

Chapter 246

(House Bill 493)

AN ACT concerning

**Crimes – Solicitation and Conspiracy to Commit Murder – ~~Penalty~~ Resulting in Death
(Stacey’s Law)**

FOR the purpose of ~~providing that the statute of limitations for the crime of solicitation to commit murder in the first degree where the death of another did not occur is 3 years; providing that a person who solicits another or conspires with another to commit murder in the first degree is guilty of a felony, if the death of another occurs as a result of the solicitation or conspiracy; establishing a certain penalty; providing for the application of this Act; clarifying that a person who solicits another or conspires with another to commit murder in the first degree is guilty of murder in the first degree if the death of another occurs as a result of the solicitation or conspiracy; and generally relating to solicitation and conspiracy to commit murder.~~

BY repealing and reenacting, with amendments,
~~Article – Courts and Judicial Proceedings
Section 5-106(ff)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~
Article – Criminal Law
Section ~~2-211~~ 2-201
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

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

~~**Article – Courts and Judicial Proceedings**~~

~~5-106.~~

~~(ff) The statute of limitations for the prosecution of the crime of solicitation to commit murder in the first degree in violation of § 2-201 of the Criminal Law Article WHERE THE DEATH OF ANOTHER DID NOT OCCUR, murder in the second degree in violation of § 2-204 of the Criminal Law Article, arson in the first degree in violation of § 6-102 of the Criminal Law Article, or arson in the second degree in violation of § 6-103 of the Criminal Law Article is 3 years.~~

~~**Article – Criminal Law**~~

~~2-211.~~

~~(A) A PERSON WHO SOLICITS ANOTHER OR CONSPIRES WITH ANOTHER TO COMMIT MURDER IN THE FIRST DEGREE, IF THE DEATH OF ANOTHER OCCURS AS A RESULT OF THE SOLICITATION OR CONSPIRACY, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE.~~

~~(B) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any offense occurring before the effective date of this Act.~~

Article – Criminal Law

2-201.

(a) A murder is in the first degree if it is:

(1) a deliberate, premeditated, and willful killing;

(2) committed by lying in wait;

(3) committed by poison; or

(4) committed in the perpetration of or an attempt to perpetrate:

(i) arson in the first degree;

(ii) burning a barn, stable, tobacco house, warehouse, or other

outbuilding that:

1. is not parcel to a dwelling; and

2. contains cattle, goods, wares, merchandise, horses, grain,

hay, or tobacco;

(iii) burglary in the first, second, or third degree;

(iv) carjacking or armed carjacking;

- (v) escape in the first degree from a State correctional facility or a local correctional facility;
- (vi) kidnapping under § 3-502 or § 3-503(a)(2) of this article;
- (vii) mayhem;
- (viii) rape;
- (ix) robbery under § 3-402 or § 3-403 of this article;
- (x) sexual offense in the first or second degree;
- (xi) sodomy; or
- (xii) a violation of § 4-503 of this article concerning destructive devices.

(b) (1) A person who commits a murder in the first degree is guilty of a felony and on conviction shall be sentenced to:

- (i) imprisonment for life without the possibility of parole; or
- (ii) imprisonment for life.

(2) Unless a sentence of imprisonment for life without the possibility of parole is imposed in compliance with § 2-203 of this subtitle and § 2-304 of this title, the sentence shall be imprisonment for life.

(C) A PERSON WHO SOLICITS ANOTHER OR CONSPIRES WITH ANOTHER TO COMMIT MURDER IN THE FIRST DEGREE IS GUILTY OF MURDER IN THE FIRST DEGREE IF THE DEATH OF ANOTHER OCCURS AS A RESULT OF THE SOLICITATION OR CONSPIRACY.

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.