



# Guidelines E-News

## Vol. 17, No. 4 – November 2022



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### Revisions to the Guidelines Offense Table

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) has revised the Guidelines Offense Table to reflect the classification of new offenses passed during the 2022 Legislative Session, as well as minor edits to the table. These changes were adopted in the Code of Maryland Regulations (COMAR) effective November 14, 2022. A print friendly version of the updated [Guidelines Offense Table](#) (Appendix A of the Maryland Sentencing Guidelines Manual (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.

### **New Offenses, 2022 Legislative Session**

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category
Chapter 642 (SB0015)	EL, §14-109(c) CR, §9-101 (penalty)	<b>Perjury</b> Perjury—willfully make a false, fraudulent, or misleading statement under oath in a campaign finance report; submit a campaign finance report on behalf of another person without their consent	10Y	IV
Chapter 642 (SB0015)	GP, §5-716(n) CR, §9-101 (penalty)	<b>Perjury</b> Perjury—willfully make a false, fraudulent, or misleading statement under oath in a statement filed by a person providing compensation to a lobbyist; make an electronic submission of a statement required by GP, §5-716 on behalf of another person without their consent	10Y	IV
Chapters 18 and 19 (HB0425/SB0387)	PS, §5-703(c)(1)	<b>Weapons Crimes—In General</b> Purchase, receive, sell, offer to sell, or transfer an unfinished frame or receiver that has not been imprinted with a serial number in compliance with federal laws and regulations (i.e., a “ghost gun”)	5Y	V

**New Offenses, 2022 Legislative Session** *(continued)*

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category
Chapters 18 and 19 (HB0425/SB0387)	PS, §5-703(c)(2)	<b>Weapons Crimes—In General</b> Possess a firearm that has not been imprinted with a serial number in compliance with federal laws and regulations	2Y	VI

**Collection of Worksheets for Reconsiderations/Modifications and Three-Judge Panel Reviews**

The MSCCSP receives sentencing guidelines worksheets for original sentencing events and for two types of non-original sentencing events: (1) reconsiderations involving a crime of violence if an adjustment is made to the active sentence (i.e., period of incarceration), and (2) three-judge panel reviews if an adjustment is made to the active sentence. Numerous practitioners have contacted the MSCCSP with questions concerning the guidelines-eligibility of non-original sentencing events. To provide consistency in the collection of worksheets for non-original sentencing events and to provide greater clarity on the various sentencing events that are considered eligible reconsiderations, the MSCCSP has refined the worksheet collection protocol for non-original sentencing events. Specifically, the MSCCSP has determined that the collection of **worksheets for three-judge panel reviews shall be limited to those involving a crime of violence** (as defined in § 14-101 of the Criminal Law Article). This change provides consistency with the worksheet collection protocol and reporting requirements for reconsiderations. Additionally, the MSCCSP has clarified the term *reconsideration*, including the more universally recognized term *modification* and specifying that **guidelines-eligible reconsiderations/modifications include sentence adjustments imposed pursuant to Maryland Rule 4-345 or a Health General Article (HG), § 8-507 order.**

These revisions were adopted in the applicable sections of COMAR effective November 14, 2022. The affected sections of the [MSGM](#) (version 14.2) are as follows:

- MSGM ¶ 1 *Figure 1-1 Sentencing Guidelines Coverage* (page 2)
- MSGM ¶ 2 *Definition of Guidelines Offense* (pages 3-5, includes pages with text that shifted)
- MSGM ¶ 3 *Figure 3-1 Maryland Sentencing Guidelines Worksheet* (page 11)
- MSGM ¶ 4.9 *Reconsideration/Modification (COV Sentences Only)* (pages 15-16, includes pages with text that shifted).

**For information on how these revisions impact sentencing guidelines worksheet completion in the Maryland Automated Guidelines System (MAGS), see the MSCCSP document titled [What's New in MAGS 11.0](#).**

**Definition of Explosive for Purposes of Assigning Weapon Presence Points**

The MSCCSP has received multiple questions from practitioners regarding the definition of *explosive* as it pertains to the assignment of weapon presence points in part C of the offense score. Specifically, practitioners have questioned whether the presence of items designed to start a fire, such as gasoline and a lighter, would constitute an explosive. [Criminal Law Article \(CR\), § 4-501](#) provides definitions of *explosive material* and *incendiary material* and references [Public Safety Article \(PS\), § 11-101](#), which

provides a definition of *explosives*. To offer greater clarity to practitioners, the MSCCSP has revised the instructions on weapon presence to reference the definitions of explosive and incendiary materials provided in CR, § 4-501.

The revised instructions (added language in bold) indicate that the individual completing the worksheet shall assign a score of 0 if no weapon was present; the individual completing the worksheet shall assign a score of 1 if a weapon other than a firearm was present; the individual completing the worksheet shall assign a score of 2 if a firearm or explosive **material** was present. Further, the following rules regarding weapons shall apply:

- a. Explosive **material (as defined in CR, § 4-501)** is considered the same as a firearm.
- b. Weapons other than firearms include incendiary and **toxic materials (as defined in CR, § 4-501)**, knives, tire irons, and clubs.

Based on the above clarifying language, the presence of gasoline and a lighter to set a person on fire would constitute a weapon other than a firearm (i.e., incendiary material) and be awarded one point for weapon presence.

These revisions were adopted in the applicable section of COMAR effective November 14, 2022. The affected section of the [MSGM](#) (version 14.2) is as follows:

- MSGM ¶ 6.1(C) *Weapon Presence* (page 22).

### **Sentencing Guidelines Training Resources**

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 the most recent trainings, are available on the [MSCCSP website](#).

