

CHARLOTTE CRUTCHFIELD
Legislative District 19
Montgomery County

Judiciary Committee

Subcommittees

Family Law

Chair, Juvenile Law



Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 226
Annapolis, Maryland 21401
410-841-3485 · 301-858-3485
800-492-7122 Ext. 3485
Charlotte.Crutchfield@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 5, 2020

Testimony in Support

Of

House Bill 1338 – Felony Murder-Limitation and Review of Convictions for Children

House Bill 1338 would eliminate the Felony Murder Rule as it applies in the conviction of children (juveniles). All those convicted under the Felony Murder Rule are treated as if they committed first-degree murder, which carries a sentence of life in prison or life in prison w/o parole. This bill would enable a person who was a child at the time of conviction under the Felony Murder Rule, the opportunity to file a motion to review the previous conviction.

Since 2005, the Supreme Court in a trio of cases has banned the use of capital punishment for juveniles, limited life without parole sentences for juveniles and banned the use of mandatory life sentences for juveniles.

- *Roper v. Simmons*, 543 U.S. 551 (2005)-ruled that juveniles cannot be sentenced to death.
- *Graham v. Florida*, 130 S.Ct. 2011 (2010)-banned the use of life without parole for juveniles not convicted of homicide.
- *Miller v. Alabama and Jackson v. Hobbs*, 132 S.Ct. 2455 (2012)-held in both cases that mandatory life without parole sentences for juveniles violates the Eighth Amendment.

In the above cases, the Court's reasoning focused on the Eighth Amendment (specifically that of "...cruel and unusual punishment inflicted") and the differences between adult and children's decision-making, culpability and behavior. Writing for the majority in *Miller and Jackson*, Justice Kagan explained, that juveniles characteristically have "transient rashness, proclivity for risk, and inability to assess consequences".

Existing criminal laws cover murder, as well as charges for the underlying felonies, thus the Felony Murder Rule as applied to juvenile defendants is unnecessary in addition to being unnecessarily punitive.

For these reasons, I urge a favorable report on HB 1338.

A handwritten signature in blue ink that reads "Charlotte".

Delegate Charlotte Crutchfield