



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB0919 - Criminal Law – Felony First–Degree Murder –
Limitation and Review of Conviction
Before the Judicial Proceedings Committee
on March 10, 2020**

Mr. Chairman, Vice chair, and Members of the Committee:

Felony murder is an ancient artifact from the English common law that is no longer relevant to twenty-first century Maryland. We typically define first degree murder as a “willful, deliberate, and premeditated” killing. But with felony murder, the rule is that if you are involved in a specified felony and someone dies in the course of that crime, you are guilty of first degree murder.

I could come up with dozens of unfair scenarios where this rule might be applied. Here is only one. If my Uber driver gets in a fatal car accident while driving me away from the prison from which I just escaped, I could be charged and convicted of felony murder. And so could the driver. We could both spend life in prison. If, on the other hand, I were simply getting a lift home from my job at Jessup, and the driver killed someone due to negligence, it is an entirely different situation.

This bill looks to remove those absurd situations from the law. What is proposed here is for a conviction of first degree murder, the

defendant must be the first degree principal. First degree principal means that the defendant was directly responsible for the death. Essentially, the defendant must pull the trigger.

The proposed legislation also allows people convicted on felony murder theories one chance to have their cases reconsidered to determine if they were, in fact, the first degree principal. It requires courts to look for unfair results as the one we have here. It provides the courts with several options to rectify the issue including resentencing, ordering a new trial or even vacating the conviction altogether.

It is time for Maryland to join Hawaii, Kentucky, Massachusetts, and Michigan in abolishing this outdated rule. As such, I urge a favorable report from this committee on SB 919.

Very Truly Yours,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive, flowing style.

Jill P. Carter