or multiple findings of a delinquent act from a single adjudicatory hearing (in the case of the juvenile record). The revised language more clearly indicates that only one conviction or finding of a delinquent act should be counted per criminal event or adjudicatory hearing. The revisions do not change the existing rules for guidelines calculation but rather are intended to provide additional instruction to practitioners.

Regarding scoring juvenile delinquency (item B of the offender score), the clarified instructions in MSGM ¶ 7.1B indicate that only one finding of a delinquent act (i.e., finding of facts sustained at an adjudicatory hearing) should be counted for a single adjudicatory hearing. If multiple findings of a delinquent act relate to a single adjudicatory hearing, the individual completing the worksheet shall count only one finding of a delinquent act.

Regarding scoring the prior adult criminal record (item C of the offender score), the clarified instructions in MSGM ¶ 7.1C indicate that the prior adult criminal record shall not include more than one adjudication arising from a single criminal event. If multiple prior convictions relate to a single criminal event, the individual completing the worksheet shall score only the offense with the highest seriousness category.¹

Applying the Multiple Victim Stacking Rule in Sentencing Events Involving Multiple Criminal Events

The MSCCSP has clarified the instructions in the MSGM for applying the multiple victim stacking rule (MVSR) to more clearly indicate that the MVSR may be applied in sentencing events involving multiple criminal events. The revisions do not change the existing rules for guidelines calculation but rather are intended to provide additional instruction to practitioners.

The MVSR provides for an enhanced sentencing guidelines range in scenarios where multiple victims are involved. When there is a criminal event with multiple victims and not more than one seriousness category I or II offense, the individual completing the sentencing guidelines worksheet should add or

¹ Sample Case 6 (MSGM ¶ 16.6) has also been revised to reflect this rule.

“stack” the highest of the upper guidelines limit for each offense with a unique victim when determining the overall range for the criminal event.

The rule has often been interpreted by practitioners and staff as applicable only in sentencing events that contain a single criminal event, and not applicable in sentencing events where multiple criminal events are sentenced at the same time, in front of the same judge. With this interpretation, the particularly serious nature of a multiple-victim criminal event cannot be accounted for when multiple criminal events are sentenced together, thereby providing the defendant in such a scenario with a seemingly unintended advantage.

To better indicate that the MVSR may be applied in sentencing events involving multiple criminal events, the language in MSGM ¶ 9.1 and ¶ 10.1 has been revised to provide greater clarity to practitioners. An additional example has been added to MSGM ¶ 10.1 to illustrate the application of the MVSR when there are multiple criminal events being sentenced together.

Revisions to the Maryland Sentencing Guidelines Manual

The above revisions were adopted in the applicable sections of the Code of Maryland Regulations (COMAR) effective November 5, 2018. Practitioners are advised to access a print-friendly PDF version of the updated [MSGM](#) via the MSCCSP website and **print the affected pages listed below**. Note that the page numbers corresponding to the PDF document differ from the page numbers printed at the bottom of each page of the MSGM.

- Scoring multiple prior convictions from a single criminal event:
 - pp. 34-36 of PDF (pp. 25-27 of MSGM)
 - p. 108 of PDF (p. 99 of MSGM)
- Applying the multiple victim stacking rule:
 - p. 46 of PDF (p. 37 of MSGM)
 - pp. 52-53 of PDF (pp. 43-44 of MSGM)
 - Note: p. 53 of PDF (p. 44 of MSGM) is new. As such, all page numbers from that point forward have increased by one.
- Cover, pagination changes, and minor edits:
 - p. 1 of PDF (Cover of MSGM)
 - pp. 7-8 of PDF (pp. VI-VII of MSGM)
 - p. 31 of PDF (p. 22 of MSGM)

Revisions to the Guidelines Offense Table

The MSCCSP has revised the Guidelines Offense Table to reflect:

- (1) classification of new and amended offenses passed during the 2018 Legislative Session (summarized in the tables on the following two pages);
- (2) adopted seriousness category for a previously unclassified offense; and
- (3) minor edits to the table.

These changes were adopted in the Code of Maryland Regulations (COMAR) **effective November 5, 2018**. A print friendly version of the updated [Guidelines Offense Table](#) (Appendix A of the Maryland Sentencing Guidelines Manual) is available on the MSCCSP website. 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, 2018 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum (Minimum)	Adopted Seriousness Category
Chapter 250 HB1302	PS, §5-610(a)(1)	Assault and Other Bodily Woundings— Other Failure to comply with an extreme risk protective order, 1 st offense	90 days	VII
Chapter 250 HB1302	PS, §5-610(a)(2)	Assault and Other Bodily Woundings— Other Failure to comply with an extreme risk protective order, subsequent	1 year	VII
Chapter 252 SB707	CR, §4-305.1(a) CR, §4-306(a) (penalty)	Assault Weapons Unlawfully manufacture, possess, sell, etc., a rapid fire trigger activator	3 years	VI
Chapter 252 SB707	CR, §4-306(b)(2)	Assault Weapons Use of rapid fire trigger activator in the commission of a felony or crime of violence, 1 st offense	20 years (MM=5 years)	III
Chapter 252 SB707	CR, §4-306(b)(3)	Assault Weapons Use of rapid fire trigger activator in the commission of a felony or crime of violence, subsequent	20 years (10 years)	II
Chapter 365 SB769	CR, §3-709	Extortion and Other Threats Sextortion—causing another to engage in sexual activity or in a visual representation of sexual activity by threatening behavior	10 years	V
Chapter 146 HB1029	CR, §4-203(c)(2)(i)	Handguns—In General Handgun—unlawful wearing, carrying, etc., a loaded handgun, 1 st weapon offense	3 years (30 days)	VII
Chapter 146 HB1029	CR, §4-203(c)(3)(ii)2	Handguns—In General Handgun—unlawful wearing, carrying, etc., a loaded handgun, 2 nd weapon offense	10 years (MM=1 year)	III
Chapter 146 HB1029	CR, §4-203(c)(4)(ii)2	Handguns—In General Handgun—unlawful wearing, carrying, etc., a loaded handgun, more than two prior weapon offenses	10 years (MM=3 years)	III
Chapter 500 HB1292	CR, §3-314	Sexual Crimes Sexual contact with person in custody of law enforcement officer	3 years	V

Note: 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 table because by MSCCSP rule, offenses with a maximum penalty of 1 year or less are automatically assigned a seriousness category VII.

Amended Offenses with Changes to the Incarceration Penalty, 2018 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category
Chapter 317 SB324	AB, §31-2702	Alcoholic Beverages Selling or providing alcoholic beverages to an individual under the age of 21 in Washington County, 3 rd or subsequent offense	\$500 fine / VII	2 years / VII
Chapters 144 & 145 HB291/SB1137	CR, §9-302(c)(1)	Influencing or Intimidating Judicial Process Induce false testimony (witness or victim intimidation)	5 years / V	10 years / IV
Chapters 144 & 145 HB291/SB1137	CR, §9-303(c)(1)	Influencing or Intimidating Judicial Process Retaliation for testimony, reporting a crime, performance of juror's or officer of the court's duties	5 years / V	10 years / IV
Chapters 144 & 145 HB291/SB1137	CR, §9-305(c)(1)	Influencing or Intimidating Judicial Process Intimidating or corrupting jurors, etc.; obstructing justice	5 years / V	10 years / IV

Previously Unclassified Offense

Annotated Code of Maryland	Offense	Statutory Maximum	Offense Type	Adopted Seriousness Category
FI, §11-203.1(a) FI, §11-222 (penalty)	Commercial Fraud, Other Providing an unlicensed loan	3 years	Property	VI