



## Testimony for the House Judiciary Committee

March 5, 2020

JUSTIN NALLEY  
POLICY ANALYST,  
EDUCATION

### HB 1338 – Criminal Law – Felony Murder –Limitations and Review of Convictions for Children

#### FAVORABLE

AMERICAN CIVIL LIBERTIES UNION OF MARYLAND

MAIN OFFICE & MAILING ADDRESS  
3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

FIELD OFFICE  
6930 CARROLL AVENUE  
SUITE 610  
TAKOMA PARK, MD 20912  
T/240-274-5295

WWW.ACLU-MD.ORG

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ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports HB 1338 which prohibits an individual younger than age 18 from being convicted of first-degree murder under the felony murder provision under State law. The bill also authorizes a person that this applies to, to apply for a review of their conviction under certain circumstances.

A fundamental principle guiding the criminal legal system is the punishment of offenders in proportion to their level of responsibility for their behavior. When this behavior is impulsive or coerced by others, individuals are punished less harshly. This same logic should be applied to a child convicted of first-degree murder.

Brain development continues throughout adolescence and into adulthood. The section of the brain responsible for mature thought, judgment, and reasoning develop last in the frontal lobes. Adolescents are more likely to act on impulse without considering consequences and use their brains in a way that differs from adults<sup>1</sup>. When accounting for a child's family and community circumstances at the time of the offense, including any history of trauma, abuse, or involvement in the child welfare system, a clearer picture begins to form that allows the court to holistically view the individual.

This bill is a testament society's recognition that overly punitive sentences for youth only leads to more crime, higher prison costs, increased violence, and increased racial disparities throughout the criminal legal system.

For the foregoing reasons, the ACLU of Maryland urges a favorable report for HB 1338.

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<sup>1</sup> Grisso, T. "The Competence of Adolescents as Trial Defendants." *Psychology, Public Policy and Law*, 3:1, 1997.

