

IN THIS ISSUE

- *Clarification to the Juvenile Delinquency Scoring Instructions*
- *Revisions to the Guidelines Offense Table*

Clarification to the Juvenile Delinquency Scoring Instructions

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 juvenile delinquency scoring component of the offender score. The revised language more clearly indicates that the offender's age used to determine the juvenile delinquency score is calculated **based on the date of the most recent instant offense**. The revisions do not change the existing rules for guidelines calculation but rather are intended to provide clarified instruction to practitioners.

Regarding scoring juvenile delinquency (item B of the offender score), the clarified instructions in MSGM ¶ 7.1B indicate that the individual completing the worksheet shall assign a score of zero if the offender is 23 years or older by the date of the most recent instant offense or has zero findings of a delinquent act within five years of the date of the most recent instant offense. The individual completing the worksheet shall assign a score of one if the offender is younger than 23 years old on the date of the most recent instant offense and has one or two findings of a delinquent act within five years of the date of the most recent instant offense. The individual completing the worksheet shall assign a score of two if the offender is younger than 23 years old on the date of the most recent instant offense and has three or more findings of a delinquent act within five years of the date of the most recent instant offense.

The above revisions were adopted in the applicable sections of the Code of Maryland Regulations (COMAR) effective November 4, 2019. Practitioners are advised to access a print-friendly PDF version of the updated [MSGM](#) via the MSCCSP website and **print the following affected page: p. 32 of PDF (p. 23 of MSGM)**. 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.

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 2019 Legislative Session (summarized in the tables on the following three pages);
- (2) adopted seriousness category for a previously unclassified offense;
- (3) addition of four offenses with a maximum penalty of one year or less; and
- (4) minor edits to the table.

These changes were adopted in the Code of Maryland Regulations (COMAR) **effective November 4, 2019**. 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, 2019 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category
Chapters 23 and 24 (HB0734/SB0689)	CR, §3-1202	Labor Trafficking Take, place, etc., another by force, fraud, or coercion to provide services or labor; benefit from services or labor induced by force, fraud, or coercion; aid or conspire with another to commit these offenses	25 years	II
Chapter 54 (HB0787)	CR, §3-602.2	Abuse and Other Offensive Conduct Knowingly fail to provide the required notice or make the required written report of suspected abuse or neglect of a child	3 years	VI
Chapter 20 (HB0707)	TR, §21-902(i)	Motor Vehicle Offense Driving while under the influence of alcohol, impaired by alcohol, impaired by drugs or drugs and alcohol, or impaired by CDS; driving while under the influence or impaired while transporting a minor—4 th or subsequent offense, or previous conviction for negligent homicide or injury by motor vehicle or vessel while under the influence or impaired	10 years	IV
Chapters 26 and 27 (SB0103/HB0181)	CR, §3-805(b)(6) CR, §3-805(e)(2) (penalty)	Telecommunications and Electronics, Crimes Involving Use of electronic communication to alarm or seriously annoy another, etc., with the intent to induce a minor to commit suicide	10 years	IV

Amended Offenses with Changes to the Incarceration Penalty, 2019 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category
Chapter 20 (HB0707)	TR, §21-902(h)	Motor Vehicle Offense Driving while under the influence of alcohol, impaired by alcohol, impaired by drugs or drugs and alcohol, or impaired by CDS; driving while under the influence or impaired while transporting a minor—3 rd offense	3 years-4 years / V	5 years / V
Chapter 20 (HB0707)	TR, §21-902(b)(2)(ii)(1)	Motor Vehicle Offense Driving while impaired by alcohol, while transporting a minor, 1 st offense	6 months / VII	1 year / VII

Amended Offenses with Changes to the Incarceration Penalty, 2019 Legislative Session (continued)

Legislation	Annotated Code of Maryland	Offense	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category
Chapter 20 (HB0707)	TR, §21-902(c)(2)(ii)(1)	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 1 st offense	6 months / VII	1 year / VII
Chapter 20 (HB0707)	TR, §21-902(b)(2)(ii)(2)	Motor Vehicle Offense Driving while impaired by alcohol, while transporting a minor, 2 nd offense	1 year / VII	2 years / VI
Chapter 20 (HB0707)	TR, §21-902(c)(2)(ii)(2)	Motor Vehicle Offense Driving while impaired by drugs or drugs and alcohol, while transporting a minor, 2 nd offense	1 year / VII	2 years / VI
Chapter 20 (HB0707)	CR, §2-505(c)(1)	Manslaughter and Related Crimes Negligent homicide by motor vehicle or vessel while impaired by drugs, 1 st offense	3 years / VI	5 years / V
Chapter 20 (HB0707)	CR, §2-505(c)(2)	Manslaughter and Related Crimes Negligent homicide by motor vehicle or vessel while impaired by drugs, subsequent	5 years / V	10 years / IV
Chapters 26 and 27 (SB0103/HB0181) ¹	CR, §3-805(b)(1)-(5) CR, §3-805(e)(1) (penalty)	Telecommunications and Electronics, Crimes Involving Use of electronic communication to alarm or seriously annoy another; or to inflict serious emotional distress on a minor or place a minor in fear of death or serious bodily injury; or that has the effect of intimidating or harassing a minor and causing physical injury or serious emotional distress	1 year / VII	3 years / VI
Chapter 495 (SB0842)	CR, §12-102(b)	Gambling – General Provisions Make or sell a book or pool on the result of a race, etc.; establish, keep, etc., a building, vessel, or place for the purpose of betting, etc.; receive, become the depository of, etc., money to be bet, etc.	1 year / VII	6 months / VII
Chapter 495 (SB0842) ²	CR, §12-103	Gambling – General Provisions Betting, wagering, or gambling; or playing any other gaming device or fraudulent trick	2 years / VII	Fine only / NA

¹ This bill revised certain penalties and expanded the list of crimes involving telecommunication and electronics.

² This bill made certain gambling acts a civil offense punishable by a fine effective October 1, 2019. Since the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table. Betting, wagering, gambling, or playing any other gaming device or fraudulent trick occurring on/after October 1, 2019, is not a guidelines offense.

Previously Unclassified Offense

Annotated Code of Maryland	Offense	Statutory Maximum	Offense Type	Adopted Seriousness Category
EN, §9-228(f)(2) EN, §9-268.1(a)(2) (penalty)	Public Health and Safety, Crimes Against Disposing of scrap tires for monetary or financial gain by any means other than through a licensed scrap tire hauler or by delivering the tires to an approved facility	5 years	Property	VI

Previously Unlisted Offenses with a Maximum Penalty of One Year or Less

Annotated Code of Maryland	Offense	Statutory Maximum	Offense Type	Adopted Seriousness Category
CR, §10-202	Disturbing the Peace, Disorderly Conduct, and Related Crimes Keeping a disorderly house	6 months	Person Drug Property	VII
TR, §20-105	Motor Vehicle Offense Failure of driver involved in accident with unattended vehicle or property to notify the driver, owner, or person in charge of the damaged vehicle or property	2 months	Property	VII
ED, §26-101	School Security Disturb school operations; molest or threaten to harm an individual on school property, etc.; threaten to harm a school employee at home	6 months	Person	VII
ED, §26-102	School Security Trespass on school grounds; refuse to leave school grounds; damage or deface school grounds	6 months	Property	VII

Note: Offenses with a maximum penalty of one year or less do not generally require classification or inclusion in the table because by MSCCSP rule, offenses with a maximum penalty of one year or less are automatically assigned a seriousness category VII. These offenses were added to the offense table due to their frequency and requests from practitioners.

New Crimes of Violence

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Seriousness Category
Chapters 21 and 22 (HB0871/SB0690)	CR, §3-1102(c)(2)	Human Trafficking Sex trafficking, felony	25Y	II
Chapters 21 and 22 (HB0871/SB0690)	CR, §3-1103	Human Trafficking Forced marriage	25Y	II

Note: This bill adds two existing offenses, felony sex trafficking and forced marriage, to the list of offenses defined as crimes of violence pursuant to CR, § 14-101(a). No change was otherwise made to the penalty structure of these offenses.