



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman, and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 3, 2020

RE: **HB 1308 – Criminal Law – Felony First-Degree Murder – Limitation and
Review of Conviction**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE HB 1308.

Felony murder provides an important deterrence to participating in violent crimes. Current law appropriately recognizes that all who participate in a violent felony bear responsibility for a homicide that occurs during that felony, regardless of which person dealt the fatal blow. Those who participate in serious crimes rightly face serious punishment. Treating all principals the same is sound public policy and helps provide some measure of justice to the families of victims. HB 1308 sends the wrong message to victims' families and to those considering participating in violent crimes.

MCPA and MSA are particularly opposed to the retroactive portions of HB 1308. HB 1308 will re-victimize families, years or even decades after a conviction was final. A re-sentencing alone would be an injustice for victims' families, but HB1308 also allows a judge to order a new trial without any finding of newly discovered exculpatory evidence or any error in the original proceedings.

HB 1308 would severely erode the public's trust in the judicial system. Families of murder victims should be entitled to a sense of finality when those who participated in the murder of a loved one have been held accountable.

For these reasons, MCPA and MSA OPPOSE HB 1308 and urge an UNFAVORABLE Committee report.