



Guidelines E-News

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Definition of Single Criminal Event

The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) has revised the definition of *single criminal event* to provide greater clarity to practitioners. The distinction between a *single criminal event* and *multiple criminal events* is an important one, as the overall sentencing guidelines are calculated at the sentencing event level by summing the guidelines ranges across criminal events (see the Maryland Sentencing Guidelines Manual (MSGM), Chapter 9, for additional details on calculating the overall guidelines range for multiple offense sentencing events). Drawing on guidance provided by a 2022 Supreme Court opinion (*Wooden v. United States*, 142 S. Ct. 1063), the MSCCSP voted at its September 13, 2022, meeting to add clarifying language to the definition of a single criminal event to read as follows:

In determining whether multiple crimes are committed in the course of the same transaction, the person filling out the guidelines worksheet shall consider whether the crimes: (1) are committed close in time, in an uninterrupted course of conduct; (2) occur in the same location; and (3) are similar in nature or intertwined (for example, whether they share a common scheme or purpose).

The revised definition does not alter the current guidelines rules. Rather, the revisions provide further guidance to practitioners when determining whether multiple crimes were committed during the same transaction.

These revisions were adopted in the applicable section of the Code of Maryland Regulation (COMAR) effective February 1, 2023. The affected sections of the [MSGM](#) (version 14.3) are as follows:

- MSGM ¶ 2 *Definition of Single Criminal Event* (pages 6-7, includes pages with text that shifted)
- MSGM ¶ 3.2 *Single Criminal Event* (pages 8-10, includes pages with text that shifted)

Impact of Recent Cannabis Penalty Changes on the Sentencing Guidelines

Effective January 1, 2023, the maximum penalty for violations of CR, §5-602(b)(1) and CR, §5-603(b) (*Unlawfully possess with intent to distribute, manufacture, possess production equipment—cannabis*) decreased from 5 years/\$15,000 fine to 3 years/\$5,000 fine. Accordingly, the MSCCSP voted to change

the seriousness category from IV to V. This proposed revision was submitted to COMAR in December 2022 for promulgation through the review process, with an expected implementation date of April 1, 2023, at which time, the corresponding offense entry for violations of CR, §5-602(b)(1) and CR, §5-603(b) in the Maryland Automated Guidelines System (MAGS) will be revised. Note that current sentencing guidelines do not conflict with the new statutory maximum, as none of the ranges for a seriousness category IV drug offense currently exceeds 3 years (see image 1 below).

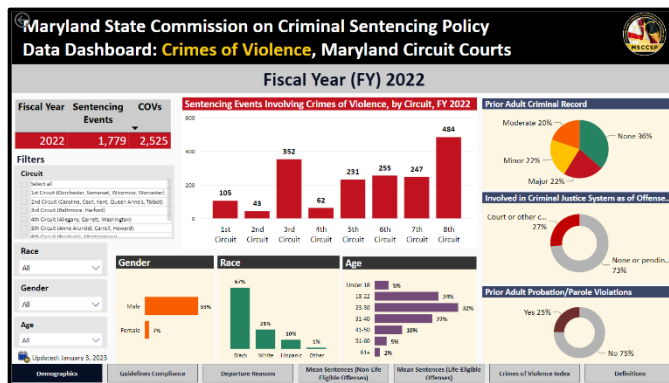
Image 1: Rows IV and V of the Sentencing Matrix for Drug Offenses

Offense Seriousness Category	Offender Score							
	0	1	2	3	4	5	6	7 or more
V	P-1M	P-3M	P-4M	P-6M	P-9M	P-1Y	1M-18M	2M-2Y
IV	P-3M	P-4M	P-6M	P-9M	P-1Y	1M-18M	2M-2Y	3M-3Y

The cannabis penalty changes will also impact the prior adult criminal record calculation (part C) of the offender score. Specifically, per guidelines rule, adjudications based on acts that are no longer crimes should be excluded from the prior adult criminal record (MSGM, chapter 7.1, p. 26). Pursuant to CR, §5-601(c)(2)(i), possession of more than 2.5 ounces of cannabis is still punishable by up to 6 months incarceration and/or a \$1,000 fine. However, effective January 1, 2023, possession of 2.5 ounces or less of cannabis has been decriminalized. If it can be determined that a prior adjudication for possession of cannabis involved 2.5 ounces or less, it should be excluded from the calculation of the prior adult criminal record.

Crimes of Violence Data Dashboard

As required by the enactment of Chapter 141 (S.B. 763), Acts of 2022, the MSCCSP is pleased to announce the deployment of its [Crimes of Violence Data Dashboard](#). This dashboard provides key characteristics for guidelines-eligible crimes of violence sentenced in Maryland circuit courts in fiscal year 2022. A summary of these figures is also provided in the MSCCSP’s [2022 Annual Report](#).



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](#).

