

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Independent Agencies**
(DLS Control No. 15-291)

Overview and Legal and Fiscal Impact

This regulation amends the Commission on Criminal Sentencing Policy's table of sentencing guidelines offenses to include new and amended offenses passed during the 2015 Legislative Session, add previously unclassified offenses, and make other minor technical corrections.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Independent Agencies:

Commission on Criminal Sentencing Policy: Criminal Offenses and Seriousness
Categories: COMAR 14.22.02.02

Legal Analysis

Background

Chapter 648 of 1999 established the Commission on Criminal Sentencing Policy to support fair and proportional sentencing policy, increase equity in criminal sentencing practice, and 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 legislative intent when necessary, and providing training and orientation to criminal justice practitioners who apply the sentencing guidelines.

Summary of Regulation

This regulation amends the commission's table of sentencing guidelines offenses to include new and amended offenses passed during the 2015 Legislative Session, add previously unclassified offenses, and make other minor technical corrections.

The regulation generally cites 2015 legislation, but the commission advises that changes reflect the following chapter laws: changes made to 30-1 reflect Chapter 410 of 2015, which expands provisions prohibiting felony second-degree assault to include the intentional causing of physical injury to another person by a person who knows or has reason to know that the victim is a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services; changes made to 209 and 209-1 reflect Chapter 402 of 2015, which authorizes a judge to set a bond when issuing a bench warrant for a person who has been charged with a crime and who has willfully failed to surrender after being admitted to bail or released on recognizance; changes to 53, 54-2, and 60 reflect Chapter 490 of 2015, which authorizes courts to depart from specified mandatory minimum sentences under certain circumstances for repeat offenders of specified crimes generally involving the manufacture, sale, and distribution of controlled dangerous substances. In addition, the Department of Legislative Services notes that the addition of 58-1 reflects Chapter 251 of 2015, which provides that a person may not distribute, possess, manufacture, or use cannabis that has been diverted from a qualifying patient, a caregiver, a licensed grower, or a licensed dispensary.

The commission also advises that the alcoholic beverages offenses are guidelines eligible offenses that the commission identified as not having been classified. The commission reviewed the offenses and assigned the offenses a seriousness category VII.

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites § 6-211 of the Criminal Procedure Article as statutory authority for the regulations. More specifically, § 6-211(a) requires the commission to adopt as regulations sentencing guidelines and make changes to those guidelines.

This authority is correct and complete. The regulation complies 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 regulation has 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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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