

# SENATE BILL 453

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2lr2569  
CF 2lr1187

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By: Senator Stone

Introduced and read first time: February 2, 2012

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Wrongful Death and Survival Causes of Action – Criminal Homicide – Time**  
3 **Limits for Bringing Civil Action**

4 FOR the purpose of providing that a wrongful death cause of action or survival cause  
5 of action arising from conduct that constitutes a criminal homicide under State  
6 or federal law accrues at a certain time under certain circumstances;  
7 establishing a presumption that a party should have discovered the identity of a  
8 person who contributed to a criminal homicide under certain circumstances;  
9 providing for the application of this Act; and generally relating to certain time  
10 limits for bringing certain civil actions concerning a criminal homicide.

11 BY repealing and reenacting, with amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 3–904(g)(1)  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2011 Supplement)

16 BY adding to  
17 Article – Courts and Judicial Proceedings  
18 Section 3–904(g)(3) and 5–203.1  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2011 Supplement)

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

23 **Article – Courts and Judicial Proceedings**

24 3–904.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



20 B. THE CHARGING DOCUMENT IS UNSEALED AND  
21 AVAILABLE TO THE PUBLIC; AND

24 5-203.1.

25                   (A) THIS SECTION APPLIES ONLY TO A SURVIVAL CAUSE OF ACTION  
26   ARISING FROM CONDUCT THAT CONSTITUTES A CRIMINAL HOMICIDE UNDER  
27   STATE OR FEDERAL LAW.

28                   (B) IF KNOWLEDGE OF A CAUSE OF ACTION CONCERNING A HOMICIDE  
29 OR THE IDENTITY OF A PERSON WHO CONTRIBUTED TO THE HOMICIDE IS KEPT  
30 FROM A PARTY BY THE CONDUCT OF AN ADVERSE PARTY OR AN ACCESSORY OR  
31 ACCOMPLICE OF AN ADVERSE PARTY:

32 (1) THE CAUSE OF ACTION SHALL BE DEEMED TO ACCRUE AT THE  
33 TIME THE PARTY DISCOVERED OR SHOULD HAVE DISCOVERED BY THE

1 EXERCISE OF ORDINARY DILIGENCE THE HOMICIDE AND THE IDENTITY OF THE  
2 PERSON WHO CONTRIBUTED TO THE HOMICIDE; AND

3 (2) A PRESUMPTION SHALL EXIST THAT THE PARTY SHOULD  
4 HAVE DISCOVERED BY THE EXERCISE OF ORDINARY DILIGENCE THE IDENTITY  
5 OF THE PERSON WHO CONTRIBUTED TO THE HOMICIDE AFTER:

6 (I) A CHARGING DOCUMENT IS FILED AGAINST THE  
7 PERSON ALLEGED TO HAVE PARTICIPATED IN THE HOMICIDE; AND

8 (II) THE CHARGING DOCUMENT IS UNSEALED AND  
9 AVAILABLE TO THE PUBLIC.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
11 construed to apply retroactively and shall be applied to and interpreted to affect any  
12 action that is not barred by application of any time condition or limit before October 1,  
13 2012, but may not revive any action that was barred by application of any time  
14 condition or limit before October 1, 2012.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2012.