



# Guidelines E-News

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### New Cannabis Cultivation Offense Added 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 a new cannabis cultivation offense enacted by Ch. 26 (H.B. 837), Acts of 2022. This revision was adopted in the Code of Maryland Regulations (COMAR) effective July 1, 2023. 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.

| Legislation         | Annotated Code of Maryland | Offense   | Statutory Maximum | Adopted Seriousness Category |
|---------------------|----------------------------|---|-------------------|------------------------------|
| Chapter 26 (HB0837) | CR, §5-601.2               | <b>CDS and Paraphernalia</b><br>Cannabis cultivation in violation of requirements provided in CR, § 5-601.2 | 3Y                | V                            |

### Impact of Recent Cannabis Legislation on the Juvenile Delinquency and Prior Adult Criminal Records

As a result of Ch. 26 (H.B. 837), Acts of 2022, the possession of 2.5 ounces or less of cannabis was decriminalized effective January 1, 2023. Per guidelines rule, adjudications based on acts that are no longer crimes should be excluded from the juvenile delinquency and prior adult criminal records (MSGM, chapter 7.1, pp. 25-26). As such, cannabis possession should accordingly be excluded from the calculation of the juvenile delinquency and prior adult criminal records if:

- It can be determined that a prior adjudication for cannabis possession involved 2.5 ounces or less, and/or
- The offense has been expunged from the record or proven by the defense to have been eligible for expungement as a matter of right prior to the date of the instant offense.

Unless otherwise eligible for expungement, calculation of the juvenile delinquency and prior adult criminal records remains unchanged for possession involving *more than* 2.5 ounces of cannabis, as this offense remains punishable by up to 6 months incarceration and/or a \$1,000 fine, pursuant to CR, § 5-601(c)(2)(i).