

SENATE BILL 652

E1, E2
SB 395/21 – JPR

3lr2866
CF 3lr2761

By: **Senator Carter**

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Felony Murder – Limitation for Youth**
3 **(Youth Accountability and Safety Act)**

4 FOR the purpose of providing that a person who was under a certain age at the time of the
5 offense may not be found to have committed murder in the first degree under certain
6 provisions of law; and generally relating to felony first–degree murder.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 2–201
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Law
14 Section 2–204
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2022 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Criminal Law**

20 2–201.

21 (a) A murder is in the first degree if it is:

22 (1) a deliberate, premeditated, and willful killing;

23 (2) committed by lying in wait;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) committed by poison; or

2 (4) **SUBJECT TO SUBSECTION (B) OF THIS SECTION**, committed in the
3 perpetration of or an attempt to perpetrate:

4 (i) arson in the first degree;

5 (ii) burning a barn, stable, tobacco house, warehouse, or other
6 outbuilding that:

7 1. is not parcel to a dwelling; and

8 2. contains cattle, goods, wares, merchandise, horses, grain,
9 hay, or tobacco;

10 (iii) burglary in the first, second, or third degree;

11 (iv) carjacking or armed carjacking;

12 (v) escape in the first degree from a State correctional facility or a
13 local correctional facility;

14 (vi) kidnapping under § 3–502 or § 3–503(a)(2) of this article;

15 (vii) mayhem;

16 (viii) rape;

17 (ix) robbery under § 3–402 or § 3–403 of this article;

18 (x) sexual offense in the first or second degree;

19 (xi) sodomy as that crime existed before October 1, 2020; or

20 (xii) a violation of § 4–503 of this article concerning destructive
21 devices.

22 **(B) A PERSON WHO WAS UNDER THE AGE OF 25 YEARS AT THE TIME OF THE**
23 **OFFENSE MAY NOT BE FOUND TO HAVE COMMITTED MURDER IN THE FIRST DEGREE**
24 **UNDER SUBSECTION (A)(4) OF THIS SECTION.**

25 **[(b)] (C)** (1) A person who commits a murder in the first degree is guilty of a
26 felony and on conviction shall be sentenced to:

27 (i) imprisonment for life without the possibility of parole; or

1 (ii) imprisonment for life.

2 (2) Unless a sentence of imprisonment for life without the possibility of
3 parole is imposed in compliance with § 2–203 of this subtitle and § 2–304 of this title, the
4 sentence shall be imprisonment for life.

5 **[(c)] (D)** A person who solicits another or conspires with another to commit
6 murder in the first degree is guilty of murder in the first degree if the death of another
7 occurs as a result of the solicitation or conspiracy.

8 2–204.

9 (a) A murder that is not in the first degree under § 2–201 of this subtitle is in the
10 second degree.

11 (b) A person who commits a murder in the second degree is guilty of a felony and
12 on conviction is subject to imprisonment not exceeding 40 years.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2023.