



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2023 Session
SB0652

Criminal Law - Felony Murder - Limitation for Youth (Youth Accountability and Safety Act)

Bill Summary

This bill prohibits a person from being convicted of murder in the first degree if they are (1) under the age of 25 at the time of the offense and (2) committed the crime in the perpetration or attempted perpetration of an additional crime listed under § 2-201(4)(i)-(xii) of the Criminal Law Article.

Racial Equity Impact Statement

The bill's provisions prohibiting individuals under the age of 25 from being convicted of first-degree murder in specified circumstances would have a potentially meaningful impact on Black or African American individuals in this age bracket who face arrest for murder, in general, at a disproportionately high rate. The overall equity impacts of the bill, however, cannot be reliably estimated without detailed data on convictions, sentencing, inmates, parole activity, and recidivism rates.

Analysis

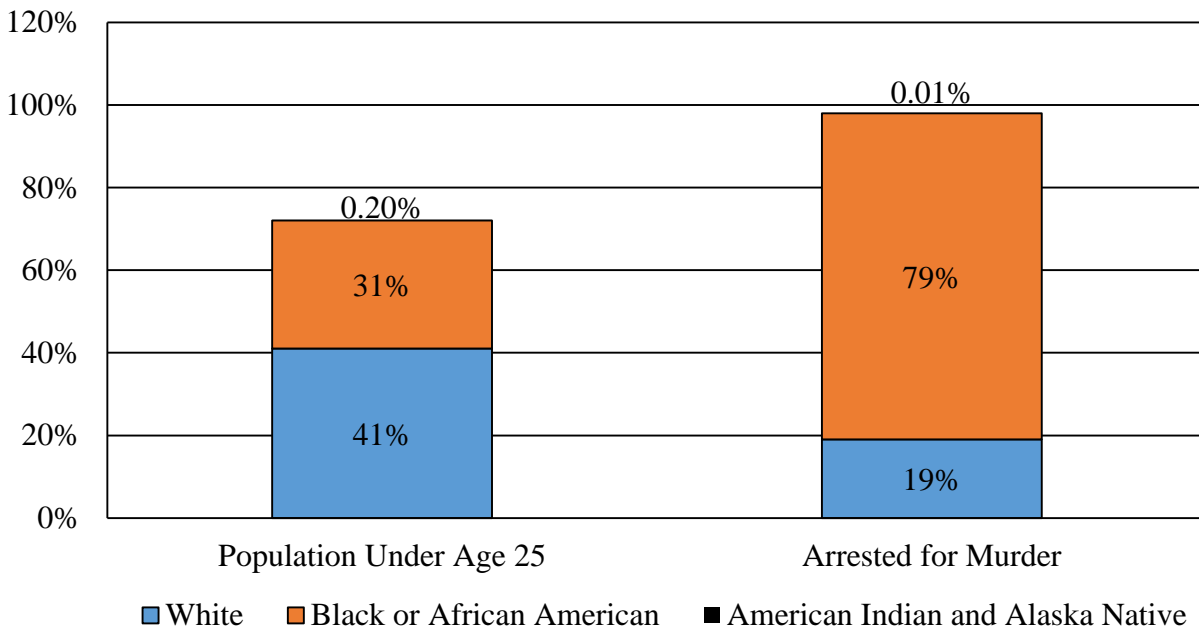
The bill would prohibit an individual under the age of 25 from being convicted of first-degree murder committed in the perpetration of or an attempt to perpetrate various felonies including carjacking, arson, burglary, rape, and various sex offenses. The current penalty for first-degree murder, including felony murder as described in the bill, is imprisonment for life or life without the possibility of parole. A murder that is not in the first degree is considered second degree under statute, and a person who commits a murder in the second degree is also guilty of a felony and subject to imprisonment for a maximum of 40 years. Accordingly, the bill would reduce the overall sentence length for individuals who committed felony murder prior to turning age 25 that would have been otherwise sentenced to life imprisonment under existing law.

Arrest Data

The Department of State Police reports 269 arrests for any degree of murder in 2020. Of the total, 111 arrests were for individuals under age 25 – 88 were Black or African American, 21 were white, 1 was American Indian and Alaska Native, and 1 was of unknown race.

As shown in **Exhibit 1**, Black or African American individuals were 79% of arrests for murder in 2020 despite comprising just 31% of the under age 25 population in the State. In contrast, white individuals were 19% of those arrested for murder, significantly lower than their 42% proportion of the under age 25 State population.

Exhibit 1
Population Under Age 25 and Arrests for Murder by Race
2020



Source: Maryland Department of Planning; Department of Public Safety and Correctional Services

Though this data covers arrests for all types of murder, not just first-degree murder, it shows significant disparities in arrests for Black or African American individuals under age 25 in the State, making these individuals the most impacted by the bill’s provisions.

Sentencing Data

More recently, for fiscal 2022, the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) received information for 106 individuals sentenced to 116 total counts of first-degree murder in circuit court. However, MSCCSP data does not distinguish between felony murder and other types of first-degree murder as listed in statute.

Incarceration Data

The Department of Public Safety and Correctional Services reports that in fiscal 2022, out of a total of 14,983 incarcerated individuals, 1,365, or 9.1%, were individuals under age 25. Of the overall incarcerated population, 30% is imprisoned with a murder conviction. The data does not specify how many of those individuals were under 25 when the murder occurred or what degree or type of murder was committed.

Approximately 15% of inmates in fiscal 2022 were serving life sentences. This group would include all individuals convicted of first-degree murder under existing law. The portion of this group that are under age 25 and incarcerated for murder is not known, however. It should also be noted that the bill would also only apply prospectively for individuals charged and sentenced after the bill's effective date.

Conclusion

The bill's provisions prohibiting individuals under the age of 25 from being convicted of first-degree murder in specified circumstances would allow these individuals to be released from incarceration after serving no more than 40 years in prison. This could allow an individual who may have committed a murder while committing another crime as a juvenile or young adult to have an opportunity to be released at a more mature age and possibly rehabilitate. Accordingly, this would have a meaningful impact on individuals in this age bracket, particularly Black or African American individuals who generally face arrest for murder at a disproportionately high rate. Without conviction data, an estimate of the number of individuals that may be directly affected by the bill in terms of sentence length cannot be determined. In addition, the larger overall equity impacts of the bill cannot be reliably estimated without detailed data on convictions, sentencing, inmates, parole activity, and recidivism rates.

Information Sources: Department of Public Safety and Correctional Services; U.S. Census Bureau; Maryland Department of Planning; Department of State Police; Maryland State Commission on Criminal Sentencing Policy; Department of Legislative Services

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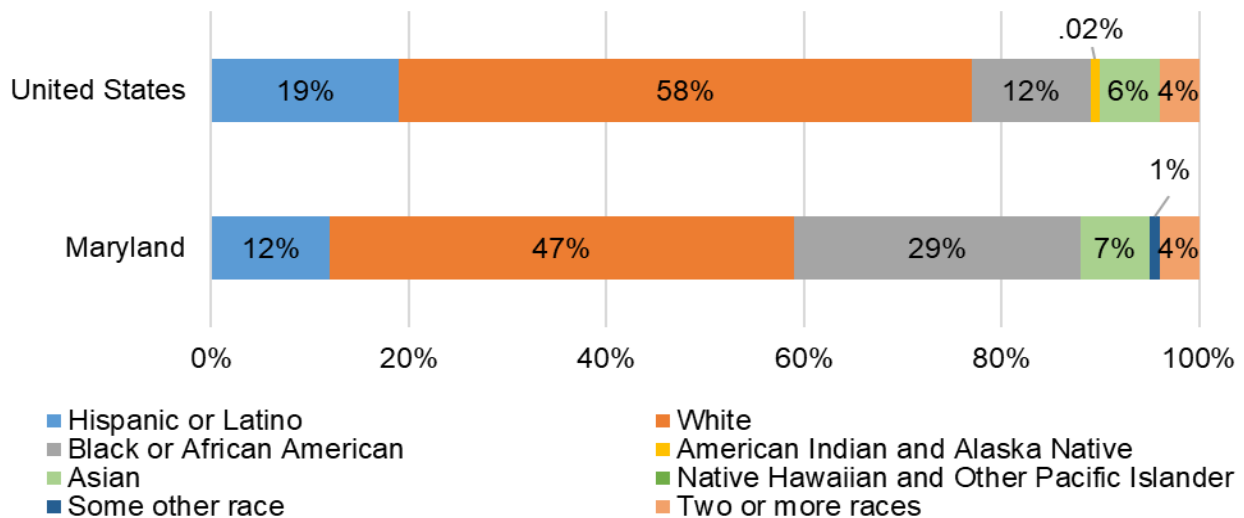
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest single race demographic group in the State of Maryland comprising 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national population, the largest shares of the non-white population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.