

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 44

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “by” and substitute a semicolon; strike beginning with “act” in line 5 down through “victim” in line 6 and substitute “infliction of the fatal injury”; in line 8, before “providing” insert “requiring the State to prove, by a certain standard, that the death of the victim resulted from the injury inflicted by the accused;”; and after line 9, insert:

“BY repealing

Article 27 - Crimes and Punishments

The subheading designation “Musical Instruments”

Annotated Code of Maryland

(1992 Replacement Volume and 1995 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 10, insert:

“Preamble

WHEREAS, Under the current law, the common-law rule of "year and a day" bars prosecution for murder or manslaughter unless the victim dies within a year and a day from the time the fatal injury was inflicted; and

WHEREAS, The conception of the "year and a day" rule may be traced back to medieval times when the deficiencies of medical science often made it extremely difficult to prove the cause of death whenever a considerable lapse of time intervened between the mortal act or omission and the death itself; and

WHEREAS, This 700 year old common-law rule is now outdated, and in light of medical

(Over)

advances in lifesaving techniques and the improvements in forensics technology, there is no sound reason for retaining the rule today; and

WHEREAS, The State of Maryland is one of only three remaining jurisdictions in the United States that has not yet abolished the rule and of these remaining jurisdictions, is the only one that has not yet addressed the common-law rule of "year and a day" by statute; and

WHEREAS, The Court of Appeals of Maryland held in State v. Minster, 302 Md. 240 (1985), and State v. Brown, 21 Md. App. 91 (1974), that any change to the common law "year and a day" rule should be made by the General Assembly; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the subheading designation "Musical Instruments" of Article 27 - Crimes and Punishments of the Annotated Code of Maryland be repealed.”;

in line 11, strike “1.” and substitute “2. AND”; in the same line after “IT” insert “FURTHER”; and strike beginning with “BY” in line 11 down through “MARYLAND” in line 12.

### AMENDMENT NO. 3

On page 2, in line 16, before “A” insert “(A)”; strike beginning with “ACT” in line 19 down through “VICTIM” in line 20 and substitute “INFLECTION OF THE FATAL INJURY”; and after line 20, insert:

“(B) IN ANY PROSECUTION FOR MURDER OR MANSLAUGHTER, AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT THE DEATH OF THE VICTIM WAS A DIRECT RESULT OF THE INJURY INFLICTED BY THE ACCUSED.”;

in lines 25 and 28, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively.