

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 495 (Senator Gladden)
Judicial Proceedings

Criminal Law - First Degree Murder - Limitation

This bill establishes that a murder is not in the first degree if it is (1) committed without prior knowledge of the intent to murder; (2) committed under duress; or (3) committed by a person who was not a principal in the crime.

Fiscal Summary

State Effect: Minimal decrease in general fund expenditures due to the bill's expanded application of a shorter incarceration penalty. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: To be first degree murder, the murder must be (1) a willful, deliberate, and premeditated killing; (2) committed by lying in wait; (3) committed by poison; or (4) committed in the perpetration of, or an attempt to perpetrate any of several specified offenses. Unless specified criteria are met that qualify an individual for the death penalty, violators are subject to sentences of life imprisonment, or life imprisonment without the possibility of parole.

A murder that is not in the first degree is considered second degree murder. A person convicted of second degree murder is subject to imprisonment for up to 30 years.

Background: In fiscal 2011, the Division of Correction (DOC) conducted intake on 151 individuals for first degree murder and 139 individuals for second degree murder.

State Expenditures: Minimal decrease in general fund expenditures due to the bill's expanded application of the incarceration penalty for second degree murder. Though data is not readily available on the number of individuals convicted of first degree murder who would be convicted of second degree murder under the bill, it is assumed that the number of individuals subject to the bill's provisions will be minimal. It is also assumed that the bill's effect will be minimal given the use of plea bargains and suspended sentences.

Persons serving a sentence longer than 18 months are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$2,900 per month. Excluding overhead, the average cost of housing a new DOC inmate (including variable medical care and variable operating costs) is about \$385 per month. Excluding all medical care, the average variable costs total \$170 per month.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

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mlm/kdm

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