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

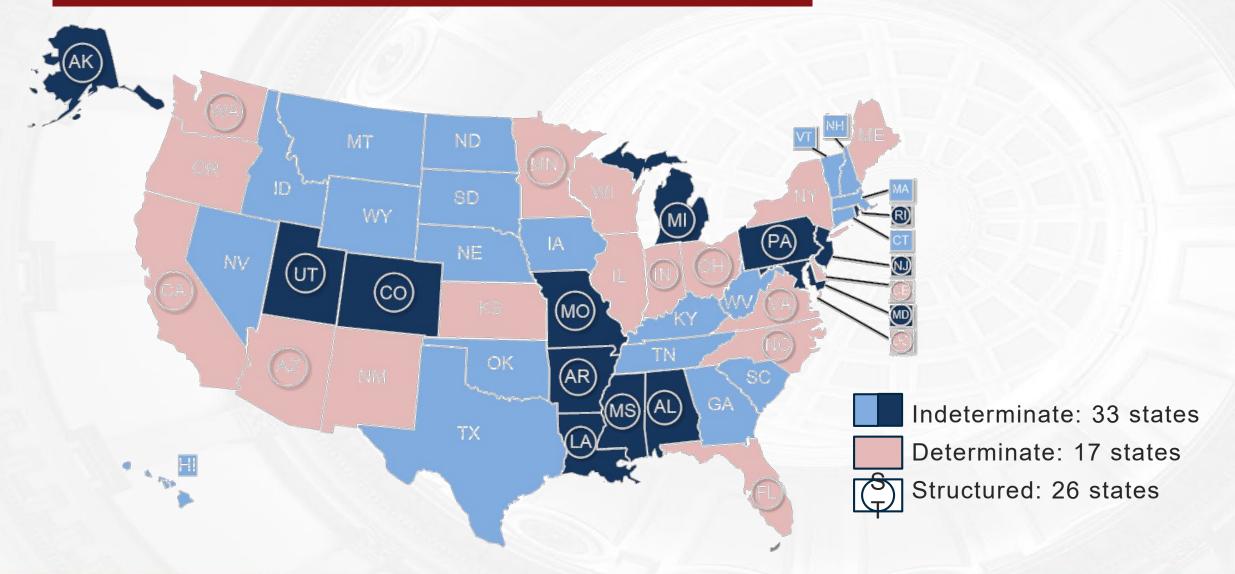
Define criminal action & appropriate type/length of punishment

- 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

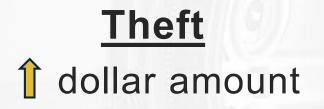
Elements of Revisions

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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