



Guidelines E-News

Vol. 18, No. 4 – November 2023



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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:

- (1) classification of new offenses passed during the 2023 Legislative Session;
- (2) classification of amended offenses passed during the 2023 Legislative Session;
- (3) classification of three previously unclassified offenses;
- (4) revised seriousness categories for subsequent drug offenses with a 40-year maximum penalty; and
- (5) minor edits to the table.

These changes were adopted in the Code of Maryland Regulations (COMAR) effective November 13, 2023. A print friendly version of the updated [Guidelines Offense Table](#) (Appendix A of the [Maryland Sentencing Guidelines Manual](#)) 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, 2023 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category	Offense Type
Chapter 546 (SB0470)	NR, §3-215(h)	False Statements, Other False statement—in loan application under the Local Land Trust Revolving Loan program	5 years	VII	Property
Chapters 698 and 699 (HB0745/SB0340)	CR, §9-501.1(c)(1)	False Statements, Other False statement—of an emergency or crime with reckless disregard of causing bodily harm to an individual	3 years	VII	Person
Chapters 698 and 699 (HB0745/SB0340)	CR, §9-501.1(c)(2)	False Statements, Other False statement—of an emergency or crime resulting in serious physical injury or death to a person	10 years	V	Person

New Offenses, 2023 Legislative Session (continued)

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category	Offense Type
Chapter 680 (SB0001)	CR, §4-111	Weapons Crimes—In General Wear, carry, or transport a firearm in an area for children or vulnerable individuals, a government or public infrastructure area, or a special purpose area ¹	1 year ²	VII	Person
Chapter 680 (SB0001)	CR, §6-411	Weapons Crimes—In General Wear, carry, or transport a firearm while entering or trespassing in the dwelling or on the property of another without owner's consent ¹	1 year ²	VII	Person

¹ There is a current US District Court injunction against enforcing (1) the “special purpose area” provision of CR, §4-111, if the location is licensed to sell or dispense alcohol for onsite consumption, and (2) the “trespass on the property of another” provision of CR, §6-411 (9-29-2023). See Kipke et al. v. Moore et al., No. GLR-23-1293, ECF No. 12; Novotny et al. v. Moore et al., No. GLR-23-1295, ECF No. 24.

² By MSCCSP rule, any offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII (COMAR 14.22.01.09B(2)(f)) unless the Commission chooses to adopt a different seriousness category. These offenses were added to the Guidelines Offense Table since they are expected to be prosecuted in the circuit courts.

Amended Offenses with Changes to the Incarceration Penalty, 2023 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category	Offense Type
Chapter 651 (HB0824)	CR, §4-203(c)(2)(i)	Handguns—In General Handgun—unlawful wearing, carrying, etc., 1 st weapon offense, generally	3 years / VII	5 years / VI	Person
Chapter 651 (HB0824)	CR, §4-203(c)(2)(i)	Handguns—In General Handgun—unlawful wearing, carrying, etc., a loaded handgun, 1 st weapon offense	3 years / VII	5 years / VI	Person
Chapter 651 (HB0824)	CR, §4-203(c)(2)(ii)	Handguns—In General Handgun—unlawful wearing, carrying, etc., on school property, 1 st weapon offense	3 years / VII	5 years / VI	Person

Amended Offenses with Changes to the Incarceration Penalty, 2023 Legislative Session (continued)

Legislation	Annotated Code of Maryland	Offense	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category	Offense Type
Chapter 797 (SB0054)	CR, §3-322	Sexual Crimes Perverted sexual practices	10 years / VI	N/A ³	Person

³ The Maryland General Assembly repealed the crime of perverted sexual practices effective October 1, 2023. Since the guidelines apply only to criminal offenses, this offense was removed from the Guidelines Offense Table. *Perverted sexual practice* occurring on/after October 1, 2023, is not a guidelines offense.

Previously Unclassified Offenses

Annotated Code of Maryland	Offense	Statutory Maximum	Offense Type	Adopted Seriousness Category
CR, §3-601(c)(1)	Abuse and Other Offensive Conduct Child Abuse—physical, previous conviction for child abuse	25 years	Person	II
EN, §9-343(a)(1)(i) (penalty)	Public Health and Safety, Crimes Against Violation of any provision of or failure to perform any duty imposed by a rule, regulation, order, or permit adopted or issued under Environment Article, Title 9, Subtitle 2, 1 st offense	1 year ⁴	Property	VII
EN, §9-343(a)(1)(ii) (penalty)	Public Health and Safety, Crimes Against Violation of any provision of or failure to perform any duty imposed by a rule, regulation, order, or permit adopted or issued under Environment Article, Title 9, Subtitle 2, subsequent	2 years	Property	VII
NR, §5-704(a)	Public Health and Safety, Crimes Against Willfully, maliciously, or with intent, setting on fire, or causing to be set on fire, any woods, brush, grass, grain, or stubble	5 years	Property	VI

⁴ By MSCCSP rule, any offense with a maximum incarceration penalty of 1 year or less automatically receives a seriousness category VII (COMAR 14.22.01.09B(2)(f)) unless the Commission chooses to adopt a different seriousness category. For clarity purposes, the first violation was added to the Guidelines Offense Table along with the subsequent violation.

Offenses with Seriousness Category Changes

Annotated Code of Maryland	Offense	Stat Max.	Prior Seriousness Category	New Seriousness Category ⁵	Offense Type
CR, §5-602(a) CR, §5-603(a) CR, §5-604 CR, §5-605 CR, §5-606 CR, §5-608(d) CR, §5-609(d) (penalty)	CDS and Paraphernalia Unlawfully distribute, PWID, manufacture, possess production equipment, distribute counterfeit, PWID counterfeit, possess counterfeiting equipment, keep common nuisance, possess false prescription—narcotics and hallucinogenics (e.g., PCP, heroin, cocaine, LSD, oxycodone, fentanyl, and methadone), subsequent	40 years	III-B	III-C	Drug
CR, §5-602(a) CR, §5-603(a) CR, §5-604 CR, §5-605 CR, §5-606 CR, §5-609(d) (penalty)	CDS and Paraphernalia Unlawfully distribute, PWID, manufacture, possess production equipment, distribute counterfeit, PWID counterfeit, possess counterfeiting equipment, keep common nuisance, possess false prescription—MDMA (methylenedioxymethamphetamine), 750 grams or more, subsequent	40 years	III-A	III-B	Drug
CR, §5-627	CDS and Paraphernalia Manufacture, distribute, or dispense controlled dangerous substances near schools or on school vehicles, subsequent	40 years	III-B	III-C	Drug

⁵ Seriousness categories were increased by one category to reflect the more serious maximum penalty of 40 years for these subsequent offenses.

Minor Edits

Minor edits to the Guidelines Offense Table include replacing all instances of “inmate” with “incarcerated individual.” This was done in response to Senate Bill 293 (2023) which alters the term "inmate" to be "incarcerated individual" in the Annotated Code of Maryland. Six offenses in the Guidelines Offense Table were impacted by this change.