

HOUSE BILL 671

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1998 Regular Session
8r1254
CF 8r1253

By: **Delegates Genn and Doory (Committee to Revise Article 27)**

Introduced and read first time: February 9, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Involuntary Manslaughter and Voluntary Manslaughter -**
3 **Penalties**

4 FOR the purpose of increasing the maximum fine for involuntary manslaughter to a
5 certain amount; increasing the maximum penalty for voluntary manslaughter to
6 a fine of a certain amount or imprisonment for a certain amount or both;
7 requiring in manslaughter cases if there is certain evidence, in a case tried
8 before a jury, for a judge to enter a certain verdict if the jury makes a certain
9 finding and, in a case tried before a judge as the trier of fact, for the judge to
10 specify whether the defendant is guilty of involuntary manslaughter or
11 voluntary manslaughter under certain circumstances; eliminating obsolete
12 provisions concerning places of confinement; defining certain terms; and
13 generally relating to manslaughter.

14 BY repealing
15 Article 27 - Crimes and Punishments
16 Section 387
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1997 Supplement)

19 BY adding to
20 Article 27 - Crimes and Punishments
21 Section 387
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1997 Supplement)

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

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Article 27 - Crimes and Punishments

2 [387.

3 Every person convicted of the crime of manslaughter shall be sentenced to the
4 penitentiary for not more than ten years, or in the discretion of the court may be fined
5 not more than five hundred dollars, or be imprisoned in jail for not more than two
6 years, or be both fined and imprisoned in jail.]

7 387.

8 (A) IN THIS SECTION, "INVOLUNTARY MANSLAUGHTER" AND "VOLUNTARY
9 MANSLAUGHTER" RETAIN THEIR JUDICIALLY DETERMINED MEANINGS.

10 (B)(1) A PERSON WHO IS CONVICTED OF INVOLUNTARY MANSLAUGHTER IS
11 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT
12 MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

13 (2) A PERSON WHO IS CONVICTED OF VOLUNTARY MANSLAUGHTER IS
14 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT
15 MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$10,000 OR BOTH.

16 (C) IN A CASE INVOLVING THE CHARGE OF MANSLAUGHTER, IF THERE IS
17 SUFFICIENT EVIDENCE TO ALLOW THE TRIER OF FACT TO FIND THAT THE
18 DEFENDANT IS GUILTY OF EITHER VOLUNTARY MANSLAUGHTER OR INVOLUNTARY
19 MANSLAUGHTER:

20 (1) IN A CASE TRIED BEFORE A JURY, IF THE JURY FINDS THE
21 DEFENDANT GUILTY OF MANSLAUGHTER, BUT DOES NOT SPECIFY WHETHER IT IS
22 INVOLUNTARY MANSLAUGHTER OR VOLUNTARY MANSLAUGHTER, THE JUDGE
23 SHALL ENTER A VERDICT OF GUILTY OF INVOLUNTARY MANSLAUGHTER; OR

24 (2) IN A CASE TRIED BEFORE A JUDGE AS THE TRIER OF FACT, IF THE
25 JUDGE FINDS THE DEFENDANT GUILTY OF MANSLAUGHTER THE JUDGE SHALL
26 SPECIFY WHETHER IT IS INVOLUNTARY MANSLAUGHTER OR VOLUNTARY
27 MANSLAUGHTER.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1998.