

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/20/2020	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/14/2020

2. COMAR Codification

Title Subtitle Chapter Regulation

14 22 02 01

14 22 02 02

3. Name of Promulgating Authority

Commission on Criminal Sentencing Policy

4. Name of Regulations Coordinator Telephone Number
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Title 14

INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

14.22.02 Criminal Offenses and Seriousness Categories

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 amend Regulations .01 and .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories.

This action was considered by the Maryland State Commission on Criminal Sentencing Policy at an open meeting held on July 7, 2020, notice of which was given by publication in the June 19, 2020, edition of the Maryland Register, pursuant to State Government Article, § 10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to indicate modifications to the offense headings and the table of seriousness categories (guidelines offense table) in Regulations .01 and .02 under COMAR 14.22.02 Criminal Offenses and Seriousness Categories. The proposed revisions reflect new and amended offenses from the 2020 Legislative Session, the classification of several previously unclassified offenses, and minor edits to the table.

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 Rd, Suite 309, College Park, MD 20740, or call 301-403-4165, or email to dsoule@umd.edu, or fax to . Comments will be accepted through September 28, 2020. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2021
- 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
- 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:
- 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

02 Criminal Offenses and Seriousness Categories

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

.01 List of Offense Headings.

- A—B (text unchanged)
- CDS and Paraphernalia, Crimes
- CDS — Registration
- Cemeteries and Funerary Objects, Crimes Involving
- Commercial Fraud, Other
- Conspiracy
- Consumer Protection Laws
- Counterfeiting
- Credit Card Crimes
- Crimes Against the Person, Generally
- Criminal [Gang Offenses] *Organizations*
- D—R (text unchanged)
- S

Sabotage and Related Crimes
 School Security
 Securities Fraud and Related Crimes
 Sexual Crimes
 Stalking and Harassment
 Statewide DNA Data Base System, Crimes Involving
Stored Wire and Electronic Communications Access, Crimes Involving
 Surveillance & Other Crimes Against Privacy
 T—W (text unchanged)

.02 Seriousness Categories.

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
1—11-1 (text unchanged)									
12	Animals, Crimes Against [Cruelty to Animals— injuring a racehorse] <i>Interfering with an equine</i>	[2-0260] [5-7199] 1-1676 1-1677	CR, §10-620	[Felony] <i>Misd.</i>	[3Y] 1Y	[1Y]	Property	[VI] VII	\$1,000
12-1—25 (text unchanged)									
25-1	Assault and Other Bodily Woundings[—Other] Willfully expose others to infectious disease	1-0285	HG, §18-601	Misd.	1Y		Person	VII	\$500
25-2	Assault and Other Bodily Woundings[—Other] Knowingly transfer or attempt to transfer HIV virus	4-7360	HG, §18-601.1	Misd.	3Y		Person	V	\$2,500
25-3 (text unchanged)									
25-4	Assault and Other Bodily Woundings[—Other] Knowingly and willfully causing another to ingest bodily fluid	1-0321	CR, §3-215	Misd.	10Y		Person	V	\$2,500

25-5	Assault and Other Bodily Woundings[— Other] Failure to comply with or violation of protective order, 1 st offense	2-0254	FL, §4-509(a)(1)	Misd.	90D		Person	VII	\$1,000
25-6	Assault and Other Bodily Woundings[— Other] Failure to comply with or violation of protective order, subsequent	2-0354	FL, §4-509(a)(2)	Misd.	1Y		Person	VII	\$2,500
25-7	Assault and Other Bodily Woundings[— Other] Failure to comply with or violation of peace order, 1 st offense	2-0105	CJ, §3-1508(a)(1)	Misd.	90D		Person	VII	\$1,000
25-8	Assault and Other Bodily Woundings[— Other] Failure to comply with or violation of peace order, subsequent	2-0105	CJ, §3-1508(a)(2)	Misd.	1Y		Person	VII	\$2,500
25-9	Assault and Other Bodily Woundings[— Other] Failure to comply with an extreme risk protective order, 1 st offense	1-1446	PS, §5-610(a)(1)	Misd.	90D		Person	VII	\$1,000
25-10	Assault and Other Bodily Woundings[— Other] Failure to comply with an extreme risk protective order, subsequent	1-1447	PS, §5-610(a)(2)	Misd.	1Y		Person	VII	\$2,500
26—36-4 (text unchanged)									

37	Bribery Bribery to or by public officer	[1-1437] [1-1438] 1-1678 1-1683	CR, §9-201	Misd.	12Y	2Y	Property	V	[\$1,000—\$10,000] \$5,000—\$25,000
38—99 (text unchanged)									
100	Counterfeiting Counterfeiting [any] public seal	1-0663	CR, §8-607[(b)]	Misd.	10Y	2Y	Property	V	
101	Counterfeiting Counterfeiting United States currency <i>with intent to defraud</i>	1-0067 1-0069	CR, §8-604	Felony	10Y		Property	V	\$10,000
102	Counterfeiting [Forgery, counterfeiting, etc.] <i>Counterfeiting of private instruments and documents</i>	1-2502	[CR, §8-601(a)] CR, §8-601(c)(1)	Felony	10Y		Property	V	\$1,000
102-1	Counterfeiting Possession of counterfeit [items] <i>private instruments and documents</i>	1-1502	CR, §8-601(c)(2)	Misd.	3Y		Property	VII	\$1,000
102-2	Counterfeiting <i>Counterfeiting of private instruments and documents, not covered by CR, §8-601</i>		Common Law	Misd.	LIFE		Property	V	
103	Counterfeiting [Forgery, counterfeiting, pass forged, etc.] <i>Counterfeiting of public documents</i>	1-2500 1-2504	CR, §8-605[(a)]	Felony	10Y	2Y	Property	V	
103-1	Counterfeiting <i>Counterfeiting of public documents, not covered by CR, §8-605</i>		Common Law	Misd.	LIFE		Property	V	

104	Counterfeiting [Orders, etc.,] <i>Counterfeiting of orders for money or goods</i>	1-2501 2-2510 2-2520	CR, §8-609[(b)]	Felon y	10Y	2Y	Propert y	V	
104-1—105 (text unchanged)									
106	Counterfeiting Issuing [or publishing] counterfeit <i>private instruments and documents</i>	1-2513	CR, §8-602	Felon y	10Y		Propert y	V	\$1,000
106-1	Counterfeiting <i>Issuing counterfeit private instruments and documents, not covered by CR, §8-602</i>		<i>Common Law</i>	<i>Misd.</i>	<i>LIFE</i>		<i>Propert y</i>	<i>V</i>	
107	Counterfeiting [Counterfeit comptroller stamp] <i>Counterfeiting stamp of Comptroller</i>	1-2603	CR, §8-608[(a)]	Misd.	10Y	2Y	Propert y	V	
108 (text unchanged)									
109	Counterfeiting [Falsifying, destroying, concealing, accessing, etc., public records] <i>Making false entries in public records and related crimes</i>	2-2504 3-2504 5-2504	CR, §8-606[(b)]	Misd.	3Y		Propert y	VII	\$1,000
110	Counterfeiting [Forge, falsify, or counterfeit the] <i>Forging, falsifying, or counterfeiting signature of [a] judge, court officer, or court employee[; or use a document with forged signature of a court official]</i>	1-1698 1-1699	CR, §8-606.1	Misd.	5Y		Propert y	VI	\$10,000
111 (text unchanged)									

112	Counterfeiting [Possess or issue] <i>Possessing or issuing counterfeit [U.S.] United States currency</i>	1-0494	CR, §8-604.1	Misd.	3Y		Property	VII	\$1,000
113	Counterfeiting [Unlawful possession of forged, etc.,] <i>Possessing counterfeit title to motor vehicle [title]</i>	2-0035	CR, §8-603[(a)]	Misd.	3Y		Property	VII	\$1,000
113-1	Counterfeiting <i>Counterfeiting prescription</i>	1-0180 2-0262 2-2502 2-2530	CR, §8-610	Misd.	2Y		Property	VI	
114	Counterfeiting [Make, utter, forge, etc. tickets, coupons, tokens, etc. without the authority of the person or corporation issuing, selling, etc.; assist in making, uttering, forging, etc. of tickets, coupons, tokens, etc.; or utter or pass, knowing it to be so made] <i>Counterfeiting and issuing of tokens</i>	3-2502 3-2510	CR, §8-612[(b)]	Misd.	1Y		Property	VII	
114-1—119 (text unchanged)									
119-1	Criminal [Gang Offenses] Organizations Use of or threat of force to coerce participation or prevent leaving [gang] <i>organization</i>	1-1391	CR, §9-802	Misd.	2Y		Person	VII	\$10,000

119-2	Criminal [Gang Offenses] Organizations Use of or threat of force to coerce participation or prevent leaving [gang] organization in school or within 1,000 feet of school property	1-1392	CR, §9-803	Misd.	4Y		Person	VI	\$20,000
119-3	Criminal [Gang Offenses] Organizations Participate as member of criminal [gang] organization in commission of crime; in receipt and use or investment, of proceeds of \$10,000 or more from underlying crime in the acquisition of real property or establishment or operation of any enterprise; in acquisition or maintenance of any interest or control of any enterprise or property through an underlying crime	1-1394 1-1395 1-1419 1-1421 1-1422 1-1423	CR, §9-804(f)(1)(i)	Felony	15Y		Person	One category more serious than most serious underlying offense. If no conviction on underlying offense, category=IV	\$1,000,000
119-4	Criminal [Gang Offenses] Organizations Participate as member of criminal [gang] organization in commission of crime—resulting in death of victim	1-1417 1-1418	CR, §9-804(f)(1)(ii)	Felony	25Y		Person	One category more serious than most serious underlying offense. If no conviction on underlying offense, category=III	\$5,000,000

119-5	Criminal [Gang Offenses] Organizations Organize, supervise, finance, or manage a criminal [gang] organization	1-1393	CR, §9-805	Felony	20Y		Person	III	\$1,000,000
120—136-7 (text unchanged)									
137	Estates, Crimes Against [Embezzling—destroy,] Destroy or conceal will [or codicil]	2-2700	CR, §8-702[(a)]	Misd.	15Y	18M	Property	V	
137-1	Estates, Crimes Against Embezzle, alter will or record	1-2700	CR, §8-701	Misd.	7Y	3Y	Property	VI	
138—155 (text unchanged)									
156 Vacant	[Fraud, Miscellaneous] Forgery—forgery, etc. of prescriptions, etc.]	[1-0180] [2-0262] [2-2502] [2-2530]	[CR, §8-610(a), (b)]	[Misd.]	[2Y]		[Property]	[VI]	
157—159 (text unchanged)									
159-1	Fraud, Miscellaneous [Practicing as a Polysomnographic Technologist without authorization, etc.] Violate certain provisions of Health Occupations Article, Title 8 (Nurses), Subtitle 7 (Prohibited Acts; Penalties)	1-1151 1-1152 1-1153 1-1154 1-1155 1-1156 1-1157 1-1158	[HO, §14-5C-23(a)] HO, §8-710 (penalty)	Misd.	[1Y] 5Y		[Property] Person	[VII] VI	[\$1,000] \$10,000
159-2—159-3 (text unchanged)									

159-4	Fraud, Miscellaneous [Practicing naturopathic medicine without a license] <i>Practicing respiratory care without a license</i>	2-0987	[HO, §14-5F-29] <i>HO, §§14-5A-20 – 14-5A-22.1</i> <i>HO, §14-5A-23(a)</i> <i>(penalty)</i>	[Felonny] <i>Misd.</i>	[5Y] 1Y		Person	[VI] VII	[\$10,000] \$1,000
159-5	Fraud, Miscellaneous [Violate certain provisions of Health Occupations Article, Title 8 (Nurses), Subtitle 7 (Prohibited Acts; Penalties)] <i>Practicing radiation therapy, nuclear medicine technology, radiography, or radiology assistance without a license</i>	[1-1151] [1-1152] [1-1153] [1-1154] [1-1155] [1-1156] [1-1157] [1-1158]	[HO, §8-710] <i>HO, §§14-5B-17 – 14-5B-18.1</i> <i>HO, §14-5B-19(a)</i> <i>(penalty)</i>	Misd.	[5Y] 1Y		Person	[VI] VII	[\$10,000] \$1,000
159-6	Fraud, Miscellaneous <i>Practicing polysomnography without a license</i>		<i>HO, §§14-5C-20 – 14-5C-22.1</i> <i>HO, §14-5C-23(a)</i> <i>(penalty)</i>	Misd.	1Y		Property	VII	\$1,000
159-7	Fraud, Miscellaneous <i>Practicing athletic training without a license</i>		<i>HO, §14-5D-17</i> <i>HO, §14-5D-18(a)</i> <i>(penalty)</i>	Misd.	1Y		Person	VII	\$1,000
159-8	Fraud, Miscellaneous <i>Practicing perfusion without a license</i>		<i>HO, §§14-5E-20 – 14-5E-22</i> <i>HO, §14-5E-23(a)</i> <i>(penalty)</i>	Misd.	1Y		Person	VII	\$1,000

159-9	Fraud, Miscellaneous <i>Practicing naturopathic medicine without a license</i>		HO, §14-5F-29(a) HO, §14-5F-30 HO, §14-5F-29(b) (penalty)	Felony	5Y		Person	VI	\$10,000
159-10	Fraud, Miscellaneous <i>Practicing dentistry without a license or misrepresentation as practitioner of dentistry, 1st offense</i>	1-1680 1-1681	HO, §4-601(a) HO, §4-602 HO, §4-606(a)(1)(i) (penalty)	Felony	1Y		Person	VII	\$5,000
159-11	Fraud, Miscellaneous <i>Practicing dentistry without a license or misrepresentation as practitioner of dentistry, subsequent</i>		HO, §4-601(a) HO, §4-602 HO, §4-606(a)(1)(ii) (penalty)	Felony	5Y		Person	VI	\$20,000 per day
159-12	Fraud, Miscellaneous <i>Conducting unauthorized dental laboratory work or advertising a dental appliance without a dental license</i>	1-1682	HO, §4-503(c) HO, §4-606(c) (penalty)	Felony	2Y		Property	VII	\$2,000 per day
160—203 (text unchanged)									
204	Hate Crimes Crimes against, or threatening to commit crimes against, persons, groups, or property [because of] <i>motivated either in whole or substantial part by race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness—resulting in death</i>		CR, §10-304(2)(ii) CR, §10-306(b)(2) (penalty)	Felony	20Y		Person	III	\$20,000

205	Hate Crimes Crimes against, or threatening to commit crimes against, persons, groups, or property [because of] <i>motivated either in whole or substantial part by race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness</i> — involving separate felony		CR, §10-304(2)(i) CR, §10-306(b)(1) (penalty)	Felony	10Y		Person	IV	\$10,000
205-1	Hate Crimes <i>Damage property of religious entity</i>	1-0435	CR, §10-302 CR, §10-306(a) (penalty)	Misd.	3Y		Person	V	\$5,000
205-2	Hate Crimes <i>Obstruct exercise of religious belief</i>	1-0436	CR, §10-303 CR, §10-306(a) (penalty)	Misd.	3Y		Person	V	\$5,000
[205-1] 205-3	Hate Crimes Crimes against, or threatening to commit crimes against, persons, groups, or property [because of] <i>motivated either in whole or substantial part by race, color, religious beliefs, sexual orientation, gender, disability, national origin, or homelessness</i>	[1-0435] [1-0436] 1-0437 [2-0251] [2-0252]	CR, §10-304(1) CR, §10-306(a) (penalty)	Misd.	3Y		Person	V	\$5,000
205-4	Hate Crimes <i>Damage to associated building</i>	2-0251 2-0252	CR, §10-305 CR, §10-306(a) (penalty)	Misd.	3Y		Person	V	\$5,000

205-5	Hate Crimes Use of an item or a symbol to threaten or intimidate	1-1675	CR, §10-305.1 CR, §10-306(a) (penalty)	Misd.	3Y		Person	V	\$5,000
[205-2] 205-6	Human Trafficking Sex trafficking, misdemeanor	1-0752 1-0757 1-0759 1-0762 1-1080 1-1082 1-1083	CR, §3-1102(c)(1)	Misd.	10Y		Person	III	\$5,000
[205-3] 205-7	Human Trafficking Sex trafficking, felony	1-0754 1-0756 1-0758 1-0761 1-0786 1-0787 1-0788 1-0789	CR, §3-1102(c)(2)	Felony	25Y♦		Person	II	\$15,000
206—358 (text unchanged)									
359 Vacant	[Sexual Crimes Sodomy]	[5-3600]	[CR, §3-321]	[Felony]	[10Y]		[Person]	[IV]	
360 (text unchanged)									
360-1	Sexual Crimes Sexual [Solicitation] solicitation of a minor or law enforcement officer posing as a minor, 1 st offense	1-1604	CR, §3-324(d)(1)	Felony	10Y		Person	IV	\$25,000
360-2	Sexual Crimes Sexual solicitation of a minor or law enforcement officer posing as a minor, subsequent		CR, §3-324(d)(2)	Felony	20Y		Person	III	\$50,000
[360-2] 360-3	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—366 (text unchanged)									
366-1	Stored Wire and Electronic Communications Access, Crimes Involving <i>Obtaining, altering, or preventing authorized access to a wire or electronic communication while it is in electronic storage in an electronic communications system, 1st offense</i>		CJ, §10-4A-02(b)(1)(i)	Misd.	1Y		Property	VII	\$250,000
366-2	Stored Wire and Electronic Communications Access, Crimes Involving <i>Obtaining, altering, or preventing authorized access to a wire or electronic communication while it is in electronic storage in an electronic communications system, subsequent</i>		CJ, §10-4A-02(b)(1)(ii)	Misd.	2Y		Property	VI	\$250,000
[366-1] 366-3	Surveillance and Other Crimes Against Privacy Visual and camera surveillance, private place	1-0716 1-0717 1-1759 1-1760 3-5715	CR, §3-902 CR, §3-903	Misd.	1Y		Person	VII	\$2,500
367—421 (text unchanged)									

Footnotes (text unchanged)

General Rules: (text unchanged)