

HOUSE BILL 493

E1
HB 778/18 – JUD

9lr2335
CF 9lr2992

By: ~~Delegates Valentino-Smith, Barron, Corderman, Holmes, and McComas~~
McComas, Grammer, Hartman, R. Watson, Arikan, Cox, and Malone

Introduced and read first time: February 1, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2019

CHAPTER _____

1 AN ACT concerning

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

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

14 BY repealing and reenacting, with amendments,
15 ~~Article – Courts and Judicial Proceedings~~
16 ~~Section 5–106(ff)~~
17 ~~Annotated Code of Maryland~~
18 ~~(2013 Replacement Volume and 2018 Supplement)~~

19 ~~BY adding to~~
20 ~~Article – Criminal Law~~
21 ~~Section ~~2–211~~ 2–201~~
22 ~~Annotated Code of Maryland~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(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:

- 1 (i) arson in the first degree;
- 2 (ii) burning a barn, stable, tobacco house, warehouse, or other
3 outbuilding that:
- 4 1. is not parcel to a dwelling; and
- 5 2. contains cattle, goods, wares, merchandise, horses, grain,
6 hay, or tobacco;
- 7 (iii) burglary in the first, second, or third degree;
- 8 (iv) carjacking or armed carjacking;
- 9 (v) escape in the first degree from a State correctional facility or a
10 local correctional facility;
- 11 (vi) kidnapping under § 3-502 or § 3-503(a)(2) of this article;
- 12 (vii) mayhem;
- 13 (viii) rape;
- 14 (ix) robbery under § 3-402 or § 3-403 of this article;
- 15 (x) sexual offense in the first or second degree;
- 16 (xi) sodomy; or
- 17 (xii) a violation of § 4-503 of this article concerning destructive
18 devices.

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

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

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

26 **(C) A PERSON WHO SOLICITS ANOTHER OR CONSPIRES WITH ANOTHER TO**
27 **COMMIT MURDER IN THE FIRST DEGREE IS GUILTY OF MURDER IN THE FIRST**

1 DEGREE IF THE DEATH OF ANOTHER OCCURS AS A RESULT OF THE SOLICITATION OR
2 CONSPIRACY.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.