

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 919

(Senator Carter)

Judicial Proceedings

Judiciary

Criminal Law - Task Force to Study Felony Murder

This bill establishes the Task Force to Study Felony Murder. The task force must (1) review the provisions, penalties, and jurisprudence for felony murder, including its applicability to juveniles, in Maryland and in other states and (2) make recommendations regarding the current statutory scheme for felony murder, including its applicability to juveniles and the potential alteration or abolishment of felony murder provisions and penalties. The Department of Legislative Services (DLS) must provide staff for the task force. Task force members may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations. The task force must report its findings and recommendations to the Governor and the General Assembly by December 31, 2020. **The bill takes effect July 1, 2020, and terminates June 30, 2021.**

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for DLS are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

Local Effect: The bill does not affect local government revenues or expenditures.

Small Business Effect: None.

Analysis

Current Law: A murder is in the first degree if it is (1) a deliberate, premeditated, and willful killing; (2) committed by lying in wait; (3) committed by poison; or (4) committed in the perpetration of or an attempt to perpetrate the specified offenses, including among

others, first-degree arson; first-, second-, and third-degree burglary; kidnapping; carjacking; rape; or mayhem. A violator is guilty of a felony and on conviction must be sentenced to imprisonment for life, with or without the possibility of parole. A sentence of imprisonment for life without the possibility of parole may not be imposed unless specified statutory and procedural requirements are met.

A principal in the first degree is the actual perpetrator of a crime. A principal in the second degree is a person who helped the perpetrator at the time of the crime but did not commit the crime with his/her own hands.

Under the common law theory of felony murder, a homicide arising in the perpetration of, or in the attempt to perpetrate, a felony is murder whether death was intended or not. Under this theory, the commission of or attempt to commit the underlying felony is sufficient to supply the element of malice required for a charge of murder.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1308 (Delegate Moon, *et al.*) - Judiciary.

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

Fiscal Note History: First Reader - March 1, 2020
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