

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 918

(Delegate Simmons)

Judiciary

Judicial Proceedings

**State Commission on Criminal Sentencing Policy - Sentencing Guidelines
Worksheet - Information Relating to Economic Crimes**

This bill requires the Commission on Criminal Sentencing Policy to include an entry location on a sentencing worksheet for a court, in reporting on crimes involving theft or fraud, to report the specific dollar amount, when available, of the economic loss to the victim.

Fiscal Summary

State Effect: Any operational or fiscal impact on the Judiciary and the Criminal Sentencing Policy Commission are assumed to be minimal and absorbable with existing budgeted resources.

Local Effect: Any operational or fiscal impact on the circuit courts and State's Attorneys' offices are assumed to be minimal and absorbable with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: The commission is required to: (1) collect sentencing guidelines worksheets and automate the information with the help of the Administrative Office of the Courts; and (2) monitor sentencing practices and adopt changes to the sentencing guideline matrices consistent with the intent of the provisions governing the activities of the commission.

A circuit court is required to consider: (1) the sentencing guidelines for ordinary sentences in deciding on the proper sentence; and (2) the sentencing guidelines for corrections options in deciding whether to sentence a defendant to a corrections options program or to impose an ordinary sentence.

In deciding whether to sentence a defendant to a corrections options program, the court must primarily consider the public safety. The sentencing guidelines may not allow for a sentence exceeding the maximum sentence provided by law or be used in violation of any mandatory minimum sentence required by law.

If a court prepares a Maryland sentencing guidelines worksheet, the clerk of court is required to deliver a copy of the worksheet to the unit that has been ordered by the court to retain custody of the defendant. The copy must be delivered with the commitment order or as soon as practicable after issuance of the commitment order.

The Parole Commission is required to review a Maryland sentencing guidelines worksheet to ensure compliance with the requirements of the Correctional Services Article governing parole, mandatory supervision release, and executive clemency.

Background: Chapter 648 of 1999 established the Commission on Criminal Sentencing Policy. The commission has 19 members and is responsible for the State's voluntary criminal sentencing guidelines, including collecting sentencing guidelines worksheets and automating the information; monitoring sentencing practices, including judicial compliance with the guidelines; and, when necessary, adopting changes to the guidelines.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Commission on Criminal Sentencing Policy, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2004
ncs/jr Revised - House Third Reader - March 26, 2004

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