

Maryland Criminal Defense Attorneys' Association



MD Senate Judicial Proceedings Committee

March 16, 2021

Hearing on SB 395

Felony Murder – Limitation on Children

MCDAA POSITION: SUPPORT W/AMENDMENT

Brief bill explanation: This bill prohibits an individual younger than age 18 from being convicted of first-degree murder under the felony murder provision of State law. The bill authorizes a person convicted of first-degree murder under the felony murder provision who was a child at the time of the offense to apply for a review of the conviction and be resentenced under specified circumstances. Current felony murder convictions require a finding that the resulting death was “foreseeable” by the defendant, we believe that, with a life sentence without parole as a punishment, a juvenile’s conviction for first degree murder should not be based on whether the death of another was “foreseeable” due to modern medical research that illustrates and explains a juvenile’s general lack of foresight in criminal matters.

MCDAA position: We support this measure with the accompanying Sponsor’s amendment. The Maryland Criminal Defense Attorneys’ Association is supportive of efforts to modify and eliminate the Maryland’s outdated felony murder statute, and we wholeheartedly endorse the efforts to eliminate juvenile first degree felony murder. MCDAA believes that SB 395 takes an important step toward this goal by making first degree felony murder not applicable to those with immature minds, and allows for a court review of sentences for defendants, currently incarcerated, that were convicted under the felony murder statute for crimes they committed when they were under 18. MCDAA believes this will be an effective step toward an eventual full elimination of the first-degree felony murder statute.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com or MCDAA legislative policy leader Erica Suter, 202.468.6640 erica@ericasuterlaw.com