

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 323 (Senators Stone and Hughes)
(Committee to Revise Article 27)

Judicial Proceedings

Criminal Procedure - Accessories Before the Fact - Abrogation

This bill revokes, except for death penalty proceedings, the distinction between an accessory before the fact and a principal in a crime. The bill allows proceedings against an accessory before the fact: (1) in the same manner as a principal; (2) regardless of proceedings or dispositions concerning a principal in the crime; and (3) in any county where the act of accessoryship occurred or where a principal may be tried.

Fiscal Summary

State Effect: Minimal. While this bill could alter the nature, seriousness, and venue of charges and trials of persons charged as accessories before the fact, overall State operations and finances for the Judiciary, the Office of the Public Defender, and the Division of Correction would not be measurably affected.

Local Effect: Minimal. While this bill could alter the nature, seriousness, and venue of charges and trials of persons charged as accessories before the fact, overall local government operations and finances for the circuit courts, State's Attorneys' offices, and local correctional facilities would not be measurably affected.

Small Business Effect: None.

Analysis

Current Law: Maryland common law does not allow an accessory before the fact to be charged as a principal in a crime. Common law does allow the trial of an accessory as an accessory, regardless of proceedings or dispositions concerning a principal in the crime; this bill codifies that practice. In addition, common law allows an accessory to only be tried in the jurisdiction where the act occurred, but not also in any jurisdiction where the principal may be tried.

Background: The Committee to Revise Article 27 was appointed by the President and the Speaker in 1991. Unlike the Code revision committees which make only stylistic revisions to the Code, the Article 27 Committee is charged with revising both substantively and stylistically the State's criminal law. The committee is composed of members of the House and Senate, judges, lawyers, and includes a victims' rights representative. In past years, the committee has successfully sponsored legislation to revise the State's disorderly conduct laws, trespass laws, explosive laws, assault laws, victims' rights laws, arson laws, escape laws, and burglary laws. This bill is the result of considerations and deliberations by the committee during the 1999 interim.

Additional Information

Prior Introductions: None.

Cross File: HB 167 (Delegate Doorey, *et al.*) - Judiciary.

Information Source(s): Department of Public Safety and Correctional Services (Division of Correction), Office of the Public Defender, Office of State's Attorneys' Coordinator, Department of Legislative Services

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