

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 850
(Senator Carter)
Judicial Proceedings

Criminal Law - Youth (Youth Accountability and Safety Act)

This bill prohibits a person younger than age 25 at the time of the offense from being convicted of murder in the first degree under the State's felony murder provisions, which classify a murder as being in the first degree if it was committed during the perpetration or attempted perpetration of specified crimes.

Fiscal Summary

State Effect: While the bill may decrease State incarceration expenditures in the out-years, the bill is otherwise not expected to materially affect State finances and operations.

Local Effect: The bill is not expected to materially affect local finances and operations.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, 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) if the crime was committed in the perpetration of or an attempt to perpetrate:

- arson in the first degree;
- burning a barn, stable, tobacco house, warehouse, or other outbuilding that:
 - is not parcel to a dwelling; and
 - contains cattle, goods, wares, merchandise, horses, grain, hay, or tobacco;

- burglary in the first, second, or third degree;
- carjacking or armed carjacking;
- escape in the first degree from a State correctional facility or a local correctional facility;
- kidnapping under § 3-502 or § 3-503(a)(2) of the Criminal Law Article;
- mayhem;
- rape;
- robbery under § 3-402 or § 3-403 of the Criminal Law Article;
- sexual offense in the first or second degree;
- sodomy as that crime existed before October 1, 2020; or
- a violation of § 4-503 of the Criminal Law Article concerning destructive devices.

The bill prohibits a person younger than age 25 at the time of the offense from being convicted of murder in the first degree for a murder committed in the perpetration or attempted perpetration of one of the crimes listed above. Under current law, a person who commits murder in the first degree is subject to life imprisonment with or without the possibility of parole. A sentence of imprisonment for life without the possibility of parole may not be imposed unless specified statutory and procedural requirements are met.

State and Local Fiscal Effect: The Department of Public Safety and Correctional Services (DPSCS) advises that the bill will have minimal impact on the department. According to DPSCS, during fiscal 2022, the Division of Correction received 41 inmates with one or more first-degree murder offenses who were younger than age 25 at the time of the offense. Information is not readily available on how many of these individuals were convicted under the felony murder provisions. The Maryland State Commission on Criminal Sentencing Policy advises that its data does not distinguish between felony murder and other types of first-degree murder.

Regardless, this estimate assumes that defendants who cannot be convicted of and sentenced for murder in the first degree under the bill will be convicted of and sentenced for related offenses. Given the maximum penalties for those offenses, any impact from the bill is unlikely to be felt until the out-years.

The Judiciary does not anticipate a fiscal or operational effect from the bill. Any resources and efforts expended by the Office of the Public Defender and State's Attorneys on applicable first-degree murder cases are expected to be retained and redirected to other cases within those offices, including cases involving the same defendants.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2023
km/aad

Analysis by: Brandon M. Stouffer

Direct Inquiries to:
(410) 946-5510
(301) 970-5510