

Bill Number: SB235
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF SENATE BILL 235
PENALTY FOR ATTEMPTED SECOND-DEGREE MURDER

I write in support of Senate Bill 235, increasing the penalty for attempted second-degree murder to bring this penalty in line with the penalty for second degree murder.

When the Justice Reinvestment Act was passed a few years ago, it contained an increase for the maximum penalty for second degree murder from 30 years to 40 years. Typically all attempts to commit a crime carry the same penalty as the completed crime. That is the common law rule.

The reason this was increased was because those working on Justice Reinvestment learned that in the Division of Correction the top crime where inmates had received the maximum sentence allowed by law was second degree murder. That led to all who worked on the act to realize that 30 years was too low.

When the Justice Reinvestment Act was passed, we neglected to change the penalty found in Criminal Procedure §2-206 for attempted second degree murder.

Senate Bill 235 does what we forgot to do and brings consistency to the law found in every other sentence in Maryland when it comes to an attempt and a completed act.

I urge a favorable vote