



Guidelines E-News

Vol. 16, No. 3 – October 2021



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Clarified Instructions for Scoring Victim Injury in Cases Involving Child Pornography

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) has clarified the instructions in the Maryland Sentencing Guidelines Manual (MSGM) and the Code of Maryland Regulations (COMAR) for scoring the victim injury component of the offense score. Part B of the offense score, victim injury, instructs that two points shall be scored for person offenses if victim injury occurred and the injury was permanent or resulted in the death of the victim. In response to testimony provided by an assistant state's attorney at the MSCCSP's annual public comments hearing, the Commission voted to adopt revisions to the MSGM and COMAR to instruct that permanent victim injury points shall be awarded in cases involving evidence of child pornography. Specifically, the revisions provide the added instruction that **offenses involving photographic or video evidence of child pornography shall be scored as permanent victim injury**.

This language is intended to apply permanent victim injury points to *any* offense involving photographic or video evidence of child pornography and is not limited to convictions for the possession, manufacture, or distribution of child pornography. For instance, this rule may apply in cases involving the following types of offenses, if evidence of child pornography is present: sexual solicitation of a minor, sextortion, visual and camera surveillance of a private place, obscene matter, prostitution, human trafficking, or electronic harassment. The revisions recognize that photographic and video evidence of child pornography often exists in perpetuity, and the victims of these crimes suffer lasting psychological consequences and are revictimized every time an image is viewed, possessed, or distributed.

The above language was adopted in the applicable section of COMAR effective October 1, 2021. The affected section of the [MSGM](#) (version 13.1) is as follows:

- MSGM ¶ 6.1. Computation of the Offense Score
 - B. Victim Injury (pages 21-23, includes pages where text shifted)

Sentencing Guidelines Training

The MSCCSP routinely provides interactive webinar trainings on the sentencing guidelines and Maryland Automated Guidelines System (MAGS) to promote the consistent application of the guidelines and accurate completion of the sentencing guidelines worksheet.

Training opportunities and resources, including recordings of prior trainings, are available on the [MSCCSP website](#).

