

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Independent Agencies**
(DLS Control No. 15-012)

Overview and Legal and Fiscal Impact

These regulations clarify instructions for scoring the prior adult criminal record for out-of-jurisdiction convictions and clarify sentences deemed to be within the sentencing guidelines. The regulations also modify the table of seriousness categories.

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: General Regulations:
COMAR 14.22.01.10

General Regulations: COMAR 14.22.01.17

Criminal Offenses and Seriousness Categories: COMAR 14.22.02.02

Legal Analysis

Background

The Commission on Criminal Sentencing Policy was created to support fair and proportional sentencing policy, increase equity in criminal sentencing practice, promote increased visibility, and aid public understanding of the sentencing process. The commission is responsible for oversight of the State's voluntary sentencing guidelines; collecting sentencing guidelines worksheets; maintaining 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

Currently, if an offender has been convicted in another jurisdiction, the individual completing the sentencing guidelines worksheet is required to match the offense as closely as possible to the closest analogous Maryland offense. The regulations clarify that, if there is a question as to the analogous offense for an out of state conviction, the question should be brought to the attention of the judge at sentencing.

The regulations also require the commission to deem a sentence to be within the guidelines' range if the defendant's current sentence and any pending charges do not include a law from another jurisdiction similar to a crime of violence, sexual child abuse, or escape.

Finally, the regulations modify the table of seriousness categories in areas including animal cruelty, burglary, identity fraud, and violations of the Maryland Credit Services Businesses Act and the Maryland Securities Act.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites § 6-211 of the Criminal Procedure Article as 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 Maryland State Commission on Criminal Sentencing Policy 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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