

SENATE BILL 347

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1998 Regular Session  
8r1253  
CF 8r1254

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By: **Senators Stone, Middlebrooks, and Kelley (Committee to Revise Article 27)**

Introduced and read first time: February 5, 1998  
Assigned to: Judicial Proceedings

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 4, 1998

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CHAPTER\_\_\_\_\_

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)

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

3 **Article 27 - Crimes and Punishments**

4 [387.

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

9 387.

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

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

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

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

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

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

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

