

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 709
Judiciary

(Delegate McDermott, *et al.*)

Judicial Proceedings

Criminal Law - Accessory After the Fact - Murder (The Sheddy-Bennett Act)

This bill increases the maximum penalty for being an accessory after the fact to murder in the first or second degree from 5 years to 10 years.

The bill applies prospectively and may not be applied to or interpreted to have any effect on or application to any offense committed before the bill's October 1, 2013 effective date.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's penalty provisions. Revenues are not affected.

Local Effect: Potential minimal decrease in local incarceration expenditures if the bill's penalty provisions shift individuals from local jails to State correctional facilities.

Small Business Effect: None.

Analysis

Current Law: A person convicted of being an accessory after the fact to a felony is guilty of a felony and subject to imprisonment for up to five years or the maximum penalty for the underlying felony, whichever is lesser.

Murder in the first degree is punishable by death or imprisonment for life (with or without the possibility of parole). Second degree murder is punishable by imprisonment for up to 30 years.

Background: According to the Maryland State Commission on Criminal Sentencing Policy, there were 11 convictions for accessory after the fact violations in the circuit courts during fiscal 2012. Data is not available on how many of these convictions involved a defendant who was an accessory after the fact to first or second degree murder.

The title of the bill refers to Christine Sheddy and Whitney Bennett, who were murdered in Worcester and Wicomico counties, respectively. In both cases, their killers received assistance in hiding their bodies. The individuals who assisted in hiding their bodies were convicted of being accessories after the fact to murder.

Additional Information

Prior Introductions: None.

Cross File: SB 444 (Senator Stone) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), State's Attorneys' Association, Office of the Public Defender, Maryland State Commission on Criminal Sentencing Policy, Department of Public Safety and Correctional Services, wgmd.com, wmdt.com, delmarvanow.com, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2013
mc/kdm Revised - House Third Reader - March 25, 2013

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510