

HB 264/94 - JUD

---

**By: Delegate M. Burns**

Requested: October 19, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judiciary

---

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 27, 1996

---

CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Homicide - Prosecution - "Year and a Day" Rule Abolished**

3 [TAG ftpo]FOR the purpose of abolishing the common-law rule of "year and a day"; by allowing a  
4 prosecution for murder or manslaughter to be instituted regardless of the time  
5 elapsed between the ~~infliction of the fatal injury act or omission causing the death~~  
6 of the victim and the death of the victim; ~~requiring the State to prove, by a certain~~  
7 ~~standard, that the death of the victim resulted from the injury inflicted by the~~  
8 ~~accused~~ providing for the application of this Act; and generally relating to the  
9 prosecution of homicides.

10 BY adding to

- 11 Article 27 - Crimes and Punishments
- 12 Section 415 to be under the new subheading "Homicide - Prosecution"
- 13 Annotated Code of Maryland
- 14 (1992 Replacement Volume and 1995 Supplement)

15 **Preamble**

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

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

1           WHEREAS, This 700 year old common law rule is now outdated, and in light of  
2 medical advances in lifesaving techniques and the improvements in forensics technology,  
3 there is no sound reason for retaining the rule today; and

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

8           WHEREAS, The Court of Appeals of Maryland held in *State v. Minster*, 302 Md.  
9 240 (1985), and *State v. Brown*, 21 Md. App. 91 (1974), that any change to the common  
10 law "year and a day" rule should be made by the General Assembly; now, therefore,

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

13           **Article 27 - Crimes and Punishments**

14           HOMICIDE - PROSECUTION

15 415.

16           ~~(A) A PROSECUTION FOR MURDER OR MANSLAUGHTER, WHETHER AT~~  
17 COMMON LAW OR UNDER ARTICLE 27, §§ 407 THROUGH 411, § 387, § 388, OR § 388A,  
18 MAY BE INSTITUTED REGARDLESS OF THE TIME ELAPSED BETWEEN THE  
19 ~~INFLICTION OF THE FATAL INJURY ACT OR OMISSION CAUSING THE DEATH OF THE~~  
20 VICTIM AND THE DEATH OF THE VICTIM.

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

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed  
26 only prospectively and may not be applied or interpreted to have any effect on or  
27 application to any offenses that were committed before the effective date of this Act.

28           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 1996.