The Forum for America's Idea

MARYLAND TASK FORCE TO STUDY **CRIME CLASSIFICATION** & PENALTIES NOVEMBER 12, 2020

Amanda Essex NCSL Criminal Justice Program

Since 1975, NCSL has been the bipartisan organization for all state legislators and staff

OUR MISSION IS TO:

Improve quality and effectiveness of the institution,

- Promote policy innovation and communication among our members, and
- Ensure a strong, cohesive voice in the federal system.



## **CRIMINAL CODES**

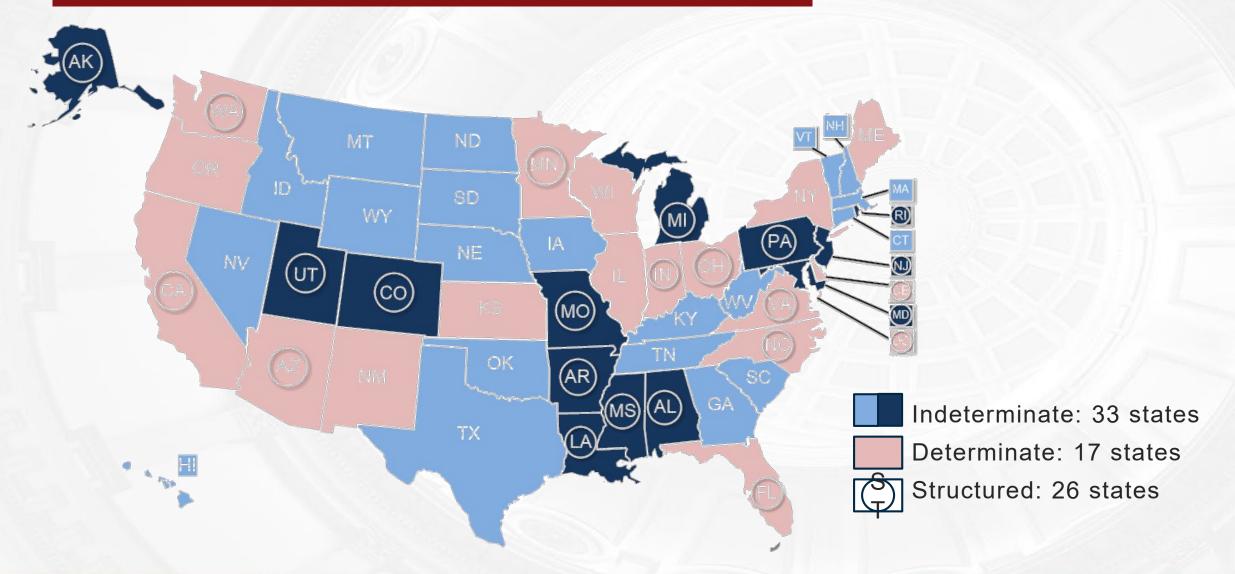
Define criminal action & appropriate type/length of punishment

- Infractions —— fine-only
- Misdemeanors local jail
- Felony —— state prison

## Attention to property & drug crimes



## PRIMARY SENTENCING SYSTEMS



# **NOTABLE CRIMINAL CODE**

#### REVISIONS

**Broad Criminal Code Revisions** 

Hawaii
Illinois
Indiana
Maryland
Missouri

**Elements of Revisions** 

Redefined offense elements
Graduated penalties
Reclassified offenses
Added penalty categories



# REDEFINED OFFENSE ELEMENTS

#### THRESHOLDS



## Drug weight amount

**POSSESSION V. DEALING/TRAFFICKING** 

Arkansas — separated manufacture, deliver & possess with intent



# **GRADUATED PENALTIES**

### GEORGIA

Burglary
 Theft
 Possession
 Forgery

#### MISSISSIPPI

 Theft
 Commercial drugs (manufacture, possess with intent)
 Trafficking



# **RECLASSIFIED** (CATEGORIZED) **OFFENSES**

**DEFELONIZATION, DECRIMINALIZATION** 

Drug possession

TOP TIER FELONY

## Drug Kingpin

# ✓\$1 million+ theft

## Traffic offenses

## Grand Theft Auto



# ADDED PENALTY CATEGORY: NEBRASKA

	PREVIOU	S		NEW		
	Felony Class	Sentence Range		Felony Class	Prison Range	Community Supervision
	1	Death		П	1 – 50	N/A
	IA	Life			years	
	IB	20 years - life		IIA	0 – 20 years	N/A
	IC	5 – 50 years		111	0 - 4 years	9 months – 2
	ID	3 – 50 years			0 – 4 years	years
	II	1 – 50 years		IIIA	0 – 3 years	9 – 18 months
	Ш	1 – 25 years		IV	0 – 2 years	9 – 12 months
	IIIA	0 – 5 years				
	IV	0 – 5 years				

## ADDED PENALTY CATEGORIES: COLORADO

Prev	IOUS	New	New		
Felony Class	Sentence Range	Drug Felony	Sentence Range		
1	Life / Death	Class			
2	8 – 24 years	DF1	8 – 32 years		
2	•	DF2	4 - 8 years		
3	4 – 12 years	DF3	2 - 4 years		
4	2 – 6 years	DF4	6 months – 1 year		
5	1 2 1/2010		gravated Range		
6	1 year – 18 months	DF2	8 – 16 years		
		DF3	4 – 6 years		

DF4

M NATIONAL CONFERENCE of STATE LEGISLATURES

1-2 years

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# THANK YOU! QUESTIONS? AMANDA.ESSEX@NCSL.OR

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