

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 951
Criminal Law – Felony First-Degree Murder – Limitation and
Resentencing Procedure
DATE: February 26, 2020
(3/10)
POSITION: Oppose as drafted

The Maryland Judiciary opposes Senate Bill 951 as drafted. Senate Bill 951 alters the elements of murder in the first degree. Senate Bill 951 would authorize a person previously convicted of murder in the first degree under Criminal Law §2-201(a)(4) to petition the court for resentencing. When a person files a petition for resentencing, the court may vacate the conviction and sentence for murder in the first degree, enter a conviction for murder in the second degree, and resentence the petition. The court may not increase the sentence of the petitioner.

Although the Judiciary has no position on the reclassification of felony murder, as drafted, this bill does not provide sufficient guidance to courts on what criteria should be considered to determine whether to resentence a defendant who files a petition under Criminal Law Article, § 2-201(d)(1).

cc. Hon. Joanne Benson
Judicial Council
Legislative Committee
Kelley O'Connor