



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB1190

Criminal Law - Youth Accountability and Safety Act

Bill Summary

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.

Racial Equity Impact Statement

This bill would reduce the number of juveniles charged under the felony murder doctrine and potentially reduce the sentences of eligible juveniles currently incarcerated for this offense. There is no data readily available that identifies the number of juveniles currently incarcerated who would be eligible for the bill’s sentence reduction provisions, nor is data available to project the number of offenders who would avoid a murder conviction or adjudication under the bill because they are not “principals in the first degree.” Data from the Department of Public Safety and Correctional Services (DPSCS), however, indicates that Black juvenile offenders would likely benefit from the bill to the greatest extent as they comprise the overwhelming majority of charges and convictions for first-degree murder. The bill’s impacts include the reduced likelihood of harsher punitive outcomes and an opportunity to receive restorative and rehabilitative services in lieu of a conviction.

Analysis

This bill would alter the felony murder doctrine under § 2-201 of the Criminal Law Article such that a person younger than age 18 would no longer be charged with first-degree murder unless the person was a “principal in the first degree,” which means a person who is the main actor in a crime

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or helps others commit a crime. Additionally, an individual who was convicted of this offense on or before September 30, 2025, who was a minor at the time the offense was committed and who was 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.

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.

Felony Murder Doctrine in Maryland

The felony murder doctrine requires that if a killing occurs in the commission of or attempt to commit certain underlying felonies, including carjacking, arson, burglary, rape, and various sex offenses, it is sufficient to supply the element of malice required for a charge of first-degree murder to others who participated in the underlying felonies. Thus, any and all individuals involved in the underlying felonies are then subject to prosecution for first-degree murder even if the individuals were not the "principal in the first degree." A principal in the first degree is defined 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.

Impacts of the Bill

DPSCS reports that it currently has 183 incarcerated individuals sentenced for first-degree murder who were younger than age 18 at the time of the murder. DPSCS data shows that juveniles charged as adults for first-degree murder are overwhelmingly Black. In fiscal 2024, 82% of the 95 juveniles between the ages of 14 and 17 charged as adults with this offense were Black and 17% were white. Black juveniles also made up at least 80% of this population in fiscal 2022 and 2023. The data does not indicate how many of those charged were principals in the first degree.

Conclusion

The bill's provisions would have a meaningful impact on juveniles, particularly offenders who generally face charges and arrests for murder at a disproportionately high rate. There has been some discussion in recent years about whether felony murder laws ignore the cognitive vulnerabilities of youth and emerging adults since these laws assume that juveniles recognize the full consequences of their actions. There is no data to determine how many of the individuals that are currently incarcerated would be eligible for review under the bill. The impacts may also be affected by the Juvenile Restoration Act, which also provides a process to receive reduced sentences under specified circumstances. It is not known how many juveniles currently incarcerated for felony murder are eligible under this statute as well. The bill's provisions requiring a court to consider specified factors in determining whether an individual should be granted a reduced sentence likely addresses the public safety concerns as well.

Information Sources: Department of Public Safety and Correctional Services; Prison Policy Initiative; University of Baltimore; Department of Legislative Services

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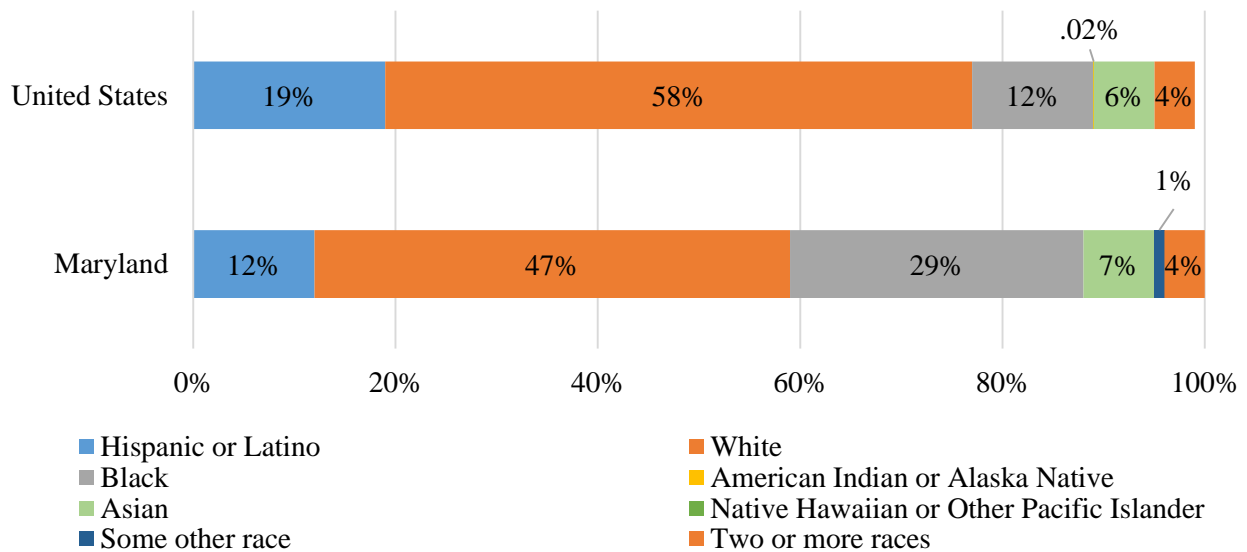
Appendix – Maryland Demographics

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 race demographic group in the State at 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 populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black 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.