



Guidelines E-News

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IN THIS ISSUE

- *Changes to Guidelines-Compliant Binding Pleas*
- *New Maryland Sentencing Guidelines Manual (Version 13.0)*
- *Sentencing Guidelines Training Resources*

Changes to Guidelines-Compliant Binding Pleas

Effective April 1, 2021, the Maryland Sentencing Guidelines Manual (MSGM) and corresponding language in the Code of Maryland Regulations (COMAR) 14.22.01.17 will be amended to update the instructions regarding binding pleas that are deemed guidelines-compliant. The Maryland State Commission on Criminal Sentencing Policy (MSCCSP) agreed at its December 8, 2020, meeting, that the term “ABA plea agreement” is not universally known and should be replaced with the more intuitive “MSCCSP binding plea agreement.” Further, the MSCCSP adopted proposed revisions to clarify that a binding plea involves agreement from all three parties and to confirm that the court maintains the discretion to accept or reject the plea. Finally, the MSCCSP adopted language specifying that an MSCCSP binding plea agreement means an agreement to a specific amount of active time (if any), not merely a sentence cap or range. The revised language in the MSGM and COMAR is as follows:

ABA plea agreement MSCCSP binding plea agreement

A plea agreement presented to the court in agreement by an attorney for the government and the defendant's attorney, or the defendant when proceeding pro se, that a court has approved relating to a particular sentence, and disposition, or other judicial action. An MSCCSP binding plea agreement means an agreement to a specific amount of active time (if any), not merely a sentence cap or range. The court has the discretion to accept or reject the plea. The agreement is binding on the court under Maryland Rule 4-243(c) if the court accepts the plea.

Please note that the above revisions are specific to instructions regarding binding pleas as they relate to guidelines-compliance and do not affect Maryland Rule 4-243 as it relates to binding pleas in general. Further, binding plea agreements that do not meet the above criteria but result in a sentence that falls within the recommended guidelines range will continue to be considered guidelines-compliant.

- ❖ For additional details on the revisions, including example scenarios of binding plea agreements that are and are not guidelines-compliant, see the MSCCSP document titled [April 1, 2021 Changes to Guidelines-Compliant Binding Pleas](#).
- ❖ For information on how the revisions impact sentencing guidelines worksheet completion in the Maryland Automated Guidelines System (MAGS), see the MSCCSP document titled [What's New in MAGS 10.0](#).

New Maryland Sentencing Guidelines Manual (Version 13.0)

In light of the above revisions, the MSCCSP has released a new version of the Maryland Sentencing Guidelines Manual (MSGM, version 13.0). You may access a print-friendly version of the [updated MSGM](#) via the MSCCSP website. Among the changes to the new manual are updated sample cases and updated instructions for guidelines-compliant binding pleas. Please discard previous versions of the MSGM and begin using the new manual effective April 1, 2021.

Sentencing Guidelines Training Resources

The MSCCSP routinely provides interactive webinar trainings on the sentencing guidelines and Maryland Automated Guidelines System (MAGS) to promote the consistent application of the guidelines and accurate completion of the sentencing guidelines worksheet. Training opportunities and resources, including recordings of prior trainings addressing the changes to guidelines-compliant pleas, are available on the [MSCCSP website](#).

