

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Independent Agencies**
(DLS Control No. 14-206)

Overview and Legal and Fiscal Impact

These regulations update and modify the list of offense headings and the table of seriousness categories for the sentencing guidelines of the State Commission on Sentencing Policy (sentencing commission).

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Independent Agencies:

Commission on Criminal Sentencing Policy: Criminal Offenses and Seriousness
Categories: COMAR 14.22.02.01 and .02

Legal Analysis

Background

The sentencing commission was created to support fair and proportional sentencing policy, increase equity in criminal sentencing practice, and to promote increased visibility and aid public understanding of the sentencing process. The sentencing commission is responsible for oversight of the State's voluntary sentencing guidelines, collecting sentencing guidelines worksheets, maintain the sentencing guidelines database, monitoring circuit court sentencing practice, adopting changes to the guidelines consistent with the legislative intent when necessary, and providing training and orientation to criminal justice practitioners who apply the sentencing guidelines.

Summary of Regulations

Regulation .01 makes changes to the list of offense headings, including adding ones for false advertising and related crimes, the Maryland Credit Services Businesses Act, securities fraud and related crimes, and the threat of mass violence.

Regulation .02 modifies the seriousness categories tables. These modifications update and reorganize references to various criminal conduct, including the deletion of the former references to possession of less than 10 grams of marijuana in light of decriminalization enacted

last session, and crimes related to false advertising, lotteries, the Maryland Credit Services Businesses Act, certain motor vehicle offenses, prostitution, computer fraud, and threats of mass violence.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The sentencing commission cites § 6-211 of the Criminal Procedure Article as legal authority for the regulations. Section 6-211 requires the sentencing commission to adopt as regulations sentencing guidelines and any changes to those sentencing guidelines. This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The commission advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The commission advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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