

Department of Legislative Services  
Maryland General Assembly  
2025 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1190  
Judiciary

(Delegate Crutchfield, *et al.*)

---

Criminal Law - Youth Accountability and Safety Act

---

This bill prohibits a person younger than age 18 from being convicted of first-degree murder under the felony murder provision of State law, unless the person was a “principal in the first degree.” The bill authorizes a person convicted of first-degree murder under the felony murder provision who was a child at the time of the offense and not a principal in the first degree to apply for a review of the person’s conviction under specified circumstances.

---

Fiscal Summary

**State Effect:** General fund expenditures for the Judiciary increase by \$4,800 in FY 2026 only to update its information systems; the bill also has an operational effect on the Judiciary, as discussed below. General fund expenditures for the Department of Public Safety and Correctional Services (DPSCS) may decrease, as discussed below. The Office of the Public Defender (OPD) can absorb the bill’s impacts with existing budgeted resources. Revenues are not affected.

**Local Effect:** The bill affects the operations of State’s Attorneys’ offices and the circuit courts, as discussed below. Revenues are not affected.

**Small Business Effect:** None.

---

Analysis

**Bill Summary:** Under § 2-201 of the Criminal Law Article (murder in the first degree), “principal in the first degree” means a person who is the main actor in a crime or helps others commit a crime.

Notwithstanding any other provision of law, a person who was convicted on or before September 30, 2025, of first-degree murder under the felony murder provision contained in § 2-201, who was a child at the time of the offense and not a principal in the first degree, may file a motion for review of the person's conviction at any time while incarcerated or under supervision. The court must notify the State's Attorney that it has received a motion for review.

After a hearing and consideration of all the evidence, if the court does not find that there is a *substantial or significant* possibility that the moving party could be found guilty of first-degree murder on or after October 1, 2025 (the effective date of the bill), the court – as it considers appropriate – may vacate the conviction and grant a new trial, or resentence as to any merged conviction. The court is prohibited from increasing the sentence of a moving party.

### **Current Law:**

#### *Definitions*

A “child” is an individual younger than age 18.

State statute does not define “principal in the first degree”; however, the term has been commonly used in Maryland case law. State courts have alternately described a “principal in the first degree” as the actual perpetrator of a crime; the person who actually commits a crime; or the person who commits a deed as a perpetrating actor, either by their own hand or by the hand of an innocent agent. At the same time, the Supreme Court of Maryland has characterized a “principal in the second degree” as a person who must be actually or constructively present at the commission of a criminal offense and aid, counsel, command, or encourage the principal in the first degree in the commission of that offense.

#### *First-degree Murder*

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 specified offenses, including first-degree arson; first-, second-, and third-degree burglary; carjacking; kidnapping; mayhem; or rape. A violator is guilty of a felony and on conviction must be sentenced to imprisonment for life, 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.

Under the common law theory of felony murder, a homicide arising in the perpetration of, or in the attempt to perpetrate, a felony is murder whether death was intended or not. Under

this theory, the commission of or attempt to commit the underlying felony is sufficient to supply the element of malice required for a charge of murder.

### *Juvenile Restoration Act*

Among other provisions, the Juvenile Restoration Act (Chapter 61 of 2021) authorizes an individual who was convicted as an adult for an offense committed when the individual was a minor to file a motion with the court to reduce the duration of the individual's sentence if the individual (1) was sentenced for the offense before October 1, 2021, and (2) has been imprisoned for at least 20 years for the offense.

After a hearing is held on the motion, the court may reduce the duration of a sentence imposed if the court determines that the individual is not a danger to the public, and the interests of justice will be better served by a reduced sentence. The court must consider specified factors when determining whether to reduce the duration of a sentence, including (1) the individual's age at the time of the offense; (2) the nature of the offense and the history and characteristics of the individual; (3) whether the individual has completed an educational, vocational, or other program; (4) whether the individual has demonstrated maturity, rehabilitation, and fitness to reenter society sufficient to justify a sentence reduction; (5) any statement offered by a victim or a victim's representative; (6) the individual's family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system; and (7) the diminished culpability of a juvenile as compared to an adult, including an inability to fully appreciate risks and consequence.

The court must issue a written decision that addresses the specified factors. If the court denies or grants, in part, a motion to reduce the duration of the sentence, the individual may not file a second motion for at least three years. If the court denies or grants, in part, a second motion, the individual may not file a third motion for at least three years. With regard to any specific sentence, an individual may not file a fourth motion to reduce the duration of the sentence.

### **State Expenditures:**

#### *Relevant Offense Data*

DPSCS reports that the Division of Correction (DOC) currently has in its custody 183 incarcerated individuals sentenced for first-degree murder who were younger than age 18 at the time of the murder. DOC advises that data is not available showing how many of those 183 individuals were principals in the first degree.

## *Judiciary*

General fund expenditures for the Judiciary increase by \$4,780 in fiscal 2026 only to update its information systems. The Judiciary advises that, in addition to other requirements imposed by the bill, it may be required to conduct hearings for applicants seeking a review of their convictions that would be functionally equivalent to full retrials. As noted above, there are 183 individuals incarcerated in DOC facilities sentenced for first-degree murder who were juveniles at the time of the offense. The Judiciary advises that it cannot estimate the costs associated with that workload; this estimate assumes that these hearings do not require additional personnel, and the Judiciary can accommodate this increased workload with existing budgeted resources.

## *Office of the Public Defender*

According to OPD, it may need to provide additional representation to individuals who are eligible to have their convictions reviewed under the bill. However, OPD advises that many of these individuals are already eligible (or will eventually become eligible) for sentence review under the Juvenile Restoration Act. Furthermore, OPD advises that the bill reduces its overall workload because fewer juveniles are likely to be charged with felony murder in the first degree under the bill.

## *Department of Public Safety and Correctional Services*

While the bill likely results in decreased incarceration expenditures, the extent of the decrease and timing of the decrease cannot be reliably estimated at this time. The Department of Legislative Services advises that incarceration expenditures decrease to the extent that (1) the bill decreases the number of individuals serving sentences for first-degree murder in the future and (2) individuals experience a reduction in incarceration time in response to an application for review of conviction filed under the bill. Any reduction in incarceration expenditures depends on the number of individuals to whom the bill applies, judicial actions on applications filed under the bill, and sentences for other offenses being served by individuals affected by the bill, all of which can only be determined with actual experience under the bill.

**Local Expenditures:** The Maryland State's Attorneys' Association did not respond to a request for information regarding the bill's fiscal impact. However, it is assumed that workloads for State's Attorneys' offices increase under the bill, especially in jurisdictions with a high volume of first-degree murder cases. Sentence review hearings under the bill are conducted in the circuit courts but are not expected to affect local expenditures.

## **Additional Information**

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

**Designated Cross File:** None.

**Information Source(s):** Maryland State 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 - February 26, 2025  
km/aad

---

Analysis by: Ralph W. Kettell

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