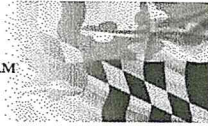




MARYLAND ALLIANCE FOR JUSTICE REFORM
Citizens working to reform criminal justice in Maryland



Maryland Alliance for Justice Reform (MAJR - www.ma4jr.org) supports modification of Maryland's felony murder rule, particularly SB 1038 that would permit Maryland courts as part of the sentencing process to recognize juveniles limitations at the time of the offense and their potential for rehabilitation when their mental maturity is complete.

Constitutional standards and juveniles: The U.S. Supreme Court has ruled repeatedly, between 2005 and 2016, that a different standard must be applied to children than is applied to adults in cases which could result in their receiving the death penalty or life without parole. This is because "as any parent knows," juveniles are recognized to inherently to suffer from developmental "transient rashness, proclivity for risk, and inability to assess consequences"; however, they are capable with maturity of growing out of these traits. For all these reasons, the Court has called upon lawmakers to avoid mandatory penalties and to permit individualized sentencing that permits judges discretion to carefully consider the individual circumstances and traits of juvenile offenders before possibly imposing the most harsh penalties.

This same set of considerations should apply to Maryland's sentencing laws rule that, currently, automatically exposes juvenile participants to life sentences or even life without parole, even if the played only peripheral roles in an offense and even if they did not foresee the fatal outcome.

Would such resentencing burden the State or the Courts?: Reviews of convictions would not be difficult, as the Courts and counsel easily could rely on evidence from plea agreements and closing arguments to obtain stipulations. Hearings would not need to constitute new trials. Clearly, such costs should be offset by savings of reduced incarceration for those no longer serving time at \$40,000 per year per person.

Will State's Attorneys be unable to get appropriate convictions without the first-degree felony-murder rule? Nothing in SB 1038 would prevent a first-degree murder conviction for a juvenile who, himself, perpetrated a premeditated murder. Nothing in SB 1038 would prevent a juvenile from being convicted (or resentenced under the review of conviction provision) for a felony in which he deliberately participated.

For all these reasons, MAJR urges approval of SB 1038.

PLEASE NOTE: Phil Caroom offers this testimony for MAJR and not for the Md. Judiciary.