

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 59

(Senator Kelley)

Judicial Proceedings

Judiciary

State Commission on Criminal Sentencing Policy - Annual Report - Reporting Date

This bill changes the date by which the State Commission on Criminal Sentencing Policy must submit its annual report to the General Assembly from December 1 to January 31 and clarifies that the report will contain information about the activities of the preceding calendar year.

Fiscal Summary

State Effect: None. The bill's requirements can be handled with existing budgeted State resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The State Commission on Criminal Sentencing Policy is required to conduct an annual review of sentencing policy and practice and submit a report to the General Assembly on or before December 1 of each year. The report must (1) include any changes to the sentencing guidelines made during the preceding year; (2) review judicial compliance with the sentencing guidelines, including compliance by crime and by judicial circuit; (3) review reductions or increases in original sentences that have occurred because of reconsiderations of mandatory sentences for crimes of violence; and

(4) categorize information on these reconsiderations of sentences by offense and by judicial circuit.

Background: The General Assembly created the State Commission on Criminal Sentencing Policy (MSCCSP) in 1999, after a study commission recommended the creation of a permanent commission in its final report to the General Assembly. MSCCSP consists of 19 members, including members of the judiciary, members who are active in the Maryland criminal justice system, members of the General Assembly, and public representatives.

The MSCCSP was created to oversee sentencing policy in Maryland and is primarily responsible for maintaining and monitoring the State's voluntary sentencing guidelines, which are intended to promote fair and proportional sentencing while eliminating sentencing disparity.

MSCCSP is authorized to adopt sentencing guidelines to be considered by courts when determining the appropriate sentence for a criminal defendant, as well as the collection and automation of sentencing guidelines data. All sentencing guidelines data are provided on the sentencing guidelines worksheet, which is completed to determine the recommended sentencing guidelines outcome and to record sentencing data for offenses prosecuted in circuit court. After completing the worksheet, a sentencing judge reviews the worksheet for completeness and accuracy and submits a hard copy to MSCCSP. The commission's staff enter the data from the worksheet into a database and use the collected data to analyze sentencing trends, monitor circuit court sentencing compliance, and adopt changes to the guidelines consistent with legislative intent when necessary.

While MSCCSP's annual report contains an analysis of sentencing data for an entire fiscal year, MSCCSP's current statutory deadline of December 1 prevents the commission from reporting on a full calendar year of commission activity, including the commission's final quarterly meeting of the year, which is typically held in mid-December. The December meeting includes a public comments hearing.

Additional Information

Prior Introductions: None.

Cross File: HB 117 (Delegate Mitchell, *et al.*) - Judiciary.

Information Source(s): Commission on Criminal Sentencing Policy, Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2012
ncs/kdm

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