



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) revised seriousness categories for two offenses (see below); and
- (2) minor edits to the table, including the removal of old CJIS Codes.

These changes were adopted in the Code of Maryland Regulations (COMAR) effective January 1, 2026. A print friendly version of the updated [Guidelines Offense Table](#) (Appendix A of the [Maryland Sentencing Guidelines Manual](#); MSGM, version 17.2) 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.

Offenses with Seriousness Category Changes

Annotated Code of Maryland	Offense	Statutory Maximum	Prior Seriousness Category	New Seriousness Category	Offense Type
CR, §4-306(b)(3)	Assault Weapons Use of assault weapon, rapid fire activator, or magazine with a capacity of more than 10 rounds in the commission of a felony or crime of violence, subsequent	20 years (10Y minimum)	II	III	Person
CR, §4-204(c)(2)	Weapons Crimes—In General Unlawful use of firearm in commission of felony or crime of violence, subsequent	20 years (5Y mandatory minimum)	II	III	Person

The above subsequent offenses were originally classified as one seriousness category higher than “first-time” violations largely to account for the mandatory consecutive sentence requirement for subsequent violations. However, the MSCCSP revised the guidelines to otherwise account for the mandatory consecutive sentence rule that applies to subsequent violations of these statutes. Effective February 1, 2024, the person completing the sentencing guidelines worksheet shall add the upper limit of the

guidelines range for a subsequent violation of Criminal Law Article (CR), § 4-204 or § 4-306 to the upper limit of the guidelines range for the underlying crime of violence to obtain the upper limit of the overall guidelines range. Therefore, subsequent violations of these statutes are now treated differently than first-time offenses. The seriousness category change from II to III noted above was adopted so these subsequent violations would not be “double enhanced” under the sentencing guidelines.

Instructions for Calculating Sentencing Guidelines for Multiple Violations, Including Contemporaneous Violations, of CR, § 4-204 or CR, § 4-306(b)

At its September 9, 2025, meeting, the MSCCSP voted to adopt instructions advising practitioners that subsequent violations of CR, §§ 4-204 and 4-306(b) apply to both contemporaneous violations and previous convictions. Specifically, the new instructions provide the following:

When an individual is being sentenced for multiple violations, including contemporaneous violations, of CR, § 4-204 (use of a firearm in the commission of a crime of violence or any felony) or CR, § 4-306 (use of an assault weapon in the commission of a felony or crime of violence), the guidelines for all but the first violation of each offense shall be calculated pursuant to CR, § 4-204(c)(2) or CR, § 4-306(b)(3), respectively, both of which provide penalties for subsequent violations.

These instructions are consistent with Maryland case law, namely *Garner v. State*, 442 Md. 226 (2015) and *Gray v. State*, 2022 WL 6833132 (Md. App. Mar. 8, 2022). This guidelines revision was adopted in COMAR effective January 1, 2026. The affected sections of the [Maryland Sentencing Guidelines Manual](#) (MSGM, version 17.2) are *8.6 Subsequent Offenses* and *15 Frequently Asked Questions (Question 13)*. For those who utilize a printed copy of the MSGM, the revised pages are 37, 61, 74, and 76-78.

Sentencing Guidelines Revision to the Definition of Psychological Victim Injury

At its September 9, 2025, meeting, the MSCCSP voted to expand the definition of psychological victim injury (part C of the offense score). Specifically, the expanded definition provides the following:

The sentencing guidelines recognize that not all victims have access to psychological counseling or treatment. Victims may not have been provided treatment, and the psychological impact on certain victims, for example minors, may not manifest until later in life.

Proof of psychological injury shall be based on (1) confirmed medical diagnosis or psychological counseling or treatment, or (2) other forms of reasonable proof. Rape crisis hotlines, clergy conferences, educational counseling, and other similar services are considered psychological counseling or treatment. Permanent psychological injury shall be based on proof of a substantial impairment likely to be of an extended or continuous duration.

This guidelines revision was adopted in COMAR effective January 1, 2026. The affected section of the [Maryland Sentencing Guidelines Manual](#) (MSGM, version 17.2) is *6.1.B. Victim Injury*. For those who utilize a printed copy of the MSGM, the revised pages are 21-23.

Note regarding the Maryland Automated Guidelines System (MAGS)

The list of offenses in the Maryland Automated Guidelines System (MAGS) has been updated to reflect the revisions to the Guidelines Offense Table noted on page 1. In addition, several information icons on the Offense/Offender Score screen have been updated to provide further clarification regarding guidelines changes adopted in the last year.