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TO: Senator William C. Smith Jr, Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee Members

FROM: Maryland Legislative Latino Caucus (MLLC)

DATE: February 11, 2021

RE: SB395 Criminal Law - Felony Murder - Limitation and Review of Convictions for Children

The MLLC supports SB395 Criminal Law - Felony Murder - Limitation and Review of Convictions for Children.

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB395.

Serious criminal reform is necessary to repair the damages of mass incarceration of people of color and impoverished individuals. A [2018 Sentencing Project study](#) reports that Black Americans are nearly 6 times as likely and Latinos are 3.1 times as likely to be imprisoned than whites. These racial/ethnic disparities also affect our youth. One in every three Black boys could expect to go to prison, as could one in every six Latinos, compared to one of every seventeen white boys. Black and Latino youth are [overrepresented](#) in every part of the juvenile justice system and receive harsher punishments for the same offenses as their white peers. Our justice system disproportionately discriminates against our Black and Latino young people and these oppressive practices harm communities of color for generations.

Under current Maryland law, children, individuals under 18 years old, can be convicted of first-degree felony murder, and as a result can be given a life sentence. However, felony murder does not require the intent to kill, meaning children who are involved in another criminal activity that goes awry because of someone else, are charged with first-degree murder.

SB395 ensures that children can no longer be convicted of a first-degree murder. This bill also provides those incarcerated individuals who were children at the time of their conviction the possibility of having their convictions reviewed and given a lessened sentence. In keeping our commitment to our disadvantaged communities, we advocate for the State to take the proper measures to end the systematic incarceration of our youth.

The MLLC supports this bill and urges a favorable report on SB395.