



Guidelines E-News

Vol. 20, No. 1 – July 2025



IN THIS ISSUE

- *Revisions to the Guidelines Offense Table*
- *Revisions to the List of Common Departure Reasons*

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 one previously unclassified offense (EL, § 16-205);
- (2) revised seriousness category for one offense (CR, § 3-708); and
- (3) minor, non-substantive edits to two offenses.

These changes were adopted in the Code of Maryland Regulations (COMAR) effective July 1, 2025. A print friendly version of the updated [Guidelines Offense Table](#) (Appendix A of the [Maryland Sentencing Guidelines Manual](#); MSGM, version 17.0) 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.

Previously Unclassified Offense

Annotated Code of Maryland	Offense	Statutory Maximum	Minimum	Offense Type	Adopted Seriousness Category
EL, §16-205	Election Offenses Interference with performance of official duties by election official, an individual present at polling place, or canvass of votes	1 year	3 months	Person ¹	V
EL, §16-205	Election Offenses Interference with performance of official duties by election official, an individual present at polling place, or canvass of votes	1 year	3 months	Property ¹	VI

¹ Practitioners have the discretion to select whether the offense is a person or property offense based on the specific facts of the case. If the State and the defense disagree as to offense type, they shall bring it to the attention of the judge at sentencing.

Offense with Seriousness Category Change

Annotated Code of Maryland	Offense	Statutory Maximum	Offense Type	Prior Seriousness Category	New Seriousness Category
CR, §3-708	Extortion and Other Threats Threaten to take the life, kidnap, or cause physical injury to State or local official, deputy or assistant State's Attorney, or assistant Public Defender	3 years	Person	VI	V ²

² The new seriousness category (V) is consistent with those of comparable offenses, including a violation of CJ, §3-2304 (*Knowingly publishing information of a protected individual, etc.*) and a violation of EL, §16-904 (*Threatening election official or immediate family member of election official*).

Revisions to the List of Common Departure Reasons

The Maryland sentencing guidelines are voluntary, and judges maintain the discretion to impose a sentence outside of the sentencing guidelines. In accordance with COMAR 14.22.01.05, judges shall document the reason or reasons for imposing a sentence outside the sentencing guidelines range. To facilitate the reporting of mitigating and aggravating departure reasons on the sentencing guidelines worksheet, judges are provided with a reference card listing some of the common reasons for departure and their corresponding numerical codes. The list is not intended to be a complete enumeration of all reasons, and judges may provide any “other” reason explaining their reason for departing from the guidelines.

At its September 10, 2024, meeting, the MSCCSP voted to revise the list of common departure reasons to (1) more closely align with the reasons reflected in the current guidelines data, (2) reflect input received via a survey of circuit court judges, and (3) provide greater insight into the circumstances of the case. The MSCCSP also voted to revise the corresponding instructions to more clearly explain why data on departure reasons are collected.

The revised list of common departure reasons and corresponding instructions were adopted in COMAR effective July 1, 2025. The affected chapter of the [Maryland Sentencing Guidelines Manual](#) (MSGM, version 17.0) is *Chapter 14: Sentences Outside the Guidelines Range*. Two mitigating reasons were removed and three were added. Two aggravating reasons were removed and two were added. Additionally, the numerical codes for several retained reasons were changed, including the codes for “other” mitigating reason and “other” aggravating reason. These revisions are detailed on the next page.

New yellow laminated reference cards listing the common reasons for departure and their corresponding numerical codes have been provided to the circuit courts. If additional cards are needed, please contact the MSCCSP helpdesk (msccsp@umd.edu, 301-403-4165).

Note regarding MAGS: The Maryland Automated Guidelines System (MAGS) has been programmed to reflect the revised list of common departure reasons and corresponding instructions. Any previously entered departure reasons on unsubmitted worksheets will need to be re-entered using the revised list of reasons.

~~Strikethrough~~ represents deletions.

Bold underline represents additions.

MSGM 14.2 Departure Below the Guidelines Range

Common reasons for departure below the guidelines range include but are not limited to:

- (1) The parties reached a plea agreement that called for a reduced sentence.
- (2) Offender's minor role in the offense.
- ~~(3) Offender was influenced by coercion or duress.~~
- ~~(4) Offender had diminished capability for judgment.~~
- (3) Offender is or was suffering from a mental or physical condition that reduces culpability for the offense.**
- (4) Offender's age/health.**
- (5) Offender amenable to probation or other community supervision.**
- ~~(5)~~**(6)** Offender made restorative efforts after the offense.
- ~~(6) Victim's participation in the offense lessens the offender's culpability.~~
- (7) Offender's criminal history is less severe than represented by offender score.**
- ~~(7)~~**(8)** Offender's commitment to substance abuse treatment or other therapeutic program.
- ~~(8)~~**(9)** Recommendation of State's Attorney or Division of Parole and Probation.
- ~~(9)~~**(10)** Other circumstances of the crime and/or the offender do not warrant a sentence within the guidelines (Explain).

MSGM 14.3 Departure Above the Guidelines Range

Common reasons for departure above the guidelines range include but are not limited to:

- ~~(10)~~**(11)** Offender's major role in the offense.
- ~~(11)~~**(12)** The level of harm was excessive.
- ~~(12)~~**(13)** Special circumstances of the victim.
- ~~(13)~~**(14)** Offender exploited a position of trust.
- ~~(15) Offender committed a "white collar" offense.~~
- ~~(16) Offender's significant participation in major controlled substance offense.~~
- (15) Offender's criminal history is more serious than represented by offender score.**
- (16) The parties reached a plea agreement that called for an increased sentence.**
- ~~(16)~~**(17)** The vicious or heinous nature of the conduct.
- ~~(17)~~**(18)** Recommendation of State's Attorney or Division of Parole and Probation.
- ~~(18)~~**(19)** Other circumstances of the crime and/or the offender do not warrant a sentence within the guidelines (Explain).