



Guidelines E-News

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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 2024 Legislative Session;
- (2) classification of one previously unclassified offense;
- (3) revised seriousness categories for two offenses; and
- (4) minor edits to the table.

These changes were adopted in the Code of Maryland Regulations (COMAR) effective November 1, 2024. A print friendly version of the updated [Guidelines Offense Table](#) (Appendix A of the [Maryland Sentencing Guidelines Manual](#); MSGM, version 16.1) 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, 2024 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category	Offense Type
Chapter 418 (SB0740)	NR, §8-738.3(c)(1)	Boating Offenses Operate a vessel while prohibited from operating a vessel under NR, §8-738(e)(3)(i), 1 st offense	1 year	VII	Property
Chapter 418 (SB0740)	NR, §8-738.3(c)(2)	Boating Offenses Operate a vessel while prohibited from operating a vessel under NR, §8-738(e)(3)(i), 2 nd offense	2 years	VI	Property
Chapter 418 (SB0740)	NR, §8-738.3(c)(3)	Boating Offenses Operate a vessel while prohibited from operating a vessel under NR, §8-738(e)(3)(i), 3 rd or subsequent offense	3 years	V	Property
Chapter 242 (HB0272)	AB, §36-1103	Cannabis License or Registration Use of straw ownership to apply for or hold a cannabis license or registration	1 year	VII	Property

New Offenses, 2024 Legislative Session (continued)

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category	Offense Type
Chapter 249 (HB1230)	HG, §21-2D-02	CDS and Paraphernalia Distribute, sell, expose for sale, or advertise for sale a tianeptine product	90 days	VII	Drug
Chapter 748 (HB1229)	HG, §21-2E-02(f)	CDS and Paraphernalia Preparation, distribution, or sale of kratom products to an individual under 21; without proper label disclosures; or that contain certain other substances	90 days	VII	Drug
Chapters 20 and 21 (SB0480/HB0585)	EL, §16-904	Election Offenses Threaten election official or immediate family member of election official	3 years	V	Person
Chapter 789 (HB1498)	HO, §6-504(b)(1) (penalty)	Fraud, Miscellaneous Aiding or abetting the unauthorized practice of massage therapy in violation of HO, §6-501(b), 1 st offense	1 year	VII	Person
Chapter 789 (HB1498)	HO, §6-504(b)(2) (penalty)	Fraud, Miscellaneous Aiding or abetting the unauthorized practice of massage therapy in violation of HO, §6-501(b), subsequent	5 years	VI	Person
Chapter 101 (SB0273)	CS, §8-804	Harboring, Escape, and Contraband Operate unmanned aircraft over a correctional facility to photograph or record images of facility without authorization	3 years	VI	Property
Chapter 101 (SB0273)	CR, §9-417.1	Harboring, Escape, and Contraband Contraband—deliver contraband using an unmanned aircraft	3 years	VI	Property
Chapters 858 and 859 (HB0005/SB0130)	CR, §11-107(d)(2)	Nudity and Related Sexual Displays Indecent exposure when person knows or should know that a minor is present	5 years	V	Person
Chapters 414 and 415 (HB0664/SB0575)	CJ, §3-2304	Protected Individuals, Protected Information Publish personal information of protected individual knowing that publishing the information poses a threat to protected individual; and its publishing results in assault, harassment, trespass, or malicious destruction of property	18 months	V	Person

Previously Unclassified Offense

Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category	Offense Type
CR, §5-623(c)(2)	CDS and Paraphernalia Receive, acquire, give, sell, transfer, etc., proceeds knowing that the proceeds are derived from a CDS offense, subsequent	10 years	IV	Drug

Offenses with Seriousness Category Changes

Annotated Code of Maryland	Offense	Statutory Maximum	Prior Seriousness Category	New Seriousness Category	Offense Type
CR, §5-623(c)(1)	CDS and Paraphernalia Receive, acquire, give, sell, transfer, etc., proceeds knowing that the proceeds are derived from a CDS offense, 1 st offense	5 years	IV	V	Drug
Common law	Interference with or Misuse of Government Operations Malfeasance, misconduct in office	LIFE	V	IV	Person Drug Property

Minor Edits

Minor edits to the Guidelines Offense Table include:

- adding a motor vehicle offense with a penalty of less than one year, due to the frequency with which the offense is sentenced in circuit courts (*Driver failing to render reasonable assistance to person injured in an accident*);
- revising the maximum fine amount for various driving under the influence and driving while impaired offenses, due to increases resulting from the 2024 Legislative Session; and
- revising the offense description for various offenses, due to revisions in the corresponding statutes resulting from the 2024 Legislative Session.

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Criminal Events with Multiple Special Applications in Guidelines Calculation

Four rules apply when calculating the upper limit of the overall guidelines range for a criminal event with multiple offenses.

1. **Simple scenario:** In a simple scenario, the upper limit of the overall guidelines range equals the highest of the upper guidelines limits in the criminal event.
2. **Multiple seriousness category I or II offenses:** When there is a criminal event with more than one seriousness category I or II offense, the upper limit of the overall guidelines range equals the sum of the upper guidelines limits for the seriousness category I and II offenses. MSGM, Chapter 9.2.
3. **Multiple victims stacking rule:** When there is a criminal event with multiple victims and not more than one seriousness category I or II offense, the upper limit of the overall guidelines range equals the sum of the upper guidelines limits for each offense with a unique victim. MSGM, Chapter 10.1.
4. **Mandatory consecutive sentence rule:** When there is a criminal event with multiple offenses, and the sentence for one of the offenses is statutorily required to run consecutive to the sentence for another offense in the same criminal event, the upper limit of the overall guidelines range equals the sum of the upper guidelines limits for the mandatory consecutive sentence offense and its underlying offense. Whenever the sentence for an offense is statutorily required to run consecutive to the sentence for more than one other offense in the criminal event, the person filling out the worksheet shall add the upper limit of the guidelines range for that offense to the upper limit of the guidelines range for the eligible offense with the highest upper guidelines limit. MSGM, Chapter 10.5.

At its May 7, 2024, meeting, the MSCCSP voted to clarify the rules for calculating the upper limit of the overall guidelines range for a criminal event when multiple rules apply. The clarification, summarized below, is intended to prevent excessive stacking.

1. **Mandatory consecutive sentence rule / Multiple seriousness category I or II offenses:** The mandatory consecutive sentence rule does not apply when there are two or more seriousness category I or II offenses in a criminal event. In such instances, the upper limit of the overall guidelines range equals the sum of the upper guidelines limits for the seriousness category I and II offenses.
2. **Mandatory consecutive sentence rule / Multiple victims stacking rule:** When both the mandatory consecutive sentence rule and the multiple victims stacking rule apply to the same criminal event, the upper limit of the overall guidelines range is calculated as the greater of:
 - the highest upper guidelines limit of the individual guidelines ranges (simple scenario);
 - the sum of the upper limits of one offense per unique victim (multiple victims stacking rule); or
 - the sum of the upper limits of the offense with a mandatory consecutive sentence and its underlying offense (mandatory consecutive sentence rule).
3. **Multiple offenses with mandatory consecutive sentences:** When there are multiple offenses with mandatory consecutive sentences in the same criminal event, the upper limit of the overall guidelines range is calculated as the sum of the upper limits of the one pair of offenses whose sum is the greatest.

The clarifying instructions were adopted in COMAR, effective November 1, 2024. The affected sections of the [Maryland Sentencing Guidelines Manual](#) (MSGM, version 16.1) are as follows:

- MSGM ¶ 9.1 Single Criminal Event, Not More Than One Seriousness Category I or II Offense (page 38);
- MSGM ¶ 10.5 Criminal Events with Mandatory Consecutive Sentence (page 58);
- MSGM ¶ 10.6 Criminal Events with Multiple Special Applications in Guidelines Calculation, Not More Than One Seriousness Category I or II Offense (pages 60-62; *new section with examples*).

Criminal justice partners who utilize a printed copy of the MSGM are encouraged to print the full MSGM, as page numbers have shifted due to the addition of new instructions and minor edits.

Note regarding MAGS: The Maryland Automated Guidelines System (MAGS) has been programmed to apply these clarified rules in applicable scenarios.