

SENATE BILL 105

E1

9lr1268

By: **Senator Astle**

Introduced and read first time: January 15, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Voluntary Manslaughter and Involuntary Manslaughter**

3 FOR the purpose of clarifying that the separate crimes of voluntary manslaughter
4 and involuntary manslaughter exist in the State; specifying that the crimes
5 retain their judicially determined meanings; providing for certain penalties;
6 altering certain defined terms; and generally relating to the crimes of voluntary
7 manslaughter and involuntary manslaughter.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–8A–03(d)(4)(iv) and 10–916(a)(3)(i)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 2–102, 2–207, 2–303(h)(1)(xi), 4–401(b)(1)(ii), and 14–101(a)(4)
16 Annotated Code of Maryland
17 (2002 Volume and 2008 Supplement)

18 BY adding to
19 Article – Criminal Law
20 Section 2–207.1
21 Annotated Code of Maryland
22 (2002 Volume and 2008 Supplement)

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

25 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-8A-03.

2 (d) The court does not have jurisdiction over:

3 (4) A child at least 16 years old alleged to have committed any of the
4 following crimes, as well as all other charges against the child arising out of the same
5 incident, unless an order removing the proceeding to the court has been filed under §
6 4-202 of the Criminal Procedure Article:

7 (iv) [Manslaughter, except involuntary manslaughter]
8 **VOLUNTARY MANSLAUGHTER;**

9 10-916.

10 (a) (3) "Defendant" means an individual charged with:

11 (i) First degree murder, second degree murder, **VOLUNTARY**
12 **MANSLAUGHTER, INVOLUNTARY** manslaughter, or attempt to commit any of these
13 crimes; or

14 **Article - Criminal Law**

15 2-102.

16 A prosecution may be instituted for murder, **VOLUNTARY MANSLAUGHTER,**
17 **INVOLUNTARY** manslaughter, or unlawful homicide, whether at common law or
18 under this title, regardless of the time that has elapsed between the act or omission
19 that caused the death of the victim and the victim's death.

20 2-207.

21 (A) **VOLUNTARY MANSLAUGHTER RETAINS ITS JUDICIALLY**
22 **DETERMINED MEANING.**

23 [(a)] (B) A person who commits **VOLUNTARY** manslaughter is guilty of a
24 felony and on conviction is subject to[:]

25 [(1)] imprisonment not exceeding 10 years[:]; or

26 (2) imprisonment in a local correctional facility not exceeding 2 years
27 or a fine not exceeding \$500 or both].

28 [(b)] (C) The discovery of one's spouse engaged in sexual intercourse with
29 another does not constitute legally adequate provocation for the purpose of mitigating
30 a killing from the crime of murder to voluntary manslaughter even though the killing
31 was provoked by that discovery.

1 **2-207.1.**

2 (A) INVOLUNTARY MANSLAUGHTER RETAINS ITS JUDICIALLY
3 DETERMINED MEANING.

4 (B) A PERSON WHO COMMITS INVOLUNTARY MANSLAUGHTER IS GUILTY
5 OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT IN A LOCAL
6 CORRECTIONAL FACILITY NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING
7 \$500 OR BOTH.

8 2-303.

9 (h) (1) In this subsection, “crime of violence” means:

10 (xi) VOLUNTARY manslaughter [other than involuntary
11 manslaughter];

12 4-401.

13 (b) (1) “Crime of violence” means:

14 (ii) VOLUNTARY MANSLAUGHTER OR INVOLUNTARY
15 manslaughter;

16 14-101.

17 (a) In this section, “crime of violence” means:

18 (4) VOLUNTARY manslaughter[, except involuntary manslaughter];

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2009.