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Revision to Scoring the Juvenile Record

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) has revised the instructions in the Maryland Sentencing Guidelines Manual (MSGM) and the Code of Maryland Regulations (COMAR) for scoring the juvenile delinquency component of the offender score. Part B of the offender score, *juvenile delinquency*, instructs that points shall be scored for offenders younger than 23 years old with findings of a delinquent act within five years of the date of the most recent instant offense. When determining the number of findings of delinquency, the instructions state 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. Further, when the defense or State can show that a finding of a delinquent act did not result in the youth's adjudication as delinquent at a juvenile disposition hearing, the finding of a delinquent act shall not be scored as a part of the juvenile record.

The current revision provides the additional instruction that **the juvenile delinquency record may not include adjudications based on acts that are no longer crimes**. This revision is consistent with the instructions for scoring part C of the offender score, *prior adult criminal record*, which state that the prior adult criminal record shall not include adjudications based on acts that are no longer crimes.

The above language was adopted in the applicable section of COMAR effective October 1, 2022. The affected section of the [MSGM](#) (version 14.1) is MSGM ¶ 7.1.B. Juvenile Delinquency (page 25).

Offense Type Reclassification for Arson, 1st Degree

The MSCCSP has changed the offense type classification for *Arson, 1st degree* from **property offense** to **person offense**. This revision reflects the substantial risk of harm that *Arson, 1st degree* poses to dwelling inhabitants as well as first responders. The revision was adopted in COMAR effective October 1, 2022. A print friendly version of the updated [Guidelines Offense Table](#) (Appendix A of the MSGM) 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.

Additionally, practitioners will now see two entries for *Arson, 1st degree* in the Maryland Automated Guidelines System (MAGS) offense table – (1) an entry for offenses sentenced prior to October 1, 2022, with the property offense type designation and (2) an entry for offenses sentenced on/after October 1, 2022, with the person offense type designation. MAGS will calculate the guidelines range based on the sentencing matrix (property or person) corresponding to the offense selected.

Entries for Child Abuse Violations Prior to October 1, 2003, Added to MAGS Offense Table

In response to practitioner requests, three offense entries for child abuse violations occurring prior to October 1, 2003 have been added to the MAGS offense table. Prior to October 1, 2003, the maximum penalty for *Child abuse-physical* and *Child abuse-sexual* was 15 years. Effective October 1, 2003, House Bill 588 established child abuse in the first and second degrees, and increased the penalties for *Child abuse-physical, 1st degree* and *Child abuse-sexual* from 15 years to 25 years. In order to accommodate worksheets for current sentencing events involving child abuse violations that occurred prior to October 1, 2003 when the statutory maximum was 15 years, the following three offense entries were added to the offense table in MAGS:

Source	Offense	Statutory Maximum	Offense Type	Seriousness Category ¹
27, §35C(b)(1)	Child Abuse - General (OFFENSE DATE prior to 10/1/03; analogous to Child Abuse-Physical, 1 st degree)	15Y	Person	II
27, §35C(b)(1)	Child Abuse - General (OFFENSE DATE prior to 10/1/03; analogous to Child Abuse-Sexual)	15Y	Person	II
27, §35C(b)(1)	Child Abuse - General (OFFENSE DATE prior to 10/1/03; analogous to Child Abuse-Physical, 2 nd degree)	15Y	Person	IV

¹ The offense seriousness categories in effect at the time of sentencing shall be used to calculate the guidelines.