

2022 Annual Report



Maryland State Commission on Criminal Sentencing Policy

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- ❖ **Honorable Christopher R. West**

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- ❖ **Honorable J. Sandy Bartlett**
- ❖ **Honorable David Moon**

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MSCCSP



Maryland State Commission on Criminal Sentencing Policy

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Sen. Chris R. West

Executive Director

David A. Soulé, Ph.D.

January 31, 2023

To: The Honorable Wes Moore, Governor
The Honorable Aruna Miller, Lt. Governor
The Honorable Matthew J. Fader, Chief Justice of Maryland
The Honorable Anthony G. Brown, Attorney General of Maryland
The Honorable Members of the General Assembly of Maryland

Pursuant to Criminal Procedure Article, § 6-209, Annotated Code of Maryland, the Maryland State Commission on Criminal Sentencing Policy (the MSCCSP or Commission) is required annually to review sentencing policy and practice and report upon the work of the Commission. Accordingly, we submit respectfully for your review the 2022 Annual Report of the MSCCSP.

This report details the activities of the MSCCSP during this past year, highlighted by the implementation of revisions to the sentencing matrices for drug and property offenses, effective July 1, 2022. Further, this report summarizes circuit court sentencing practices and trends in Maryland for fiscal year 2022, while providing a comprehensive examination of judicial compliance with the State's voluntary sentencing guidelines, describing information provided on the State's sentencing guidelines worksheets, and offering a description of planned activities for 2023. Finally, the 2022 Annual Report includes a detailed report on sentences for crimes of violence as required by the enactment of Chapter 141 (S.B. 763), Acts of 2022. We hope that this report and the other resources provided by the MSCCSP help inform and promote fair, proportional, and non-disparate sentencing practices throughout Maryland.

The MSCCSP wishes to acknowledge and thank those agencies and individuals whose contributions to the sentencing guidelines and corresponding guidelines worksheets enabled us to complete our work and produce this report. If you have any questions or comments regarding this report, please contact Dr. Soulé or me.

Sincerely,

Brian DeLeonardo

Judge Brian L. DeLeonardo
Chair

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EXECUTIVE SUMMARY

The Judiciary introduced the concept of judicial sentencing guidelines in Maryland in the late 1970s. The Court of Appeals formed a committee in May 1978 to review recent developments in sentencing in the United States, study the major proposals for reform (e.g., determinate sentencing, mandatory sentencing, sentencing guidelines, sentencing councils), and consider sentencing practices in Maryland. The sentencing guidelines were developed based on extensive collection and analysis of data on past sentencing practices in Maryland, and their design accounts for both offender and offense characteristics in determining the appropriate sentence range. Beginning in June 1981, four jurisdictions representing a diverse mix of geographic areas piloted the sentencing guidelines. At the conclusion of the test period in May 1982, the Judicial Conference decided to continue using sentencing guidelines in the pilot jurisdictions for an additional year, given the initial success of the guidelines. After two years of experience with sentencing guidelines in Maryland on a test basis, in 1983 the Judicial Conference voted favorably on (and the Maryland General Assembly approved) the guidelines, adopting them formally statewide.

The voluntary sentencing guidelines cover most circuit court cases and provide recommended sentence ranges for three broad categories of offenses: person, drug, and property. The guidelines recommend whether to incarcerate an offender and if so, provide a recommended sentence length range, based largely on the available data for how Maryland circuit court judges have sentenced similar convictions. The sentencing guidelines are advisory, and judges may, at their discretion, impose a sentence outside the guidelines. Judges are, however, asked to document the reason or reasons for sentencing outside of the guidelines if they do so.

The Maryland General Assembly created the Maryland State Commission on Criminal Sentencing Policy (MSCCSP or Commission) in 1999 to oversee sentencing policy and to monitor the State's voluntary sentencing guidelines. The General Assembly established six goals to guide the Commission's work:

- (1) Sentencing should be fair and proportional and sentencing policies should reduce unwarranted disparity;
- (2) Sentencing policies should help citizens understand how long a criminal will be confined;
- (3) The preservation of meaningful judicial discretion;
- (4) Sentencing guidelines should be voluntary;
- (5) The prioritization of prison usage for violent and career criminals; and

(6) The imposition of the most appropriate criminal penalties.

The Commission consists of 19 members, including members of the Judiciary, criminal justice practitioners, members of the Senate of Maryland and the House of Delegates, and representatives of the public. The primary responsibilities of the MSCCSP include collection and automation of the sentencing guidelines worksheets, maintaining the sentencing guidelines database, and conducting training and orientation for criminal justice personnel. In addition, the Commission monitors judicial compliance with the guidelines and may adopt changes to the guidelines consistent with the sentencing practices of Maryland circuit court judges.

In 2022, the MSCCSP:

- Reviewed new and amended criminal laws from the 2022 Legislative Session;
- Reviewed and classified previously unclassified offenses;
- Implemented miscellaneous modifications to the Guidelines Offense Table;
- Adopted revisions to the sentencing matrices for drug and property offenses;
- Adopted revised classifications for *Sex offense, 3rd degree, involving age-based elements* and *Arson, 1st degree*;
- Continued a review of sentencing guidelines compliance and offender and offense score characteristics by race, ethnicity, and gender;
- Adopted a clarification to the instructions for scoring the juvenile delinquency component of the offender score;
- Adopted revisions to the instructions for the collection of guidelines worksheets for reconsiderations/modifications and three-judge panel reviews;
- Clarified the definition of “explosive” as it pertains to the assignment of weapon presence points in part C of the offense score; and
- Adopted amendments to the sentencing guidelines instructions clarifying the definition of a “single criminal event.”

In fiscal year 2022, the MSCCSP received guidelines worksheets for 10,486 sentencing events in the State’s circuit courts. A worksheet was submitted for 94.9% of guidelines-eligible cases. With a handful of exceptions, all the fiscal year 2022 worksheets were submitted electronically using the Maryland Automated Guidelines System (MAGS). Most cases were resolved by either a binding plea agreement (40.3%) or other plea agreement (33.4%). More than three-quarters of guidelines cases were sentenced to incarceration, and the median sentence length among those incarcerated (excluding suspended time) was 1.2 years. Commission-defined corrections

options were utilized in 6.8% of sentencing events, and other alternatives to incarceration were utilized in 5.9% of sentencing events.

The overall guidelines compliance rate in fiscal year 2022 was 81.2%, which exceeded the Commission's goal of 65% compliance. When departures occurred, they were more often below the guidelines than above. Seven of the eight trial court judicial circuits met the benchmark rate of 65% compliance, with compliance in the Fourth Circuit (64.1%) falling just short of the 65% benchmark. Departures were least likely for person offenses, followed closely by drug offenses and property offenses. A comparison of judicial compliance rates by type of disposition (plea agreement, plea with no agreement, bench trial, and jury trial) showed that compliance was most likely in cases adjudicated by a plea agreement. In contrast, compliance was least likely in cases adjudicated by a bench trial. When considering compliance rates by defendant race (i.e., Black, White, Hispanic, Other), rates were similar across racial categories. Guidelines compliance ranged from 76.3% for White defendants to 89.6% for Other defendants. Similarly, compliance rates were comparable for male (81.2%) and female (79.8%) defendants. The most cited reason for departures below the guidelines was that the parties reached a plea agreement that called for a reduced sentence. In comparison, the most cited reason for departures above the guidelines was the State's Attorney or Division of Parole and Probation's recommendation.

Newly added this year, the 2022 Annual Report includes a detailed report on sentences for crimes of violence (COV) as required by the enactment of Senate Bill 763 (Chapter 141 of the Laws of Maryland 2022). In fiscal year 2022, the MSCCSP received sentencing guidelines worksheets for 1,779 sentencing events involving 2,525 COV. Similar to all sentencing events, the vast majority of COV were resolved by either a binding plea agreement (46.8%), an other plea agreement (27.3%), or a plea with no agreement (16.8%). The overall guidelines compliance rate for sentencing events involving COV in fiscal year 2022 was 73.6%, which exceeded the Commission's goal of 65% compliance. When departures occurred, they were more often below the guidelines than above. Six of the eight trial court judicial circuits met the benchmark rate of 65% compliance. The most cited reason for departures below the guidelines in sentencing events involving COV was that the parties reached a plea agreement that called for a reduced sentence. In comparison, the most cited reason for departures above the guidelines in sentencing events involving COV was the vicious or heinous nature of the conduct.

The MSCCSP has several important activities planned for 2023. The MSCCSP will continue to administer the sentencing guidelines by collecting sentencing guidelines worksheets, maintaining the sentencing guidelines database, monitoring judicial compliance with the

guidelines, and providing sentencing guidelines education and training. Additionally, the MSCCSP will review all criminal offenses and changes in the criminal laws passed by the General Assembly during the 2023 Legislative Session and adopt seriousness categories for new and revised offenses as needed. Furthermore, the MSCCSP will implement a data dashboard to describe sentences for crimes of violence and add a data extraction tool to the MSCCSP website. Finally, the MSCCSP has identified additional important activities that the Commission plans to address in 2023.

THE MARYLAND STATE COMMISSION ON CRIMINAL SENTENCING POLICY

Guidelines Background

History of the Maryland Sentencing Guidelines

The Judiciary introduced the concept of judicial sentencing guidelines in Maryland in the late 1970s in response to a growing concern regarding unwarranted sentencing disparity and a general interest in sentencing by the public, legislators, and other elected officials. The Court of Appeals formed the Judicial Committee on Sentencing in May 1978 to review recent developments in sentencing in the United States, study the major proposals for reform (e.g., determinate sentencing, mandatory sentencing, sentencing guidelines, sentencing councils), and consider sentencing practices in Maryland. In its report to the Maryland Judicial Conference, the Committee on Sentencing recommended a system of voluntary, descriptive sentencing guidelines for use in circuit courts only, which the Judicial Conference unanimously approved in April 1979. Later that year, Maryland received a grant from the National Institute of Justice to participate in a multijurisdictional field test of sentencing guidelines. Under the grant, a system of sentencing guidelines for Maryland's circuit courts developed, along with an Advisory Board to oversee the guidelines. The sentencing guidelines were developed based on collection and analysis of data on past sentencing practices in Maryland, as well as analyses of surveys sent to a sample of judges asking them to report on factors considered at sentencing in a series of hypothetical scenarios. The sentencing guidelines development process resulted in a design that accounts for both offender and offense characteristics in determining the appropriate sentence range. Beginning in June 1981, four jurisdictions representing a diverse mix of geographic areas piloted the sentencing guidelines. At the conclusion of the test period in May 1982, the Judicial Conference decided to continue using sentencing guidelines in the pilot jurisdictions for an additional year, given the initial success of the guidelines. After two years of experience with sentencing guidelines in Maryland on a test basis, in 1983 the Judicial Conference voted favorably on (and the Maryland General Assembly approved) the guidelines, adopting them formally statewide.

The sentencing guidelines are intended to be primarily descriptive; that is, the guidelines are informed by analysis of actual sentencing practices and are designed to illustrate to judges how their colleagues are sentencing, on average for a typical case. The descriptive nature of the guidelines originated from the Judicial Committee on Sentencing that first developed and

proposed the guidelines to the Maryland Judicial Conference. In 1991, the Sentencing Guidelines Revision Committee of the Judiciary's Guidelines Advisory Board established an expectation that two-thirds of sentences would fall within the recommended sentencing range and when sentencing practice resulted in departures from the recommended range in more than one-third of the cases, guidelines revisions should be considered. Based on this previously adopted policy, the Commission adopted the goal of 65% as the benchmark standard for sentencing guidelines compliance. Over the years, the MSCCSP has maintained the primarily descriptive nature of the guidelines, while allowing for the Commission to make nuanced policy decisions to ensure the guidelines are consistent with legislative intent and that the guidelines are scored consistently statewide. The guidelines are not intended to be static. That is, the guidelines may be amended when the data indicate that sentences are not consistent with the recommended ranges.

The Present Sentencing Guidelines

Pursuant to Criminal Procedure Article (CP), § 6-216, Annotated Code of Maryland, the circuit courts shall consider the sentencing guidelines in deciding the proper sentence. The voluntary sentencing guidelines apply to cases prosecuted in Maryland circuit courts generally, with a few key exceptions. Because the guidelines were designed to apply to incarcerable offenses for which the circuit court has original jurisdiction, the following categories of circuit court cases are excluded from the guidelines: prayers for jury trials from the District Court in which a pre-sentence investigation (PSI) was not ordered, criminal appeals from the District Court in which a PSI was not ordered, crimes that carry no possible penalty of incarceration, criminal nonsupport and criminal contempt cases, cases adjudicated in a juvenile court, sentencing hearings in response to a violation of probation, violations of public local laws and municipal ordinances, and cases in which the offender was found not criminally responsible (NCR). Because they generally involve more serious and/or incarcerable offenses, prayers for jury trials and criminal appeals from the District Court in which a PSI is ordered are defined as guidelines-eligible cases. Reconsiderations/modifications and three-judge panel reviews involving COV are also defined as guidelines-eligible cases if there is an adjustment made to the defendant's active sentence. Table 1 provides a complete description of guidelines-eligible and ineligible cases.

Table 1. Guidelines-Eligible and Ineligible Cases

For Cases Originating in Circuit Court	
Guidelines-Eligible	Guidelines-Ineligible
Offenses originally prosecuted in Circuit Court	Violations of public local laws and municipal ordinances
	Offenses that carry no possible penalty of incarceration
	Criminal nonsupport and criminal contempt
	Cases adjudicated in a juvenile court
All pleas, including binding pleas, nonbinding pleas, and pleas of <i>nolo contendere</i> (no contest) by the offender	Cases in which the offender was found not criminally responsible (NCR)
Sentences to probation before judgment (PBJ)	Sentencing hearings in response to a violation of probation
Initial sentences with a condition of drug court or an inpatient commitment under Health-General Article, Title 8, Subtitle 5, Annotated Code of Maryland	Reconsiderations/modifications not involving a crime violence
Reconsiderations/modifications involving a crime of violence (as defined in Criminal Law Article, § 14-101, Annotated Code of Maryland) if there is an adjustment to the active sentence	Reconsiderations/modifications involving a crime of violence if there is <u>NOT</u> an adjustment to the active sentence
	Three-judge panel reviews not involving a crime of violence
Three-judge panel reviews involving a crime of violence if there is an adjustment to the active sentence	Three-judge panel reviews involving a crime of violence if there is <u>NOT</u> an adjustment to the active sentence
For Cases Originating in District Court	
Guidelines-Eligible	Guidelines-Ineligible
Prayers for a jury trial if a pre-sentence investigation (PSI) is ordered	Prayers for a jury trial if a PSI is <u>NOT</u> ordered
Appeals from District Court if a PSI is ordered	Appeals from District Court if a PSI is <u>NOT</u> ordered

The sentencing guidelines cover three broad categories of offenses: person, drug, and property. The guidelines recommend whether to incarcerate an offender and if so, provide a recommended sentence range, based largely on the available data for how Maryland circuit court judges have sentenced similar convictions. For each offense category, a separate matrix contains cells with recommended sentence ranges. The sentencing matrices for drug, person, and property offenses are provided in Appendix A. The grid cell at the intersection of an individual's offender score and offense seriousness category (for drug and property offenses) or offense score (for person offenses) determines the sentence recommendation. The offense seriousness category is an offense ranking ranging from I to VII, where I designates the most serious criminal offenses and VII designates the least serious criminal offenses. For person offenses, the seriousness category, the physical or psychological injury to the victim, the

presence of a weapon, and any special vulnerability of the victim (such as being under 11 years old, 65 years or older, or physically or cognitively impaired) together determine the offense score. The offender score is a measure of the individual's criminal history, determined by whether the offender was in the criminal justice system at the time the offense was committed (i.e., on parole, probation, or temporary release from incarceration, such as work release), has a juvenile record or prior criminal record as an adult, and has any prior adult parole or probation violations.

The guidelines sentence range represents only non-suspended time. The sentencing guidelines are advisory and judges may, at their discretion, impose a sentence outside the guidelines. If a judge chooses to depart from the sentencing guidelines, the Code of Maryland Regulations (COMAR) 14.22.01.05A states that the judge shall document the reason or reasons for imposing a sentence outside of the recommended guidelines range.

MSCCSP Background

The Maryland General Assembly created the MSCCSP in May 1999, after a study commission (the Maryland Commission on Criminal Sentencing Policy) recommended creating a permanent commission in its final report to the General Assembly. The MSCCSP assumed the functions of the Sentencing Guidelines Advisory Board of the Judicial Conference, initially established in 1979 to develop and implement Maryland's sentencing guidelines. The General Assembly created the MSCCSP to oversee sentencing policy and to maintain and monitor the State's voluntary sentencing guidelines. CP, § 6-202 sets out six goals for the MSCCSP, stating "[t]he General Assembly intends that:

- (1) sentencing should be fair and proportional and that sentencing policies should reduce unwarranted disparity, including any racial disparity, in sentences for criminals who have committed similar crimes and have similar criminal histories;
- (2) sentencing policies should help citizens to understand how long a criminal will be confined;
- (3) sentencing policies should preserve meaningful judicial discretion and sufficient flexibility to allow individualized sentences;
- (4) sentencing guidelines be voluntary;
- (5) the priority for the capacity and use of correctional facilities should be the confinement of violent and career criminals;
- (6) sentencing judges in the State should be able to impose the most appropriate criminal penalties, including corrections options programs for appropriate criminals."

The General Assembly designed and authorized the MSCCSP with the purpose of fulfilling the above legislative intentions. The General Assembly authorized the MSCCSP to “adopt existing sentencing guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for defendants who plead guilty or nolo contendere to, or who were found guilty of crimes in a circuit court” (1999 Md. Laws, Chap. 648). The MSCCSP also has authority to “adopt guidelines to identify defendants who would be appropriate for participation in corrections options programs” (1999 Md. Laws, Chap. 648). The sentencing court is to consider these guidelines in selecting either the guidelines sentence for a defendant or sanctions under corrections options.

Pursuant to CP, § 6-210, the MSCCSP collects sentencing guidelines worksheets, monitors sentencing practice, and adopts changes to the sentencing guidelines. The Maryland sentencing guidelines worksheet enables the MSCCSP to collect criminal sentencing data from State and local agencies involved in criminal sentencing to meet these requirements. Criminal justice practitioners complete worksheets electronically for guidelines-eligible criminal cases prosecuted in circuit court to determine the recommended sentencing outcome and to record sentencing data. Appendix B provides a copy of the current Maryland sentencing guidelines worksheet. The courts are expected to review worksheets to confirm that the guidelines reflected on the worksheets were considered in the respective cases (COMAR 14.22.01.03F(4)). The electronic worksheets are completed and submitted via the Maryland Automated Guidelines System (MAGS). The Commission staff is responsible for monitoring all data collected within the sentencing guidelines worksheets. Data collected by the Commission permit analyses of sentencing trends with respect to compliance with the guidelines, particular offenses, specific types of offenders, and geographic variations. The MSCCSP uses the guidelines data to monitor circuit court sentencing practices and when necessary, to adopt changes to the guidelines consistent with legislative intent.

The Commission’s enabling legislation also authorizes the MSCCSP to conduct guidelines training and orientation for criminal justice system participants and other interested parties. Additionally, the MSCCSP administers the guidelines system in consultation with the General Assembly and provides fiscal and statistical information on proposed legislation concerning sentencing and correctional practice.

MSCCSP Structure

The MSCCSP consists of 19 members, including members of the Judiciary, criminal justice practitioners, members of the Maryland Senate and House of Delegates, as well as public representatives.



MSCCSP Chair, The Honorable
Brian L. DeLeonardo

On July 8, 2022, former Governor Lawrence J. Hogan, Jr. appointed the Honorable Brian L. DeLeonardo, Judge, Circuit Court for Carroll County, 5th Judicial Circuit, as the chair of the MSCCSP. Judge DeLeonardo replaced the Honorable Brett R. Wilson, Judge, Circuit Court for Washington County, 4th Judicial Circuit, who served as the MSCCSP chair from September 13, 2019, through July 7, 2022. Other Governor appointees include Kyle E. Scherer, an attorney with Venable LLP, and Lisa M. Spicknall-Horner, Executive Director for Donate Life Maryland, who serve as the two public representatives on the Commission; Chief Douglas DeLeaver, retired, who serves as the representative from law enforcement;

Robert H. Harvey, Jr., State's Attorney for Calvert County, who serves as the representative for the Maryland State's Attorneys' Association; Melinda C. Grenier, Assistant Director for the Community Services Division of the Frederick County Sheriff's Office, who serves as the local correctional facilities representative; Richard A. Finci, a criminal defense attorney, who serves as the representative for the Maryland Criminal Defense Attorneys' Association; Alethea P. Miller, Forensic Interviewer/Victim Advocate for the Harford County State's Attorney's Office, who serves as the victims' advocacy group representative; and Dr. Brian D. Johnson, Professor, University of Maryland Department of Criminology and Criminal Justice (CCJS), who serves as the criminal justice/corrections policy expert.

The Chief Justice of the Supreme Court of Maryland is responsible for three appointments to the Commission. The judicial appointees are the Honorable Melanie M. Shaw, Judge, Court of Special Appeals, 4th Appellate Judicial Circuit, Prince George's County; the Honorable Michelle R. Saunders, Judge, District Court of Maryland, District 4, Calvert County; and the Honorable Shannon E. Avery, Judge, Circuit Court for Baltimore City, 8th Judicial Circuit. Effective September 24, 2022, Judge Shaw replaced the Honorable James P. Salmon, who served as a member of the MSCCSP from September 26, 2014, through September 22, 2022. Effective September 24, 2022, Judge Saunders replaced the Honorable Patrice E. Lewis, who served as a member of the MSCCSP from September 26, 2014, through September 22, 2022.

The President of the Senate is responsible for two appointments: Senators Charles E. Sydnor, III and Christopher R. West. The Speaker of the House is also responsible for two appointments: Delegates David Moon and J. Sandy Bartlett.

Finally, ex-officio members include the State's Attorney General, Anthony G. Brown; the State's Public Defender, Natasha Dartigue; and the Secretary of the Department of Public Safety and Correctional Services (DPSCS), Robert L. Green. Effective July 1, 2022, Natasha Dartigue, Esquire, replaced former State Public Defender, Paul B. DeWolfe, who served as an ex-officio member of the MSCCSP from December 2009 through June 30, 2022. Effective January 3, 2023, Anthony G. Brown, replaced former Attorney General, Brian E. Frosh who served as an ex-officio member of the MSCCSP from January 2015 through January 3, 2023.

Four of the Commissioners participate as members of the Sentencing Guidelines Subcommittee (Guidelines Subcommittee). The Honorable Shannon E. Avery chairs the Guidelines Subcommittee, and the other current members include Robert H. Harvey, Jr., Richard A. Finci, and Senator Charles E. Sydnor, III. Each year, the Guidelines Subcommittee reviews all new and revised offenses created by the General Assembly and provides recommendations to the full Commission for seriousness category classification. Additionally, the Guidelines Subcommittee reviews suggested revisions to the sentencing guidelines and routinely reports to the overall Commission on guidelines compliance data.

The MSCCSP is a state agency within the Executive Branch of Maryland, with its office in College Park. To allow the Commission to benefit from the shared resources of the University of Maryland, the Commission's staff office was established with guidance from the Department of Criminology and Criminal Justice. The University of Maryland connection reinforces the independent status of the Commission by ensuring non-partisan review and analyses of sentencing data. The MSCCSP and University of Maryland's relationship is mutually beneficial. The University provides administrative and information technology support. The MSCCSP employs a graduate research assistant from the University of Maryland to fulfill its policy analyst position. The University benefits from opportunities for graduate research assistants to develop research and practical skills through their experience at the MSCCSP.

Recognition of Prior Commissioners

The MSCCSP would like to recognize several prior Commissioners whose terms concluded in 2022. Two long-standing Commissioners, Judges James P. Salmon and Patrice E. Lewis, began their tenure in 2014 and continued to serve two four-year terms through September 24, 2022. The Commission thanks them for their service and appreciates their thoughtful input, as their participation contributed greatly to a more informed and a fairer sentencing guidelines process. The MSCCSP also wishes to recognize former chair, Judge Brett R. Wilson, former State Public Defender, Paul B. DeWolfe, and former proxy for Attorney General Frosh, Kathleen C. Murphy, whose service concluded in 2022. All prior Commissioners offered invaluable insight and experience which significantly benefited the work and the mission of the MSCCSP.

MSCCSP ACTIVITIES IN 2022

The MSCCSP held six meetings in 2022, on February 7, February 22, May 10, July 12, September 13, and December 6. The February 7, February 22, May 10, and July 12 meetings were held via videoconference, while the September 13 and December 6 meetings were held in person at the Maryland Judicial Center in Annapolis, MD, with some Commissioners attending via Zoom. In addition, the Commission held its annual public comments hearing on December 6. In compliance with the Public Meetings Act, meeting details were published to the MSCCSP website. Additionally, all virtual meetings were livestreamed through the [MSCCSP's YouTube channel](#). The minutes for all Commission meetings are available on the Commission's website (www.msccsp.org).¹ The following discussion provides a review of the Commission's activities in 2022.

Review of New and Amended Offenses Passed During the 2022 Legislative Session

The MSCCSP reviewed new criminal laws from the 2022 Legislative Session to identify new and amended offenses requiring the adoption or modification of seriousness categories. The MSCCSP determines new and revised seriousness categories by reviewing the seriousness categories for similar offenses (i.e., offenses with similar penalties, misdemeanor/felony classification, and crime type) previously classified by the Commission.

New Offenses Passed During the 2022 Legislative Session

The MSCCSP reviewed five new offenses passed during the 2022 Legislative Session and voted for their respective seriousness categories, shown in Table 2, during the July 12 meeting. After promulgating the proposed classifications for the new offenses—except for the cultivation of cannabis offense, which does not take effect until July 1, 2023—through the COMAR review process, the MSCCSP adopted these updates effective November 14, 2022. The COMAR update for the cultivation of cannabis offense is expected to take effect July 1, 2023.

¹ The minutes for the December 6 meeting will be available on the MSCCSP website after the Commission reviews and approves the minutes at its next meeting, scheduled for May 9, 2023.

Table 2. Guidelines Offense and Adopted Seriousness Category Related to New Offenses, 2022 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Statutory Maximum	Adopted Seriousness Category	Offense Type
Chapter 642 (SB0015)	EL, §14-109(c) CR, §9-101 (penalty)	Perjury Perjury—willfully make a false, fraudulent, or misleading statement under oath in a campaign finance report; submit a campaign finance report on behalf of another person without their consent	10Y	IV	Property
Chapter 642 (SB0015)	GP, §5-716(n) CR, §9-101 (penalty)	Perjury Perjury—willfully make a false, fraudulent, or misleading statement under oath in a statement filed by a person providing compensation to a lobbyist; make an electronic submission of a statement required by GP, §5-716 on behalf of another person without their consent	10Y	IV	Property
Chapters 18 and 19 (HB0425/SB0387)	PS, §5-703(c)(1)	Weapons Crimes—In General Purchase, receive, sell, offer to sell, or transfer an unfinished frame or receiver that has not been imprinted with a serial number in compliance with federal laws and regulations (i.e., a “ghost gun”)	5Y	V	Person
Chapters 18 and 19 (HB0425/SB0387)	PS, §5-703(c)(2)	Weapons Crimes—In General Possess a firearm that has not been imprinted with a serial number in compliance with federal laws and regulations	2Y	VI	Person
Chapter 26 (HB0837)	CR, §5-601.2	CDS and Paraphernalia Cannabis cultivation in violation of requirements provided in CR, §5-601.2 ²	3Y	V	Drug

Amended Offenses Passed During the 2022 Legislative Session

In 2022, the offense seriousness category for one offense was modified because of changes made to the offense during the 2022 legislative session. House Bill 837 reduced the penalty for possessing cannabis with the intent to distribute the cannabis in violation of CR, § 5-602(b)(1) (PWID cannabis) and for manufacturing cannabis or possessing production equipment in violation of CR, § 5-603(b), effective January 1, 2023. Previously, a person convicted of PWID cannabis or manufacturing cannabis or possessing production equipment was subject to imprisonment not exceeding 5 years and/or a fine not exceeding \$15,000. House Bill 837 reduced the maximum term of imprisonment from 5 years to 3 years, and the maximum fine from \$15,000 to \$5,000. Given those changes, the MSCCSP voted to change the seriousness

² This offense takes effect July 1, 2023, the same date on which the constitutional amendment legalizing certain cannabis use and possession by individuals 21 years of age or older goes into effect.

category for this offense from IV to V at its July 12 meeting. The proposed revisions were submitted to COMAR in December 2022 for promulgation through the review process, with an expected implementation date of April 1, 2023.

Table 3. Guidelines Offense and Adopted Seriousness Category Related to Amended Offense, 2022 Legislative Session

Legislation	Annotated Code of Maryland	Offense	Prior Stat. Max. / Seriousness Category	New Stat. Max. / Seriousness Category	Offense Type
Chapter 26 (HB0837)	CR, §5-602(b)(1) CR, §5-603(b) CR, §5-607(a)(2) (penalty)	CDS and Paraphernalia Unlawfully possess with the intent to distribute, manufacture, possess production equipment—cannabis	5 years / IV	3 years / V	Drug

Revisions to the Sentencing Matrices for Drug and Property Offenses

The Maryland sentencing guidelines are intended to be primarily descriptive. Descriptive guidelines are those that are informed by analysis of current sentencing practices. They are intended to illustrate to judges how their colleagues are sentencing, on average, for a typical case. This is accomplished by analyzing recent historical sentencing data and using that data to inform or describe the guidelines ranges. The guidelines may be amended when the data indicate that sentences are not consistent with the recommended ranges.

Given the primarily descriptive nature of the guidelines, it is important to examine if sentences are consistent with the current guidelines ranges. Review of compliance with the sentencing guidelines is statutorily required by the Commission's enabling legislation (CP, § 6-209(b)(1)(ii)) and is one of the primary responsibilities of the MSCCSP. The Commission's annual reports provide detailed analyses of compliance with the guidelines by judicial circuit, crime categories, type of disposition, and by offender race, ethnicity, and gender (see the *Judicial Compliance* section of this report, starting at page 55, for a review of these compliance measures for fiscal year 2022). Additionally, the MSCCSP periodically completes a more detailed "cell-by-cell" analysis every three to five years. The cell-by-cell compliance analysis reviews data for

sentences from each of the intersecting grid cells³ of the three matrices to consider whether changes to the guidelines ranges are warranted.

In 2021, the Commission initiated the most recent review of guidelines compliance by matrix cells. This review spanned five Commission meetings and culminated in a vote to approve revisions to the sentencing matrices for drug and property offenses at the Commission's December 7, 2021, business meeting. The intent of the revisions is to reflect more accurately current sentencing practices for these offenses, while also maintaining proportionality across the rows and columns of the sentencing matrices. The [MSCCSP 2021 annual report](#) further details the process of how the Commission completed the cell-by-cell compliance analysis that culminated in the adoption of revisions to the sentencing matrices for drug and property offenses. Table 4 illustrates the prior and current revised guidelines ranges for the sentencing matrix for drug offenses. Table 5 illustrates the prior and current revised guidelines ranges for the sentencing matrix for property offenses. These revisions were adopted effective July 1, 2022. The sentencing guidelines are calculated based on the date of sentencing, so the revised guidelines for the drug and property offenses will be reflected starting with analyses of the fiscal year 2023 (July 1, 2022, through June 30, 2023) data.

³ A "cell" is the grid intersection of an individual's offender score and offense seriousness category (for drug and property offenses) or offense score (for person offenses) within the respective sentencing guidelines matrix.

Table 4. Prior and Revised Guidelines Ranges, Sentencing Matrix for Drug Offenses

Row 1 – Prior guidelines range. Row 2 – Revised guidelines range, effective 7/1/2022.

Offender Score								
Offense Seriousness Category	0	1	2	3	4	5	6	7 or more
VII	P [no change]	P [no change]	P P-1M	P-1M P-3M	P-3M P-4M	P-6M [no change]	3M-6M P-9M	6M-2Y P-1Y
VI	Available for future use. There are currently no seriousness category VI drug offenses.							
V	P-1M [no change]	P-6M P-3M	P-1Y P-4M	1M-1Y P-6M	2M-18M P-9M	3M-2Y P-1Y	4M-3Y 1M-18M	6M-4Y 2M-2Y
IV	P-3M [no change]	P-9M P-4M	1M-1Y P-6M	2M-18M P-9M	3M-2Y P-1Y	4M-2.5Y 1M-18M	6M-3Y 2M-2Y	8M-5Y 3M-3Y
III-A Cannabis import 45 kilograms or more, and MDMA 750 grams or more	P-18M P-6M	P-2Y P-9M	6M-2Y P-18M	1Y-4Y 1M-2Y	2Y-6Y 3M-3Y	3Y-8Y 6M-5Y	4Y-12Y 1Y-6Y	10Y-20Y 2Y-8Y
III-B Non-cannabis and non-MDMA, Except Import	6M-3Y P-9M	1Y-3Y P-18M	18M-4Y 1M-2Y	3Y-7Y 3M-3Y	4Y-8Y 6M-5Y	5Y-10Y 1Y-6Y	7Y-14Y 2Y-8Y	12Y-20Y 4Y-12Y
III-C Non-cannabis and non-MDMA, Import	1Y-4Y P-18M	2Y-5Y 1M-2Y	3Y-6Y 3M-3Y	4Y-7Y 6M-5Y	5Y-8Y 1Y-6Y	6Y-10Y 2Y-8Y	8Y-15Y 4Y-12Y	15Y-25Y 6Y-14Y
II	20Y-24Y 16Y-20Y	22Y-26Y 18Y-22Y	24Y-28Y 20Y-24Y	26Y-30Y 22Y-26Y	28Y-32Y 24Y-28Y	30Y-36Y 26Y-30Y	32Y-37Y 28Y-32Y	35Y-40Y 30Y-36Y

P=Probation, M=Months, Y=Years

Table 5. Prior and Revised Guidelines Ranges, Sentencing Matrix for Property Offenses

Row 1 – Prior guidelines range. **Row 2 – Revised guidelines range, effective 7/1/2022.**

Offender Score								
Offense Seriousness Category	0	1	2	3	4	5	6	7 or more
VII	P-1M P	P-3M [no change]	3M-9M P-6M	6M-1Y P-9M	9M-18M P-1Y	1Y-2Y P-18M	1Y-3Y 1M-2Y	3Y-5Y 6M-2.5Y
VI	P-3M [no change]	P-6M [no change]	3M-1Y P-9M	6M-2Y P-1Y	1Y-3Y P-18M	2Y-5Y 1M-2Y	3Y-6Y 3M-3Y	5Y-10Y 9M-5Y
V	P-6M [no change]	P-1Y P-9M	3M-2Y P-1Y	1Y-3Y P-18M	18M-5Y 1M-2Y	3Y-7Y 3M-3Y	4Y-8Y 6M-5Y	8Y-15Y 1Y-6Y
IV	P-1Y P-9M	3M-2Y P-1Y	6M-3Y P-18M	1Y-4Y 1M-2Y	18M-7Y 3M-3Y	3Y-8Y 6M-5Y	5Y-12Y 9M-6Y	10Y-20Y 18M-8Y
III	P-2Y P-1Y	6M-3Y P-18M	9M-5Y 1M-2Y	1Y-5Y 3M-3Y	2Y-8Y 6M-5Y	3Y-10Y 9M-6Y	7Y-15Y 1Y-8Y	15Y-30Y 2Y-9Y
II	2Y-5Y 1Y-3Y	3Y-7Y 18M-4Y	5Y-8Y 2Y-5Y	5Y-10Y 3Y-7Y	8Y-15Y 5Y-8Y	10Y-18Y 5Y-10Y	12Y-20Y 7Y-12Y	15Y-40Y 8Y-15Y

P=Probation, M=Months, Y=Years

Adopted Reclassification of Sex Offense, 3rd Degree, Involving Age-Based Elements

Prior to 2007, all acts defined as *Sex offense, 3rd degree*, pursuant to CR, § 3-307, were classified by the MSCCSP as seriousness category V person offenses, with no distinction for the different subsections of the statute. Based on feedback from practitioners who expressed concern that the guidelines for *Sex offense, 3rd degree*, were too low and an analysis of the sentencing guidelines data, the MSCCSP voted in 2006 to increase the seriousness category classification for violations of CR, §§ 3-307(a)(1) and 3-307(a)(2), *Sex offense, 3rd degree, employ or display a dangerous weapon, etc., or with mentally defective, mentally incapacitated, or physically helpless individual*, from a seriousness category V to a seriousness category IV offense. *Sex offense, 3rd degree, involving age-based elements*, pursuant to CR, §§ 3-307(a)(3), 3-307(a)(4), and 3-307(a)(5), remained a seriousness category V offense.

In recent years, the MSCCSP staff has received feedback from multiple practitioners suggesting that the seriousness category classification for *Sex offense, 3rd degree, involving age-based elements*, was too low. In the Commission's 2020 Criminal Justice Community Survey, practitioners were asked specifically what if anything they would change about the guidelines, for instance if the guidelines for any offenses are too low or too high. Multiple respondents indicated that the guidelines for sex offenses are too low.

In response to these concerns, the MSCCSP analyzed in 2021 sentencing data for single-count sentencing events, sentenced in calendar years 2018 through 2020, involving *Sex offense, 3rd degree, involving age-based elements*, and identified it as the offense with the highest rate of sentencing departures above the guidelines. In calendar years 2018 through 2020, approximately 81.3% of sentences for single-count sentencing events involving *Sex offense, 3rd degree, involving age-based elements*, were within the guidelines; approximately 0.9% of sentences were departures below the guidelines; and approximately 17.8% of sentences were departures above the guidelines.

Given the aforementioned factors, the MSCCSP voted at its September 14, 2021, meeting to reclassify *Sex offense, 3rd degree, involving age-based elements*, from a seriousness category V to a seriousness category IV offense. After promulgating the proposed revisions through the COMAR review process, the MSCCSP adopted the revised classification effective February 1, 2022.

Offense Type Reclassification for Arson, 1st Degree

The MSCCSP reclassified *Arson 1st degree* stemming from a concern raised in MSCCSP's November 10, 2021, meeting in response to then-proposed revisions to the sentencing matrix for property offenses that went into effect July 1, 2022. The proposed revisions had reduced the guidelines for most cells in the property matrix, and the MSCCSP representative for the Maryland Office of the Attorney General, Ms. Kathleen Murphy, suggested that the revisions would impact some more serious but less common offenses. She requested that the MSCCSP review those sentences for less common, serious property offenses. Because these offenses are less common, their sentences had less impact on the data used to develop the revised ranges. Therefore, the MSCCSP decided to separately examine their average sentences and compliance rates to determine if they warrant reclassification. The Guidelines Subcommittee reviewed data for seriousness category III property offenses at its April 25, 2022, meeting, identifying unique patterns in *Arson 1st degree* sentences compared to other category III

property offenses. Based on its review, the Guidelines Subcommittee voted to recommend to the Commission that *Arson, 1st degree*, be reclassified from a property to a person offense.

Criminal Law Article (CR), § 6-102, *Arson, 1st degree*, prohibits an individual from willfully and maliciously setting fire to or burning (1) a dwelling or (2) a structure in or on which an individual who is not a participant is present. The latter act, by definition, involves a person, while the former may or may not involve a person. *Arson, 1st degree*, is currently classified by the MSCCSP as a seriousness category III property offense. It carries a statutory maximum of 30 years and/or a fine not exceeding \$50,000. *Arson, 1st degree*, is presently the only crime of violence, as defined in Criminal Law Article (CR), § 14-101, that is not classified by the MSCCSP as a person offense.

Three primary points emerged from the MSCCSP's review of *Arson, 1st degree*. One, as noted, *Arson, 1st degree*, is a crime of violence, and it is the only crime of violence not presently classified as a person offense. Two, *Arson, 1st degree*, poses substantial risk of harm to any inhabitants as well as first responders. Three, the statutory distinction between *Arson, 1st degree*, and *Arson 2nd degree*, clearly contemplates the greater risk to humans involved in *Arson, 1st degree*, versus *Arson 2nd degree*.⁴ For these reasons, the MSCCSP voted at its May 10, 2022, meeting to reclassify *Arson, 1st degree*, from a seriousness category III property offense to a seriousness category III person offense. After promulgating the proposed revisions through the COMAR review process, the MSCCSP adopted the revised classification effective October 1, 2022.

Continued Review of Guidelines Compliance and Offender and Offense Scores by Race/Ethnicity

One of the primary goals of the MSCCSP, as provided in its statement of intent (CP, § 6-202), is that sentencing should be fair and proportional and that sentencing policies should reduce unwarranted disparity, including any racial disparity, in sentences for defendants who have committed similar crimes and have similar criminal histories. To this end, the MSCCSP began in 2021 a review of offender and offense score characteristics by race/ethnicity for guidelines defendants sentenced in Maryland circuit courts. The MSCCSP staff completed in 2021 a preliminary review of sentencing guidelines worksheet data, by race, ethnicity, and gender, for guidelines-eligible defendants sentenced in circuit courts from calendar years 2018 through

⁴ CR, § 6-103, *Arson, 2nd degree*, prohibits a person from willfully and maliciously setting fire to or burning a structure that belongs to the person or to another.

2020. The preliminary results of these analyses were presented to the MSCCSP at its December 7, 2021, meeting and were presented to the Judiciary's Equal Justice Committee (EJC) Sentencing Subcommittee on January 25, 2022. The results included analyses examining by race/ethnicity and gender sentencing guidelines compliance and offender and offense score characteristics. Based on these results, the MSCCSP identified additional analyses for future review, including an analysis of sentencing guidelines compliance by disposition type and race/ethnicity; an analysis, by race/ethnicity, of sentencing for offenses that involve mandatory minimum sentences; and an analysis, by race/ethnicity of the offenses that compose guidelines-eligible defendants' prior record scores. The staff continued work on these analyses in 2022.

During their review of the fiscal year 2023 MSCCSP budget in early 2022, an analyst from the Department of Legislative Services (DLS) recommended, and the legislative budget committees agreed, that the MSCCSP "develop a plan for studying the extent to which racial bias is present in sentences assigned through Maryland courts."⁵ In response to this request, the Commission submitted to the DLS in July 2022 a proposed plan to examine racial disparities in sentencing, which will include the results of the preliminary review of racial disparities and the additional analyses. The Commission anticipates submitting the final report on racial disparities in sentencing to the DLS by July 15, 2023.

Adopted Revisions to the Instructions for Scoring the Juvenile Delinquency Component of the Offender Score

In 2022, an investigator with the Maryland Division of Parole and Probation contacted the MSCCSP staff to inquire about an inconsistency in the scoring of the prior juvenile versus adult criminal record, parts B and C, respectively, of the offender score. Per the Maryland Sentencing Guidelines Manual (MSGM) (Version 14.0, Chapter 7.1.C.iv), Part B of the offender score, juvenile delinquency, instructs that points shall be scored for offenders younger than 23 years old with findings of a delinquent act within five years of the date of the most recent instant offense. When determining the number of findings of delinquency, the instructions state that only one finding of a delinquent act (i.e., finding of facts sustained at an adjudicatory hearing) should be counted for a single adjudicatory hearing. Further, when the defense or State can show that a finding of a delinquent act did not result in the youth's adjudication as delinquent at a juvenile disposition hearing, the finding of a delinquent act shall not be scored as a part of the juvenile record.

⁵ The full recommendation may be found [here](#).

In contrast, when calculating the prior adult criminal record, the MSGM provides an additional instruction, stating that the prior adult criminal record shall not include "adjudications based on acts that are no longer crimes" (MSGM, Chapter 7.1.C.iv). This same exclusion did not apply to the scoring of juvenile delinquency. Therefore, a defendant who committed a delinquent act involving a subsequently decriminalized offense (e.g., the possession of marijuana paraphernalia) would have the offense scored against them, while a defendant who committed the same decriminalized offense as an adult would not have the offense scored against them.

The MSCCSP staff brought this issue to the attention of the MSCCSP at its May 10, 2022, meeting. The MSCCSP concluded that there is no reason for treating the scoring of juvenile delinquency differently from the scoring of the prior adult criminal record with respect to adjudications based on acts that have been subsequently decriminalized. The MSCCSP voted at its May 10, 2022, meeting to adopt language providing the additional instruction that the juvenile delinquency record may not include adjudications based on acts that are no longer crimes. This revision is consistent with the instructions for scoring part C of the offender score, prior adult criminal record. After promulgating the proposed revisions through the COMAR review process, the MSCCSP adopted the revised scoring instructions effective October 1, 2022.

Adopted Revisions to the Instructions for the Collection of Guidelines Worksheets for Reconsiderations/Modifications and Three-Judge Panel Reviews

House Bill (HB) 1143 (Chapter 559, 2002) created Criminal Procedure Article (CP), § 6-209(b)(1)(iii) and CP, § 6-209(b)(1)(iv) which provide that the Commission's annual report "shall...(iii) review reductions or increases in original sentences that have occurred because of reconsiderations of sentences imposed under § 14-101 of the Criminal Law Article; and (iv) categorize information on the number of reconsiderations of sentences by crimes as listed in § 14-101(a) of the Criminal Law Article and by judicial circuit." As such, the MSCCSP previously received sentencing guidelines worksheets for two types of cases involving non-original sentencing events: (1) reconsiderations involving crimes of violence if an adjustment is made to the active sentence (i.e., period of incarceration), and (2) three-judge panel reviews if an adjustment is made to the active sentence. In recent years, numerous practitioners have contacted the MSCCSP with questions concerning the guidelines-eligibility of non-original sentencing events.

To provide consistency in the collection of worksheets for non-original sentencing events and to provide greater clarity on the various sentencing events that are considered eligible reconsiderations, at its July 12, 2022, meeting, the Commission agreed to modify the worksheet collection protocol for non-original sentencing events. Specifically, the Commission determined that the collection of worksheets for three-judge panel reviews shall be limited to those involving a crime of violence (as defined in § 14-101 of the Criminal Law Article). This change provides consistency with the worksheet collection protocol and reporting requirements for reconsiderations. Additionally, the MSCCSP clarified the term *reconsideration*, by including the more universally recognized term *modification* and specifying that guidelines-eligible reconsiderations/modifications include sentence adjustments imposed pursuant to Maryland Rule 4-345 or a Health General Article (HG), § 8-507 order. After promulgating the proposed revisions through the COMAR review process, the MSCCSP adopted these revised instructions regarding the collection of guidelines worksheets for reconsiderations/modifications and three-judge panel reviews effective November 14, 2022.

Clarified the Definition of “Explosive” as it Pertains to the Assignment of Weapon Presence Points in Part C of the Offense Score

The MSCCSP staff have received multiple questions from practitioners regarding the definition of “explosive” as it pertains to the assignment of weapon presence points in part C of the offense score. Specifically, practitioners have questioned whether the presence of items designed to start a fire would constitute an explosive. For instance, if an offender attempts to set fire to a person by using gasoline and a lighter, would that be considered an explosive for the purposes of applying two points for weapon presence?

The MSGM (Chapter 6.1.C) defines weapon presence as “the presence of an article or device which reasonably appears capable of causing injury or the presence of an article that could result in conviction under CR, § 4-101.” The instructions prior to Version 14.2 of the MSGM provided that “explosives are considered the same as firearms,” and “[w]eapons other than firearms include incendiaries.” Based on these instructions, the presence of gasoline and a lighter to set fire to a person may be considered an incendiary, which would equate to one point for weapon presence. However, given that the MSGM did not further define explosive or reference this specific scenario, the staff instructed practitioners that it is ultimately at the judge’s discretion as to whether one or two points should be awarded.

The staff brought this issue to the attention of the Commission at its July 12, 2022, meeting. Given the uncertainty among practitioners, the MSCCSP voted to adopt language in the MSGM

and COMAR to clarify the definition of weapon presence and explosive. The new language references the definitions of explosive and incendiary materials provided in CR, § 4-501 and, additionally, adds to the list of other weapons toxic materials (which are also defined in CR, § 4-501). After promulgating the proposed revisions through the COMAR review process, the MSCCSP adopted the clarified definition effective November 14, 2022.

Proposed Amendments Clarifying the Definition of “Single Criminal Event”

Presently, the MSGM provides limited guidance about how to define a single criminal event. The MSCCSP staff has fielded multiple questions as to whether specific scenarios qualify as a single or multiple criminal event so the staff investigated whether better guidance could be provided in the MSGM. The sentencing guidelines are calculated at the sentencing event level, based on the recommended overall guidelines range for each criminal event that is being sentenced together by one judge on the same day. Therefore, the definition of a “single criminal event,” versus a “multiple criminal event,” impacts the sentencing guidelines because when there are multiple criminal events in a sentencing event, the overall guidelines ranges for each criminal event are summed to calculate the overall guidelines range for the sentencing event (see the MSGM, Chapter 9, for additional details on calculating the overall guidelines range for multiple offense sentencing events).

The MSCCSP identified a 2022 Supreme Court opinion (*Wooden v. United States*, 142 S. Ct. 1063), that provides relevant guidance as to what constitutes a single criminal event. The case involved ten burglaries and the Court addressed what constituted a single criminal “occasion,” which is identical to the MSCCSP’s concept of a single criminal event. Drawing on guidance provided by the *Wooden* opinion, the Commission voted at its September 13, 2022, meeting to add clarifying language to the definition of a single criminal event to read,

“In determining whether multiple crimes are committed in the course of the same transaction, the person filling out the guidelines worksheet shall consider whether the crimes: (1) are committed close in time, in an uninterrupted course of conduct; (2) occur in the same location; and (3) are similar in nature or intertwined (for example, whether they share a common scheme or purpose).” (MSGM, Chapter 2 and Chapter 3.2).

The revised definition does not alter the current guidelines rules. Rather, the revisions provide further guidance to practitioners when determining whether multiple crimes were committed during the course of the same transaction. The proposed revisions were submitted in September 2022 for promulgation through the COMAR review process, with an expected implementation date of February 1, 2023.

Revisions to the Sentencing Guidelines Worksheet

In November 2022, the MSCCSP deployed Version 11.0 of the Maryland Sentencing Guidelines Worksheet. Version 11.0 implemented the following changes: (1) The former “Reconsideration (COVs Only) or 3-Judge Review” field on the sentencing guidelines worksheet was replaced with “Modification to COV Sentences Only (if applicable)”; and (2) If the sentencing event involves a modification to a crime of violence (as defined in CR, §14-101), one of the following modification types must be selected and will, then, display on the sentencing guidelines worksheet:

- Pursuant to Maryland Rule 4-345
- HG, § 8-507 order
- Three-Judge Panel Review.

Training and Education

The MSCCSP provides sentencing guidelines and MAGS training to promote the consistent application of the guidelines and accurate completion of the sentencing guidelines worksheet. Guidelines trainings provide a comprehensive overview of the sentencing guidelines calculation process, instructions for calculating the offender and offense scores, advice for avoiding common mistakes/omissions, several examples of more complicated sentencing guidelines scenarios, and a demonstration of the Guidelines Calculator Tool (GLCT). The majority of 2022 guidelines trainings and MAGS orientations were conducted remotely through interactive online webinars, allowing the MSCCSP to reach a broader audience in terms of the total number of individuals who can view and/or participate in the online training sessions.

In addition to the general trainings that provide an overview of the guidelines and guidelines calculation process, several of the trainings in 2022 included a specific emphasis on the July 1 amendments to the drug and property matrices. In advance of this significant update, the MSCCSP targeted all the various criminal justice practitioner groups and completed five webinars related to this topic. Furthermore, in an effort to meet the MSCCSP’s goal of promoting the accurate completion of the sentencing guidelines worksheet, sentencing

guidelines and MAGS orientation is provided annually to circuit court law clerks throughout the State, as they play a pivotal role in the guidelines worksheet completion process. As such, two webinars were completed for law clerks and other judicial court staff in early winter and late fall of 2022.

In total, the MSCCSP provided 14 guidelines training sessions in 2022 that were attended by approximately 425 participants, including circuit court judges, judicial staff, prosecutors, public defenders, Parole and Probation agents, and private defense attorneys. To allow for practitioners to view the trainings on demand, recordings of all completed webinars are uploaded to the MSCCSP's [training page](#) and [YouTube channel](#).

This past year, the MSCCSP Executive Director, Dr. David Soulé, met with the circuit court judges and/or judicial court staff in 14 of Maryland's 24 jurisdictions (Allegany, Anne Arundel, Caroline, Carroll, Cecil, Dorchester, Howard, Kent, Queen Anne's, Somerset, St. Mary's, Talbot, Wicomico, and Worcester Counties). The meetings provided an opportunity to review sentencing guidelines-related data with the individual jurisdictions, offer status reports on guidelines worksheet submission rates, and receive feedback from the judges on areas of interest or concern regarding the guidelines and the activities of the MSCCSP.

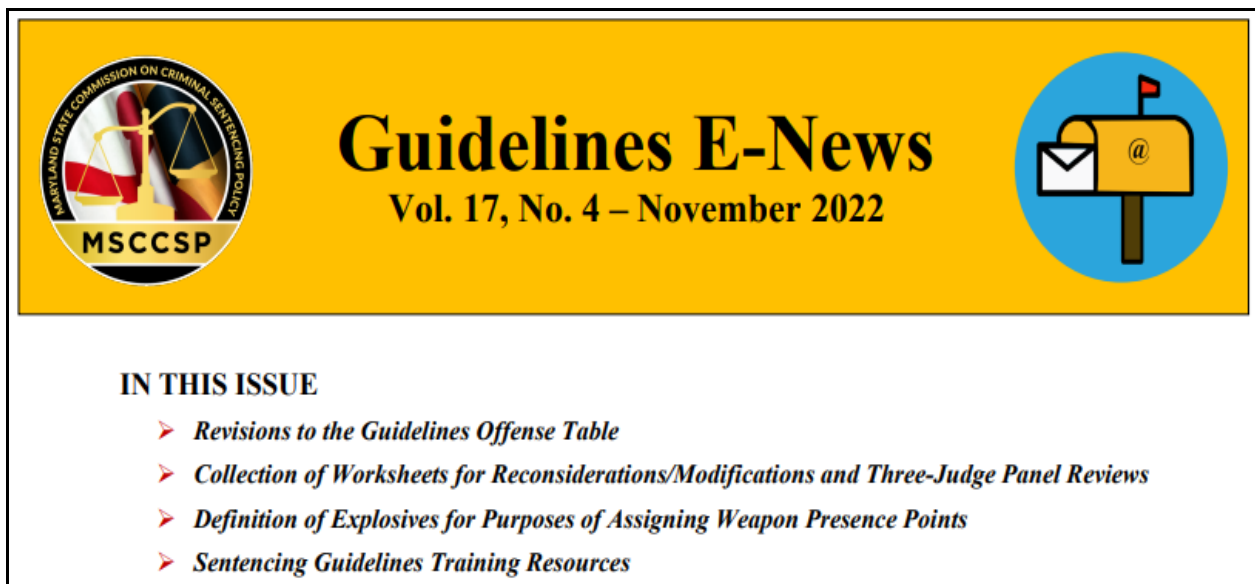
The MSCCSP released four updates to the MSGM in 2022. MSGM 13.3 (released February 1, 2022) includes revisions to the Guidelines Offense Table. MSGM 14.0 (released July 1, 2022) includes revisions to the sentencing matrices for drug and property offenses, as well as directions for how to account for the revisions to the guidelines ranges in MAGS and the GLCT. MSGM 14.1 (released on October 1, 2022) includes clarified instructions for scoring the juvenile delinquency portion of the offender score, an offense type reclassification for *Arson 1st degree*, and the addition of MAGS offense entries for child abuse violations that occurred prior to October 1, 2003. MSGM 14.2 (released November 14, 2022) includes several revisions to the Guidelines Offense Table to reflect the classification of new offenses passed during the 2022 Legislative Session, revisions regarding the collection of worksheets for reconsiderations/modifications and three-judge panel reviews, a definition of explosives for the purposes of assigning weapon presence points, and a reference to sentencing guidelines training resources.

In addition to providing training and education programs, the MSCCSP staff is available via phone (301-403-4165) and e-mail (mcccsp@umd.edu) from 9 a.m. to 5 p.m., Monday through Friday, to provide prompt responses to any questions or concerns regarding the sentencing

guidelines or the use of MAGS. The MSCCSP staff regularly responds to questions regarding the guidelines via phone and e-mail. Typically, these questions originate from individuals responsible for completing the guidelines worksheets (i.e., Parole and Probation agents, prosecutors, defense attorneys, and law clerks). Common requests include assistance locating a specific offense and its respective seriousness category within the Guidelines Offense Table, clarification on the rules for calculating an offender's prior adult criminal record score, and/or guidance with accessing or navigating MAGS.

In 2022, the MSCCSP continued to deliver timely notice of guidelines-relevant information via the dissemination of the [Guidelines E-News](#). The *Guidelines E-News* (see Image 1) is a periodic newsletter delivered electronically to criminal justice practitioners throughout Maryland. The *Guidelines E-News* provides notification regarding changes to the guidelines and serves as an information source on sentencing policy decisions. For example, the [November 2022 edition](#) highlighted several revisions to the Guidelines Offense Table to reflect the classification of new offenses passed during the 2022 Legislative Session; revisions regarding the collection of worksheets for reconsiderations/modifications and three-judge panel reviews; a definition of explosives for the purposes of assigning weapon presence points; and a reference to sentencing guidelines training resources.

Image 1. Guidelines E-News, Vol.17, Issue No. 4



Information, Data Requests, and Outreach

The MSCCSP strives to be a valuable resource for both our criminal justice partners and others interested in sentencing policy. To aid public understanding of the sentencing process in Maryland, the MSCCSP responds to inquiries for information related to sentencing in the State's circuit courts. In 2022, the Commission responded to approximately 25 requests for data and/or specific information related to the sentencing guidelines and sentencing trends throughout the State. A variety of individuals, including legislators/legislative staff, judges/court staff, prosecutors, defense attorneys, Parole and Probation agents, victims and their family members, defendants and their family members, faculty/students of law and criminal justice, and media personnel submit requests for information and/or data. To respond to data requests, the MSCCSP typically provides the requester an electronic data file created from the information collected on the sentencing guidelines worksheets.

In 2022, the MSCCSP provided sentencing information and/or data to several committees/agencies including, but not limited to, the Office of the Public Defender, the Maryland Department of Legislative Services, the Frederick County State's Attorneys' Office, American University, the University of Baltimore, the University of Maryland, the Institute for Innovation and Implementation, and multiple private criminal defense attorneys.

Additionally, the MSCCSP published two issues of the [Sentencing Snapshot](#) in 2022. The *Sentencing Snapshot* is a series of topical mini-reports. The MSCCSP hopes these mini-reports will help aid the public's understanding of sentencing policy and practices. Additionally, the MSCCSP completes an annual topical report titled, [Maryland Sentencing Guidelines Compliance and Average Sentence for the Most Common Person, Drug, and Property Offenses](#). This report summarizes sentencing guidelines compliance and average sentence for the five most common single count offenses in each crime category (person, drug, and property). Both the *Sentencing Snapshot* and the common offense report are available on the MSCCSP website. Appendix C provides an abbreviated version of the common offense report.

The Commission also responds to the Maryland Department of Legislative Services' requests for information to help produce fiscal estimate worksheets for sentencing-related legislation. This is an annual task performed while the General Assembly is in session. In 2022, the Commission provided information for 100 bills that proposed modifications to criminal penalties or sentencing/correctional policies in the State.

Finally, the MSCCSP conducts outreach with other criminal justice stakeholders to provide updates about the activities completed by the Commission and to exchange information, ideas, and experiences on issues related to sentencing policies, guidelines, and other criminal justice related activities. On January 12, 2022, the MSCCSP Executive Director, Dr. Soulé, presented information on sentencing guidelines and the data collected by the MSCCSP for the Maryland House of Delegate's Judicial Transparency Workgroup. On January 25, 2022, Dr. Soulé presented a summary of circuit court sentencing trends for the Maryland Judiciary's Equal Justice Committee Sentencing Subcommittee.

Data Collection, Oversight, and Verification

The MSCCSP staff is responsible for compiling and maintaining the Maryland sentencing guidelines database, which contains data from guidelines worksheets submitted via MAGS, as well as data previously submitted via paper sentencing guidelines worksheets. The MSCCSP staff conducts periodic reviews of the guidelines worksheets. The staff verifies accurate completion of the worksheets to reduce the likelihood of repeated mistakes, and contacts individuals who prepared inaccurate worksheets to discuss detected errors. When possible, the MSCCSP staff resolves detected errors.

Each year, the staff spends considerable time checking and cleaning the data maintained within the Maryland sentencing guidelines database to maximize the accuracy of the data. These data verification activities involve identifying cases in the database with characteristics likely to have resulted from data entry error (e.g., sentence outliers), reviewing the sentencing guidelines worksheets for these cases, and, when necessary, making corrections to the records in the database. The MSCCSP staff also routinely verifies key variables through the Maryland Judiciary Case Search website and the Maryland Electronic Courts system (MDEC). Finally, the MSCCSP staff regularly verifies and updates the database containing the guidelines offenses. Checking and updating the data on a regular basis throughout the year allow for increased confidence in the accuracy of the data and permit more reliable offense-specific analyses of the data.

Maryland Automated Guidelines System (MAGS)

MAGS is a web-based application that permits completion and submission of sentencing guidelines worksheets. MAGS calculates the appropriate sentencing guidelines range based on the offense and offender characteristics. The automated system was designed to mimic the flow of the paper guidelines worksheet. The State's Attorney's Office, Office of the Attorney General,

Office of the Maryland State Prosecutor, or a Parole and Probation agent initiates the worksheet in MAGS. Defense attorneys can view, but not edit the initiated worksheet. MAGS creates a printable PDF of the sentencing guidelines worksheet that can be presented at sentencing. The sentencing judge or his/her designee enters the appropriate sentence information and then electronically submits the completed worksheet and provides a copy to the Clerk's Office for distribution. MAGS provides many benefits in comparison to the paper worksheet process, including the following: simplification of sentencing guidelines calculation, reduction in sentencing guidelines calculation errors, improvement in the accuracy and completeness of data, more timely and accurate assessment of sentencing policy and practice, and offering a mechanism to monitor completion and submission of guidelines worksheets. MAGS users are encouraged to contact the MSCCSP staff with questions, feedback, or suggestions by phone (301-403-4165) or e-mail (mcccsp@umd.edu).

MAGS was first deployed as a pilot project in the Montgomery County Circuit Court in April 2012. Effective January 27, 2014, the Conference of Circuit Judges (CCJ) approved the permanent adoption of MAGS through a gradual roll-out on a jurisdiction-by-jurisdiction basis. Effective October 1, 2019, MAGS is available for use in all 24 circuit courts. Appendix F provides a MAGS deployment schedule. MAGS is accessible from the MSCCSP website at: www.mcccsp.org/MAGS (see Image 2).

Image 2. MAGS Page of MSCCSP Website



The key tasks completed in 2022 to continue the development and deployment of MAGS are summarized below.

June 1, 2022: In accordance with the July 1, 2022, effective date, MAGS and the GLCT were reprogrammed to account for the revisions to the sentencing drug and property matrices. Effective June 1, 2022, an alert message populates when calculating guidelines for an offense seriousness category and offender score combination whose guidelines range was revised

effective July 1. Practitioners select whether the sentence date will take place on or after July 1, 2022, and the guidelines are calculated accordingly. If the original date of sentencing was adjusted, the guidelines are automatically updated to correspond to those in effect based on the sentencing date entered on the *GLS/Overall Sentence* tab.

October 1, 2022: In response to practitioner requests, three offense entries for child abuse violations occurring prior to October 1, 2003, were added to the MAGS offense table. Prior to October 1, 2003, the maximum penalty for *Child abuse-physical* and *Child abuse-sexual* was 15 years. Effective October 1, 2003, House Bill 588 established child abuse in the first and second degrees, and increased the penalties for *Child abuse-physical, 1st degree* and *Child abuse-sexual* from 15 years to 25 years. To accommodate worksheets for current sentencing events involving child abuse violations that occurred prior to October 1, 2003, when the statutory maximum was 15 years, three offense entries, shown in Table 6, were added to the offense table in MAGS.

Table 6. New Offense Selections for Child Abuse Violations Occurring Prior to 10/01/2003

Annotated Code of Maryland	Offense	Statutory Maximum	Offense Type	Seriousness Category
27, §35C(b)(1)	Child Abuse - General (OFFENSE DATE prior to 10/1/03; analogous to Child Abuse-Physical, 1st degree)	15Y	Person	II
27, §35C(b)(1)	Child Abuse - General (OFFENSE DATE prior to 10/1/03; analogous to Child Abuse-Sexual)	15Y	Person	II
27, §35C(b)(1)	Child Abuse - General (OFFENSE DATE prior to 10/1/03; analogous to Child Abuse-Physical, 2nd degree)	15Y	Person	IV

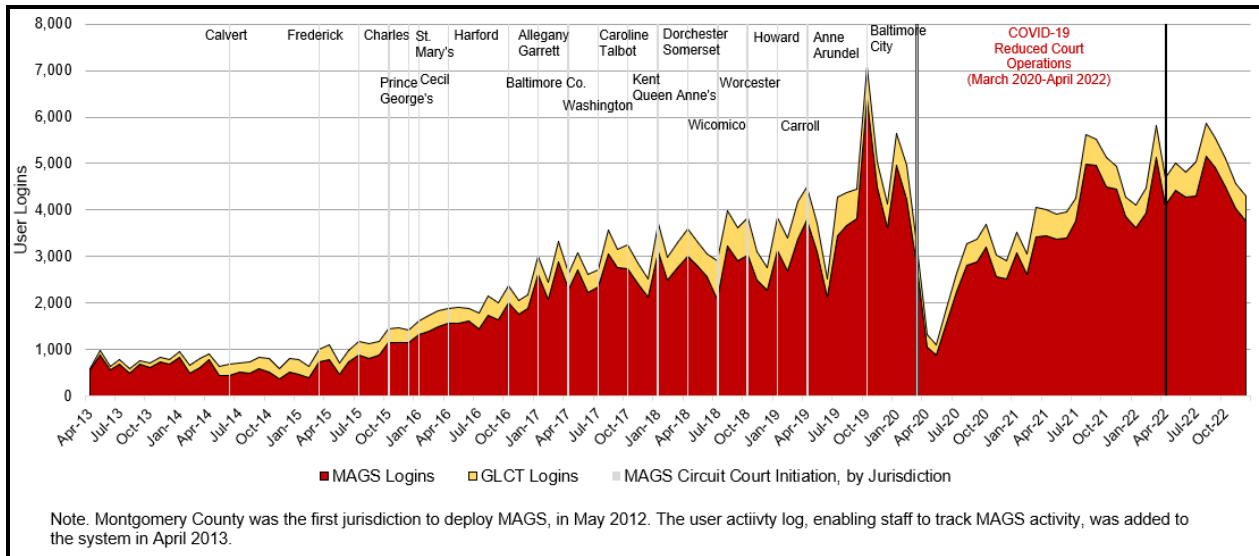
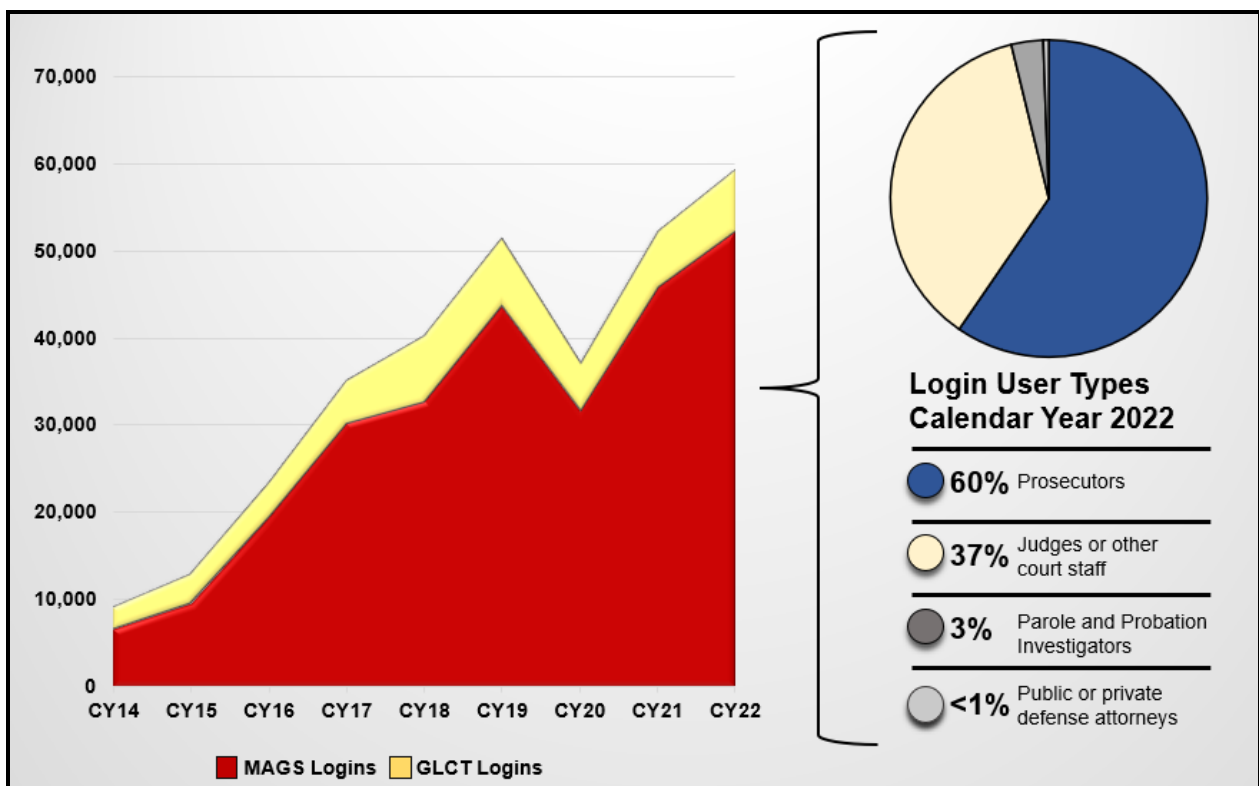
November 14, 2022: The MSCCSP released an updated version of MAGS (11.0) for immediate use. The following is a summary of the most significant changes to MAGS 11.0:

- Effective November 14, 2022, the former “Reconsideration (COVs Only) or 3-Judge Review” field on the GLS/Overall Sentence tab has been replaced with two new fields. **These fields become mandatory only if the sentencing event involves a crime of violence as defined in CR, § 14-101.** The first field asks “*Is this sentencing event the original sentencing event or a modification to a crime of violence sentence?*” Users will

then select “Original Sentencing Event” or “Modification to Crime of Violence Sentence” from the drop-down menu.

- If the user selects “Original Sentencing Event” in response to the first field, the second field labeled “Modification to Crimes of Violence Sentences” will remain disabled and no further action pertaining to these two new fields will be necessary.
- If the user selects that the sentencing event is a modification to a crime of violence in response to the first field, the “*Modification to Crime of Violence Sentences*” field will then become enabled and the user will select one of the following modifications from the drop-down menu:
 - Pursuant to Maryland Rule 4-345
 - HG, § 8-507 order
 - Three-Judge Panel Review
- Given Prince George’s County’s recent deployment to MDEC, as of November 14, 2022, the Case # field for Prince George’s County cases will pre-populate with the “C16CR” MDEC prefix. Case numbers that are assigned using the MDEC format should be entered into MAGS using the following format:
 - CJJCRY######
 - Where JJ= 2-digit jurisdiction code,
 - And YY= filing year.

In calendar year 2022, there were approximately 52,000 MAGS user logins, an increase of 14% from calendar year 2021 (see Figures 1 and 2). The majority (97%) of the user logins in calendar year 2022 originated from either prosecutors or the circuit courts. Additionally, the GLCT was accessed approximately 7,000 times in calendar year 2022, an 11% percent increase from calendar year 2021.

Figure 1. MAGS and GLCT User Logins, April 2013 through December 2022**Figure 2. MAGS User Logins, by User Type, Calendar Years 2014 through 2022**

The GLCT (see Image 3) is a stand-alone tool that anyone can use to calculate sample sentencing guidelines. The GLCT does not require login information, nor does it save or store any of the entered information. Figure 1 indicates that, though the statewide deployment of MAGS was completed in October 2019, the GLCT is still frequently utilized.

Image 3. Guidelines Calculator Tool (GLCT)

Event #	Count	Offense Description	Guidelines	Case #	Select
1	1	CDS Possession - Cocaine, 1st offense (SENTENCE DATE on/after 10/1/17)	P to 4M	C14CR21001145	
1	2	Misdemeanor theft or theft scheme, at least \$100 but less than \$1,500, 1st offense (SENTENCE DATE on/after 10/1/17)	P to 6M	C14CR21001145	

Overall Guidelines Range: P To 6M

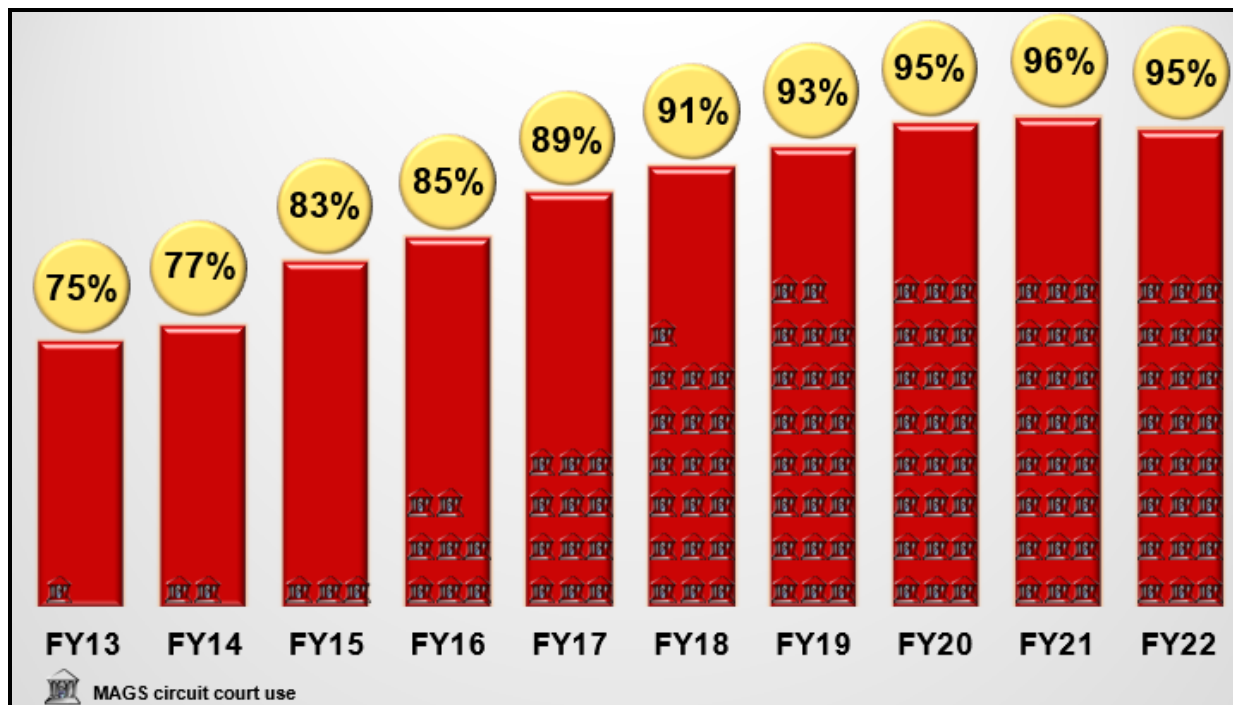
To aid in guidelines worksheet submission, in 2014 the MSCCSP staff began working with various State agencies to identify all guidelines-eligible cases sentenced in circuit courts, match these cases to guidelines worksheets received by the MSCCSP, and provide feedback regarding worksheet submission rates to individual jurisdictions. Each month, the AOC sends the MSCCSP a dataset containing limited case-level information for all guidelines-eligible cases sentenced in circuit courts during the previous month.⁶ The Prince George's County Circuit Court (prior to deployment of the MDEC system in October 2022) also sent to the MSCCSP monthly datasets containing case-level information for all guidelines-eligible cases sentenced in Prince George's County. MSCCSP staff links these datasets to data containing case-level information for all guidelines worksheets received by the MSCCSP. Using this data, MSCCSP staff calculates worksheet submission rates for each jurisdiction.

Each jurisdiction using MAGS receives a monthly status report indicating the number of guidelines-eligible cases sentenced in their jurisdiction during the previous month, the number of worksheets submitted via MAGS, and the number of and case information for any worksheets not submitted. The status reports provide worksheet completion updates for the two most recent months. Since the MSCCSP began providing individual MAGS jurisdictions with feedback regarding their worksheet submission rates, the worksheet submission rate for Maryland has increased from 75% in fiscal year 2013 to 95% in fiscal year 2022 (see Figure 3). Additionally, the MSCCSP is coordinating with the AOC to implement a statewide, aggregated worksheet status report, though that implementation has been delayed until full deployment of the MDEC system. The MSCCSP anticipates that, in providing individual jurisdictions with feedback,

⁶ For a complete description of guidelines-eligible cases, see *The Present Sentencing Guidelines* section of this report, starting at page 2.

worksheet submission rates will continue to near 100 percent, thus improving the completeness and reliability of the MSCCSP's data.

Figure 3. Worksheet Submission Rates, by MAGS Circuit Court Usage,
Fiscal Years 2013 through 2022



Public Comments Hearing

The MSCCSP recognizes the importance of providing a forum for the public to discuss sentencing-related issues. As such, the MSCCSP holds an annual public comments hearing. The 2022 public comments hearing occurred on December 6, 2022. The meeting was held at the Maryland Judicial Center in Annapolis, MD, with the option for the public to attend virtually. Prior to the hearing, the MSCCSP distributed a hearing invitation to key criminal justice stakeholders throughout the State via email through the Commission's listserv. Additionally, the MSCCSP announced the hearing on the Commission's website, on the Maryland Register, on the Maryland General Assembly's hearing schedule, and through a press release by the DPSCS.

At the start of the public comments hearing, Commissioners introduced themselves and briefly explained their role on the Commission. The MSCCSP's Executive Director, Dr. Soulé then provided a presentation on the history and mission of the MSCCSP. No speakers provided testimony during the public comments portion of the hearing.

The minutes for the public comments hearing will be available on the MSCCSP website after the Commission reviews and approves the minutes at its next meeting, scheduled for May 9, 2023. The MSCCSP welcomes testimony from members of the public, as public participation is essential to creating awareness of sentencing issues.

SENTENCES REPORTED IN FY 2022

The MSCCSP is responsible for collecting sentencing guidelines worksheets and automating the information to monitor sentencing practice and as warranted, adopting changes to the sentencing guidelines. From July 1983 through June 2000, the AOC compiled the sentencing guidelines worksheet data. Beginning in July 2000, the MSCCSP assumed this responsibility. Since that time, the MSCCSP has continued to update the data and check for errors. In the process, MSCCSP staff has made corrections to the database and incorporated additionally submitted sentencing guidelines worksheets, which may affect the overall totals reported in previous reports. The data and figures presented in this report reflect only guidelines-eligible sentencing events where the MSCCSP received a sentencing guidelines worksheet.

Sentencing Guidelines Worksheets Received

In fiscal year 2022, the MSCCSP received sentencing guidelines worksheets for 10,486 sentencing events.⁷ With a handful of exceptions, all the fiscal year 2022 worksheets were submitted electronically using MAGS.⁸ The second and third columns of Table 7 illustrate the number and percentage of sentencing guidelines worksheets submitted in fiscal year 2022 by judicial circuit. Image 4 identifies the individual jurisdictions in each judicial circuit. The Third Circuit (Baltimore and Harford Counties) submitted the largest number of sentencing guidelines worksheets (2,268), while the Second Circuit (Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties) submitted the fewest (577).

In fiscal year 2022, 11,473 guidelines-eligible cases were identified, and the MSCCSP received a paper worksheet or MAGS submission for 10,885 (94.9%) of the guidelines-eligible cases⁹ The number of guidelines-eligible cases increased nearly 65% from fiscal year 2021 when the number of criminal sentencings was decreased largely due to the impact of the COVID-19

⁷ A sentencing event will include multiple sentencing guidelines worksheets if the offender is being sentenced for more than three offenses and/or multiple criminal events. Sentencing guidelines worksheet totals throughout this report treat multiple worksheets for a single sentencing event as one worksheet.

⁸ Seven of the 10,486 worksheets were submitted by e-mail to the MSCCSP. It is rare for a criminal justice practitioner to not be able use MAGS to initiate and/or submit a sentencing guidelines worksheet. This typically happens only in the rare instance where an offense in the sentencing event is not included in the MAGS offense table.

⁹ Whereas most of this section refers to worksheets or sentencing events which may consist of several case numbers, a guidelines-eligible case is defined as one unique case number. Because case numbers, rather than sentencing events, are used to compute the number of guidelines-eligible cases, the number of guidelines-eligible cases received is greater than the total number of worksheets received in fiscal year 2022.

pandemic. The sixth column of Table 7 indicates the percentage of guidelines-eligible cases with a submitted worksheet in fiscal year 2022 by judicial circuit. Worksheet submission rates ranged from 84.3% to 99.4% for individual circuits. There is variability in worksheet submission rates by individual jurisdictions within each judicial circuit. As Figure 4 illustrates, the number of criminal sentencings has fluctuated, while worksheet submission rates have increased, since the implementation of MAGS. With the statewide deployment of MAGS completed in October 2019, the MSCCSP anticipates that worksheet submission rates will continue to near 100 percent.

Table 7. Number and Percentage of Sentencing Guidelines Worksheets and Cases Submitted by Circuit, Fiscal Year 2022

Circuit	Number of Worksheets Submitted	Percent of Total Worksheets Submitted	Number of Guidelines-Eligible Cases Submitted	Total Number of Guidelines-Eligible Cases	Percent of Guidelines-Eligible Cases with Submitted Worksheet¹⁰
1	780	7.4%	801	894	89.6%
2	577	5.5%	588	599	98.2%
3	2,268	21.6%	2,340	2,510	93.2%
4	677	6.5%	697	713	97.8%
5	1,459	13.9%	1,492	1,508	98.9%
6	1,177	11.2%	1,228	1,236	99.4%
7	1,300	12.4%	1,351	1,602	84.3%
8	2,248	21.4%	2,388	2,411	99.0%
TOTAL	10,486	100.0%	10,885	11,473	94.9%

¹⁰ The circuit courts in Montgomery County (from July 2021 through September 2021) and Prince George's County (for the entire fiscal year) identified guidelines-eligible cases using data from their individual case management systems. The AOC identified eligible cases in Baltimore City using mainframe data. Eligible cases in all other jurisdictions were identified by the AOC using data entered in MDEC.

Figure 4. Number and Percentage of Sentencing Guidelines Worksheets Submitted by Fiscal Year, Fiscal Years 2013 through 2022

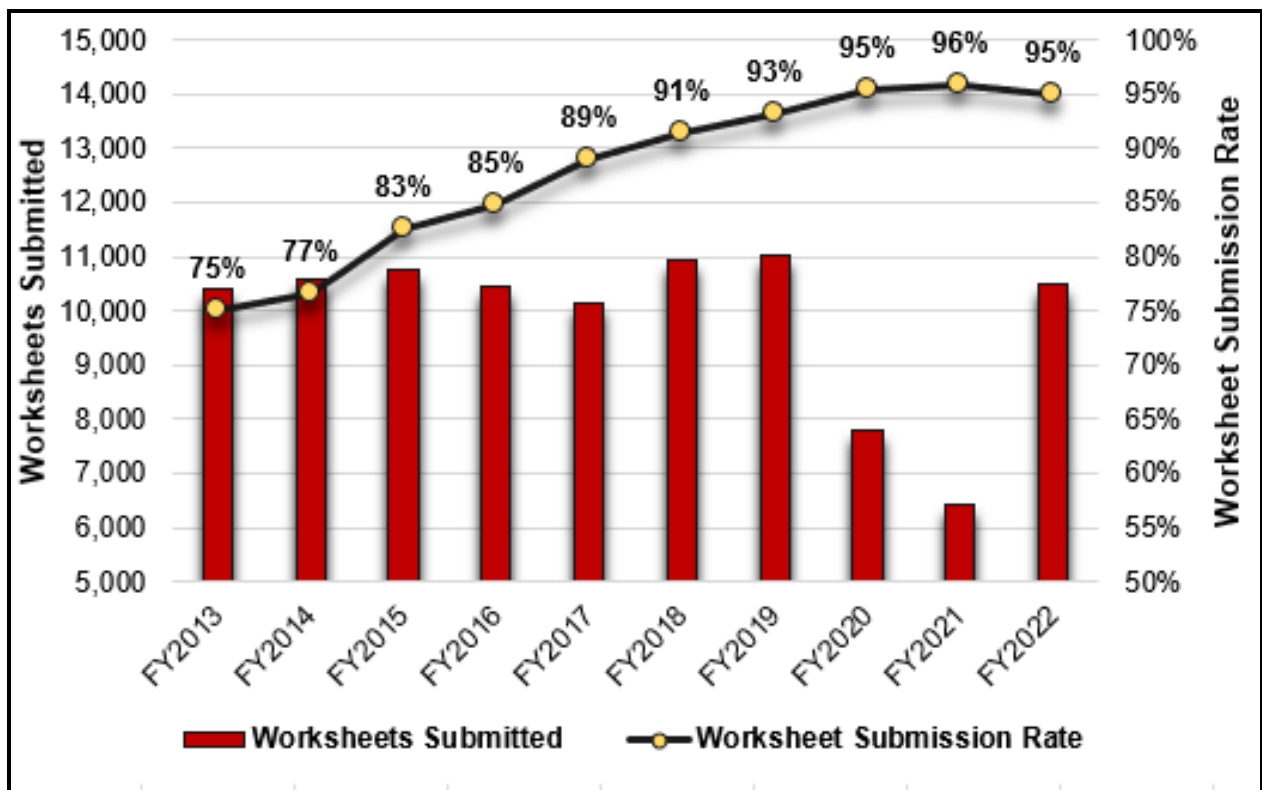


Image 4. Maryland Judicial Circuits



Source: <http://www.courts.state.md.us/clerks/circuitmap2.jpg> (extracted December 2010)

Offender Characteristics

Figures 5 through 10 summarize the offender characteristics from the 10,486 sentencing guidelines worksheets submitted for defendants sentenced in fiscal year 2022. Most offenders were male (88.2%) and Black (62.3%). Approximately 7% of offenders were of Hispanic or Latino origin. The median age of offenders at the date of the offense was 29 years. The youngest offender was 15, while the oldest was 82 years of age. Fewer than 2% of offenders were under 18 years of age; 21% were 18-22 years old; 32% were 23-30 years old; 26% were 31-40 years old; and the remaining 19% were 41 years or older. The most common type of legal representation for offenders was a private defense attorney (49.5%), followed by a public defender (47.8%). Fewer than 3% of offenders received court appointed representation or represented themselves.

Figure 5. Distribution of Guidelines Sentencing Events by Gender of Offender, Fiscal Year 2022

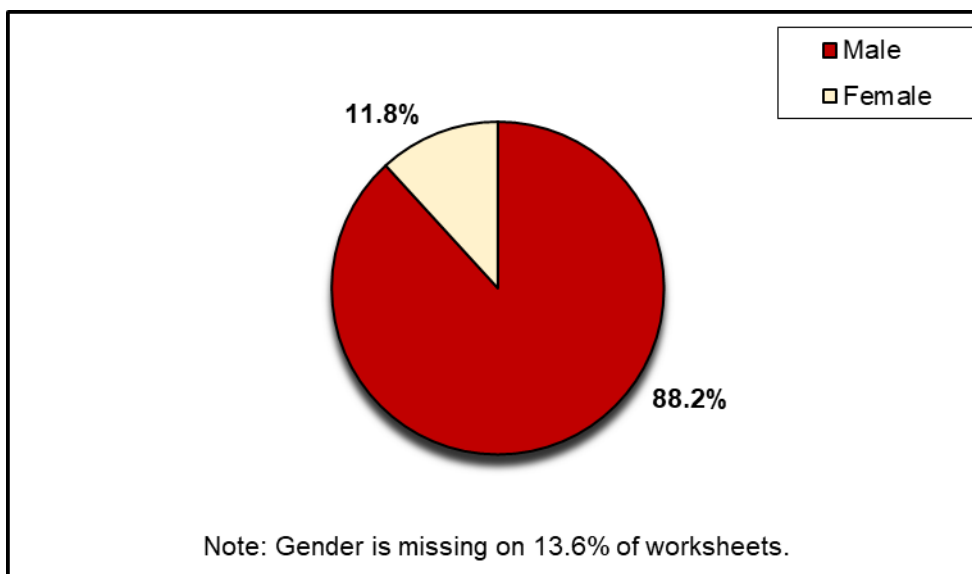


Figure 6. Distribution of Guidelines Sentencing Events by Race of Offender, Fiscal Year 2022¹¹

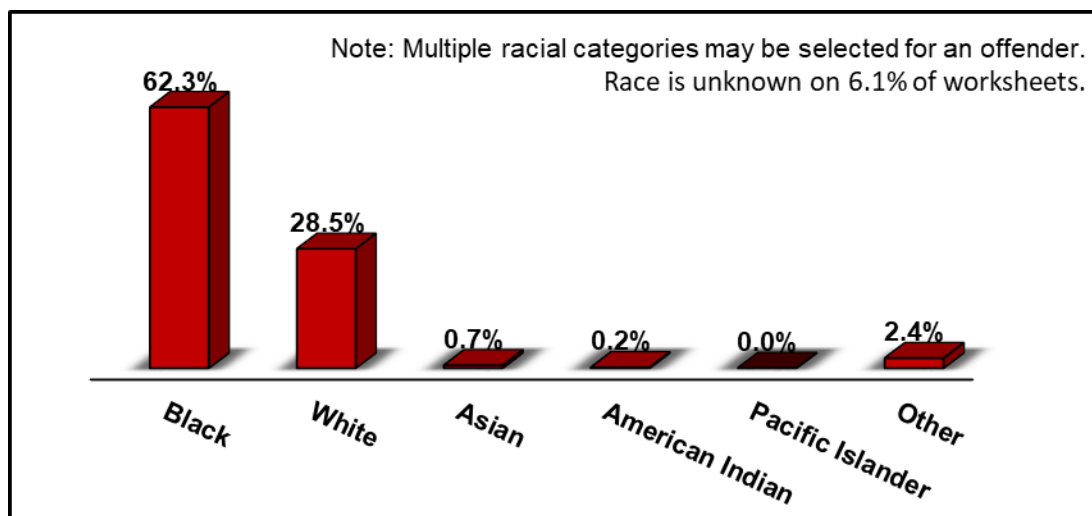
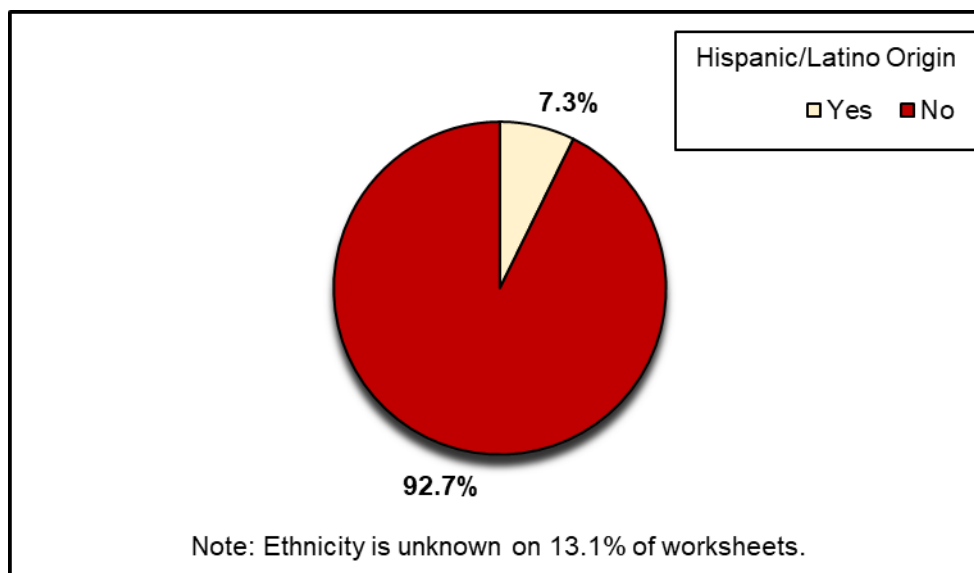


Figure 7. Distribution of Guidelines Sentencing Events by Ethnicity of Offender, Fiscal Year 2022¹²



¹¹ The racial categories on the sentencing guidelines worksheets are consistent with the requirements specified in State Government Article (SG), § 10-603. Effective July 1, 2019, the worksheet permits multiracial responses. Effective April 1, 2021, race is a mandatory field in MAGS; however, users may select “unknown” as a valid response category.

¹² Effective April 1, 2021, ethnicity is a mandatory field in MAGS; however, users may select “unknown” as a valid response category.

Figure 8. Distribution of Guidelines Sentencing Events by Age of Offender, Fiscal Year 2022

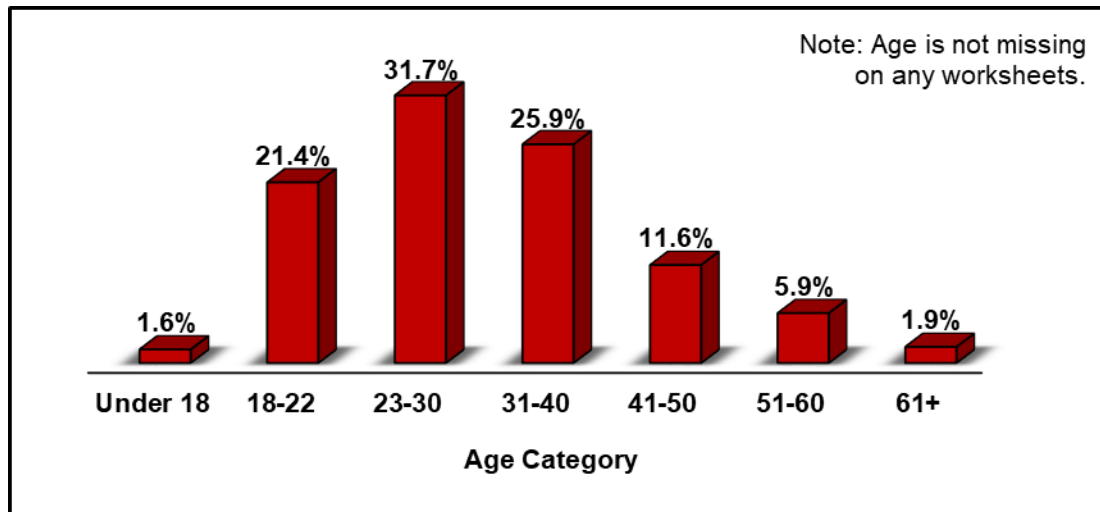


Figure 9. Distribution of Guidelines Sentencing Events by Type of Legal Representation of Offender, Fiscal Year 2022

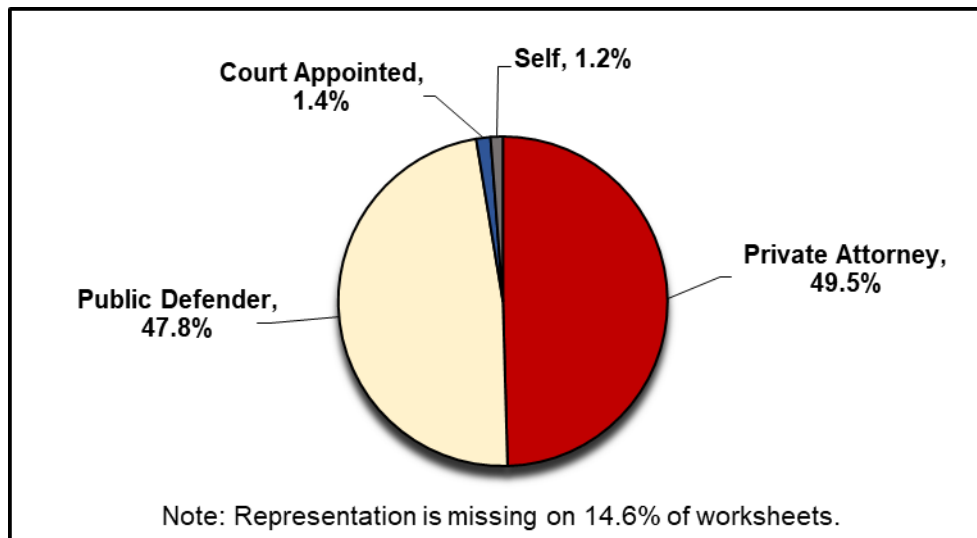
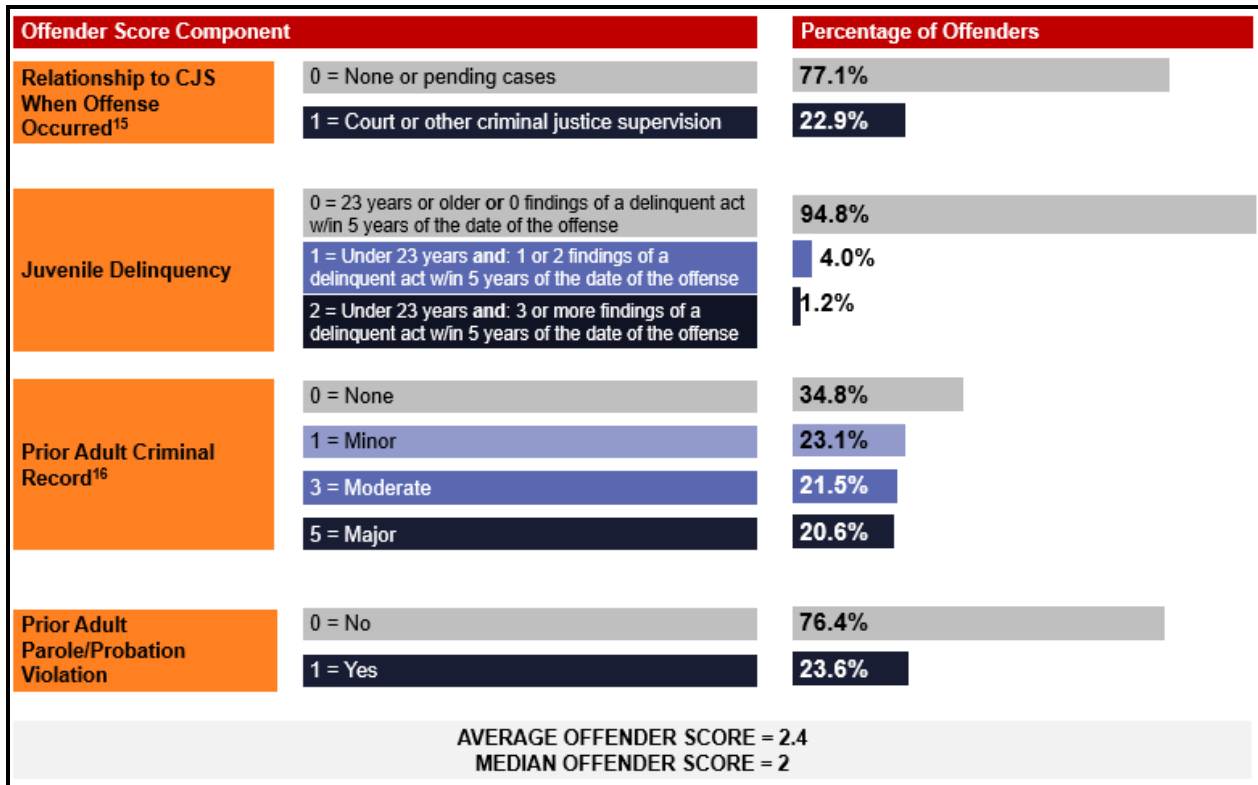


Figure 10 shows the distribution of guidelines sentencing events by the four components of the offender score. The offender score provides a measure of the defendant's prior criminal history and ranges from 0 to 9. The second column of Figure 10 details the point values for each of the components of the offender score. The average offender score in fiscal year 2022 was 2.4. The median or middle score was 2. Nearly one-third (31.5%) of offenders had an offender score of 0, indicating no prior involvement in the criminal justice system. Turning to the three individual components of the offender score, more than three-quarters of offenders had no relationship to the criminal justice system when the instant offense occurred (77.1%). Similarly, 76.4% had no prior adult parole or probation violations, and slightly more than 5% received points for a

juvenile record. Greater variability was observed for the prior adult criminal record component of the offender score, with approximately 35% of offenders with no record and the remaining offenders distributed similarly among the minor (23.1%), moderate (21.5%), and major (20.6%) prior adult criminal record categories.

Figure 10. Distribution of Guidelines Sentencing Events by Offender Score, Fiscal Year 2022

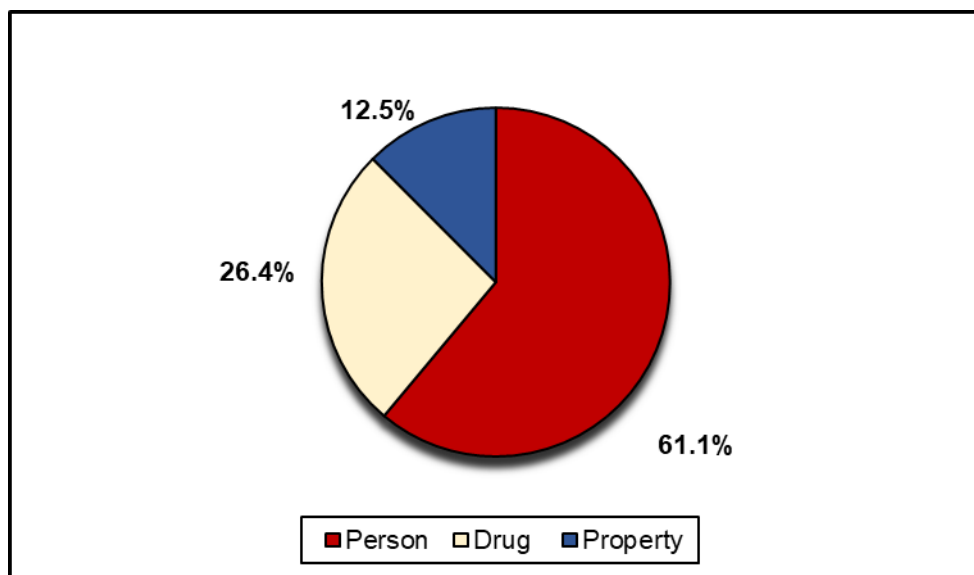


Offense Characteristics

Figures 11 through 16 summarize the offense characteristics from the 10,486 sentencing guidelines worksheets submitted for defendants sentenced in fiscal year 2022. Figure 11 illustrates the distribution of guidelines sentencing events by crime category. For sentencing events involving multiple offenses, the figure considers only the most serious offense. Sentencing events involving a person offense were most common (61.1%), followed by those involving a drug offense (26.4%). In 12.5% of sentencing events, the most serious offense was a property crime. The distribution of sentencing events by crime category followed a similar pattern when limiting the analysis to defendants sentenced to incarceration (64.9% person, 24.1% drug, 11% property).¹³

¹³ Incarceration includes home detention and credited time, as well as post-sentence jail/prison time.

Figure 11. Distribution of Guidelines Sentencing Events by Crime Category, Fiscal Year 2022



Figures 12, 13, and 15 display the distribution of guidelines offenses by offense seriousness category for each of the three crime categories. Among drug offenses, offenses with seriousness categories IIIB (57%), VII (23.1%), and IV (18.8%) were most common. The five most frequent drug offenses were *Distribution of cocaine* (IIIB), *Distribution of fentanyl* (IIIB), *Distribution of marijuana* (IV), *Possession of marijuana* (VII), and *Distribution of heroin* (IIIB).

Figure 12. Distribution of Drug Offenses by Seriousness Category, Fiscal Year 2022

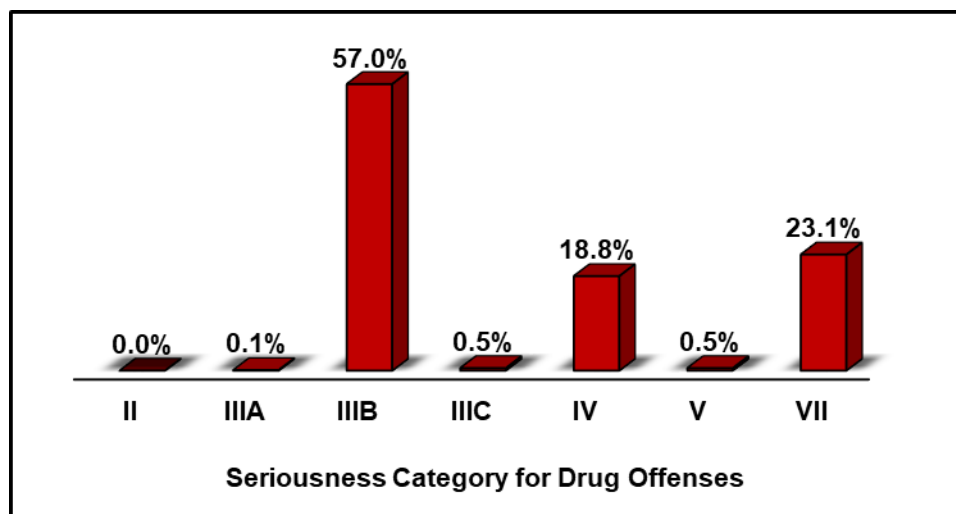
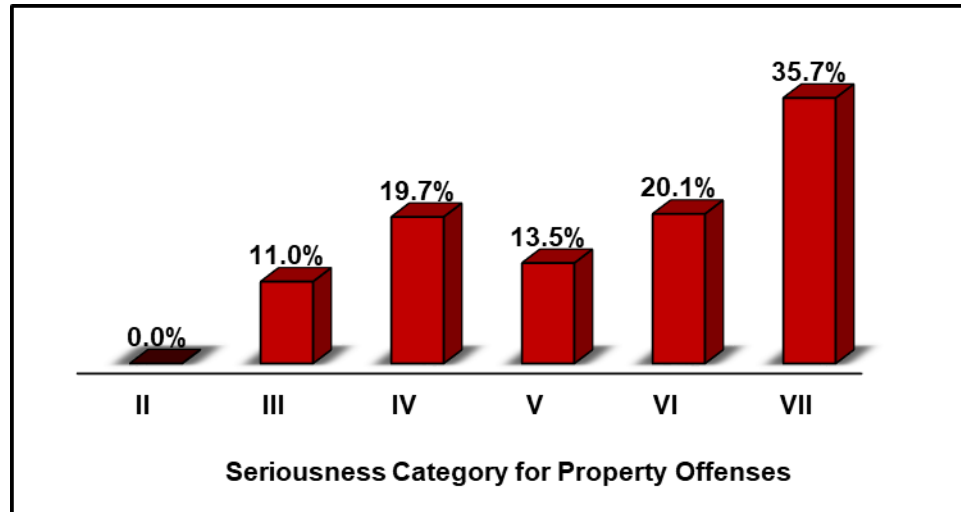


Figure 13 provides the distribution of property offenses by seriousness category. Offenses with a seriousness category VII were most common (35.7%). In contrast, none of the reported

property offenses in fiscal year 2022 were seriousness category II offenses. The five most frequent property offenses were *Burglary, 2nd degree* (IV); *Burglary, 4th degree* (VII); *Felony theft or theft scheme of at least \$1,500 but less than \$25,000* (VI); *Burglary, 1st degree* (III); and *Misdemeanor theft or theft scheme of at least \$100 but less than \$1,500* (VII).

Figure 13. Distribution of Property Offenses by Seriousness Category, Fiscal Year 2022



CP, § 6-214 directs the MSCCSP to include an entry location on the sentencing guidelines worksheet to allow for the reporting of the specific dollar amount, when available, of the economic loss to the victim for crimes involving theft and related crimes under Title 7 of the Criminal Law Article and fraud and related crimes under Title 8 of the Criminal Law Article.¹⁴ In fiscal year 2022, sentencing guidelines worksheets reported 740 sentences for theft, fraud, and related crimes. Figure 14 shows that in 514 (69.5%) of these sentences, an actual dollar amount to indicate the economic loss to the victim was recorded. *Unknown amount* was marked for 226 (30.5%) of 740 theft and fraud related offenses. When reported, economic loss ranged in value from a minimum of no loss to a maximum of \$446,000. The mean (average) amount of loss was \$16,427, while the median (middle) amount of loss was \$1,431. The fact that the mean is larger than the median indicates that the distribution of economic loss has a positive skew, with a few extremely large loss amounts pulling the mean above the median. *Felony theft or theft scheme of at least \$1,500 but less than \$25,000* was the most common offense in which the amount of economic loss was reported on the sentencing guidelines worksheet.

¹⁴ The MSCCSP adopted the following definition of economic loss: the amount of restitution ordered by a circuit court judge or, if not ordered, the full amount of restitution that could have been ordered (COMAR 14.22.01.02B(6-1)).

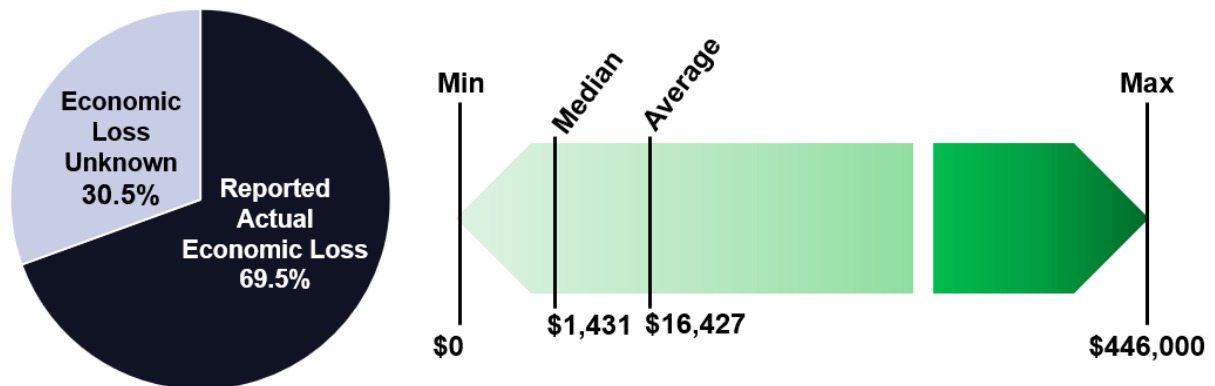
Figure 14. Economic Loss for Theft- and Fraud-Related Offenses, Fiscal Year 2022

Figure 15 summarizes the distribution of person offenses by seriousness category. Offenses with a seriousness category V were most common (35.2%), followed by offenses with a seriousness category III (18.4%). The five most frequent offenses were *Assault, 2nd degree* (V); *Wear, Carry, or Transport Handgun* (VII); *Assault, 1st degree* (III); *Possession of a regulated firearm by a restricted person* (VI); and *Robbery* (IV).

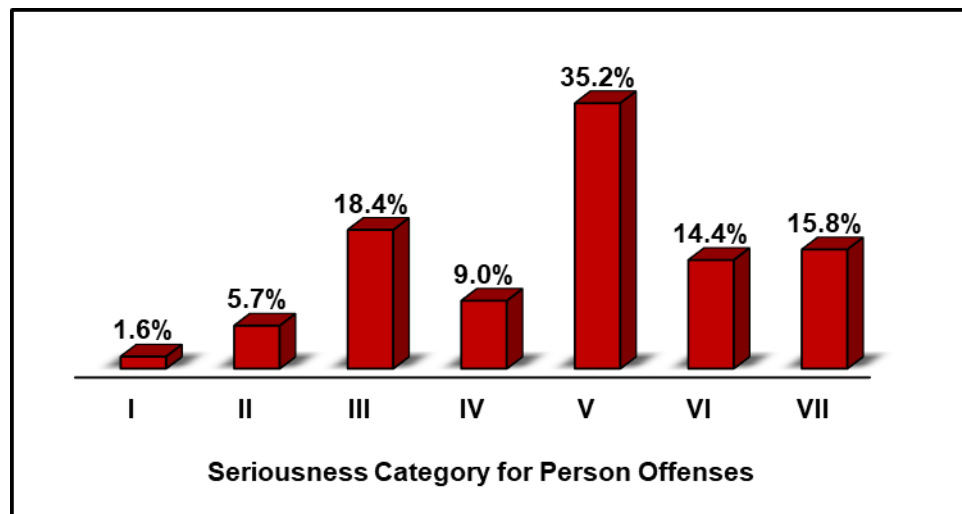
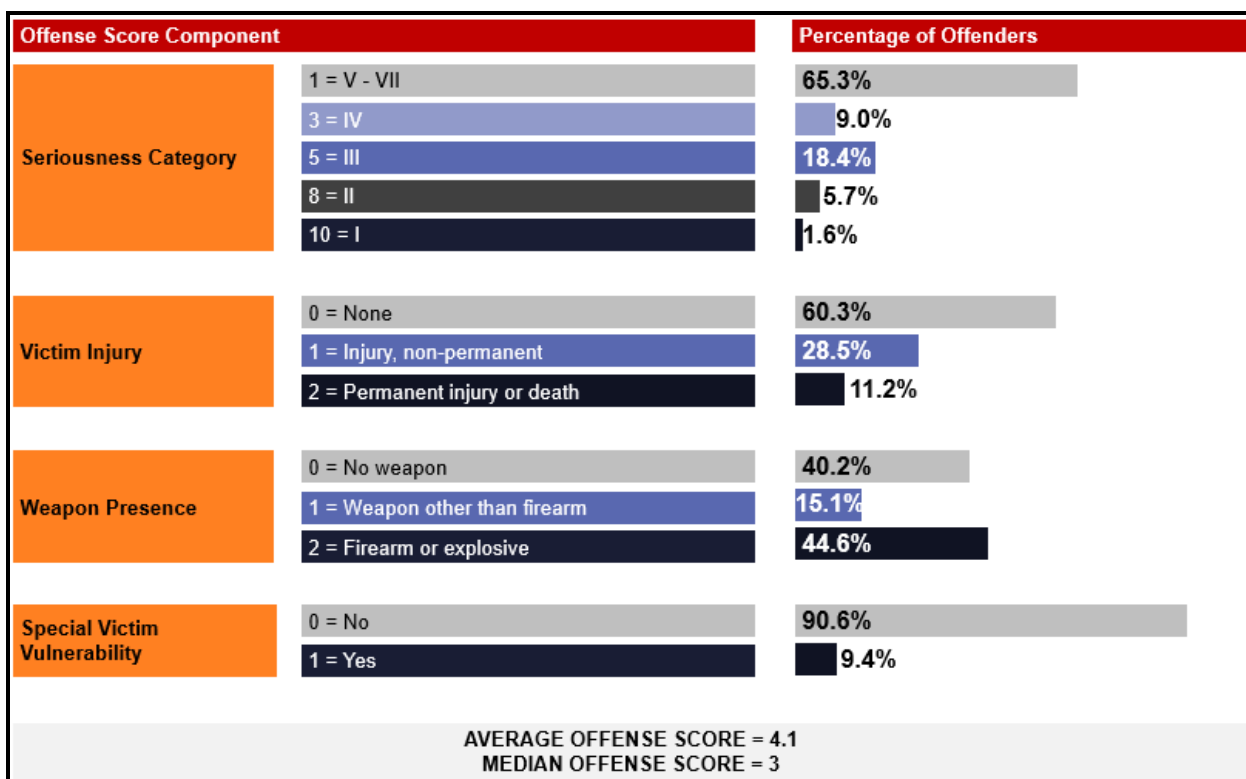
Figure 15. Distribution of Person Offenses by Seriousness Category, Fiscal Year 2022

Figure 16 displays the distribution of person offenses by the four components of the offense score. The offense score provides a measure of the seriousness of an offense against a person and ranges from 1 to 15. The second column of Figure 16 details the point values for each of the components of the offense score for person offenses. The average offense score for person

offenses in fiscal year 2022 was 4.1. The median or middle score was 3. Most person offenses (65.3%) had a seriousness category of V, VI, or VII. Approximately 60% of person offenses involved no injury to the victim, although more than half (59.8%) involved a weapon. Finally, 9.4% of person offenses were committed against vulnerable victims (defined as those under 11 years old, 65 years or older, or physically or cognitively impaired).

Figure 16. Distribution of Person Offenses by Offense Score, Fiscal Year 2022



Victim Information

The sentencing guidelines worksheet includes multiple victim-related items to describe the role of victims at sentencing and to ascertain whether victim-related court costs were imposed pursuant to Courts and Judicial Proceedings Article (CJ), § 7-409, Annotated Code of Maryland, and Maryland Rule 4-353. Figures 17 through 19 detail the responses to these items in fiscal year 2022. Unfortunately, the victim-related items are often left blank on the worksheet. For example, whether victim-related court costs were imposed was left blank on 36.3% of worksheets, and half of all worksheets (49.9%) were missing information on whether there was a victim. The figures presented here are limited to the subset of cases with valid victim-related data.

Figure 17 indicates that victim-related court costs were imposed in 34.1% of sentencing events. These court costs may be imposed for all crime types, not just those involving a direct victim. The costs outlined in CJ, § 7-409 include a \$45 Circuit Court fee that is divided among the State Victims of Crime Fund, the Victim and Witness Protection and Relocation Fund, and the Criminal Injuries Compensation Fund. Figure 18 illustrates that 56.8% of worksheets with valid information on the victim-related questions indicated there was a victim.

Figure 17. Distribution of Guidelines Sentencing Events by Whether Victim-Related Court Costs Imposed, Fiscal Year 2022

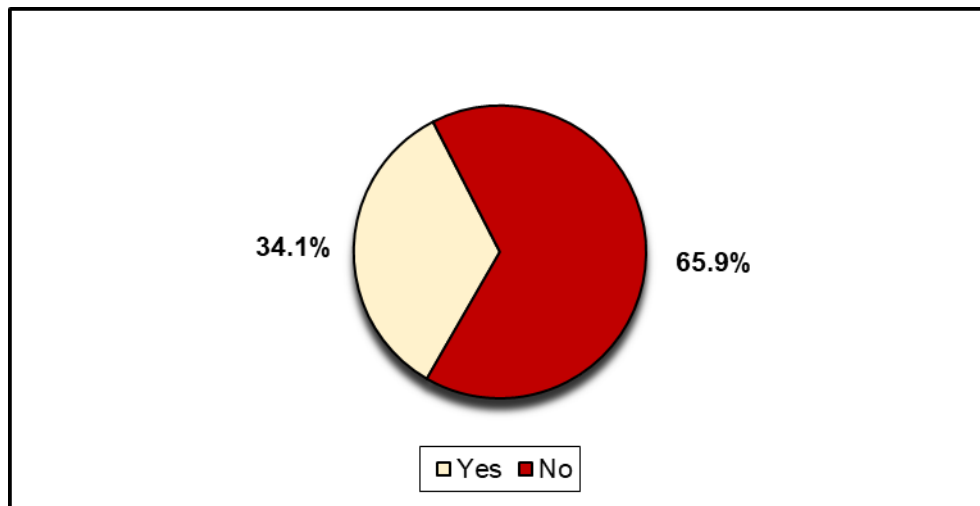
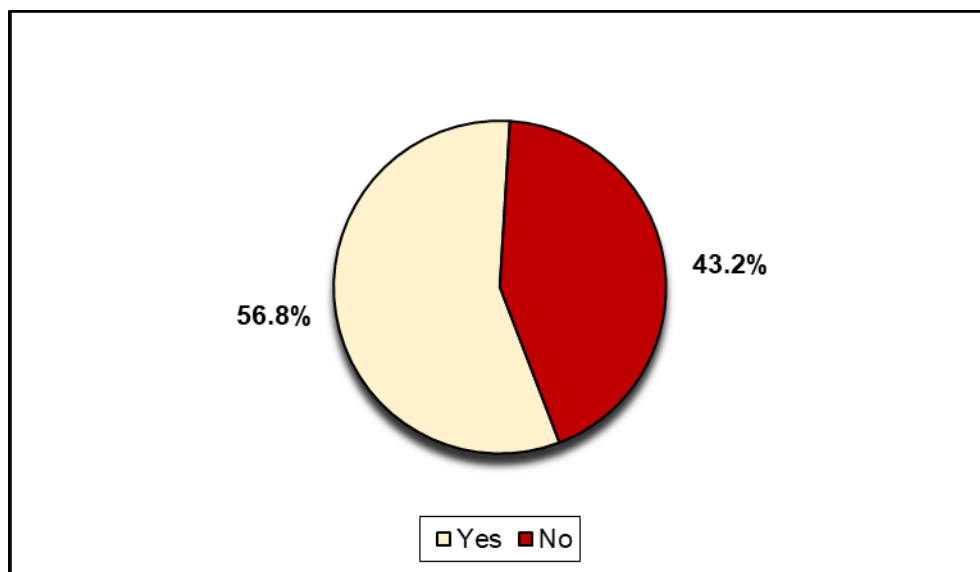


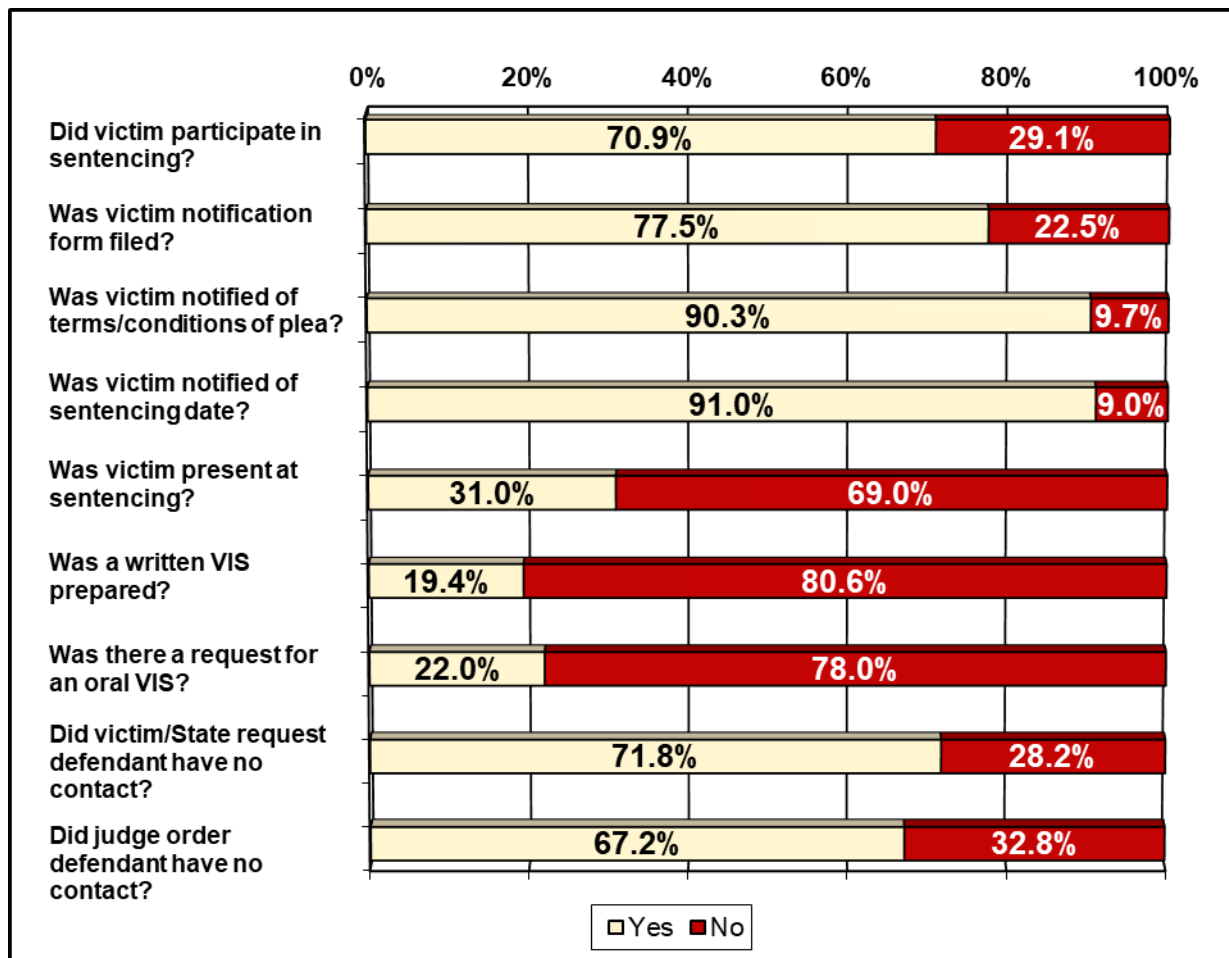
Figure 18. Distribution of Guidelines Sentencing Events by Whether Victim Involved, Fiscal Year 2022



The responses to the items in the *Victim Information* section of the worksheet for sentencing events involving a victim are summarized in Figure 19. In 29.1% of sentencing events involving

a victim, the victim did not participate, was not located, did not maintain contact with involved parties, or waived his/her rights. A Crime Victim Notification and Demand for Rights form was filed by the victim in 77.5% of sentencing events. Most victims (90.3%) were notified of the terms and conditions of a plea agreement prior to entry of a plea. Similarly, 91% of victims were notified of the court date for sentencing. Approximately one-third of victims (31%) were present at sentencing. A written Victim Impact Statement (VIS) was prepared in 19.4% of sentencing events involving a victim, while the victim or State made a request for an oral VIS in 22% of sentencing events. Finally, the victim or State made a request that the defendant have no contact with the victim in 71.8% of sentencing events, and the sentencing judge ordered the defendant to have no contact with the victim in 67.2% of sentencing events involving a victim.

Figure 19. Distribution of Guidelines Sentencing Events by Victim Information, Fiscal Year 2022



Disposition and Sentence Characteristics

Figures 20 through 24 and Tables 8 through 10 summarize the disposition and sentence characteristics, including the use of corrections options and other alternatives to incarceration, from the 10,486 sentencing guidelines worksheets submitted for defendants sentenced in fiscal year 2022. Figure 20 shows the distribution of guidelines sentencing events by disposition type (Appendix D contains a description of the five major disposition types listed on the sentencing guidelines worksheet). Most sentencing events were resolved by either a binding plea agreement (40.3%) or other plea agreement (33.4%). An additional 23.2% were resolved by a plea with no agreement, and 3.2% of sentencing events were resolved by either a bench or jury trial (.5% and 2.7%, respectively).

Figure 20. Distribution of Guidelines Sentencing Events by Disposition, Fiscal Year 2022

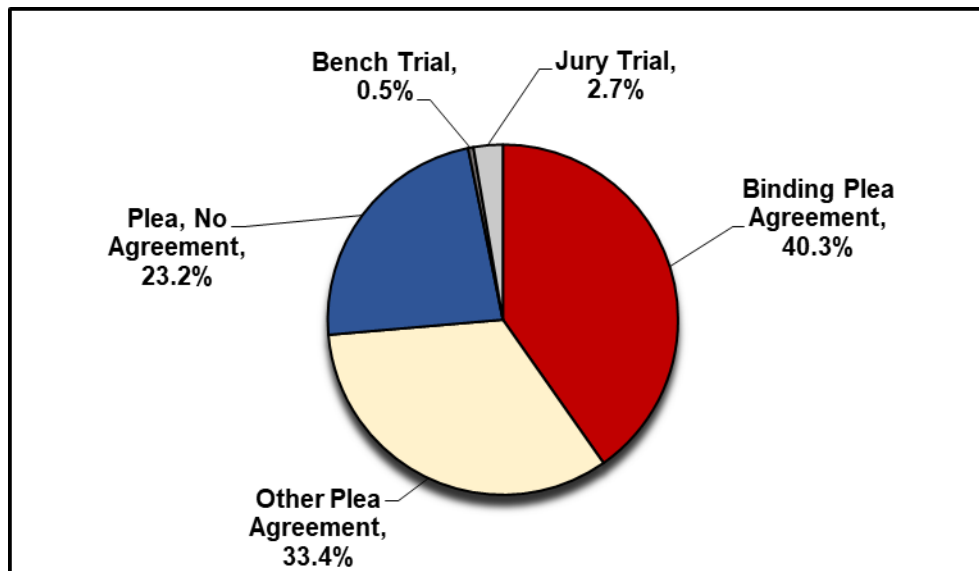
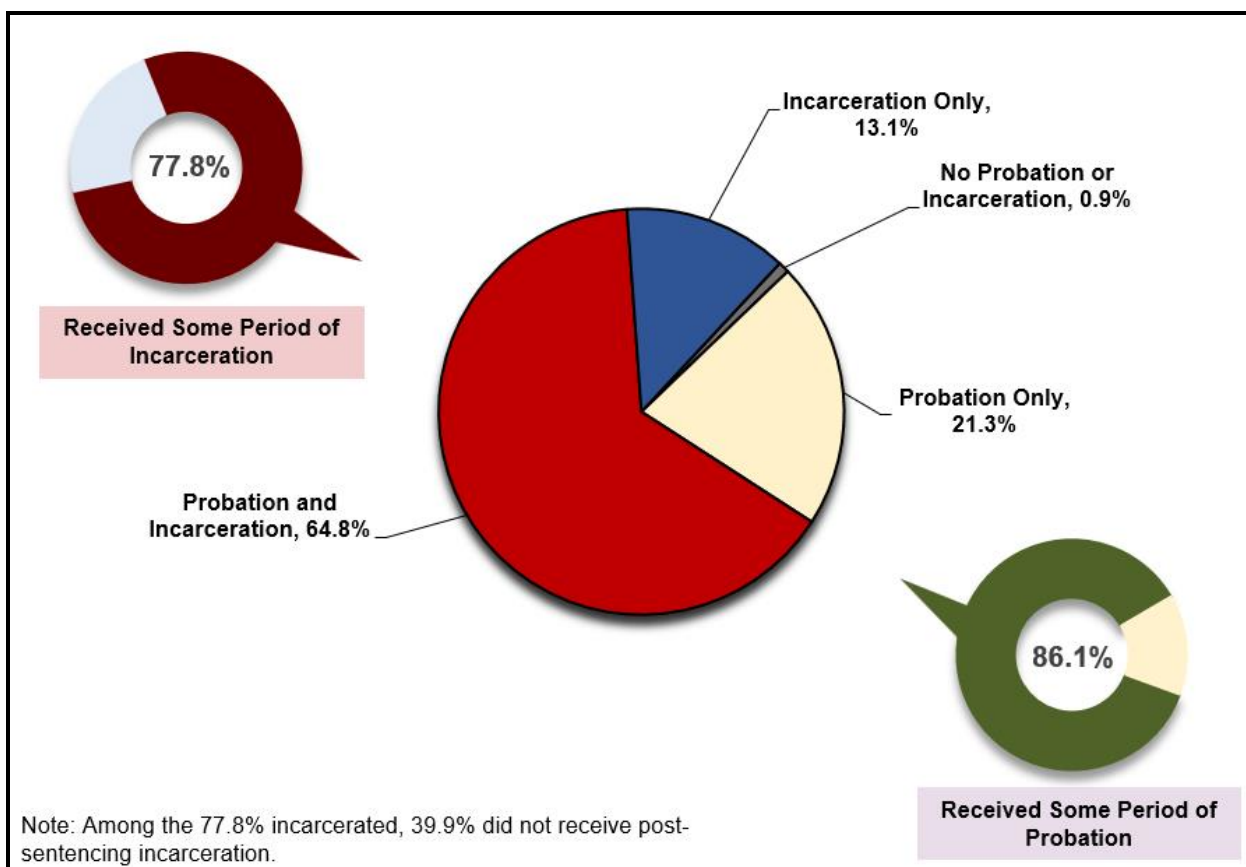


Figure 21 displays the distribution of guidelines sentencing events by sentence type. Note that incarceration includes home detention and credited time, as well as post-sentence jail/prison time. Few offenders (.9%) received a sentence that did not include either incarceration or probation. One-fifth (21.3%) received sentences to probation only, while approximately 13% of offenders received sentences to incarceration only. The majority (64.8%) of sentencing events resulted in a sentence to both incarceration and probation. Among those incarcerated, 39.9% did not receive post-sentencing incarceration.

Figure 21. Distribution of Guidelines Sentencing Events by Sentence Type, Fiscal Year 2022



Figures 22a and 22b review incarceration for the past ten fiscal years (2013-2022). Fig. 22a shows the percentage of guidelines sentencing events resulting in incarceration, and Fig. 22b shows the typical (mean and median) sentence length among those incarcerated. As in the previous figure, incarceration excludes suspended sentence time and includes jail/prison time, home detention time, and credit for time served (except where noted). For offenders with multiple offenses sentenced together, the figures consider the sentence across all offenses.

Figure 22a indicates that the percentage of offenders sentenced to incarceration during the past ten fiscal years was lowest in fiscal year 2021 (72.6%), a decrease of more than 5 percentage points from 78.2% in 2020. Similarly, the percentage of offenders incarcerated post-sentence was at its lowest in fiscal year 2021 (45.2%), declining nearly 9 percentage points from 53.9% in 2020. As previously reported, these decreases were likely related to the COVID-19 pandemic and concerted efforts to divert offenders from incarceration when feasible to minimize the risk of COVID-19 transmission in jails and prisons. The percentage incarcerated in fiscal year 2022 increased to pre-pandemic levels (77.8%), while the percentage incarcerated post-sentence in

fiscal year 2022 (46.8%) remained lower than average across the pre-pandemic years cited in this figure.

Figure 22a. Incarceration Rates for Guidelines Sentencing Events, by Fiscal Year

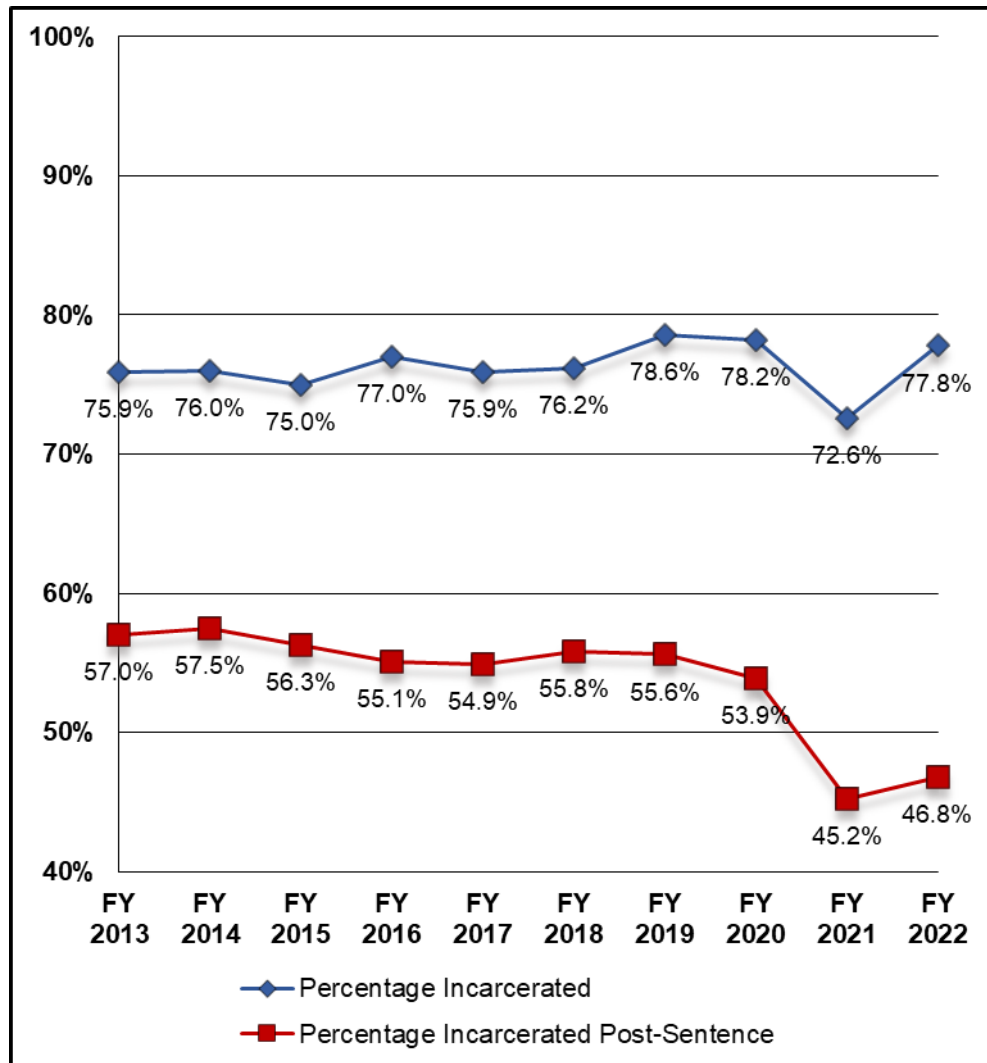


Figure 22b indicates a similar increase in the typical sentence length among those incarcerated. Sentence lengths increased in the past fiscal year from 3.7 years to 4.1 years, with the median (middle) sentence also increasing from 1 year to 1.2 years. The fact that the mean is larger than the median indicates that the distribution of sentences has a positive skew, with a few extremely long sentences pulling the mean above the median. Taken together, Figures 22a and 22b indicate an overall increase in sentences from fiscal year 2021 to 2022, likely due in part to a decline in COVID-19-related concerns as the pandemic eased in fiscal year 2022.

Figure 22b. Length of Sentence for Guidelines Sentencing Events, by Fiscal Year

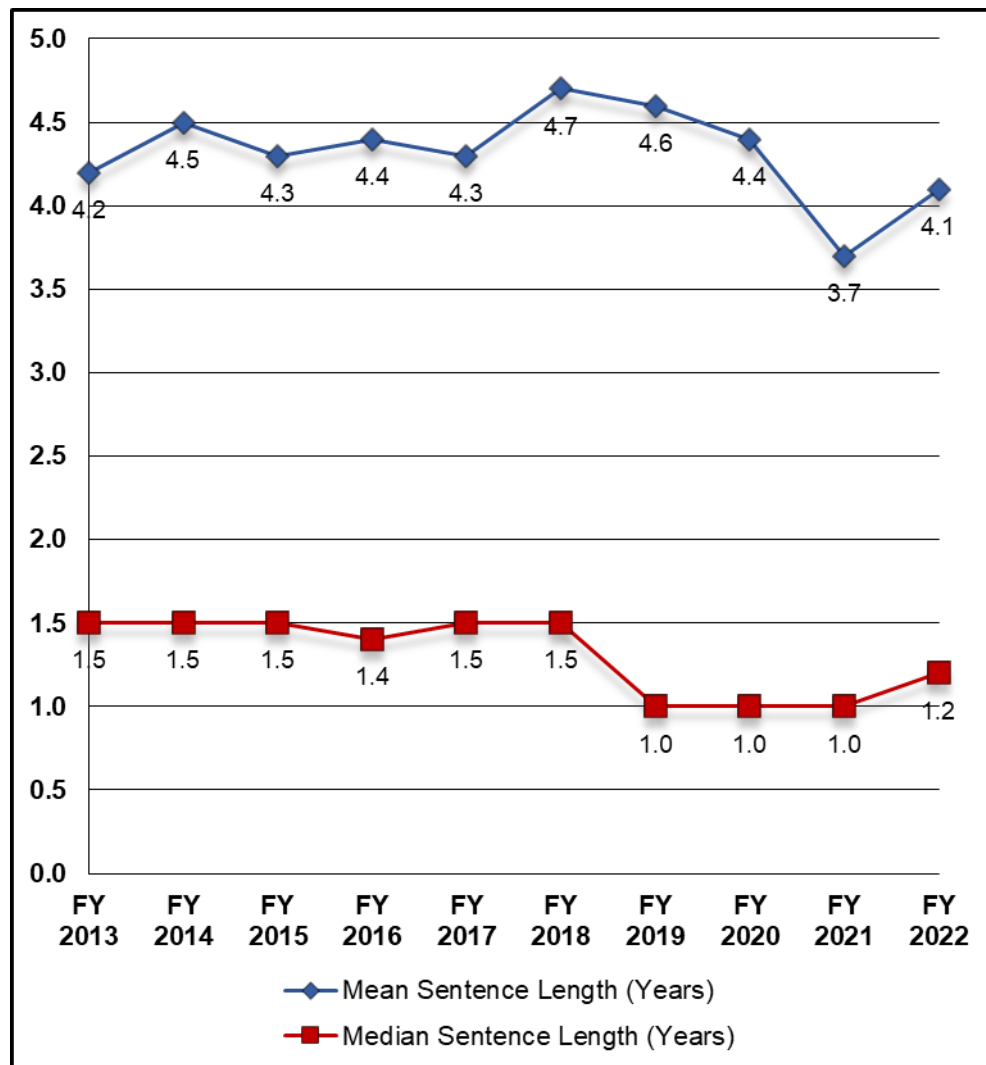


Figure 23 displays the percentage of sentencing events that utilized one or more corrections options or other alternatives to incarceration. Corrections options are defined as home detention, work release, weekend (or other discontinuous) incarceration, inpatient substance abuse treatment, inpatient mental health treatment, an HG, § 8-507 order, a suspended sentence per CR, § 5-601(e), drug court, and other problem-solving courts. Other alternatives to incarceration include outpatient substance abuse treatment, outpatient mental health treatment, and other programs. A defendant's sentence may include multiple corrections options and/or alternatives to incarceration. In fiscal year 2022, 11.9% of guidelines-eligible sentencing events utilized corrections options and/or other alternatives to incarceration, with 6.1% of sentencing

events involving corrections options, 5.0% involving other alternatives to incarceration, and less than 1% involving both corrections options and other alternatives to incarceration.¹⁵

Figure 23. Corrections Options and Other Alternatives to Incarceration Utilized, Fiscal Year 2022

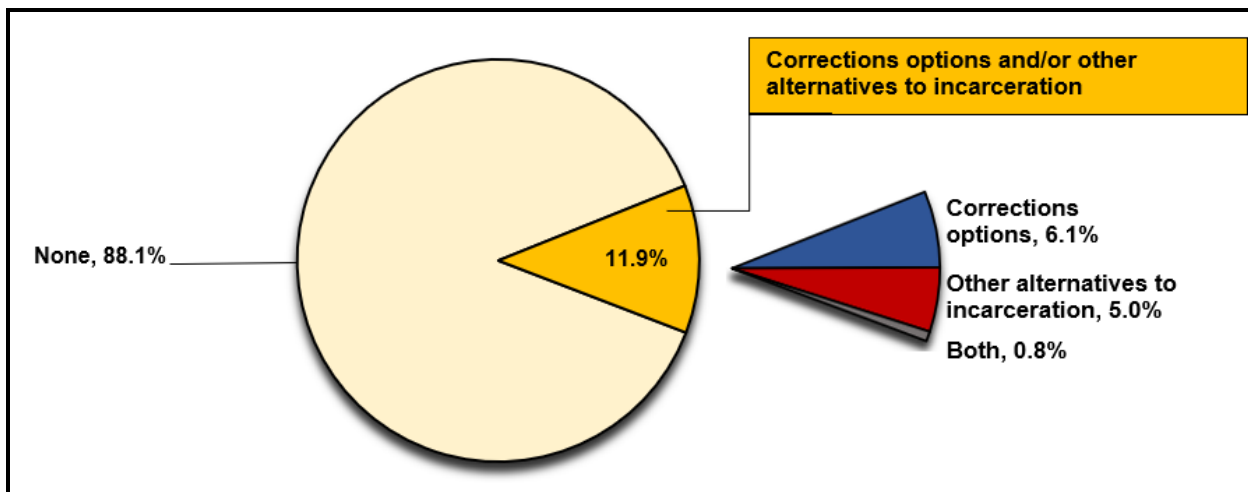


Table 8 details the specific type of corrections options imposed. Among those sentencing events involving one or more corrections options, the most common corrections option utilized was home detention (44.3%), followed by drug court (15.7%) and inpatient substance abuse treatment (9.8%).

¹⁵ The MSCCSP data may underrepresent the utilization of certain corrections options, specifically drug courts, other problem-solving courts, and HG, § 8-507 commitments. Sentences are often deferred for defendants who participate in drug court and other problem-solving courts; therefore, their use is not recorded in the guidelines data. Similarly, HG, § 8-507 commitments are often ordered after the initial sentencing; therefore, they are not captured in the MSCCSP's data.

Table 8. Corrections Options Utilized, Fiscal Year 2022

Corrections Options	Percent of Total Sentencing Events	Percent of Sentencing Events that Involve One or More Corrections Options
<i>One or more corrections option imposed</i>	6.9%	---
Home detention	3.4%	49.1%
Drug court	1.2%	17.4%
Inpatient substance abuse treatment	0.7%	10.8%
HG, § 8-507 order	0.6%	9.3%
Work release	0.5%	7.0%
Weekend (or other discontinuous) incarceration	0.3%	5.0%
Inpatient mental health treatment	0.3%	5.0%
Other problem-solving court	0.1%	1.9%
Suspended sentence per CR, § 5-601(e)	0.1%	1.0%

Table 9 details the specific other alternatives to incarceration utilized. Outpatient substance abuse treatment was the most common other alternative to incarceration. Over half (62.8%) of sentencing events involving other alternatives to incarceration included outpatient substance abuse treatment. Among sentencing events involving other alternatives to incarceration, 33.1% of sentencing events included outpatient mental health treatment. Approximately 33.4% of sentencing events involving other alternatives to incarceration included other programs. Commonly cited other programs include the Abuser Intervention Program, sex offender supervision and/or treatment, and anger management classes.

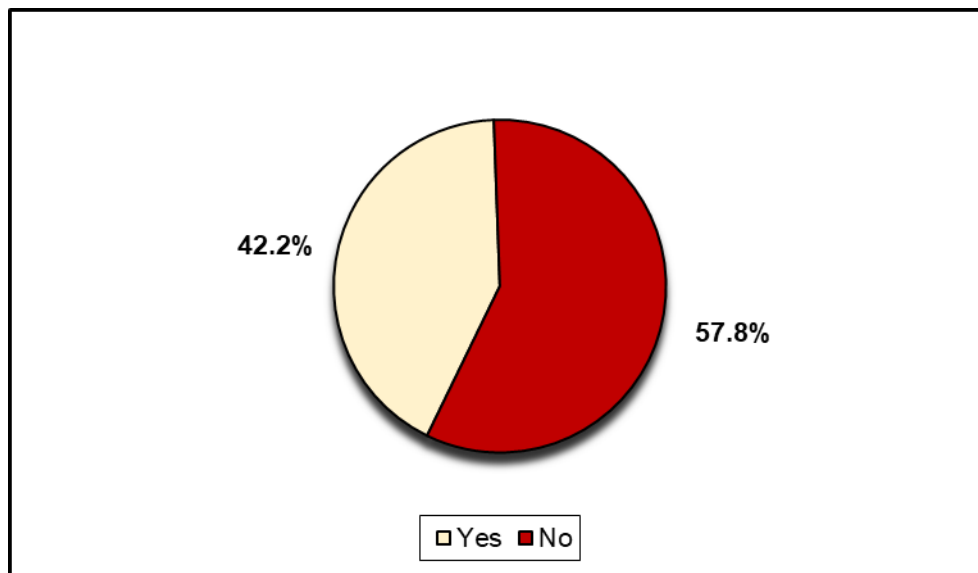
Table 9. Other Alternatives to Incarceration Utilized, Fiscal Year 2022

Other Alternatives to Incarceration	Percent of Total Sentencing Events	Percent of Sentencing Events that Involve One or More Other Alternatives to Incarceration
<i>One or more other alternatives to incarceration imposed</i>	5.8%	---
Outpatient substance abuse treatment	3.7%	62.8%
Outpatient mental health treatment	1.9%	33.1%
Other alternatives to incarceration ¹⁶	1.9%	33.4%

Pursuant to CP, § 6-217, when a sentence of confinement is imposed for a violent crime as defined in Correctional Services Article (CS), § 7-101, Annotated Code of Maryland, for which a defendant will be eligible for parole under CS, § 7-301(c) or (d), the court shall state in open court the minimum time the defendant must serve before becoming eligible for parole and before becoming eligible for conditional release under mandatory supervision under CS, § 7-501. The sentencing guidelines worksheet includes an entry location to report whether this announcement was made for sentences involving a violent crime. In fiscal year 2022, 1,610 sentencing guidelines events contained a sentence of confinement for a violent crime. Figure 24 indicates that among these sentencing events, the announcement concerning the minimum time the defendant must serve was made in 42.2% of guidelines eligible sentencings.

¹⁶ Commonly cited other programs include sex offender supervision, counseling, and/or treatment, the Abuser Intervention Program, anger management classes, other domestic violence or family counseling programs, job training or educational programs, and parenting classes.

Figure 24. Distribution of Guidelines Sentencing Events by Whether 50% Announcement Was Made, Fiscal Year 2022



CP, § 6-209(b)(1)(iii-iv) requires the MSCCSP's annual report to review reductions or increases in original sentences that have occurred because of reconsiderations of sentences¹⁷ imposed under § 14-101 of the Criminal Law Article and categorize information on the number of reconsiderations of sentences by crimes as listed in § 14-101 of the Criminal Law Article and by judicial circuit. Table 10 reviews reconsidered sentences reported to the MSCCSP for COV as defined in CR, § 14-101 for fiscal year 2022 by judicial circuit. Reconsidered sentences were reported for 101 offenders and 171 offenses. *Firearm use in a felony or crime of violence* was the most common crime of violence in reconsidered cases reported to the MSCCSP in fiscal year 2022.

¹⁷ Maryland Rule 4-345(e) indicates that upon a motion filed within 90 days after imposition of a sentence (A) in the District Court, if an appeal has not been perfected or has been dismissed, and (B) in a circuit court, whether or not an appeal has been filed, the court has revisory power over the sentence except that it may not revise the sentence after the expiration of five years from the date the sentence originally was imposed on the defendant and it may not increase the sentence.

Table 10. Reconsiderations/Modifications for Crimes of Violence (CR, § 14-101), Fiscal Year 2022¹⁸

Circuit	Offense	N
FIRST	Assault, 1 st Degree	1
SECOND	Child Abuse, Physical, 1 st Degree	1
	Robbery	1
	Robbery with Dangerous Weapon	1
THIRD	Assault, 1 st Degree	2
	Carjacking, Armed	1
	Firearm Use in Felony or Crime of Violence	1
	Murder, 1 st Degree	1
	Murder, 2 nd Degree	1
	Robbery with Dangerous Weapon	3
FOURTH	Assault, 1 st Degree	1
	Robbery	3
	Robbery with Dangerous Weapon	1
FIFTH	Abduction, Child Under 12	1
	Assault, 1 st Degree	5
	Firearm Use in Felony or Crime of Violence	7
	Home Invasion	1
	Murder, 1 st Degree	5
	Murder, 1 st Degree, Attempted	1
	Murder, 2 nd Degree	1
	Rape, 2 nd Degree	2
	Robbery	7
	Robbery with Dangerous Weapon	3
SIXTH	Assault with Intent to Murder	1
	Assault, 1 st Degree	4
	Carjacking, Armed	1
	Carjacking, Unarmed	1
	Firearm Use in Felony or Crime of Violence	3
	Kidnapping	1
	Murder, 1 st Degree	3
	Murder, 2 nd Degree, Attempted	1
	Rape, 1 st Degree	2
	Rape, 2 nd Degree	2
	Robbery	3
	Robbery with Dangerous Weapon	6

¹⁸ Table 10 identifies reconsidered sentences for 101 offenders and 171 offenses.

Circuit	Offense	N
SEVENTH	Child Abuse, Sexual	1
	Firearm Use in Felony or Crime of Violence	6
	Home Invasion	1
	Murder, 1 st Degree	2
	Murder, 2 nd Degree	2
	Robbery with Dangerous Weapon	3
EIGHTH	Assault, 1 st Degree	9
	Carjacking, Armed	2
	Firearm Use in Felony or Crime of Violence	23
	Kidnapping	1
	Murder, 1 st Degree	12
	Murder, 1 st Degree, Attempted	8
	Murder, 2 nd Degree	4
	Murder, 2 nd Degree, Attempted	3
	Robbery	3
	Robbery with Dangerous Weapon	12

JUDICIAL COMPLIANCE WITH MARYLAND'S VOLUNTARY SENTENCING GUIDELINES

The MSCCSP's governing legislation mandates the Commission to examine judicial compliance based on data extracted from the sentencing guidelines worksheets submitted after circuit courts sentence offenders. The following provides a detailed examination of judicial compliance with Maryland's voluntary sentencing guidelines.

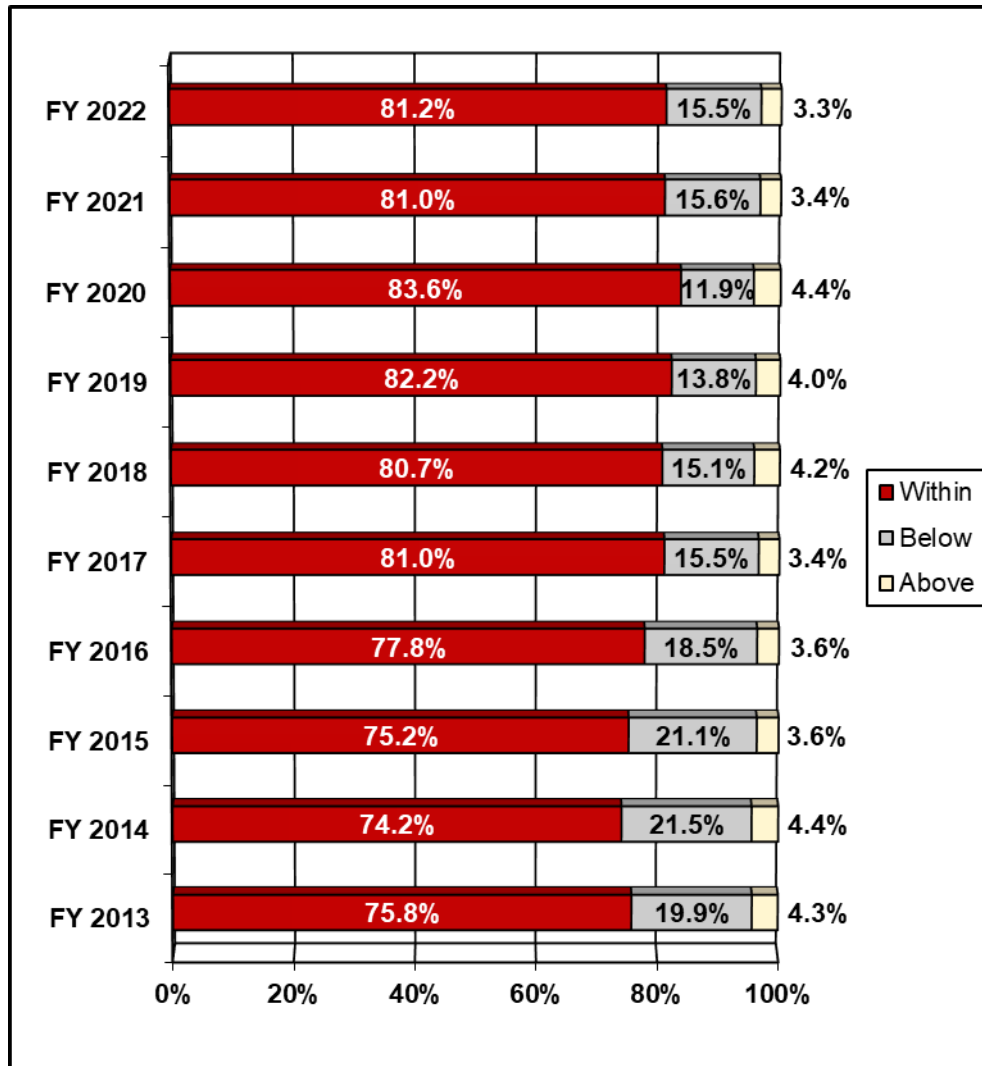
Judicial Compliance Rates Overall

The MSCCSP deems a sentence compliant with the guidelines if the initial sentence (defined as the sum of incarceration, credited time, and home detention) falls within the applicable guidelines range. In addition, the MSCCSP deems a sentence compliant if the judge sentenced an offender to a period of pre-sentence incarceration time with no additional post-sentence incarceration time and the length of credited pre-sentence incarceration exceeds the upper guidelines range for the sentencing event. The MSCCSP deems sentences to corrections options programs (e.g., drug court; HG, § 8-507 commitments; home detention) compliant provided that the initial sentence plus any suspended sentence falls within or above the applicable guidelines range and the sentencing event does not include a crime of violence, child sexual abuse, or escape. By doing so, the Commission recognizes the State's interest in promoting these alternatives to incarceration. Finally, sentences pursuant to an MSCCSP binding plea agreement are guidelines-compliant (COMAR 14.22.01.17).¹⁹ The MSCCSP adopted the binding plea agreement compliance policy in 2001 to acknowledge that binding plea agreements reflect the consensus of the local view of an appropriate sentence within each specific community. The corrections options and binding plea agreement compliance policies allow the court to set a guidelines-compliant sentence which considers the individual needs of the offender, such as substance abuse treatment, as opposed to incarceration.

Figure 25 illustrates the overall guidelines compliance rates for the past ten fiscal years (2013-2022). The figure indicates that in all ten years, the overall rate of compliance exceeded the Commission's benchmark standard of 65% compliance. The aggregate compliance rate was highest in fiscal year 2020 (83.6%).

¹⁹ For sentencing events prior to April 1, 2021, "binding plea agreement" refers to sentences resolved by an ABA plea agreement. For sentencing events on or after April 1, 2021, "binding plea agreement" refers to sentences resolved by an MSCCSP binding plea agreement. See Appendix D for definitions.

**Figure 25. Overall Sentencing Guidelines Compliance by Fiscal Year
(All Sentencing Events)**

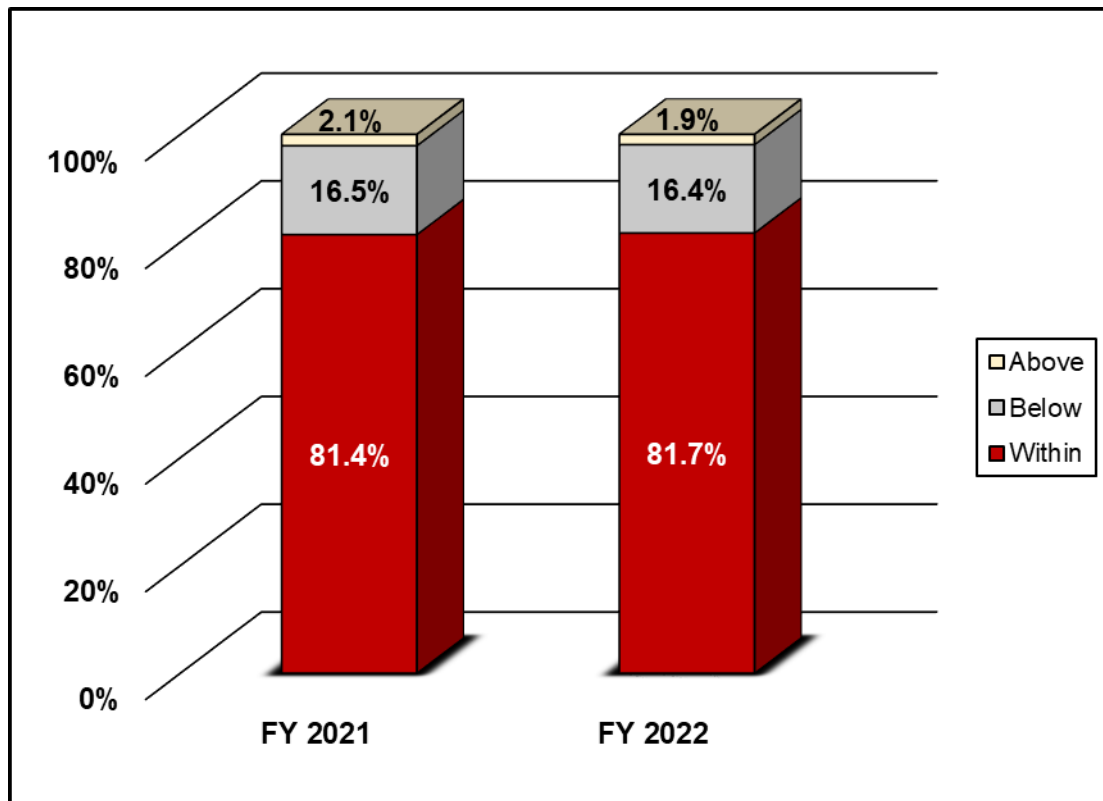


Analyses of judicial compliance in Maryland traditionally focus on sentences for single-count convictions, excluding reconsiderations and three-judge panel reviews, because they permit the most direct comparison of compliance by crime category and by offense type within the applicable cell of the sentencing matrix.²⁰ Since multiple-count convictions can consist of any combination of person, drug, and property offenses, meaningful interpretations of sentencing patterns within matrices are not possible. Thus, the figures from this point forward focus on sentences for single-count convictions during fiscal years 2021 and 2022. Of the 10,486 sentencing guidelines worksheets submitted to the MSCCSP in fiscal year 2022, 7,617 (73%) pertained to single-count convictions.

²⁰ Of the 10,486 worksheets received in fiscal year 2022, 123 (1.2%) were reconsiderations and 1 (0.01%) was a three-judge panel review.

Figure 26 provides the overall guidelines compliance rates for fiscal years 2021 and 2022 based on single-count convictions. More than 81% of sentencing events were compliant in both fiscal years. When departures occurred, they were more often below the guidelines than above.

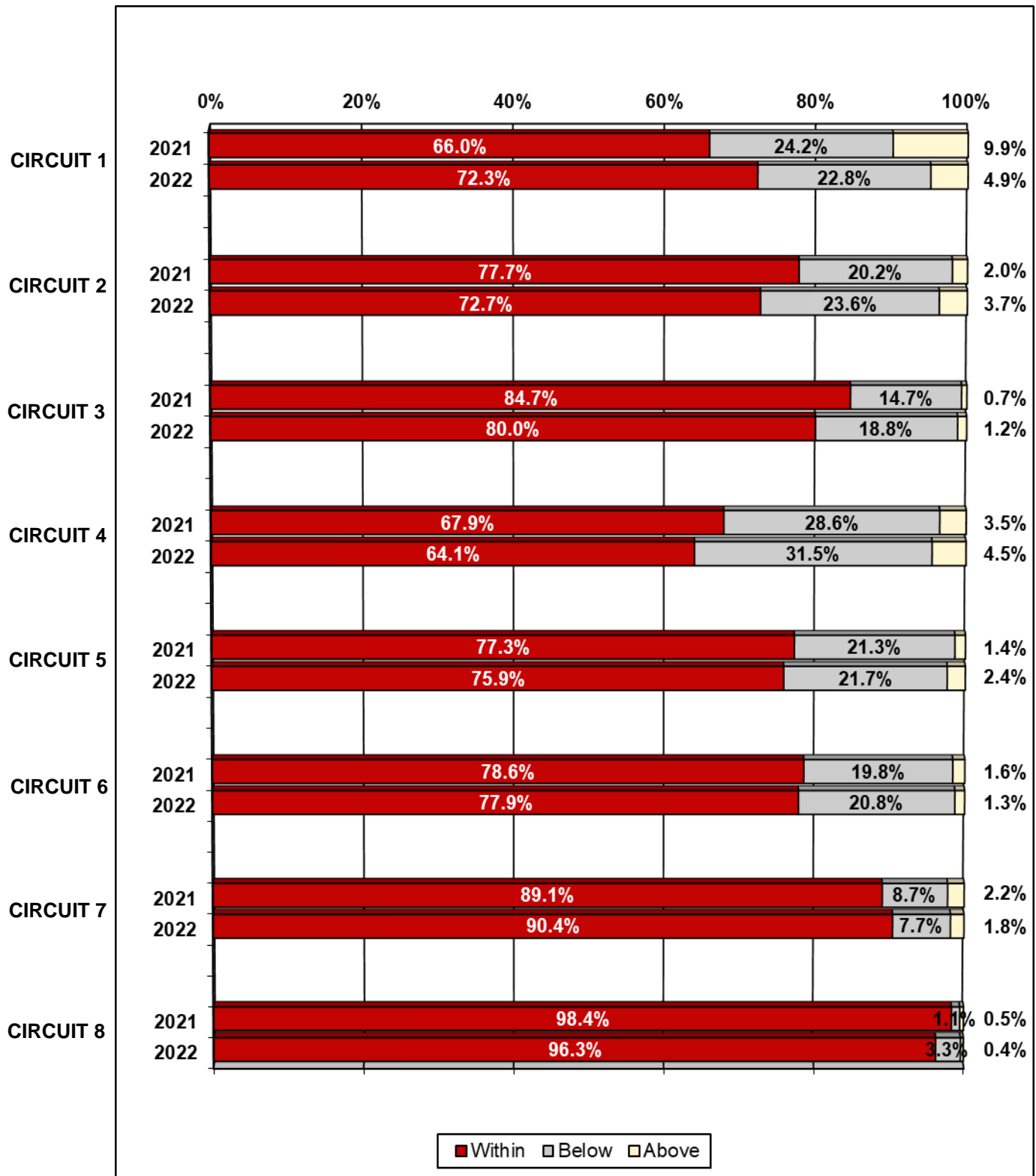
**Figure 26. Overall Sentencing Guidelines Compliance by Fiscal Year
(Single-Count Convictions)**



Judicial Compliance Rates by Circuit

As shown in Figure 27, all but one of the eight trial court judicial circuits met the 65% compliance benchmark in fiscal year 2022. The Eighth Circuit had the highest compliance rate (96.3%). In contrast, compliance was lowest in the Fourth Circuit (64.1%), falling just short of the 65% benchmark. Compliance rates within each circuit are mostly similar in fiscal year 2021 and fiscal year 2022. The largest change in the compliance rate occurred in the First Circuit, where the rate increased 6.3 percentage points from 66% in fiscal year 2021 to 72.3% in fiscal year 2022.

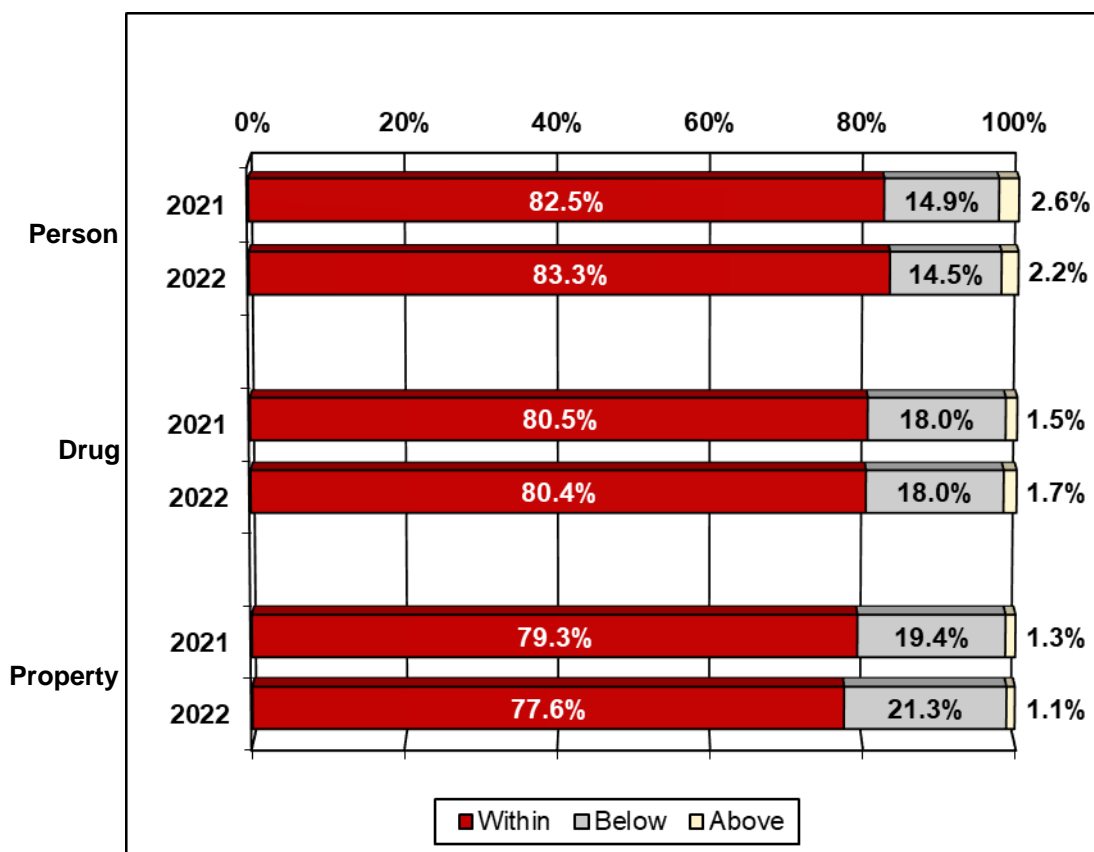
Figure 27. Sentencing Guidelines Compliance by Circuit and Fiscal Year



Judicial Compliance Rates by Crime Category

Figure 28 shows judicial compliance by crime category for fiscal years 2021 and 2022. Person offenses were the least likely to result in a departure from the guidelines in fiscal year 2022, although differences in compliance rates from one crime category to the next were small. The compliance rate remained stable from fiscal year 2021 to fiscal year 2022 for each of the crime categories, and the 65% benchmark was met for all three crime categories in both fiscal years.²¹

Figure 28. Sentencing Guidelines Compliance by Crime Category and Fiscal Year



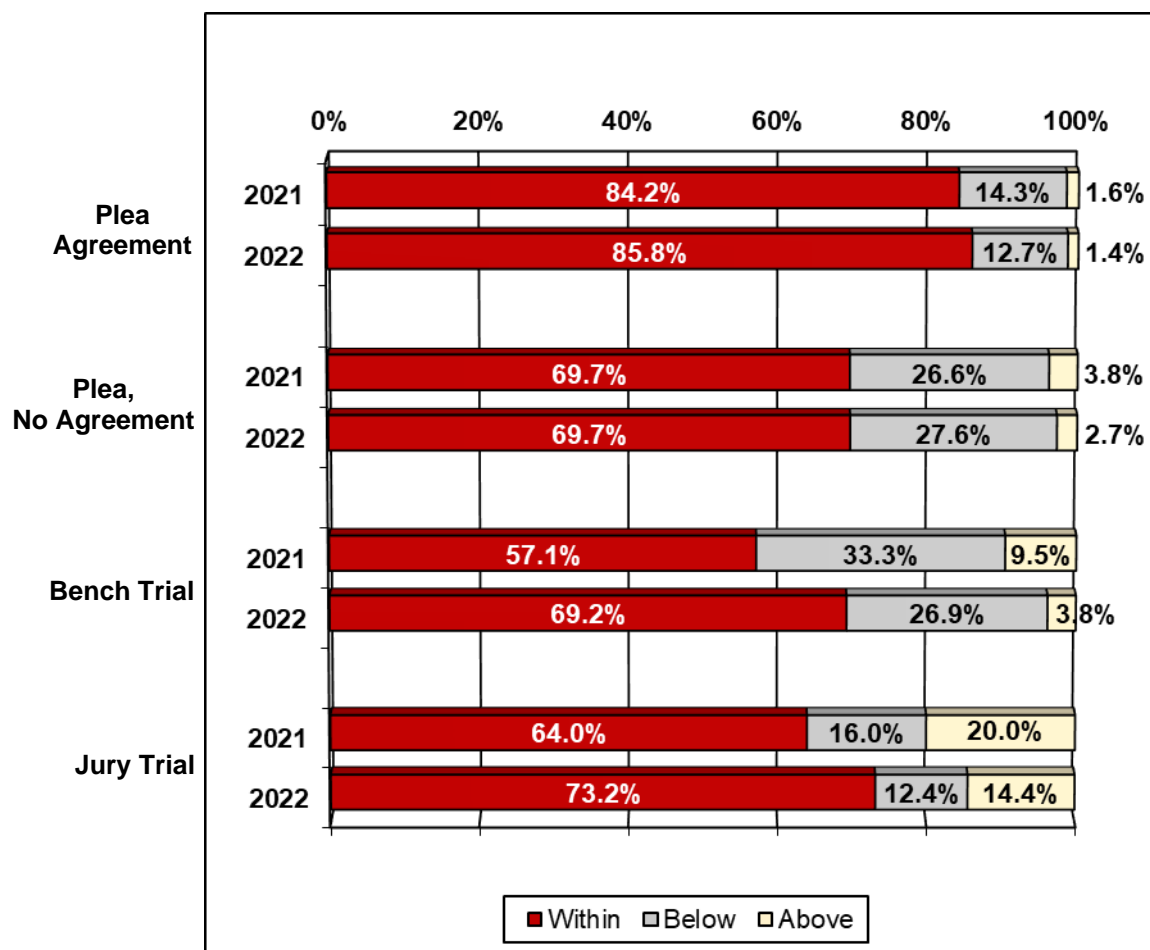
Judicial Compliance Rates by Type of Disposition

Figure 29 examines the extent to which judicial compliance rates varied by type of disposition (i.e., plea agreement, plea with no agreement, bench trial, and jury trial). Plea agreements accounted for the highest percentage of compliant sentencing events (85.8%) in fiscal year 2022. This is not surprising given that the plea agreement category includes binding plea agreements, which are compliant by definition. In contrast, sentencing events resolved by a

²¹ See Appendix C for sentencing guidelines compliance and average sentence for the five most common offenses in each crime category among single-count sentencing events.

bench trial had the lowest compliance rate, but bench trials also saw still the biggest increase in compliance from fiscal year 2021 (57.1%) to fiscal year 2022 (69.2%). Downward departures were more common than upward departures for all dispositions except for jury trials. Jury trials were the only disposition type where upward departures (14.4%) occurred more often than downward departures (12.4%). It is important to note that some of the rates are based on a very small number of cases. For example, the MSCCSP received only 26 worksheets in fiscal year 2022 for single-count sentencing events adjudicated by a bench trial. Small numbers limit the ability to provide meaningful interpretation.

Figure 29. Sentencing Guidelines Compliance by Type of Disposition and Fiscal Year



Judicial Compliance Rates by Offender Race/Ethnicity

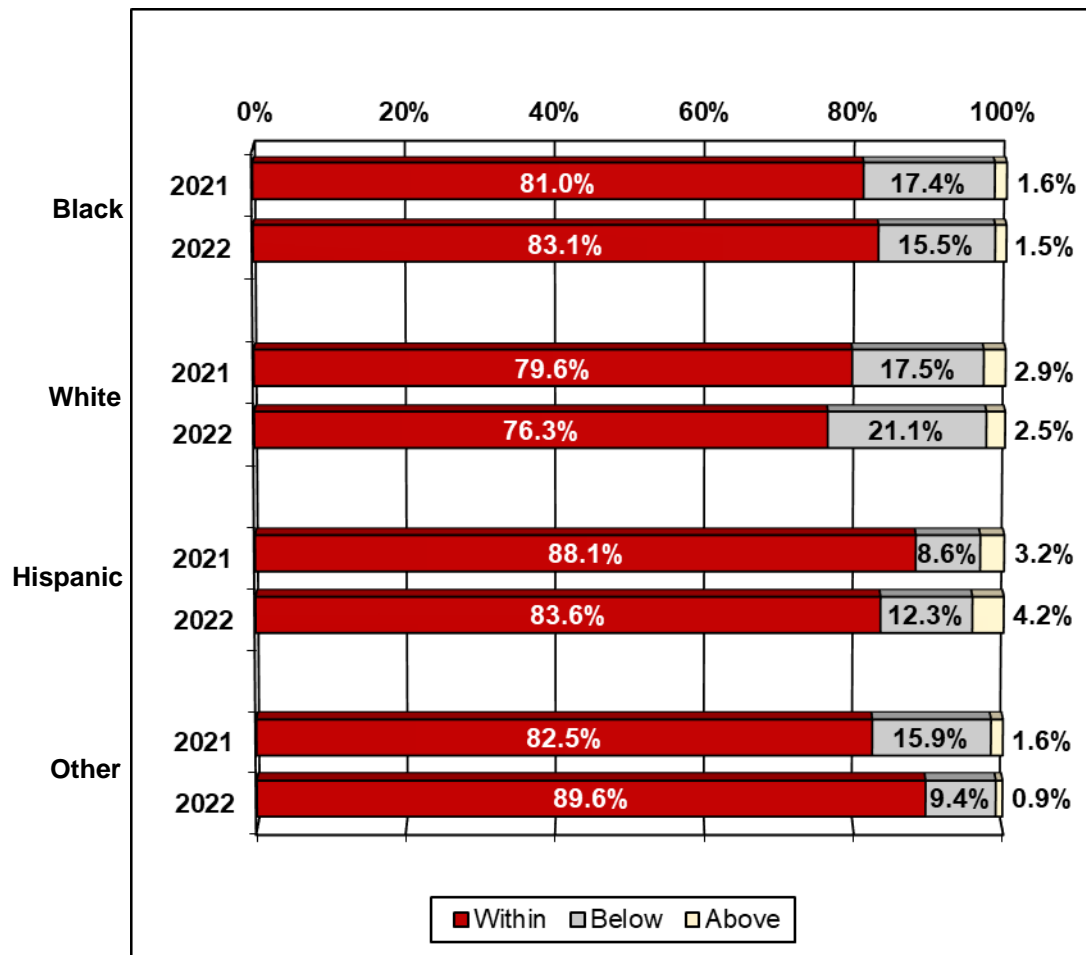
Figure 30 displays compliance rates by offender race/ethnicity for fiscal years 2021 and 2022. Consistent with the requirements specified in State Government Article (SG), § 10-603, the sentencing guidelines worksheet provides for the following defendant racial categories: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or other

Pacific Islander, and White. Prior to July 1, 2019, racial categories on the worksheet were mutually exclusive, permitting selection of no more than a single category. Effective July 1, 2019, the sentencing guidelines worksheet permits multiracial responses. Additionally, per the requirements specified in SG, § 10-603, the worksheet includes a separate question about whether the defendant is of Hispanic or Latino origin.

For the purposes of the analysis presented here, the racial categories American Indian/Alaska Native, Asian, and Native Hawaiian/other Pacific Islander were combined in a single category labeled “Other.” This was done because of the small number of cases in each of these racial groups. In addition, because there were fewer than 1% of defendants with multiple racial categories indicated, they too were included in the category labeled “Other.” Lastly, defendants identified as being of Hispanic or Latino origin in the separate ethnicity question were labeled “Hispanic” regardless of the racial category selected. This decision was made because the race field was often left blank when the Hispanic/Latino field was marked “yes,” indicating that some respondents may not distinguish between race and ethnicity.

Figure 30 indicates that compliance rates in both fiscal years and across race/ethnicity categories well exceeded the 65% benchmark. In fiscal year 2022, guidelines compliance ranged from a low of 76.3% for White defendants to a high of 89.6% for Other defendants. When departures occurred, below departures were more common than above departures across all race/ethnicity categories. White defendants were most likely to receive a sentence departure below the guidelines (21.1%), while Hispanic defendants were most likely to receive a sentence above the guidelines (4.2%).

Figure 30. Sentencing Guidelines Compliance by Offender Race/Ethnicity and Fiscal Year

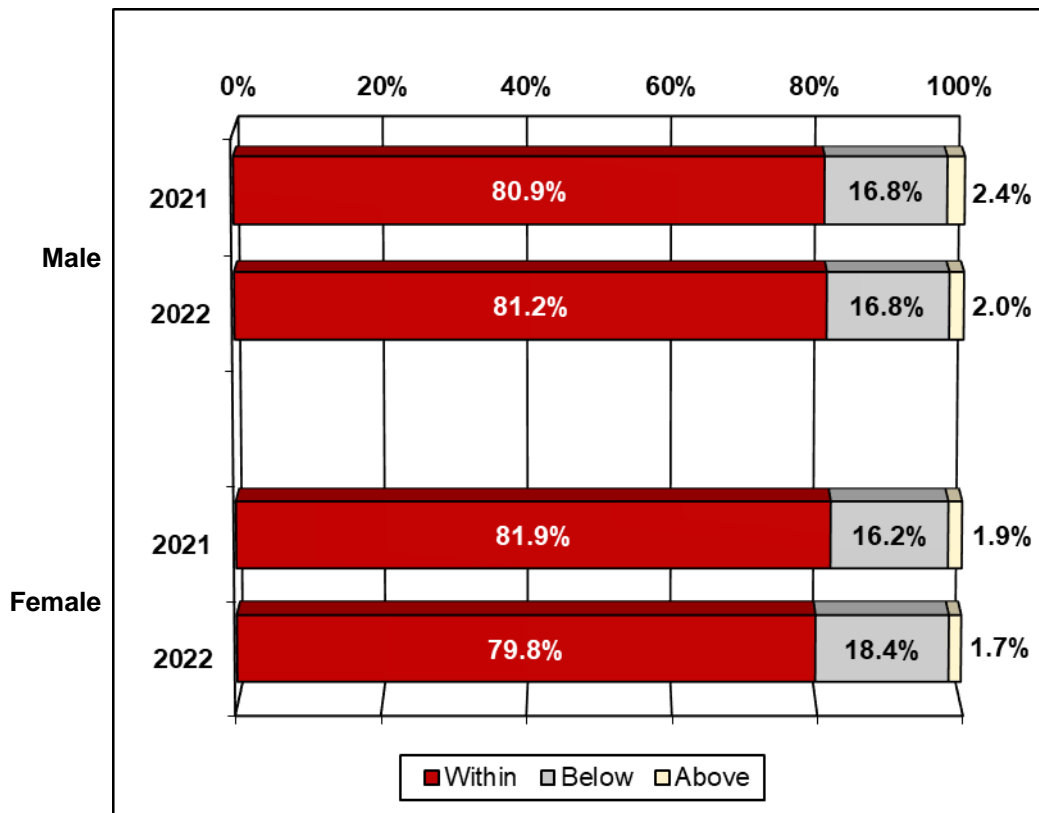


Judicial Compliance Rates by Offender Gender

Figure 31 displays compliance rates by offender gender for fiscal years 2021 and 2022.

Compliance rates were remarkably similar between male and female defendants in both fiscal years, ranging between 79.8% and 81.9%. As with compliance rates by race/ethnicity, when departures occurred, below departures were more common than above departures.

Figure 31. Sentencing Guidelines Compliance by Offender Gender and Fiscal Year



Departure Reasons

COMAR 14.22.01.05A directs the sentencing judge to document the reason or reasons for imposing a sentence outside of the recommended guidelines range on the sentencing guidelines worksheet. To facilitate the reporting of mitigating and aggravating departure reasons on the sentencing guidelines worksheet, the MSCCSP provides judges with a reference card listing the more common departure reasons and including the accompanying numerical departure code (Appendix E contains a list of these departure reasons). The common departure reasons and corresponding codes are listed in MAGS as well. The worksheet allows for up to three departure codes and provides a space for the judge to report other reasons not contained on the reference card. Additionally, MAGS ensures the collection of reasons for all departures, as the departure reason is a required field necessitating completion prior to the electronic submission of any sentence identified as a departure from the guidelines. It is important for judges to provide the reason for departure since those reasons may help inform the Commission's consideration of potential guidelines revisions.

Tables 11 and 12 display the reasons given for departures from the guidelines in fiscal year 2022. The tables include the reasons listed on the reference card as well as the majority of the “other” cited reasons. Table 11 provides a rank order of the mitigating reasons judges provided for sentencing events where the sentence resulted in a downward departure. The most commonly cited reasons for downward departures were: 1) the parties reached a plea agreement that called for a reduced sentence; 2) recommendation of the State’s Attorney or Division of Parole and Probation; and 3) offender’s commitment to substance abuse treatment or other therapeutic program.

Table 11. Departure Reasons for Sentencing Events Below the Guidelines, Fiscal Year 2022²²

Mitigating Reasons	Percent of Departures Where Reason is Cited
The parties reached a plea agreement that called for a reduced sentence	51.8%
Recommendation of State’s Attorney or Division of Parole and Probation	38.9%
Offender’s commitment to substance abuse treatment or other therapeutic program	11.1%
Offender made restorative efforts after the offense	6.3%
Judicial discretion	5.3%
Offender’s minor role in the offense	1.9%
Offender’s age/health	1.7%
Offender had diminished capability for judgment	1.7%
Offender’s prior criminal record not significant	1.5%
Offender serving or facing sentence in another case	1.2%
Nature/circumstances of the offense	1.1%
Victim requested a more lenient sentence or victim unavailable or not willing to cooperate	0.7%
Victim’s participation in the offense lessens the offender’s culpability	0.6%
Offender expressed remorse or cooperated with authorities	0.6%
Offender waived credit for time served	0.5%

²² Each sentencing event may cite multiple reasons, therefore the cited percentages will exceed a total of 100%.

Mitigating Reasons	Percent of Departures Where Reason is Cited
COVID-19 pandemic	0.4%
Weak facts of case	0.3%
Offender's family responsibilities/circumstances	0.3%
Offender was influenced by coercion or duress	0.3%
Sentence consistent with pending guidelines revisions	0.2%
Other reason (not specified above)	3.8%

Table 12 provides a rank order of the aggravating reasons judges provided for sentencing events where the sentence resulted in an upward departure. The most commonly cited reasons for departures above the guidelines were: 1) recommendation of the State's Attorney or Division of Parole and Probation; 2) the vicious or heinous nature of the conduct; and 3) the level of harm was excessive.

**Table 12. Departure Reasons for Sentencing Events Above the Guidelines,
Fiscal Year 2022²³**

Aggravating Reasons	Percent of Departures Where Reason is Cited
Recommendation of State's Attorney or Division of Parole and Probation	53.1%
The vicious or heinous nature of the conduct	20.7%
The level of harm was excessive	16.6%
Offender's major role in the offense	14.5%
Special circumstances of the victim	8.3%
Offender exploited a position of trust	7.6%
The parties reached a plea agreement	4.8%
Offender's significant participation in major controlled substance offense	4.8%
Offender's prior criminal record significant	2.1%
Nature/circumstances of the offense	2.1%
Judicial discretion	2.1%
Offender committed a "white collar" offense	0.7%
Other reason (not specified above)	9.0%

²³ Each sentencing event may cite multiple reasons, therefore the cited percentages will exceed a total of 100%.

CRIMES OF VIOLENCE

Chapter 141 (S.B. 763), Acts of 2022 requires the MSCCSP include in its annual report certain statistics for sentences for crimes of violence (COV).²⁴ The following analyses detail sentences for COV. These figures and additional information may be found on the [Crimes of Violence Data Dashboard](#) on the MSCCSP's website.

Crimes of Violence by Judicial Circuit and Offense

In fiscal year 2022, the MSCCSP received sentencing guidelines worksheets for 1,779 sentencing events involving 2,525 COV. Table 13 provides the number of sentencing events and offenses involving COV, by judicial circuit. As illustrated, the greatest number of sentencing events involving a COV took place in the Third Circuit and Eighth Circuit. The fewest sentencing events involving COV took place in the Second Circuit.

Table 13. Number and Percentage of Sentencing Guidelines Events and Offenses Involving Crimes of Violence by Circuit, Fiscal Year 2022

Circuit	Total Sentencing Events	Sentencing Events Involving Crimes(s) of Violence			Total Offenses	Crimes of Violence		
	#	#	% in State	% in Circuit	#	#	% in State	% in Circuit
1	780	105	5.9%	13.5%	1,134	148	5.9%	13.1%
2	577	43	2.4%	7.5%	786	49	1.9%	6.2%
3	2,268	352	19.8%	15.5%	2,957	469	18.6%	15.9%
4	677	62	3.5%	9.2%	870	70	2.8%	8.0%
5	1,459	231	13.0%	15.8%	2,048	339	13.4%	16.6%
6	1,177	255	14.3%	21.7%	1,765	346	13.7%	19.6%
7	1,300	247	13.9%	19.0%	1,965	368	14.6%	18.7%
8	2,248	484	27.2%	21.5%	3,183	736	29.1%	23.1%
TOTAL	10,486	1,779	100.0%	17.0%	14,708	2,525	100.0%	17.2%

Table 14 provides frequencies, in descending order, for each COV for which a worksheet was received in fiscal year 2022 (see Appendix G, Table 1, for this table broken down by judicial circuit and offense). The most common COV reported in fiscal year 2022 was *Assault*, ^{1st}

²⁴ See CP, § 6-209, and Senate Bill 763 (Chapter 141 of the Laws of Maryland 2022). COV are defined pursuant to CR, § 14-101.

Degree, followed by Use of a Firearm in COV or Select Felony, Robbery, and Robbery with a Dangerous Weapon.

Table 14. Number of Crimes of Violence by Offense, Fiscal Year 2022

Crime of Violence	Number of Offenses
Assault, 1st Degree	592
Firearm Use in COV/Felony	375
Robbery	346
Robbery w/Dangerous Weapon	325
Child Sexual Abuse	175
Murder, 1st Degree	116
Rape, 2nd Degree ²⁵	108
Murder, 2nd Degree	97
Carjacking, Unarmed	63
Murder, 2nd Degree, Attempt	56
Home Invasion	55
Murder, 1st Degree, Attempt	53
Carjacking, Armed	46
Arson, 1st Degree	23
Manslaughter	22
Kidnapping	17
Sex Offense, 2nd Degree ^{25,26}	16
Child Abuse, Physical, 1st Degree	14
Continuing Course of Conduct	10
Rape, 1st Degree ²⁵	10
Abduction	3
Sex Trafficking	2
Assault w/Intent to Murder, etc.	1
Maiming	0
Sex Offense, 1st Degree ^{25,26}	0
TOTAL	2,525

²⁵ Due to the small number of attempted offenses, figures presented for *Rape, 1st Degree*, *Rape, 2nd Degree*, *Sex Offense, 1st Degree*, and *Sex Offense, 2nd Degree*, include both completed offenses and attempts.

²⁶ Effective October 1, 2017, *Sex Offense, 1st Degree*, and *Sex Offense, 2nd Degree*, were reclassified as *Rape, 1st Degree*, and *Rape, 2nd degree*, respectively. The *Sex Offense, 1st Degree*, and *Sex Offense, 2nd Degree*, figures referred to in this report were committed prior to October 1, 2017, and were sentenced or had their original sentence modified in fiscal year 2022.

Disposition and Sentence Characteristics for Crimes of Violence

Figures 32 through 39 summarize disposition and sentence characteristics from the 1,779 sentencing guidelines events and 2,525 offenses involving COV submitted for defendants sentenced in fiscal year 2022.

Figure 32 shows the distribution of guidelines sentencing events involving one or more COV by disposition type and judicial circuit (Appendix D contains a description of the five major disposition types listed on the sentencing guidelines worksheet; see Appendix G, Table 2, for the number and percentage of sentencing events by disposition and judicial circuit). The majority of sentencing events involving COV in every circuit were resolved by either a binding plea agreement (46.8%), an other plea agreement (27.3%), or a plea with no agreement (16.8%). An additional 9.1% of sentencing events were resolved by a bench or jury trial (1.0% and 8.1%, respectively). Jury trials were more frequent among sentencing events involving COV relative to all sentencing events (8.1% versus 2.7%, respectively, see Figure 20).

Figure 32. Distribution of Guidelines Sentencing Events Involving Crimes of Violence by Disposition and Judicial Circuit, Fiscal Year 2022

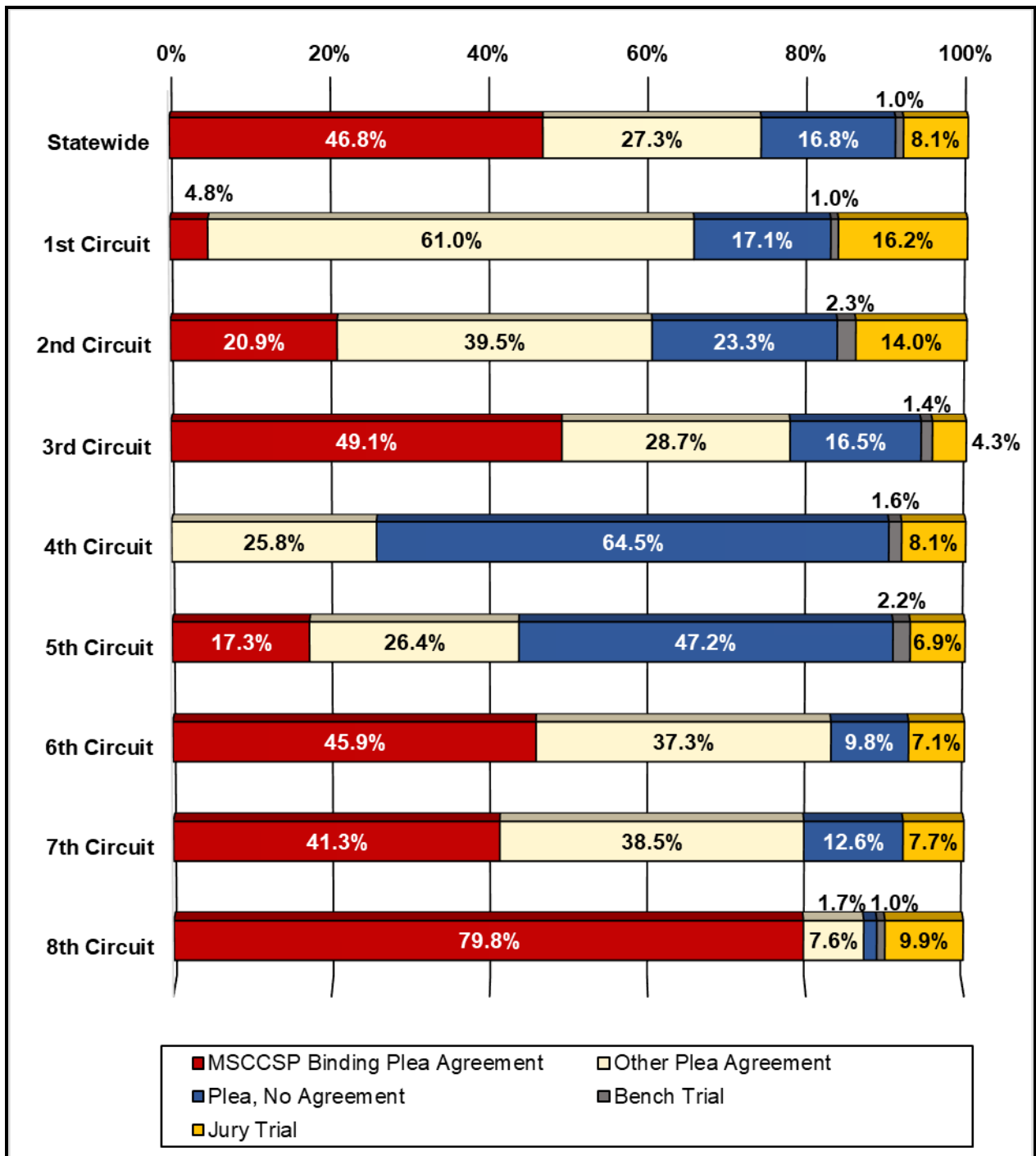
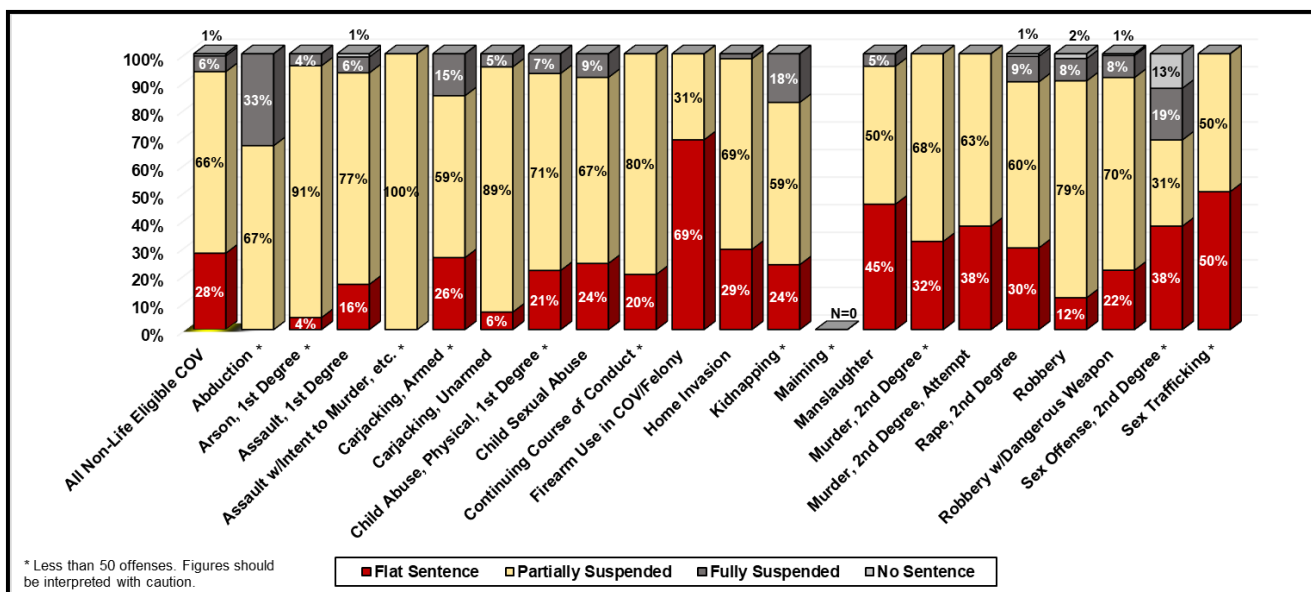


Figure 33 displays the distribution of non-life-eligible COV by sentence type (see Appendix G, Tables 3a through 3i, for these figures broken down by judicial circuit and offense).²⁷ A flat sentence includes incarceration only and no suspended time. A partially suspended sentence includes incarceration, suspended time, and typically a period of probation. A fully suspended sentence includes suspended time, typically a period of probation, and no incarceration. No sentence includes no incarceration, no suspended time, and no period of probation. Note that incarceration includes home detention and credited time, as well as post-sentence jail/prison time. Few COV (.8%) received no sentence. The majority of COV received a partially suspended sentence (65.8%), followed by a flat sentence (27.7%). Approximately 5.7% of COV received a fully suspended sentence.

Figure 33. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type and Offense, Fiscal Year 2022



²⁷ Non-life-eligible offenses are those offenses that carry a statutory maximum penalty of a defined period of imprisonment that is less than life. Life-eligible offenses are those offenses that carry a statutory maximum penalty of life imprisonment. Figures for non-life-eligible and life-eligible offenses are presented separately as the total sentence and percentage of the total sentence suspended cannot be calculated for those offenses for which the total sentence is life imprisonment.

Figure 34 illustrates the mean total sentence lengths and non-suspended sentence lengths for non-life eligible COV by offense (see Appendix G, Tables 4a through 4e, for these figures broken down by judicial circuit and offense).

Figure 34. Mean Total Sentence and Non-Suspended Sentence Lengths (in Years) for Non-Life Eligible Crimes of Violence by Offense, Fiscal Year 2022

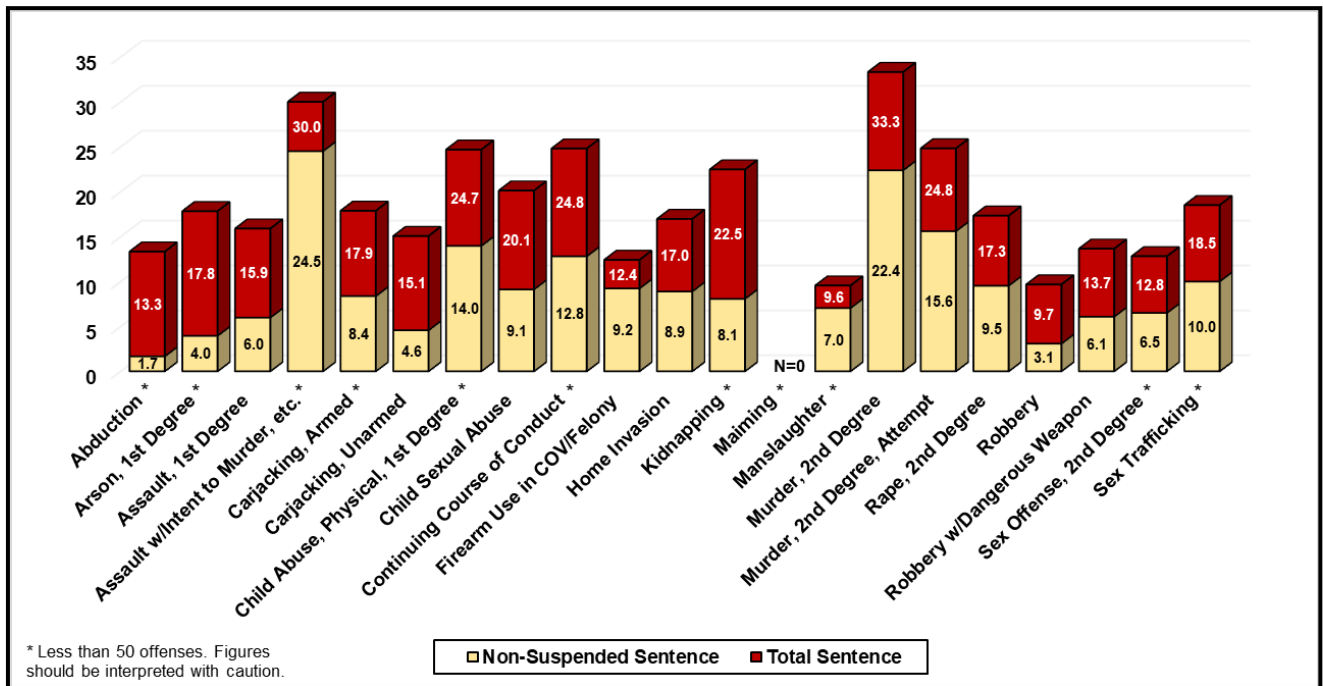


Figure 35 illustrates the mean percentage of the total sentence suspended for non-life-eligible COV by offense (See Appendix G, Tables 5a through 5c, for these figures broken down by judicial circuit and offense).

Figure 35. Mean Percentage of the Total Sentence Suspended for Non-Life Eligible Crimes of Violence that Received a Partially or Fully Suspended Sentence, by Offense, Fiscal Year 2022

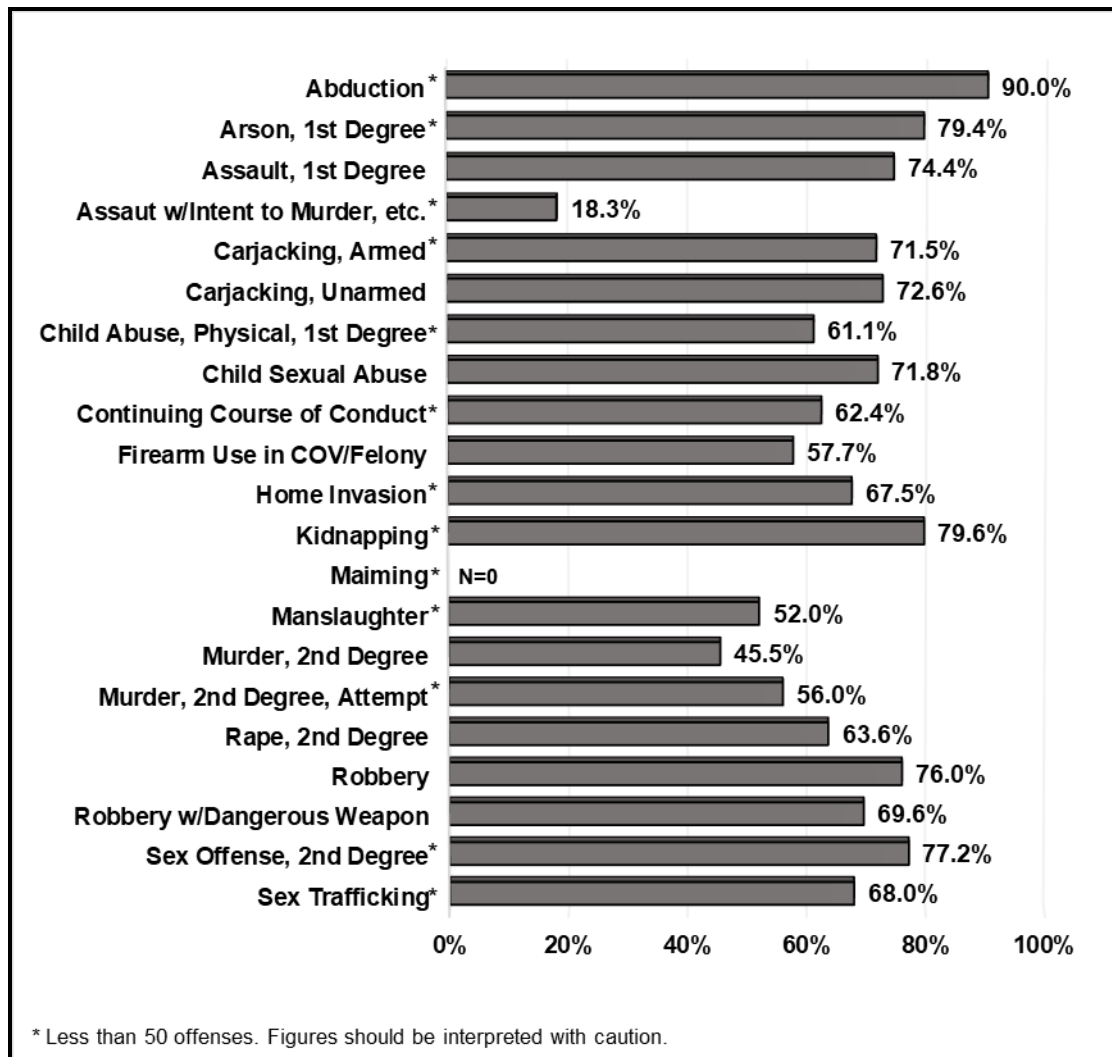


Figure 36 displays the distribution of life-eligible COV by sentence type (see Appendix G, Tables 6a through 6c, for these figures broken down by judicial circuit and offense). Specific life-eligible offenses are *Murder, 1st Degree*; *Murder, 1st Degree, Attempt*; *Rape, 1st degree*; *Rape, 1st Degree, Attempt*; *Sex offense, 1st degree*; and *Sex Offense, 1st Degree, Attempt*. A life (active) sentence consists of life imprisonment, with or without parole, and no suspended time. A life, partially suspended sentence consists of a life sentence, a portion of which is suspended, and typically a period of probation. A non-life sentence includes a defined period of imprisonment that is less than life, a portion of which may be suspended, and may include a period of probation. The majority (include %) of life-eligible COVs sentenced in fiscal year 2022 had a non-suspended sentence length that was less than life imprisonment.

Figure 36. Distribution of Life-Eligible Crimes of Violence by Sentence Type and Offense, Fiscal Year 2022

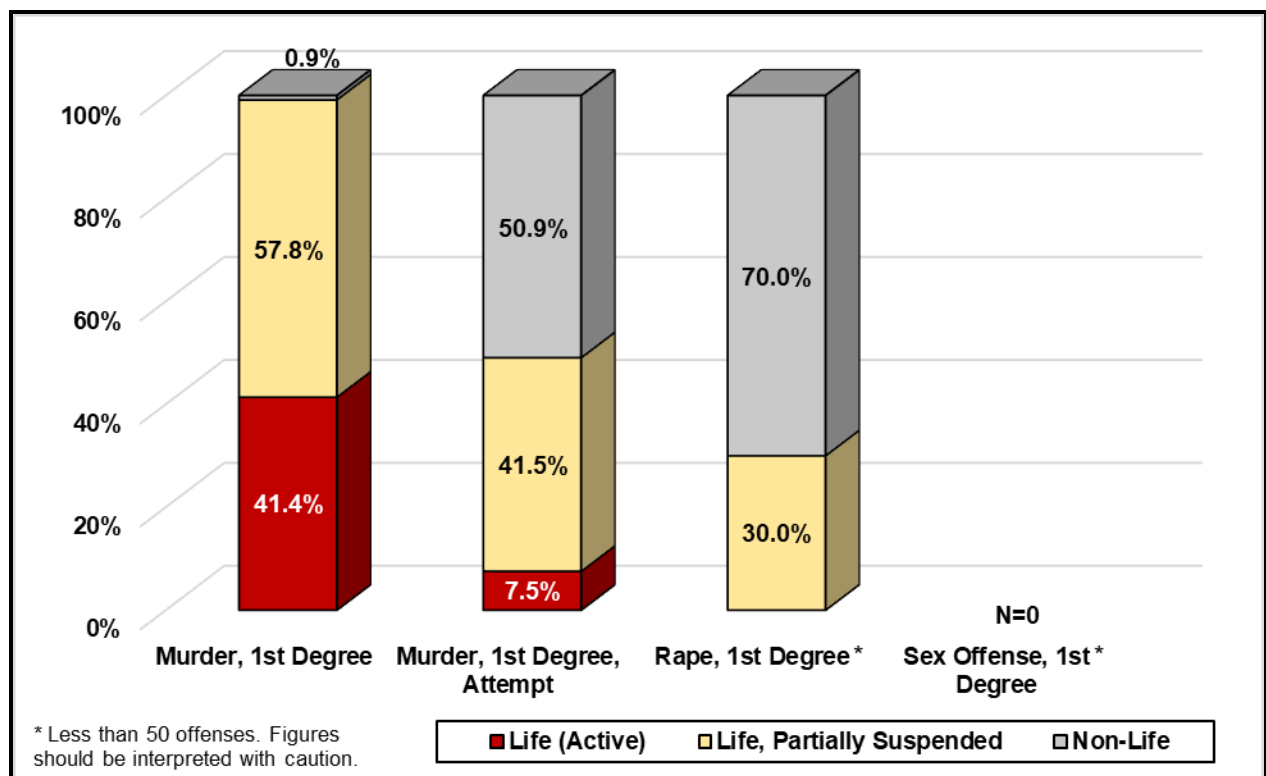


Figure 37 illustrates the mean non-suspended sentence lengths for life-eligible COV that received partially suspended life sentences (See Appendix G, Table 7, for these figures broken down by judicial circuit and offense).

Figure 37. Mean Non-Suspended Sentence Lengths (in Years) for Life-Eligible Crimes of Violence that Received a Partially Suspended Sentence, by Offense, Fiscal Year 2022

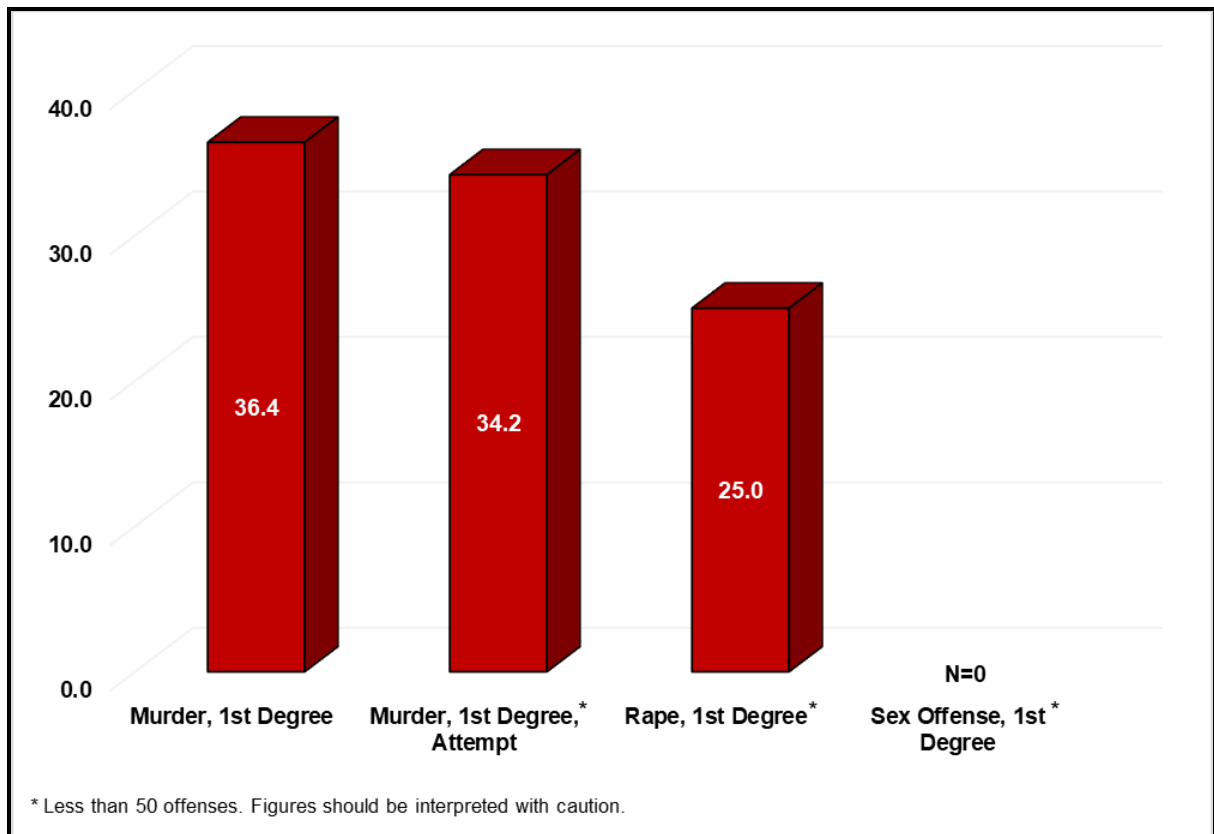


Figure 38 illustrates the mean total sentence and non-suspended sentence lengths for life-eligible COV that received non-life sentences (See Appendix G, Table 8, for these figures broken down by judicial circuit and offense).

Figure 38. Mean Total Sentence and Non-Suspended Sentence Lengths (in Years) for Life-Eligible Crimes of Violence that Received Non-Life Sentences, by Offense, Fiscal Year 2022

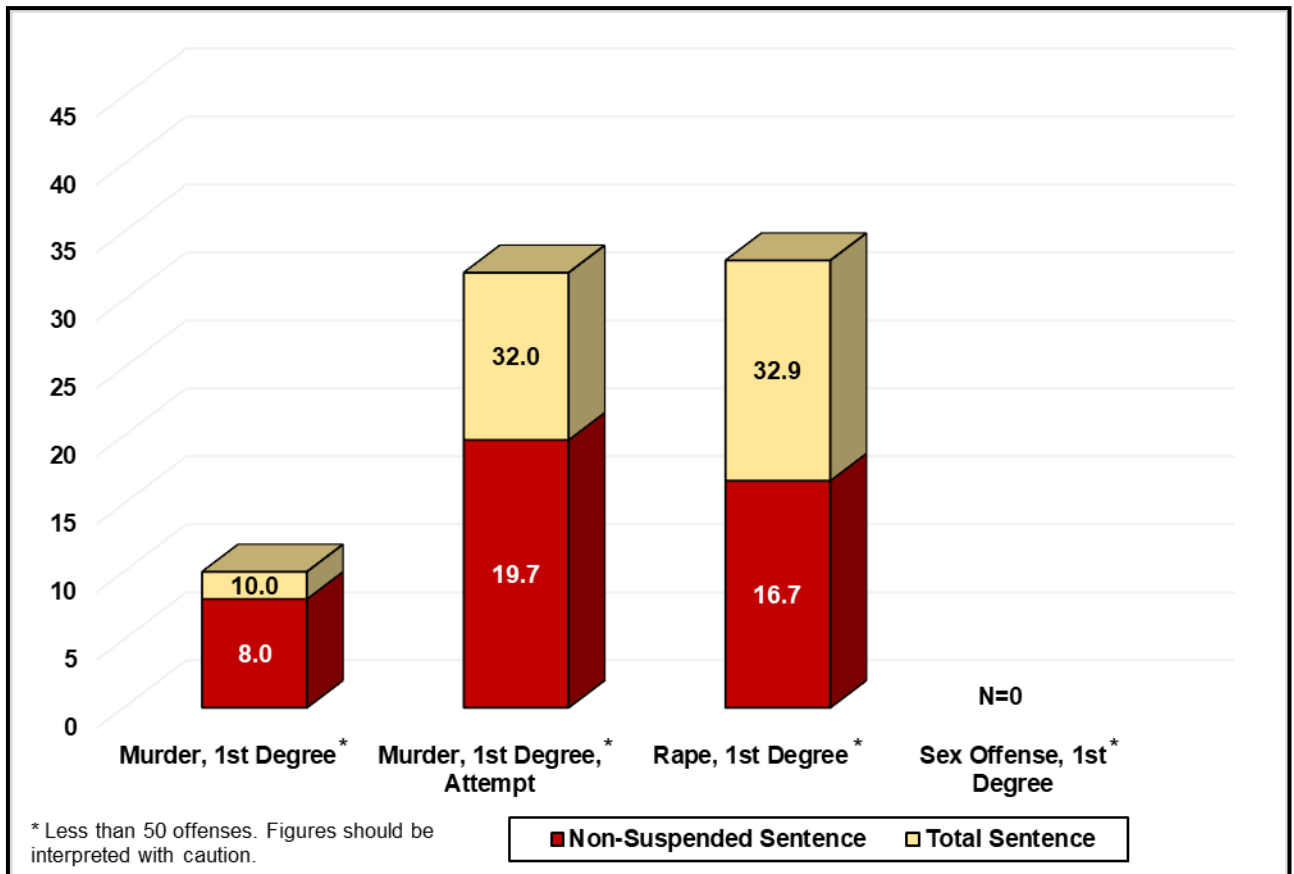
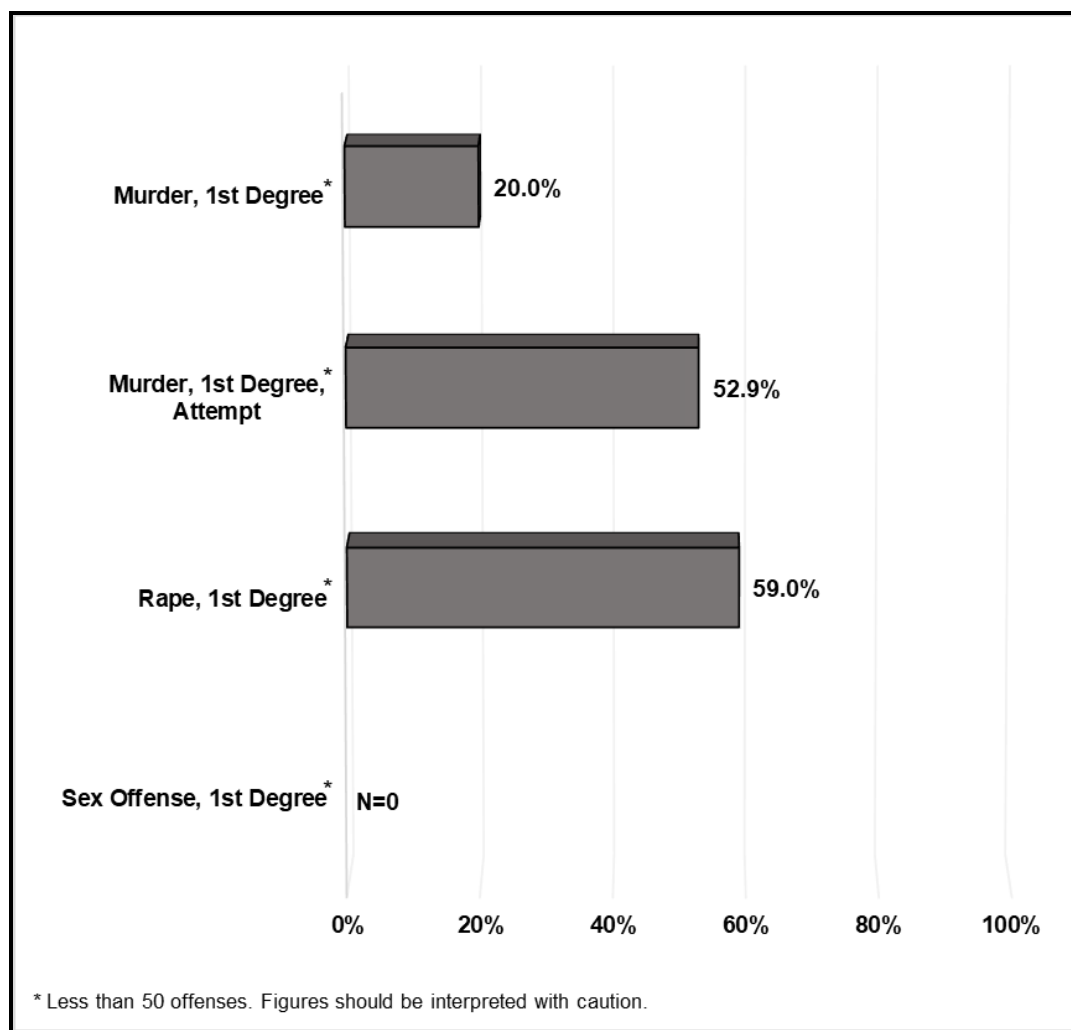


Figure 39 illustrates the mean percentage of the total sentence suspended for life-eligible COV that received non-life sentences by offense (See Appendix G, Table 9, for these figures broken down by judicial circuit and offense).

Figure 39. Mean Percentage of Sentence Suspended for Life-Eligible Crimes of Violence that Received Non-Life Sentences, by Offense, Fiscal Year 2022



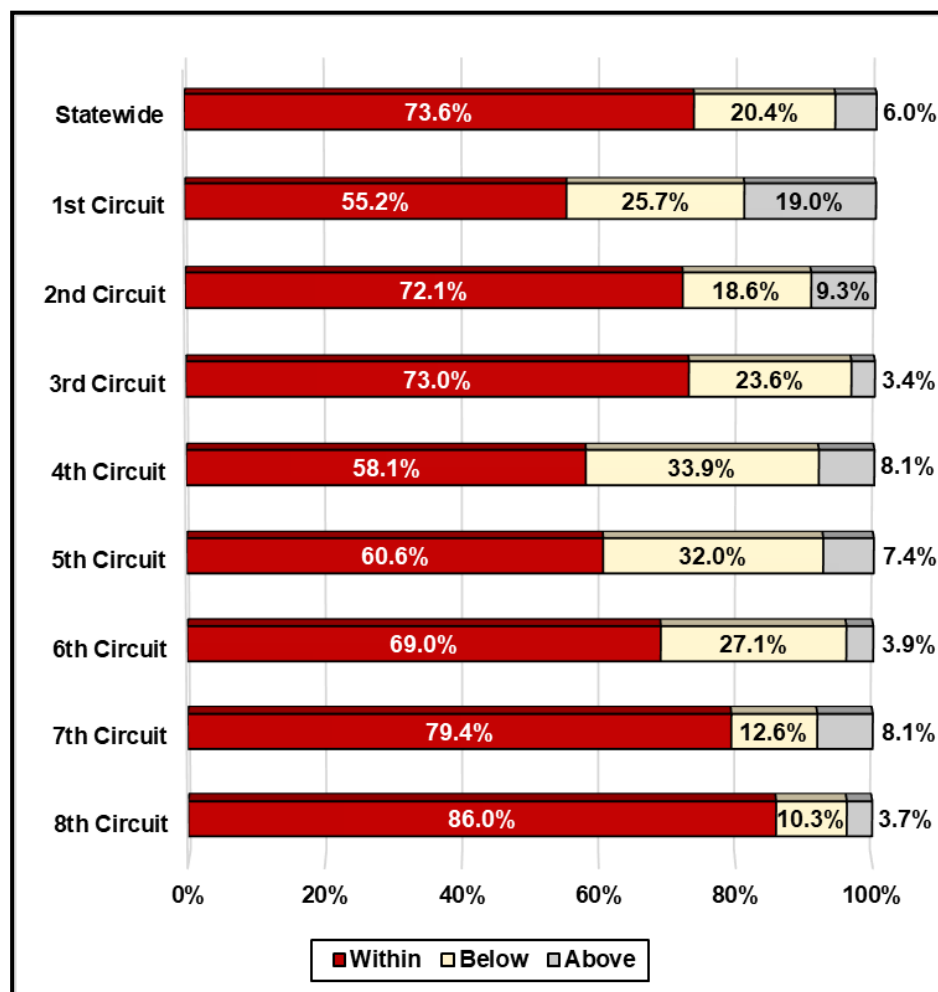
Judicial Compliance Rates for Crimes of Violence

Figure 40 provides the sentencing guidelines compliance rates for sentencing events involving COV by judicial circuit (see Appendix G, Table 10, for the number and percentage of sentencing events by guidelines compliance category and judicial circuit).²⁸ Overall, the sentences for 73.6% of sentencing events involving COV fell within the guidelines, while 20.4% fell below the guidelines, and 6% fell above the guidelines. Compliance rates varied among the judicial

²⁸ These compliance analyses include both single and multiple-count sentencing events.

circuits, ranging from 55.2% to 86%. The compliance rate for sentencing events involving COV met the Commission's benchmark standard of 65% compliance in six of eight judicial circuits. When departures occurred, they were more often below the guidelines than above.

Figure 40. Sentencing Guidelines Compliance for Sentencing Events Involving Crimes of Violence by Judicial Circuit, Fiscal Year 2022



Departure Reasons for Crimes of Violence

Tables 15 and 16 display the reasons given for departures from the guidelines in sentencing events involving COV in fiscal year 2022. The tables include the reasons listed on the reference card provided to circuit court judges (see Appendix E). Table 15 provides a rank order of the mitigating reasons judges provided for sentencing events involving COV where the sentence resulted in a downward departure (see Appendix G, Table 11, for these figures broken down by judicial circuit). The most cited reasons for downward departures in sentencing events involving COV were: 1) the parties reached a plea agreement that called for a reduced sentence; 2)

recommendation of the State's Attorney or Division of Parole and Probation; and 3) offender's commitment to substance abuse treatment or other therapeutic program.

Table 15. Departure Reasons for Sentencing Events Below the Guidelines, Fiscal Year 2022²⁹

Mitigating Reasons	Percent of Departures Where Reason is Cited
The parties reached a plea agreement that called for a reduced sentence	51.1%
Recommendation of State's Attorney or Division of Parole and Probation	33.1%
Offender's commitment to substance abuse treatment or other therapeutic program	12.5%
Offender made restorative efforts after the offense	5.6%
Offender had diminished capability for judgment	4.7%
Offender's minor role in the offense	1.7%
Victim's participation in the offense lessens the offender's culpability	0.8%
Offender influenced by coercion or duress	0.8%
Other reason (not specified above) ³⁰	21.1%

²⁹ Each sentencing event may cite multiple reasons, therefore the cited percentages will exceed a total of 100%.

³⁰ Other reasons for departure included, but were not limited to, the age/health of the offender (6.1%), victim/witness unavailable/victim request (1.7%), the offender's prior criminal record (1.4%), the offender received a sentence for another offense or case (1.1%), and the nature/circumstances of the offense (1.1%), offender waived credit for time served (0.8%), judicial discretion (0.8%), the offender pled guilty/cooperated with authorities (0.8%), the offender expressed remorse (0.6%), weak facts of case (0.3%), the offender is employed/in school (0.3%), offender's family circumstances/is caretaker (0.3%), COVID-19 concerns (0.3%).

Table 16 provides a rank order of the aggravating reasons judges provided for sentencing events involving COV where the sentence resulted in an upward departure (see Appendix G, Table 12, for these figures broken down by judicial circuit). The most cited reasons for departures above the guidelines in sentencing events involving COV were: 1) the vicious or heinous nature of the conduct; 2) the level of harm was excessive; 3) the offender's major role in the offense; and the recommendation of the State's Attorney or Division of Parole and Probation.

Table 16. Departure Reasons for Sentencing Events Above the Guidelines, Fiscal Year 2022³¹

Aggravating Reasons	Percent of Departures Where Reason is Cited
The vicious or heinous nature of the conduct	50.0%
The level of harm was excessive	38.7%
Offender's major role in the offense	35.8%
Recommendation of State's Attorney or Division of Parole and Probation	35.8%
Offender exploited a position of trust	11.3%
Special circumstances of the victim	8.5%
Offender's significant participation in major controlled substance offense	0.9%
Offender committed a "white collar" offense	0.0%
Other reason (not specified above) ³²	12.3%

³¹ Each sentencing event may cite multiple reasons, therefore the cited percentages will exceed a total of 100%.

³² Other reasons for departure included, but were not limited to, plea agreement (0.6%), the nature/circumstances of the offense (0.6%), the offender's age/health (0.6%), the offender's prior criminal record (0.3%), judicial discretion (0.3%), and the offender's lack of remorse (0.3%).

PLANNED ACTIVITIES FOR 2023

The work of the MSCCSP in 2023 will be determined, in part, by emerging policy issues and concerns that develop throughout the course of the year. In addition, the MSCCSP will continue to work on previously initiated activities while also addressing new activities as described below.

The MSCCSP will continue to administer Maryland's sentencing guidelines by collecting sentencing guidelines worksheets, maintaining the sentencing guidelines database, monitoring judicial compliance with the guidelines, providing sentencing guidelines education and training, and delivering orientation and instruction on the use of the MAGS application. Additionally, the MSCCSP will review all criminal offenses and changes in the criminal code resulting from the 2023 Legislative Session and adopt seriousness categories for these offenses. Finally, the MSCCSP will continue coordination with the AOC to implement a statewide, aggregated worksheet status report.

The MSCCSP has also identified the following list of activities that the Commission plans to address in 2023:

- Implement a data dashboard on the MSCCSP website to provide information about sentences for crimes of violence;
- Add a data extraction tool to the MSCCSP website to make the sentencing guidelines data more accessible;
- Release a report assessing the impact of race/ethnicity at sentencing;
- Review the prior adult criminal record component of the sentencing guidelines offender score to assess the impact of minor misdemeanor and traffic offenses;
- Review the sentencing guidelines for cases involving mandatory consecutive sentences;
- Review the seriousness categories for subsequent drug convictions;
- Review the application of the multiple victim stacking rule in sentencings involving crimes against animals; and
- Implement an updated version of MAGS to simplify the sentence screen to make it easier for court staff to data-enter sentencing information.

The activities described above, in combination with work associated with any pressing policy issues and concerns that develop over the year, are but a few of the many tasks that will be considered by the MSCCSP in 2023 to support the consistent, fair, and proportional application of sentencing practices in Maryland.

APPENDICES

Appendix A:

Sentencing Guidelines Matrices

Sentencing Matrix for Offenses Against Persons								
Offender Score								
Offense Score	0	1	2	3	4	5	6	7 or more
1	P	P	P-3M	3M-1Y	3M-18M	3M-2Y	6M-2Y	1Y-3Y
2	P-6M	P-1Y	P-18M	3M-2Y	6M-3Y	1Y-5Y	18M-5Y	3Y-8Y
3	P-2Y	P-2Y	6M-3Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y
4	P-3Y	6M-4Y	1Y-5Y	2Y-5Y	3Y-7Y	4Y-8Y	5Y-10Y	5Y-12Y
5	3M-4Y	6M-5Y	1Y-6Y	2Y-7Y	3Y-8Y	4Y-10Y	6Y-12Y	8Y-15Y
6	1Y-6Y	2Y-7Y	3Y-8Y	4Y-9Y	5Y-10Y	7Y-12Y	8Y-13Y	10Y-20Y
7	3Y-8Y	4Y-9Y	5Y-10Y	6Y-12Y	7Y-13Y	9Y-14Y	10Y-15Y	12Y-20Y
8	4Y-9Y	5Y-10Y	5Y-12Y	7Y-13Y	8Y-15Y	10Y-18Y	12Y-20Y	15Y-25Y
9	5Y-10Y	7Y-13Y	8Y-15Y	10Y-15Y	12Y-18Y	15-25Y	18Y-30Y	20Y-30Y
10	10Y-18Y	10Y-21Y	12Y-25Y	15Y-25Y	15Y-30Y	18Y-30Y	20Y-35Y	20Y-L
11	12Y-20Y	15Y-25Y	18Y-25Y	20Y-30Y	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L
12	15Y-25Y	18Y-25Y	18Y-30Y	20Y-35Y	20Y-35Y	25Y-40Y	25Y-L	25Y-L
13	20Y-30Y	25Y-35Y	25Y-40Y	25Y-L	25Y-L	30Y-L	L	L
14	20Y-L	25Y-L	28Y-L	30Y-L	L	L	L	L
15	25Y-L	30Y-L	35Y-L	L	L	L	L	L

P=Probation, M=Months, Y=Years, L=Life

Sentencing Matrix for Drug Offenses (Revisions effective 7/2022)								
Offender Score								
Offense Seriousness Category	0	1	2	3	4	5	6	7 or more
VII	P [no change]	P [no change]	P P-1M	P-1M P-3M	P-3M P-4M	P-6M [no change]	3M-6M P-9M	6M-2Y P-1Y
VI	Available for future use. There are currently no seriousness category VI drug offenses.							
V	P-1M [no change]	P-6M P-3M	P-1Y P-4M	1M-1Y P-6M	2M-18M P-9M	3M-2Y P-1Y	4M-3Y 1M-18M	6M-4Y 2M-2Y
IV	P-3M [no change]	P-9M P-4M	1M-1Y P-6M	2M-18M P-9M	3M-2Y P-1Y	4M-2.5Y 1M-18M	6M-3Y 2M-2Y	8M-5Y 3M-3Y
III-A Cannabis import 45 kilograms or more, and MDMA over 750 grams	P-18M P-6M	P-2Y P-9M	6M-2Y P-18M	1Y-4Y 1M-2Y	2Y-6Y 3M-3Y	3Y-8Y 6M-5Y	4Y-12Y 1Y-6Y	10Y-20Y 2Y-8Y
III-B Non-cannabis and non-MDMA, Except Import	6M-3Y P-9M	1Y-3Y P-18M	18M-4Y 1M-2Y	3Y-7Y 3M-3Y	4Y-8Y 6M-5Y	5Y-10Y 1Y-6Y	7Y-14Y 2Y-8Y	12Y-20Y 4Y-12Y
III-C Non-cannabis and non-MDMA, Import	1Y-4Y P-18M	2Y-5Y 1M-2Y	3Y-6Y 3M-3Y	4Y-7Y 6M-5Y	5Y-8Y 1Y-6Y	6Y-10Y 2Y-8Y	8Y-15Y 4Y-12Y	15Y-25Y 6Y-14Y
II	20Y-24Y 16Y-20Y	22Y-26Y 18Y-22Y	24Y-28Y 20Y-24Y	26Y-30Y 22Y-26Y	28Y-32Y 24Y-28Y	30Y-36Y 26Y-30Y	32Y-37Y 28Y-32Y	35Y-40Y 30Y-36Y

P=Probation, M=Months, Y=Years

Sentencing Matrix for Property Offenses (Revisions effective 7/2022)								
Offender Score								
Offense Seriousness Category	0	1	2	3	4	5	6	7 or more
VII	P-1M P	P-3M [no change]	3M-9M P-6M	6M-1Y P-9M	9M-18M P-1Y	1Y-2Y P-18M	1Y-3Y 1M-2Y	3Y-5Y 6M-2.5Y
VI	P-3M [no change]	P-6M [no change]	3M-1Y P-9M	6M-2Y P-1Y	1Y-3Y P-18M	2Y-5Y 1M-2Y	3Y-6Y 3M-3Y	5Y-10Y 9M-5Y
V	P-6M [no change]	P-1Y P-9M	3M-2Y P-1Y	1Y-3Y P-18M	18M-5Y 1M-2Y	3Y-7Y 3M-3Y	4Y-8Y 6M-5Y	8Y-15Y 1Y-6Y
IV	P-1Y P-9M	3M-2Y P-1Y	6M-3Y P-18M	1Y-4Y 1M-2Y	18M-7Y 3M-3Y	3Y-8Y 6M-5Y	5Y-12Y 9M-6Y	10Y-20Y 18M-8Y
III	P-2Y P-1Y	6M-3Y P-18M	9M-5Y 1M-2Y	1Y-5Y 3M-3Y	2Y-8Y 6M-5Y	3Y-10Y 9M-6Y	7Y-15Y 1Y-8Y	15Y-30Y 2Y-9Y
II	2Y-5Y 1Y-3Y	3Y-7Y 18M-4Y	5Y-8Y 2Y-5Y	5Y-10Y 3Y-7Y	8Y-15Y 5Y-8Y	10Y-18Y 5Y-10Y	12Y-20Y 7Y-12Y	15Y-40Y 8Y-15Y

P=Probation, M=Months, Y=Years

Appendix B:

Maryland Sentencing Guidelines Worksheet (version MAGS 11.0)

MARYLAND SENTENCING GUIDELINES WORKSHEET										OFFENDER NAME - Last, First, Middle									
PSI		DATE OF OFFENSE		DATE OF SENTENCING		DISPOSITION TYPE		MODIFICATION TO COV SENTENCES		REPRESENTATION		ETHNICITY		SEX		BIRTHDATE		JURISDICTION	
AT THIS SENTENCING NUMBER OF:		CONVICTED OFFENSES		CRIMINAL EVENTS		WORKSHEET # OF CRIMINAL EVENT #													
CONVICTED OFFENSE TITLE										CASE #									
1st Convicted Offense																			
2nd Convicted Offense																			
3rd Convicted Offense																			
OFFENSE SCORE(S) - Offense Against a Person Only										ACTUAL SENTENCE - Imposed, Suspended, Time Served, Probation, Restitution, Fine, Corrections Options Program (Drug Court, Home Detention, Etc.)									
1st Off		2nd Off		3rd Off		A. Seriousness Category		OFFENDER SCORE		GUIDELINES RANGE		1st Con. Off.		2nd Con. Off.		3rd Con. Off.			
1		3		1		V - VII		A. Relationship to CIS When Instant Offense Occurred 0 = None or pending cases 1 = Court or other criminal justice supervision Juvenile Delinquency 0 = 23 years or older or 0 findings of a delinquent act within 5 years of the date of the most recent offense		1st Con. Off.		TO		2nd Con. Off.		TO			
3		1		3		IV													
5		5		5		III													
8		8		8		II													
10		10		10		I													
1st Off		2nd Off		3rd Off		B. Victim Injury													
0		0		0		No injury													
1		1		1		Injury, non-permanent													
2		2		2		Permanent injury or death													
1st Off		2nd Off		3rd Off		C. Weapon Presence													
0		0		0		No weapon													
1		1		1		Weapon other than firearm													
2		2		2		Firearm or explosive													
1st Off		2nd Off		3rd Off		D. Special Victim Vulnerability													
0		0		0		No													
1		1		1		Yes													
OFFENSE SCORE(S)										OFFENDER SCORE(S)									
VICTIM INFORMATION										REASONS FOR GUIDELINES DEPARTURE									
Victim										Yes No									
Victim participation										Yes No									
Victim notification form										Yes No									
Victim notified plea										Yes No									
Victim notified date										Yes No									
Victim present										Yes No									
Written VIS										Yes No									
Oral VIS										Yes No									
No contact requested										Yes No									
No contact ordered										Yes No									
DEPARTURE										Yes No									
Departure Code 9 or 18 (Please Explain):																			
Overall Guidelines Range										Multiple Counts Only									
50% of Sentence Announced for COVs										Yes No									
Additional Information or Institutional/Parole Recommendation										Worksheet Completed By									
										Title									
										Sentencing Judge (Please Print)									
										Sentencing Judge's Signature									

Appendix C:

Sentencing Guidelines Compliance and Average Sentence by Offense Type, Single Count Cases, Fiscal Year 2022 (Most Common Person, Drug, and Property Offenses)

Person Offenses	N	Guidelines Compliance			% Incarc ³³	Average Sentence Among Incarcerated	
		Within	Below	Above		Total Sentence	Total, Less Suspended
Assault, 2 nd Degree	1,276	86.1%	11%	2.9%	69.7%	5.7 years	1 year
Possession of Regulated Firearm by Restricted Person	321	83.8%	15.6%	0.6%	85.4%	4.2 years	1.5 years
Wear, Carry, or Transport Handgun	311	93.6%	6.1%	0.3%	63.3%	2.5 years	0.6 years
Assault, 1 st Degree	305	67.5%	31.1%	1.3%	95.4%	14.1 years	4.2 years
Robbery	268	86.2%	13.8%	---	91%	8.9 years	2.2 years
Drug Offenses							
Distribute, PWID, Manufacture, etc. Cocaine	648	73.3%	26.2%	0.5%	82.7%	8 years	2 years
Distribute, PWID, Manufacture, etc. Fentanyl	347	76.9%	21.3%	1.7%	83.6%	8.7 years	2.4 years
Distribute, PWID, Manufacture, etc. Marijuana	289	87.9%	12.1%	---	39.4%	3.8 years	0.4 years
Possess Marijuana	192	94.8%	3.6%	1.6%	16.7%	0.4 years	0.1 years
Distribute, PWID, Manufacture, etc. Heroin	158	74.1%	24.7%	1.3%	81.6%	7.9 years	1.9 years
Property Offenses							
Burglary, 2 nd Degree	145	72.4%	27.6%	---	75.9%	7.5 years	2.2 years
Felony Theft or Theft Scheme, At Least \$1,500 but Less Than \$25,000	135	81.5%	17%	1.5%	50.4%	3.5 years	1 year
Burglary, 4 th Degree	107	68.2%	29.9%	1.9%	70.1%	2.3 years	0.6 years
Burglary, 1 st Degree	86	80.2%	18.6%	1.2%	86%	9.1 years	2.4 years
Burglary, 3 rd Degree	64	70.3%	28.1%	1.6%	82.8%	6.7 years	1.9 years

³³ % *Incarcerated* includes those who are incarcerated pre-trial only, as well as those incarcerated after sentencing.

Appendix D:

Description of Types of Disposition

Disposition Type	Description
MSCCSP Binding Plea Agreement ³⁴	A plea agreement presented to the court in agreement by an attorney for the government and the defendant's attorney, or the defendant when proceeding pro se, that a court has approved relating to a particular sentence and disposition. An MSCCSP binding plea agreement means an agreement to a specific amount of active time (if any), not merely a sentence cap or range. The court has the discretion to accept or reject the plea. The agreement is binding on the court under Maryland Rule 4-243(c) if the court accepts the plea.
Other Plea Agreement	The disposition resulted from a plea agreement reached by the parties that did not include an agreement to a specific amount of active time (if any) and/or the agreement was not approved by, and thus not binding on, the court.
Plea, No Agreement	The defendant pleaded guilty without any agreement from the prosecutor or judge to perform in a particular way.
Bench Trial	The disposition resulted from a trial without a jury in which the judge decided the factual questions.
Jury Trial	The disposition resulted from a trial in which the jury decided the factual questions.

³⁴ The name and definition of a guidelines-compliant plea agreement was revised effective April 1, 2021. Prior to April 1, 2021, a guidelines-compliant plea was termed an *ABA plea agreement* and defined as follows: *The disposition resulted from a plea agreement that the court approved relating to a particular sentence, disposition, or other judicial action, and the agreement is binding on the court under Maryland Rule 4-243(c).* In this report, “binding plea agreement” encompasses *ABA plea agreements* prior to April 1, 2021, and *MSCCSP binding plea agreements* on or after April 1, 2021.

Appendix E:

Common Departure Reasons Listed on the Sentencing Guidelines Departure Reference Card

Departure Code	Mitigating Reasons
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.
5	Offender made restorative efforts after the offense.
6	Victim's participation in the offense lessens the offender's culpability.
7	Offender's commitment to substance abuse treatment or other therapeutic program.
8	Recommendation of State's Attorney or Division of Parole and Probation.
9	Other reason (not specified above).
Departure Code	Aggravating Reasons
10	Offender's major role in the offense.
11	The level of harm was excessive.
12	Special circumstances of the victim.
13	Offender exploited a position of trust.
14	Offender committed a "white collar" offense.
15	Offender's significant participation in major controlled substance offense.
16	The vicious or heinous nature of the conduct.
17	Recommendation of State's Attorney or Division of Parole and Probation.
18	Other reason (not specified above).

Appendix F:

Maryland Automated Guidelines System (MAGS) Deployment Schedule

Jurisdiction	Circuit	Deployment Date
Montgomery	6	May 8, 2012
Calvert	7	June 2, 2014
Frederick	6	March 2, 2015
Charles	7	July 1, 2015
Prince George's	7	October 1, 2015
St. Mary's	7	December 1, 2015
Cecil	2	January 1, 2016
Harford	3	April 1, 2016
Baltimore County	3	October 1, 2016
Allegany	4	January 1, 2017
Garrett	4	January 1, 2017
Washington	4	April 1, 2017
Caroline	2	July 1, 2017
Talbot	2	July 1, 2017
Kent	2	October 1, 2017
Queen Anne's	2	October 1, 2017
Dorchester	1	January 1, 2018
Somerset	1	January 1, 2018
Wicomico	1	April 1, 2018
Worcester	1	July 1, 2018
Howard	5	October 1, 2018
Carroll	5	January 1, 2019
Anne Arundel	5	April 8, 2019
Baltimore City	8	October 1, 2019

Appendix G:

Additional Crime of Violence (COV) Statistics

Table 1. Crimes of Violence by Offense and Judicial Circuit, FY 2022

	Total	1st Circuit	2nd Circuit	3rd Circuit	4th Circuit	5th Circuit	6th Circuit	7th Circuit	8th Circuit
Abduction	3	0	0	0	1	1	0	0	1
Arson, 1st Degree	23	1	3	0	1	2	5	3	8
Assault, 1st Degree	592	52	12	106	23	84	86	64	165
Assault w/Intent to Murder, etc.	1	0	0	0	0	0	1	0	0
Carjacking, Armed	46	0	0	26	0	2	7	2	9
Carjacking, Unarmed	63	0	0	16	1	7	8	11	20
Child Abuse, Physical, 1st Degree	14	0	1	4	0	1	3	1	4
Child Sexual Abuse	175	19	7	24	10	21	37	35	22
Continuing Course of Conduct	10	0	2	1	1	2	2	2	0
Firearm Use in COV/Felony	375	12	4	72	3	59	25	59	141
Home Invasion	55	6	0	12	1	5	10	12	9
Kidnapping	17	0	0	4	0	2	6	3	2
Maiming	0	0	0	0	0	0	0	0	0
Manslaughter	22	0	2	2	3	2	2	6	5
Murder, 1st Degree	116	3	2	19	5	16	15	9	47
Murder, 1st Degree, Attempt	53	0	0	8	0	6	0	5	34
Murder, 2nd Degree	97	5	1	13	3	13	6	34	22
Murder, 2nd Degree, Attempt	56	8	0	3	0	7	6	8	24
Rape, 1st Degree	10	0	0	1	0	1	4	3	1
Rape, 2nd Degree	108	9	7	11	3	18	35	14	11
Robbery	346	17	5	65	8	54	44	62	91
Robbery w/Dangerous Weapon	325	13	3	81	6	33	37	33	119
Sex Offense, 1st Degree	0	0	0	0	0	0	0	0	0
Sex Offense, 2nd Degree	16	3	0	1	1	1	7	2	1
Sex Trafficking	2	0	0	0	0	2	0	0	0
TOTAL	2,525	148	49	469	70	339	346	368	736

Table 2. Distribution of Sentencing Events Involving Crimes of Violence by Disposition and Judicial Circuit, and Offense, Fiscal Year 2022, Statewide

	Total		1st Circuit		2nd Circuit		3rd Circuit		4th Circuit	
	#	% in State	#	% in Circuit	#	% in Circuit	#	% in Circuit	#	% in Circuit
MSCCSP Binding Plea Agreement	832	46.8%	5	4.8%	9	20.9%	173	49.1%	0	0.0%
Other Plea Agreement	486	27.3%	64	61.0%	17	39.5%	101	28.7%	16	25.8%
Plea, No Agreement	299	16.8%	18	17.1%	10	23.3%	58	16.5%	40	64.5%
Bench Trial	18	1.0%	1	1.0%	1	2.3%	5	1.4%	1	1.6%
Jury Trial	144	8.1%	17	16.2%	6	14.0%	15	4.3%	5	8.1%
Total	1,779	100.0%	105	100.0%	43	100.0%	352	100.0%	62	100.0%

	5th Circuit		6th Circuit		7th Circuit		8th Circuit	
	#	% in Circuit	#	% in Circuit	#	% in Circuit	#	% in Circuit
MSCCSP Binding Plea Agreement	40	17.3%	117	45.9%	102	41.3%	386	79.8%
Other Plea Agreement	61	26.4%	95	37.3%	95	38.5%	37	7.6%
Plea, No Agreement	109	47.2%	25	9.8%	31	12.6%	8	1.7%
Bench Trial	5	2.2%	0	0.0%	0	0.0%	5	1.0%
Jury Trial	16	6.9%	18	7.1%	19	7.7%	48	9.9%
Total	231	100.0%	255	100.0%	247	100.0%	484	100.0%

Table 3a. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, Statewide

Statewide						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	3	0	2	1	0
	%	100.0%	0.0%	66.7%	33.3%	0.0%
Arson, 1st Degree	#	23	1	21	1	0
	%	100.0%	4.3%	91.3%	4.3%	0.0%
Assault, 1st Degree	#	592	97	454	34	7
	%	100.0%	16.4%	76.7%	5.7%	1.2%
Assault w/Intent to Murder, etc.	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Carjacking, Armed	#	46	12	27	7	0
	%	100.0%	26.1%	58.7%	15.2%	0.0%
Carjacking, Unarmed	#	63	4	56	3	0
	%	100.0%	6.3%	88.9%	4.8%	0.0%
Child Abuse, Physical, 1st Degree	#	14	3	10	1	0
	%	100.0%	21.4%	71.4%	7.1%	0.0%
Child Sexual Abuse	#	175	42	118	15	0
	%	100.0%	24.0%	67.4%	8.6%	0.0%
Continuing Course of Conduct	#	10	2	8	0	0
	%	100.0%	20.0%	80.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	375	258	117	0	0
	%	100.0%	68.8%	31.2%	0.0%	0.0%
Home Invasion	#	55	16	38	1	0
	%	100.0%	29.1%	69.1%	1.8%	0.0%
Kidnapping	#	17	4	10	3	0
	%	100.0%	23.5%	58.8%	17.6%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	22	10	11	1	0
	%	100.0%	45.5%	50.0%	4.5%	0.0%
Murder, 2nd Degree	#	97	31	66	0	0
	%	100.0%	32.0%	68.0%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	56	21	35	0	0
	%	100.0%	37.5%	62.5%	0.0%	0.0%
Rape, 2nd Degree	#	108	32	65	10	1
	%	100.0%	29.6%	60.2%	9.3%	0.9%
Robbery	#	346	40	272	28	6
	%	100.0%	11.6%	78.6%	8.1%	1.7%
Robbery w/Dangerous Weapon	#	325	70	227	26	2
	%	100.0%	21.5%	69.8%	8.0%	0.6%
Sex Offense, 2nd Degree	#	16	6	5	3	2
	%	100.0%	37.5%	31.3%	18.8%	12.5%
Sex Trafficking	#	2	1	1	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Total	#	2,346	650	1,544	134	18
	%	100.0%	27.7%	65.8%	5.7%	0.8%

Table 3b. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, 1st Circuit

1st Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Assault, 1st Degree	#	52	9	36	7	0
	%	100.0%	17.3%	69.2%	13.5%	0.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Unarmed	#	0	0	0	0	0
	%	-	-	-	-	-
Child Abuse, Physical, 1st Degree	#	0	0	0	0	0
	%	-	-	-	-	-
Child Sexual Abuse	#	19	12	5	2	0
	%	100.0%	63.2%	26.3%	10.5%	0.0%
Continuing Course of Conduct	#	0	0	0	0	0
	%	-	-	-	-	-
Firearm Use in COV/Felony	#	12	6	6	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Home Invasion	#	6	2	4	0	0
	%	100.0%	33.3%	66.7%	0.0%	0.0%
Kidnapping	#	0	0	0	0	0
	%	-	-	-	-	-
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	0	0	0	0	0
	%	-	-	-	-	-
Murder, 2nd Degree	#	5	3	2	0	0
	%	100.0%	60.0%	40.0%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	8	3	5	0	0
	%	100.0%	37.5%	62.5%	0.0%	0.0%
Rape, 2nd Degree	#	9	7	2	0	0
	%	100.0%	77.8%	22.2%	0.0%	0.0%
Robbery	#	17	1	15	1	0
	%	100.0%	5.9%	88.2%	5.9%	0.0%
Robbery w/Dangerous Weapon	#	13	4	9	0	0
	%	100.0%	30.8%	69.2%	0.0%	0.0%
Sex Offense, 2nd Degree	#	3	1	0	0	2
	%	100.0%	33.3%	0.0%	0.0%	66.7%
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
TOTAL	#	145	48	85	10	2
	%	100.0%	33.1%	58.6%	6.9%	1.4%

Table 3c. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, 2nd Circuit

2nd Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	3	0	3	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Assault, 1st Degree	#	12	2	10	0	0
	%	100.0%	16.7%	83.3%	0.0%	0.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Unarmed	#	0	0	0	0	0
	%	-	-	-	-	-
Child Abuse, Physical, 1st Degree	#	1	1	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Child Sexual Abuse	#	7	1	6	0	0
	%	100.0%	14.3%	85.7%	0.0%	0.0%
Continuing Course of Conduct	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	4	2	2	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Home Invasion	#	0	0	0	0	0
	%	-	-	-	-	-
Kidnapping	#	0	0	0	0	0
	%	-	-	-	-	-
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	2	0	1	1	0
	%	100.0%	0.0%	50.0%	50.0%	0.0%
Murder, 2nd Degree	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	0	0	0	0	0
	%	-	-	-	-	-
Rape, 2nd Degree	#	7	1	6	0	0
	%	100.0%	14.3%	85.7%	0.0%	0.0%
Robbery	#	5	1	4	0	0
	%	100.0%	20.0%	80.0%	0.0%	0.0%
Robbery w/Dangerous Weapon	#	3	0	3	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Sex Offense, 2nd Degree	#	0	0	0	0	0
	%	-	-	-	-	-
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
TOTAL	#	47	8	38	1	0
	%	100.0%	17.0%	80.9%	2.1%	0.0%

Table 3d. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, 3rd Circuit

3rd Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	0	0	0	0	0
	%	-	-	-	-	-
Assault, 1st Degree	#	106	13	76	15	2
	%	100.0%	12.3%	71.7%	14.2%	1.9%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	26	8	14	4	0
	%	100.0%	30.8%	53.8%	15.4%	0.0%
Carjacking, Unarmed	#	16	1	13	2	0
	%	100.0%	6.3%	81.3%	12.5%	0.0%
Child Abuse, Physical, 1st Degree	#	4	1	2	1	0
	%	100.0%	25.0%	50.0%	25.0%	0.0%
Child Sexual Abuse	#	24	3	13	8	0
	%	100.0%	12.5%	54.2%	33.3%	0.0%
Continuing Course of Conduct	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	72	49	23	0	0
	%	100.0%	68.1%	31.9%	0.0%	0.0%
Home Invasion	#	12	0	12	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Kidnapping	#	4	1	3	0	0
	%	100.0%	25.0%	75.0%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	2	1	1	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Murder, 2nd Degree	#	13	8	5	0	0
	%	100.0%	61.5%	38.5%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	3	1	2	0	0
	%	100.0%	33.3%	66.7%	0.0%	0.0%
Rape, 2nd Degree	#	11	3	6	1	1
	%	100.0%	27.3%	54.5%	9.1%	9.1%
Robbery	#	65	6	44	12	3
	%	100.0%	9.2%	67.7%	18.5%	4.6%
Robbery w/Dangerous Weapon	#	81	14	59	7	1
	%	100.0%	17.3%	72.8%	8.6%	1.2%
Sex Offense, 2nd Degree	#	1	0	0	1	0
	%	100.0%	0.0%	0.0%	100.0%	0.0%
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
TOTAL	#	441	109	274	51	7
	%	100.0%	24.7%	62.1%	11.6%	1.6%

Table 3e. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, 4th Circuit

4th Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	1	0	0	1	0
	%	100.0%	0.0%	0.0%	100.0%	0.0%
Arson, 1st Degree	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Assault, 1st Degree	#	23	3	18	2	0
	%	100.0%	13.0%	78.3%	8.7%	0.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Unarmed	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	0	0	0	0	0
	%	-	-	-	-	-
Child Sexual Abuse	#	10	1	8	1	0
	%	100.0%	10.0%	80.0%	10.0%	0.0%
Continuing Course of Conduct	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	3	1	2	0	0
	%	100.0%	33.3%	66.7%	0.0%	0.0%
Home Invasion	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Kidnapping	#	0	0	0	0	0
	%	-	-	-	-	-
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	3	3	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Murder, 2nd Degree	#	3	1	2	0	0
	%	100.0%	33.3%	66.7%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	0	0	0	0	0
	%	-	-	-	-	-
Rape, 2nd Degree	#	3	1	2	0	0
	%	100.0%	33.3%	66.7%	0.0%	0.0%
Robbery	#	8	1	7	0	0
	%	100.0%	12.5%	87.5%	0.0%	0.0%
Robbery w/Dangerous Weapon	#	6	0	6	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Sex Offense, 2nd Degree	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
TOTAL	#	65	11	50	4	0
	%	100.0%	16.9%	76.9%	6.2%	0.0%

Table 3f. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, 5th Circuit

5th Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Arson, 1st Degree	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Assault, 1st Degree	#	84	22	57	5	0
	%	100.0%	26.2%	67.9%	6.0%	0.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	2	1	1	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Carjacking, Unarmed	#	7	0	6	1	0
	%	100.0%	0.0%	85.7%	14.3%	0.0%
Child Abuse, Physical, 1st Degree	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Sexual Abuse	#	21	6	15	0	0
	%	100.0%	28.6%	71.4%	0.0%	0.0%
Continuing Course of Conduct	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	59	41	18	0	0
	%	100.0%	69.5%	30.5%	0.0%	0.0%
Home Invasion	#	5	1	3	1	0
	%	100.0%	20.0%	60.0%	20.0%	0.0%
Kidnapping	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Murder, 2nd Degree	#	13	4	9	0	0
	%	100.0%	30.8%	69.2%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	7	3	4	0	0
	%	100.0%	42.9%	57.1%	0.0%	0.0%
Rape, 2nd Degree	#	18	5	9	4	0
	%	100.0%	27.8%	50.0%	22.2%	0.0%
Robbery	#	54	11	38	5	0
	%	100.0%	20.4%	70.4%	9.3%	0.0%
Robbery w/Dangerous Weapon	#	33	8	20	4	1
	%	100.0%	24.2%	60.6%	12.1%	3.0%
Sex Offense, 2nd Degree	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Sex Trafficking	#	2	1	1	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
TOTAL	#	316	103	192	20	1
	%	100.0%	32.6%	60.8%	6.3%	0.3%

Table 3g. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, 6th Circuit

6th Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	5	0	4	1	0
	%	100.0%	0.0%	80.0%	20.0%	0.0%
Assault, 1st Degree	#	86	6	77	1	2
	%	100.0%	7.0%	89.5%	1.2%	2.3%
Assault w/Intent to Murder, etc.	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Carjacking, Armed	#	7	1	4	2	0
	%	100.0%	14.3%	57.1%	28.6%	0.0%
Carjacking, Unarmed	#	8	1	7	0	0
	%	100.0%	12.5%	87.5%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	3	1	2	0	0
	%	100.0%	33.3%	66.7%	0.0%	0.0%
Child Sexual Abuse	#	37	3	31	3	0
	%	100.0%	8.1%	83.8%	8.1%	0.0%
Continuing Course of Conduct	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	25	14	11	0	0
	%	100.0%	56.0%	44.0%	0.0%	0.0%
Home Invasion	#	10	4	6	0	0
	%	100.0%	40.0%	60.0%	0.0%	0.0%
Kidnapping	#	6	1	2	3	0
	%	100.0%	16.7%	33.3%	50.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	2	1	1	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Murder, 2nd Degree	#	6	1	5	0	0
	%	100.0%	16.7%	83.3%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	6	0	6	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Rape, 2nd Degree	#	35	9	21	5	0
	%	100.0%	25.7%	60.0%	14.3%	0.0%
Robbery	#	44	3	35	6	0
	%	100.0%	6.8%	79.5%	13.6%	0.0%
Robbery w/Dangerous Weapon	#	37	3	24	10	0
	%	100.0%	8.1%	64.9%	27.0%	0.0%
Sex Offense, 2nd Degree	#	7	3	2	2	0
	%	100.0%	42.9%	28.6%	28.6%	0.0%
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
TOTAL	#	327	51	241	33	2
	%	100.0%	15.6%	73.7%	10.1%	0.6%

Table 3h. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, 7th Circuit

7th Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	0	0	0	0	0
	%	-	-	-	-	-
Arson, 1st Degree	#	3	0	3	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Assault, 1st Degree	#	64	13	50	1	0
	%	100.0%	20.3%	78.1%	1.6%	0.0%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	-	-	-	-	-
Carjacking, Armed	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Carjacking, Unarmed	#	11	0	11	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Sexual Abuse	#	35	14	20	1	0
	%	100.0%	40.0%	57.1%	2.9%	0.0%
Continuing Course of Conduct	#	2	2	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Firearm Use in COV/Felony	#	59	23	36	0	0
	%	100.0%	39.0%	61.0%	0.0%	0.0%
Home Invasion	#	12	7	5	0	0
	%	100.0%	58.3%	41.7%	0.0%	0.0%
Kidnapping	#	3	2	1	0	0
	%	100.0%	66.7%	33.3%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	100.0%	-	-	-	-
Manslaughter	#	6	3	3	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Murder, 2nd Degree	#	34	2	32	0	0
	%	100.0%	5.9%	94.1%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	8	1	7	0	0
	%	100.0%	12.5%	87.5%	0.0%	0.0%
Rape, 2nd Degree	#	14	5	9	0	0
	%	100.0%	35.7%	64.3%	0.0%	0.0%
Robbery	#	62	3	56	3	0
	%	100.0%	4.8%	90.3%	4.8%	0.0%
Robbery w/Dangerous Weapon	#	33	7	25	1	0
	%	100.0%	21.2%	75.8%	3.0%	0.0%
Sex Offense, 2nd Degree	#	2	1	1	0	0
	%	100.0%	50.0%	50.0%	0.0%	0.0%
Sex Trafficking	#	0	0	0	0	0
	%	100.0%	-	-	-	-
TOTAL	#	351	83	262	6	0
	%	100.0%	23.6%	74.6%	1.7%	0.0%

Table 3i. Distribution of Non-Life Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, 8th Circuit

8th Circuit						
		Total	Flat Sentence	Partially Suspended	Fully Suspended	No Sentence
Abduction	#	1	0	1	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Arson, 1st Degree	#	8	1	7	0	0
	%	100.0%	12.5%	87.5%	0.0%	0.0%
Assault, 1st Degree	#	165	29	130	3	3
	%	100.0%	17.6%	78.8%	1.8%	1.8%
Assault w/Intent to Murder, etc.	#	0	0	0	0	0
	%	100.0%	-	-	-	-
Carjacking, Armed	#	9	2	6	1	0
	%	100.0%	22.2%	66.7%	11.1%	0.0%
Carjacking, Unarmed	#	20	2	18	0	0
	%	100.0%	10.0%	90.0%	0.0%	0.0%
Child Abuse, Physical, 1st Degree	#	4	0	4	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Child Sexual Abuse	#	22	2	20	0	0
	%	100.0%	9.1%	90.9%	0.0%	0.0%
Continuing Course of Conduct	#	0	0	0	0	0
	%	100.0%	-	-	-	-
Firearm Use in COV/Felony	#	141	122	19	0	0
	%	100.0%	86.5%	13.5%	0.0%	0.0%
Home Invasion	#	9	2	7	0	0
	%	100.0%	22.2%	77.8%	0.0%	0.0%
Kidnapping	#	2	0	2	0	0
	%	100.0%	0.0%	100.0%	0.0%	0.0%
Maiming	#	0	0	0	0	0
	%	-	-	-	-	-
Manslaughter	#	5	2	3	0	0
	%	100.0%	40.0%	60.0%	0.0%	0.0%
Murder, 2nd Degree	#	22	12	10	0	0
	%	100.0%	54.5%	45.5%	0.0%	0.0%
Murder, 2nd Degree, Attempt	#	24	13	11	0	0
	%	100.0%	54.2%	45.8%	0.0%	0.0%
Rape, 2nd Degree	#	11	1	10	0	0
	%	100.0%	9.1%	90.9%	0.0%	0.0%
Robbery	#	91	14	73	1	3
	%	100.0%	15.4%	80.2%	1.1%	3.3%
Robbery w/Dangerous Weapon	#	119	34	81	4	0
	%	100.0%	28.6%	68.1%	3.4%	0.0%
Sex Offense, 2nd Degree	#	1	1	0	0	0
	%	100.0%	100.0%	0.0%	0.0%	0.0%
Sex Trafficking	#	0	0	0	0	0
	%	-	-	-	-	-
TOTAL	#	654	237	402	9	6
	%	100.0%	36.2%	61.5%	1.4%	0.9%

Table 4a. Mean Total Sentence and Non-Suspended Sentence Lengths for Non-Life Eligible Crimes of Violence by Judicial Circuit and Offense, Fiscal Year 2022, Statewide and 1st Circuit

	Statewide			1st Circuit		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
Abduction	3	13.3	1.7	0	-	-
Arson, 1st Degree	23	17.8	4.0	1	25.0	8.5
Assault, 1st Degree	592	15.9	6.0	52	17.2	5.9
Assault w/Intent to Murder, etc.	1	30.0	24.5	0	-	-
Carjacking, Armed	46	17.9	8.4	0	-	-
Carjacking, Unarmed	63	15.1	4.6	0	-	-
Child Abuse, Physical, 1st Degree	14	24.7	14.0	0	-	-
Child Sexual Abuse	175	20.1	9.1	19	19.8	15.7
Continuing Course of Conduct	10	24.8	12.8	0	-	-
Firearm Use in COV/Felony	375	12.4	9.2	12	13.6	7.9
Home Invasion	55	17.0	8.9	6	15.8	9.4
Kidnapping	17	22.5	8.1	0	-	-
Maiming	0	.	.	0	-	-
Manslaughter	22	9.6	7.0	0	-	-
Murder, 2nd Degree	97	33.3	22.4	5	32.0	21.5
Murder, 2nd Degree, Attempt	56	24.8	15.6	8	25.6	15.6
Rape, 2nd Degree	108	17.3	9.5	9	19.4	17.4
Robbery	346	9.7	3.1	17	11.2	4.2
Robbery w/Dangerous Weapon	325	13.7	6.1	13	15.3	7.2
Sex Offense, 2nd Degree	16	12.8	6.5	3	3.0	3.0
Sex Trafficking	2	18.5	10.0	0	-	-
TOTAL	2,346			145		

Table 4b. Mean Total Sentence and Non-Suspended Sentence Lengths for Non-Life Eligible Crimes of Violence by Judicial Circuit and Offense, Fiscal Year 2022, 2nd Circuit and 3rd Circuit

	2nd Circuit			3rd Circuit		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
Abduction	0	-	-	0	-	-
Arson, 1st Degree	3	14.3	6.9	0	-	-
Assault, 1st Degree	12	17.6	8.2	106	14.9	5.5
Assault w/Intent to Murder, etc.	0	-	-	0	-	-
Carjacking, Armed	0	-	-	26	16.1	7.4
Carjacking, Unarmed	0	-	-	16	15.8	5.2
Child Abuse, Physical, 1st Degree	1	5.0	5.0	4	28.8	18.8
Child Sexual Abuse	7	20.3	11.6	24	17.2	5.5
Continuing Course of Conduct	2	9.0	4.0	1	30.0	3.5
Firearm Use in COV/Felony	4	13.8	7.8	72	10.7	7.3
Home Invasion	0	-	-	12	19.6	7.7
Kidnapping	0	-	-	4	22.5	12.9
Maiming	0	-	-	0	-	-
Manslaughter	2	10.0	4.5	2	8.0	5.8
Murder, 2nd Degree	1	40.0	30.0	13	30.3	24.2
Murder, 2nd Degree, Attempt	0	-	-	3	30.0	17.3
Rape, 2nd Degree	7	17.6	8.5	11	16.0	7.7
Robbery	5	11.0	6.1	65	8.8	2.6
Robbery w/Dangerous Weapon	3	13.3	5.1	81	12.9	5.7
Sex Offense, 2nd Degree	0	-	-	1	10.0	0.0
Sex Trafficking	0	-	-	0	-	-
TOTAL	47			441		

Table 4c. Mean Total Sentence and Non-Suspended Sentence Lengths for Non-Life Eligible Crimes of Violence by Judicial Circuit and Offense, Fiscal Year 2022, 4th Circuit and 5th Circuit

	4th Circuit			5th Circuit		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
Abduction	1	10.0	0.0	1	20.0	4.0
Arson, 1st Degree	1	30.0	10.0	2	22.5	6.5
Assault, 1st Degree	23	15.6	7.7	84	14.9	6.7
Assault w/Intent to Murder, etc.	0	-	-	0	-	-
Carjacking, Armed	0	-	-	2	27.5	22.0
Carjacking, Unarmed	1	15.0	8.0	7	20.7	5.3
Child Abuse, Physical, 1st Degree	0	-	-	1	10.0	1.5
Child Sexual Abuse	10	21.3	6.4	21	19.4	10.6
Continuing Course of Conduct	1	20.0	7.0	2	30.0	19.0
Firearm Use in COV/Felony	3	16.7	10.7	59	11.9	9.8
Home Invasion	1	5.0	1.0	5	16.2	7.1
Kidnapping	0	-	-	2	25.0	10.0
Maiming	0	-	-	0	-	-
Manslaughter	3	10.0	10.0	2	10.0	8.0
Murder, 2nd Degree	3	40.0	31.7	13	30.9	21.4
Murder, 2nd Degree, Attempt	0	-	-	7	28.6	21.0
Rape, 2nd Degree	3	18.3	10.0	18	13.9	5.6
Robbery	8	10.4	3.6	54	10.8	4.1
Robbery w/Dangerous Weapon	6	18.3	8.9	33	16.6	8.5
Sex Offense, 2nd Degree	1	20.0	7.0	1	20.0	8.0
Sex Trafficking	0	-	-	2	18.5	10.0
TOTAL	65			316		

Table 4d. Mean Total Sentence and Non-Suspended Sentence Lengths for Non-Life Eligible Crimes of Violence by Judicial Circuit and Offense, Fiscal Year 2022, 6th Circuit and 7th Circuit

	6th Circuit			7th Circuit		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
Abduction	0	-	-	0	-	-
Arson, 1st Degree	5	21.4	3.3	3	20.0	0.8
Assault, 1st Degree	86	16.6	4.3	64	18.3	7.4
Assault w/Intent to Murder, etc.	1	30.0	24.5	0	-	-
Carjacking, Armed	7	21.7	6.4	2	30.0	24.3
Carjacking, Unarmed	8	12.0	4.4	11	19.5	3.7
Child Abuse, Physical, 1st Degree	3	16.8	7.5	1	15.0	6.5
Child Sexual Abuse	37	20.1	6.6	35	21.9	13.0
Continuing Course of Conduct	2	30.0	5.8	2	30.0	30.0
Firearm Use in COV/Felony	25	14.1	9.6	59	16.4	9.4
Home Invasion	10	19.0	9.2	12	19.4	13.6
Kidnapping	6	20.3	1.2	3	23.3	16.7
Maiming	0	-	-	0	-	-
Manslaughter	2	7.5	5.2	6	9.8	7.1
Murder, 2nd Degree	6	34.2	18.3	34	36.4	20.3
Murder, 2nd Degree, Attempt	6	28.3	13.5	8	27.5	13.6
Rape, 2nd Degree	35	16.5	7.8	14	22.1	15.5
Robbery	44	9.6	2.1	62	11.9	3.4
Robbery w/Dangerous Weapon	37	14.8	4.2	33	16.9	7.5
Sex Offense, 2nd Degree	7	12.3	5.0	2	20.0	12.5
Sex Trafficking	0	-	-	0	-	-
TOTAL	327			351		

Table 4e. Mean Total Sentence and Non-Suspended Sentence Lengths for Non-Life Eligible Crimes of Violence by Judicial Circuit and Offense, Fiscal Year 2022, 8th Circuit

	8th Circuit		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
Abduction	1	10.0	1.0
Arson, 1st Degree	8	12.5	2.5
Assault, 1st Degree	165	15.3	5.9
Assault w/Intent to Murder, etc.	0	-	-
Carjacking, Armed	9	15.2	6.1
Carjacking, Unarmed	20	11.3	4.2
Child Abuse, Physical, 1st Degree	4	37.5	21.3
Child Sexual Abuse	22	20.9	4.6
Continuing Course of Conduct	0	-	-
Firearm Use in COV/Felony	141	11.3	10.0
Home Invasion	9	10.4	5.5
Kidnapping	2	25.0	4.3
Maiming	0	-	-
Manslaughter	5	10.0	7.0
Murder, 2nd Degree	22	30.7	24.8
Murder, 2nd Degree, Attempt	24	21.0	15.0
Rape, 2nd Degree	11	18.6	9.8
Robbery	91	7.8	2.7
Robbery w/Dangerous Weapon	119	11.7	5.7
Sex Offense, 2nd Degree	1	20.0	20.0
Sex Trafficking	0	-	-
TOTAL	654		

Table 5a. Mean Percent of Sentence Suspended for Non-Life Eligible Crimes of Violence that Received Partially or Fully Suspended Sentences, by Judicial Circuit and Offense, Fiscal Year 2022, Statewide, 1st Circuit, and 2nd Circuit

	Statewide		1st Circuit		2nd Circuit	
	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended
Abduction	3	90.0%	0	-	0	-
Arson, 1st Degree	22	79.4%	1	66.0%	3	59.1%
Assault, 1st Degree	488	74.4%	43	73.1%	10	71.2%
Assault w/Intent to Murder, etc.	1	18.3%	0	-	0	-
Carjacking, Armed	34	71.5%	0	-	0	-
Carjacking, Unarmed	59	72.6%	0	-	0	-
Child Abuse, Physical, 1st Degree	11	61.1%	0	-	0	-
Child Sexual Abuse	133	71.8%	7	64.5%	6	50.8%
Continuing Course of Conduct	8	62.4%	0	-	2	55.6%
Firearm Use in COV/Felony	117	57.7%	6	64.8%	2	60.0%
Home Invasion	39	67.5%	4	65.4%	0	-
Kidnapping	13	79.6%	0	-	0	-
Maiming	0	0.0%	0	-	0	-
Manslaughter	12	52.0%	0	-	2	55.0%
Murder, 2nd Degree	66	45.5%	2	68.8%	1	25.0%
Murder, 2nd Degree, Attempt	35	56.0%	5	60.9%	0	-
Rape, 2nd Degree	75	63.6%	2	45.0%	6	57.9%
Robbery	300	76.0%	16	71.2%	4	47.3%
Robbery w/Dangerous Weapon	253	69.6%	9	64.3%	3	62.2%
Sex Offense, 2nd Degree	8	77.2%	0	-	0	-
Sex Trafficking	1	68.0%	0	-	0	-
TOTAL	1,678		95		39	

Table 5b. Mean Percent of Sentence Suspended for Non-Life Eligible Crimes of Violence that Received Partially or Fully Suspended Sentences, by Judicial Circuit and Offense, Fiscal Year 2022, 3rd Circuit, 4th Circuit, and 5th Circuit

	3rd Circuit		4th Circuit		5th Circuit	
	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended
Abduction	0	-	1	100.0%	1	79.9%
Arson, 1st Degree	0	-	1	66.7%	2	61.7%
Assault, 1st Degree	91	73.0%	20	65.0%	62	75.9%
Assault w/Intent to Murder, etc.	0	-	0	-	0	-
Carjacking, Armed	18	73.1%	0	-	1	44.0%
Carjacking, Unarmed	15	71.6%	1	46.7%	7	71.1%
Child Abuse, Physical, 1st Degree	3	77.3%	0	-	1	85.0%
Child Sexual Abuse	21	82.2%	9	78.2%	15	62.4%
Continuing Course of Conduct	1	88.2%	1	65.0%	2	36.7%
Firearm Use in COV/Felony	23	62.9%	2	45.0%	18	43.1%
Home Invasion	12	65.1%	1	80.0%	4	64.0%
Kidnapping	3	64.2%	0	-	2	60.0%
Maiming	0	-	0	-	0	-
Manslaughter	1	71.9%	0	-	2	20.0%
Murder, 2nd Degree	5	45.3%	2	31.3%	9	40.0%
Murder, 2nd Degree, Attempt	2	63.3%	0	-	4	48.3%
Rape, 2nd Degree	7	73.8%	2	62.5%	13	74.5%
Robbery	56	80.0%	7	71.6%	43	77.1%
Robbery w/Dangerous Weapon	66	69.3%	6	51.2%	24	67.7%
Sex Offense, 2nd Degree	1	100.0%	1	65.0%	1	60.0%
Sex Trafficking	0	-	0	-	1	68.0%
TOTAL	325		54		212	

Table 5c. Mean Percent of Sentence Suspended for Non-Life Eligible Crimes of Violence that Received Partially or Fully Suspended Sentences, by Judicial Circuit and Offense, Fiscal Year 2022, 6th Circuit, 7th Circuit, and 8th Circuit

	6th Circuit		7th Circuit		8th Circuit	
	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended	# Offenses w/ Suspended Sentence	Mean % of Total Sentence Suspended
Abduction	0	-	0	-	1	90.0%
Arson, 1st Degree	5	79.9%	3	96.9%	7	88.9%
Assault, 1st Degree	78	78.6%	51	72.2%	133	75.0%
Assault w/Intent to Murder, etc.	1	18.3%	0	-	0	-
Carjacking, Armed	6	77.5%	2	19.1%	7	81.3%
Carjacking, Unarmed	7	79.9%	11	81.9%	18	66.9%
Child Abuse, Physical, 1st Degree	2	56.0%	1	56.7%	4	46.7%
Child Sexual Abuse	34	71.3%	21	64.4%	20	82.3%
Continuing Course of Conduct	2	80.8%	0	-	0	-
Firearm Use in COV/Felony	11	60.8%	36	59.9%	19	58.1%
Home Invasion	6	74.9%	5	76.5%	7	60.3%
Kidnapping	5	96.9%	1	66.7%	2	85.5%
Maiming	0	-	0	-	0	-
Manslaughter	1	90.4%	3	54.1%	3	49.6%
Murder, 2nd Degree	5	54.5%	32	46.8%	10	42.2%
Murder, 2nd Degree, Attempt	6	53.6%	7	58.3%	11	55.1%
Rape, 2nd Degree	26	66.1%	9	54.3%	10	51.3%
Robbery	41	78.8%	59	76.2%	74	73.9%
Robbery w/Dangerous Weapon	34	77.1%	26	68.9%	85	69.7%
Sex Offense, 2nd Degree	4	79.4%	1	75.0%	0	-
Sex Trafficking	0	-	0	-	0	-
TOTAL	274		268		411	

Table 6a. Distribution of Life-Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, All Life-Eligible Offenses and Murder, 1st Degree

	All Life-Eligible Offenses				Murder, 1st Degree			
	Total	Life (Active)	Life, Partially Suspended	Non-Life	Total	Life (Active)	Life, Partially Suspended	Non-Life
1st Circuit	3	2	1	0	3	2	1	0
	100.0%	66.7%	33.3%	0.0%	100.0%	66.7%	33.3%	0.0%
2nd Circuit	2	2	0	0	2	2	0	0
	100.0%	100.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%
3rd Circuit	28	8	17	3	19	8	11	0
	100.0%	28.6%	60.7%	10.7%	100.0%	42.1%	57.9%	0.0%
4th Circuit	5	3	2	0	5	3	2	0
	100.0%	60.0%	40.0%	0.0%	100.0%	60.0%	40.0%	0.0%
5th Circuit	23	9	11	3	16	8	8	0
	100.0%	39.1%	47.8%	13.0%	100.0%	50.0%	50.0%	0.0%
6th Circuit	19	7	9	3	15	7	8	0
	100.0%	36.8%	47.4%	15.8%	100.0%	46.7%	53.3%	0.0%
7th Circuit	17	8	4	5	9	5	3	1
	100.0%	47.1%	23.5%	29.4%	100.0%	55.6%	33.3%	11.1%
8th Circuit	82	13	48	21	47	13	34	0
	100.0%	15.9%	58.5%	25.6%	100.0%	27.7%	72.3%	0.0%
TOTAL	179	52	92	35	116	48	67	1
	100.0%	29.1%	51.4%	19.6%	100.0%	41.4%	57.8%	0.9%

Table 6b. Distribution of Life-Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, Murder, 1st Degree, Attempt, and Rape, 1st Degree

	Murder, 1st Degree, Attempt				Rape, 1st Degree			
	Total	Life (Active)	Life, Partially Suspended	Non-Life	Total	Life (Active)	Life, Partially Suspended	Non-Life
1st Circuit	0	0	0	0	0	0	0	0
	-	-	-	-	-	-	-	-
2nd Circuit	0	0	0	0	0	0	0	0
	-	-	-	-	-	-	-	-
3rd Circuit	8	0	6	2	1	0	0	1
	100.0%	0.0%	75.0%	25.0%	100.0%	0.0%	0.0%	100.0%
4th Circuit	0	0	0	0	0	0	0	0
	-	-	-	-	-	-	-	-
5th Circuit	6	1	3	2	1	0	0	1
	100.0%	16.7%	50.0%	33.3%	100.0%	0.0%	0.0%	100.0%
6th Circuit	0	0	0	0	4	0	1	3
	-	-	-	-	100.0%	0.0%	25.0%	75.0%
7th Circuit	5	3	0	2	3	0	1	2
	100.0%	60.0%	0.0%	40.0%	100.0%	0.0%	33.3%	66.7%
8th Circuit	34	0	13	21	1	0	1	0
	100.0%	0.0%	38.2%	61.8%	100.0%	0.0%	100.0%	0.0%
TOTAL	53	4	22	27	10	0	3	7
	100.0%	7.5%	41.5%	50.9%	100.0%	0.0%	30.0%	70.0%

Table 6c. Distribution of Life-Eligible Crimes of Violence by Sentence Type, Judicial Circuit, and Offense, Fiscal Year 2022, Sex Offense, 1st Degree

	Sex Offense, 1st Degree			
	Total	Life (Active)	Life, Partially Suspended	Non-Life
1st Circuit	0	0	0	0
	-	-	-	-
2nd Circuit	0	0	0	0
	-	-	-	-
3rd Circuit	0	0	0	0
	-	-	-	-
4th Circuit	0	0	0	0
	-	-	-	-
5th Circuit	0	0	0	0
	-	-	-	-
6th Circuit	0	0	0	0
	-	-	-	-
7th Circuit	0	0	0	0
	-	-	-	-
8th Circuit	0	0	0	0
	-	-	-	-
TOTAL	0	0	0	0
	-	-	-	-

Table 7. Mean Non-Suspended Sentence Lengths for Life-Eligible Crimes of Violence that Received Partially Suspended Sentences by Judicial Circuit and Offense, Fiscal Year 2022

	Murder, 1st Degree		Murder, 1st Degree, Attempt		Rape, 1st Degree		Sex Offense, 1st Degree	
	#	Mean Non-Suspended Sentence (Years)	#	Mean Non-Suspended Sentence (Years)	#	Mean Non-Suspended Sentence (Years)	#	Mean Non-Suspended Sentence (Years)
1st Circuit	1	40.0	0	-	0	-	0	-
2nd Circuit	0	-	0	-	0	-	0	-
3rd Circuit	11	38.1	6	38.3	0	-	0	-
4th Circuit	2	47.5	0	-	0	-	0	-
5th Circuit	8	37.0	3	36.0	0	-	0	-
6th Circuit	8	41.2	0	-	1	45.0	0	-
7th Circuit	3	38.7	0	-	1	15.0	0	-
8th Circuit	34	33.6	13	31.9	1	15.0	0	-
TOTAL	67	36.4	22	34.2	3	25.0	0	-

Table 8. Mean Total Sentence and Non-Suspended Sentence Lengths for Life-Eligible Crimes of Violence that Received Non-Life Sentences by Judicial Circuit and Offense, Fiscal Year 2022

	Murder, 1st Degree			Murder, 1st Degree, Attempt			Rape, 1st Degree		
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
1st Circuit	0	-	-	0	-	-	0	-	-
2nd Circuit	0	-	-	0	-	-	0	-	-
3rd Circuit	0	-	-	2	27.5	20.0	1	40.0	40.0
4th Circuit	0	-	-	0	-	-	0	-	-
5th Circuit	0	-	-	2	37.5	27.5	1	40.0	15.0
6th Circuit	0	-	-	0	-	-	3	10.0	7.3
7th Circuit	1	10.0	8.0	2	15.0	15.0	2	60.0	20.0
8th Circuit	0	-	-	21	33.5	19.3	0	-	-
TOTAL	1	10.0	8.0	27	32.0	19.7	7	44.0	21.4

Sex Offense, 1st Degree			
	#	Mean Total Sentence (Years)	Mean Non-Suspended Sentence (Years)
1st Circuit	0	-	-
2nd Circuit	0	-	-
3rd Circuit	0	-	-
4th Circuit	0	-	-
5th Circuit	0	-	-
6th Circuit	0	-	-
7th Circuit	0	-	-
8th Circuit	0	-	-
TOTAL	0	-	-

Table 9. Mean Percent of Sentence Suspended for Life-Eligible Crimes of Violence that Received Non-Life Sentences by Judicial Circuit and Offense, Fiscal Year 2022

	Murder, 1st Degree		Murder, 1st Degree, Attempt	
	# Offenses w/Susp Sentence	Mean % of Total Sentence Suspended	# Offenses w/Susp Sentence	Mean % of Total Sentence Suspended
1st Circuit	0	-	0	-
2nd Circuit	0	-	0	-
3rd Circuit	0	-	1	50.0%
4th Circuit	0	-	0	-
5th Circuit	0	-	1	33.3%
6th Circuit	0	-	0	-
7th Circuit	1	20.0%	0	-
8th Circuit	0	-	15	54.4%
TOTAL	1	20.0%	17	52.9%

	Rape, 1st Degree		Sex Offense, 1st Degree	
	# Offenses w/Susp Sentence	Mean % of Total Sentence Suspended	# Offenses w/Susp Sentence	Mean % of Total Sentence Suspended
1st Circuit	0	-	0	-
2nd Circuit	0	-	0	-
3rd Circuit	0	-	0	-
4th Circuit	0	-	0	-
5th Circuit	1	62.5%	0	-
6th Circuit	1	40.0%	0	-
7th Circuit	2	66.7%	0	-
8th Circuit	0	-	0	-
TOTAL	4	59.0%	0	

Table 10. Sentencing Guidelines Compliance for Sentencing Events Involving Crimes of Violence by Judicial Circuit, Fiscal Year 2022

	Total	Within		Below		Above	
	#	#	% in Circuit	#	% in Circuit	#	% in Circuit
1st Circuit	105	58	55.2%	27	25.7%	20	19.0%
2nd Circuit	43	31	72.1%	8	18.6%	4	9.3%
3rd Circuit	352	257	73.0%	83	23.6%	12	3.4%
4th Circuit	62	36	58.1%	21	33.9%	5	8.1%
5th Circuit	231	140	60.6%	74	32.0%	17	7.4%
6th Circuit	255	176	69.0%	69	27.1%	10	3.9%
7th Circuit	247	196	79.4%	31	12.6%	20	8.1%
8th Circuit	484	416	86.0%	50	10.3%	18	3.7%
TOTAL	1,779	1,310	73.6%	363	20.4%	106	6.0%

Table 11. Reasons Reported for Departures Below the Sentencing Guidelines for Sentencing Events Involving Crimes of Violence, by Judicial Circuit, Fiscal Year 2022

	Statewide		1 st Circuit		2 nd Circuit		3 rd Circuit		4 th Circuit	
	#	Valid %	#	Valid % in Circuit	#	Valid % in Circuit	#	Valid % in Circuit	#	Valid % in Circuit
Plea agreement reached for reduced sentence	184	51.1%	23	88.5%	3	37.5%	49	59.0%	7	33.3%
Minor role in offense	6	1.7%	0	0.0%	0	0.0%	3	3.6%	0	0.0%
Influenced by coercion or duress	3	0.8%	0	0.0%	0	0.0%	1	1.2%	0	0.0%
Diminished capability for judgement	17	4.7%	0	0.0%	0	0.0%	3	3.6%	0	0.0%
Made restorative efforts after offense	20	5.6%	3	11.5%	2	25.0%	2	2.4%	0	0.0%
Victim's participation lessens culpability	3	0.8%	0	0.0%	1	12.5%	0	0.0%	0	0.0%
Commitment to treatment program	45	12.5%	1	3.8%	1	12.5%	9	10.8%	0	0.0%
Recommendation of State's Attorney or Parole/Probation	119	33.1%	10	38.5%	2	25.0%	24	28.9%	16	76.2%
Other	76	21.1%	1	3.8%	0	0.0%	21	25.3%	1	4.8%
Missing	3		1		0		0		0	
TOTAL BELOW DEPARTURES	363		27		8		83		21	

	5 th Circuit		6 th Circuit		7 th Circuit		8 th Circuit	
	#	Valid % in Circuit	#	Valid % in Circuit	#	Valid % in Circuit	#	Valid % in Circuit
Plea agreement reached for reduced sentence	32	43.2%	28	40.6%	18	62.1%	24	48.0%
Minor role in offense	1	1.4%	0	0.0%	1	3.4%	1	2.0%
Influenced by coercion or duress	2	2.7%	0	0.0%	0	0.0%	0	0.0%
Diminished capability for judgement	5	6.8%	5	7.2%	1	3.4%	3	6.0%
Made restorative efforts after offense	5	6.8%	4	5.8%	1	3.4%	3	6.0%
Victim's participation lessens culpability	1	1.4%	1	1.4%	0	0.0%	0	0.0%
Commitment to treatment program	11	14.9%	13	18.8%	3	10.3%	7	14.0%
Recommendation of State's Attorney or Parole/Probation	27	36.5%	19	27.5%	9	31.0%	12	24.0%
Other	15	20.3%	22	31.9%	7	24.1%	9	18.0%
Missing	0		0		2		0	
TOTAL BELOW DEPARTURES	74		69		31		50	

Note. Each sentencing event may cite multiple reasons for departure, therefore the cited percentages will exceed a total of 100%. Valid percentages are based on non-missing data. Three sentencing events involving COV and below departures did not report reasons for departure.

Table 12. Reasons Reported for Departures Above the Sentencing Guidelines for Sentencing Events Involving Crimes of Violence, by Judicial Circuit, Fiscal Year 2022

	Total		1st Circuit		2nd Circuit		3rd Circuit		4th Circuit	
	#	%	#	% in Circuit	#	% in Circuit	#	% in Circuit	#	% in Circuit
Major role in offense	38	35.8%	5	25.0%	2	50.0%	4	33.3%	1	20.0%
Excessive level of harm	41	38.7%	6	30.0%	1	25.0%	5	41.7%	2	40.0%
Special circumstances of victim	9	8.5%	2	10.0%	0	0.0%	1	8.3%	0	0.0%
Exploited a position of trust	13	12.3%	6	30.0%	0	0.0%	0	0.0%	0	0.0%
Committed white collar offense	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Significant participation in major controlled substance offense	1	0.9%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Vicious or heinous nature of conduct	53	50.0%	11	55.0%	3	75.0%	5	41.7%	2	40.0%
Recommendation of State's Attorney or Parole/Probation	39	36.8%	8	40.0%	2	50.0%	3	25.0%	1	20.0%
Other	13	12.3%	1	5.0%	0	0.0%	3	25.0%	1	20.0%
Missing	0		0		0		0		0	
TOTAL ABOVE DEPARTURES	106		20		4		12		5	

	5th Circuit		6th Circuit		7th Circuit		8th Circuit	
	#	% in Circuit	#	% in Circuit	#	% in Circuit	#	% in Circuit
Major role in offense	5	29.4%	2	20.0%	8	40.0%	11	61.1%
Excessive level of harm	4	23.5%	3	30.0%	10	50.0%	10	55.6%
Special circumstances of victim	2	11.8%	0	0.0%	3	15.0%	1	5.6%
Exploited a position of trust	0	0.0%	1	10.0%	3	15.0%	3	16.7%
Committed white collar offense	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Significant participation in major controlled substance offense	0	0.0%	0	0.0%	1	5.0%	0	0.0%
Vicious or heinous nature of conduct	7	41.2%	6	60.0%	8	40.0%	11	61.1%
Recommendation of State's Attorney or Parole/Probation	5	29.4%	4	40.0%	12	60.0%	4	22.2%
Other	3	17.6%	1	10.0%	3	15.0%	1	5.6%
Missing	0		0		0		0	
TOTAL ABOVE DEPARTURES	17		10		20		18	

Note. Each sentencing event may cite multiple reasons for departure, therefore the cited percentages will exceed a total of 100%.