

Maryland Criminal Defense Attorneys' Association



MD Senate -Judicial Proceedings Committee

March 10, 2020 12 pm

Hearing on SB 951

Felony Murder – Limitation and Resentencing

MCDAA POSITION: SUPPORT

Brief bill explanation: This bill alters the classification of felony murder by (1) repealing the felony murder provision currently contained in the prohibition on murder in the first degree and (2) reclassifying those same acts as second-degree murder. The bill authorizes a person who was convicted of first-degree murder under the first-degree felony murder provision prior to September 30, 2020, to apply for resentencing under specified circumstances.

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

MCDAA Note: This legislation represents a top legislative priority of MCDAA. Members of the Maryland Criminal Defense Attorneys' Association, gathered a work group of experienced litigators and appellate attorneys to craft this legislation for submission to the 2020 General Assembly. In general, MCDAA supports all legislation that works to fix the out-dated Maryland felony murder statute. We believe the approach contained in SB 951 to be the best approach.

For additional information or questions regarding this legislation, please contact MCDAA legislative chair: Andrew Jezic, 301.742.7470 avjezic@aol.com or our Government Relations Contacts: Alan Drew 240.856.2607 da4617@gmail.com and John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com