



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman, and  
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 5

RE: HB 1338-Criminal Law - Felony Murder - Limitation and Review of Convictions  
for Children

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 1338. This bill prohibits an individual younger than age 18 from being convicted of first-degree murder under the felony murder provision under State law.

Children sometimes engage in “childish” behavior that would be criminal if committed by an adult – vandalism and shoplifting, for example. These behaviors are appropriately handled in juvenile court.

Maryland law has long recognized that some adult behavior requires an adult response. Teenagers are capable of understanding and appreciating that engaging in violent crime carries severe consequences. (Only children at least 16 years old are initially charged as adults for serious, violent crimes. A child who is at least 14 and charged with an offense carrying a possible life sentence – such as first degree murder or first degree sexual offense – is also initially charged as an adult. In no event would a child under age 14 be treated as an adult.)

HB 1338, however, sends a message that teenagers should \*not\* be held responsible for violent conduct that results in death. Felony murder provides an important deterrence to participating in violent crimes. Current law appropriately recognizes that all who participate in a violent felony bear responsibility for a homicide that occurs during that felony, regardless of which person dealt the fatal blow. Those who participate in serious crimes rightly face serious punishment. Treating all principals the same is sound public policy and helps provide some measure of justice to the families of victims. At sentencing, judges have discretion to determine the appropriate active sentence and are expected to consider the age of the defendant. HB 1338 sends the wrong message to victims' families.

We are particularly opposed to the retroactive portions of HB 1338. HB 1338 will re-victimize families, years or even decades after a conviction was final. A re-sentencing alone would be an injustice for victims' families, but HB1338 also allows a judge to order a new trial without any finding of newly discovered exculpatory evidence or any error in the original proceedings.

HB 1338 would severely erode the public's trust in the judicial system. Families of murder victims should be entitled to a sense of finality when those who participated in the murder of a loved one have been held accountable.

For these reasons, MCPA and MSA OPPOSE HB 1338 and urge an UNFAVORABLE Committee report.