

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	02/12/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 3/20/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

14	22	01	10
14	22	01	17
14	22	02	02

3. Name of Promulgating Authority

Commission on Criminal Sentencing Policy

4. Name of Regulations Coordinator

David A Soule

Telephone Number

301-403-2707

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College Park	MD	20742

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dsoule@crim.umd.edu

5. Name of Person to Call About this Document

Stacy Najaka

Telephone No.

301-403-2709

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snajaka@umd.edu

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: February 5, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Stuart Nathan, Assistant Attorney General, (telephone #410-585-3070) on February 11, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

David Soule

Title

Executive Director

Telephone No.

301-403-2707

Date

February 11, 2015

Title 14

INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

14.22.01 General Regulations

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

14.22.01 General Regulations

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

14.22.02 Criminal Offenses and Seriousness Categories

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland.

Notice of Proposed Action

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The Maryland State Commission on Criminal Sentencing Policy proposes to to amend Regulations .10 and .17 under COMAR 14.22.01 General Regulations and Regulation .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories.

Statement of Purpose

The purpose of this action is to clarify in Regulation .10 under COMAR 14.22.01 the instructions for scoring the prior adult criminal record when there are convictions out of jurisdiction, and to clarify in Regulation .17 under COMAR 14.22.01 sentences deemed to be within the guidelines. Additionally, the purpose of this action is to indicate modifications to the table of seriousness categories in Regulation .02 under COMAR 14.22.02.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, 4511 Knox Road, Suite 309, College Park, MD 20742, or call 301-403-4165, or email to dsoule@umd.edu, or fax to 301-403-4164. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General Funds

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These are routine operations under the work of the Maryland State Commission on Criminal Sentencing Policy.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

Title 14 INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

01 General Regulations

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

.10 Computation of the Offender Score.

A. (text unchanged)

B. (text unchanged)

(1) – (2) (text unchanged)

(3) (text unchanged)

(a) – (c) (text unchanged)

(d) Convictions Out of Jurisdiction. If an offender has been convicted in another jurisdiction, the individual completing the worksheet shall match the offense as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the individual completing the worksheet shall count the offense in the lowest seriousness category (VII), and shall inform the judge and parties. *If there is a question as to the analogous guidelines offense for an out of state conviction, that question should be brought to the attention of the judge at sentencing.*

(e) – (g) (text unchanged)

(4) (text unchanged)

C. (text unchanged)

.17 Sentences Deemed to Be Within Guidelines.

(text unchanged)

A – B. (text unchanged)

C. (text unchanged)

(1) (text unchanged)

(2) (text unchanged)

(a) – (c) (text unchanged)

(d) A law of the United States or of any other state or the District of Columbia similar to §[B]C(2)(a)—(c) of this regulation.

02 Criminal Offenses and Seriousness Categories

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

.02 Seriousness Categories.

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
1—9-1 (text unchanged)									
9-2	Animals, Crimes Against Animal cruelty	1-0500 1-0501 1-0503	CR, §10-604	Misd.	90D		Property	VII	\$1,000
9-3—41 (text unchanged)									
41-1	Burglary and Related Crimes Home invasion	1-1338	CR, §6-202(d)	Felony	25Y		Person	III	
42—199 (text unchanged)									
199-1	Harboring, Escape, and Contraband Possess, possess with intent to deliver, receive telecommunication device or accessory	1-1327 1-1328 1-1329 1-1330	CR, §9-417	Misd.	5Y		Property	VI	\$3,000
200—207-3 (text unchanged)									
207-4	Identity Fraud Use an interactive computer service to disclose personal identifying information of an individual in order to annoy, threaten, embarrass, or harass	1-1337	CR, §8-301(b)(1) CR, §8-301(g)(4) (penalty)	Misd.	18M		Property	VII	\$500
207-5—215-2 (text unchanged)									
215-3	Influencing or Intimidating Judicial Process Tampering with or fabricating physical evidence	1-1332 1-1333 1-1334	CR, §9-307	Misd.	3Y		Person	V	\$5,000
216—231 (text unchanged)									

232	Lotteries Prohibited acts relating to State lottery	1-0114 2-1173	SG, §9-124	Misd.	3Y		Property	VII	\$2,500
233—244 (text unchanged)									
244-1	[Maryland Credit Services Businesses Act Violation of any provision of Maryland Credit Services Businesses Act] Marriage, Crimes Against Bigamy	1-3804	[CL, §14-1915 (penalty)] CR, §10-502(b)	Misd.	[3Y] 9Y		[Property] Person	VI	[\$5,000]
244-2	[Marriage, Crimes Against Bigamy] Maryland Credit Services Businesses Act Violation of any provision of Maryland Credit Services Businesses Act	[1-3804]	[CR, §10-502(b)] CL, §14-1915 (penalty)	Misd.	[9Y] 3Y		[Person] Property	VI	\$5,000
244-3—308 (text unchanged)									
308-1	Prostitution and Related Crimes Abduction—Persuade, entice, secrete, or harbor individual younger than 16 years old for the purpose of committing a sexual crime	1-1336	CR, §11-305	Felony	25Y ♦		Person	II	\$5,000
309—345-2 (text unchanged)									
346	Securities Fraud and Related Crimes Securities fraud and other violations of Maryland Securities Act	1-5574 1-5575 1-5576 2-0670 2-0671	CA, §11-705(a)(1) (penalty)	Misd.	3Y		Property	VII	\$50,000
347—360-1 (text unchanged)									

360-2	Sexual Crimes Use of personal identifying information of an individual to invite another to commit sexual crime	1-1340	CR, §3-325	Felony	20Y		Person	IV	\$25,000
361—365-2 (text unchanged)									
365-3	Stalking and Harassment Revenge porn	1-1326	CR, §3-809	Misd.	2Y		Person	VII	\$5,000
365-4—387-1 (text unchanged)									
387-2	Threat of Mass Violence Threatening to commit or cause a crime of violence that would place others at risk	1-1335	CR, §3-1001	Misd.	10Y		Person	V	\$10,000
387-3—420 (text unchanged)									

Footnotes (text unchanged)

General Rules:

(a) – (b) (text unchanged)

(c) For Prior Record calculations involving offenses in which the offender has been convicted in another jurisdiction, the individual completing the worksheet shall match the offense as closely as possible to the closest analogous Maryland offense. If no Maryland analogous offense exists, the individual completing the worksheet shall count the offense in the lowest seriousness category (VII), and shall inform the judge and parties. *If there is a question as to the analogous guidelines offense for an out of state conviction, that question should be brought to the attention of the judge at sentencing.*