



Testimony for the House Judiciary Committee

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HB 385 – Criminal Law – Felony Murder – Limitations and Review of Convictions for Children

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The ACLU of Maryland supports HB 385 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.

Our criminal law principles punish 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. The felony murder doctrine allows the state to charge, convict, and sentence children to life for murders they did not actually commit, even if they did not know their co-defendant intended to commit a 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.¹ 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 to our growing societal knowledge that overly punitive sentences for youth only leads to more crime, higher prison costs, increased violence, and increased racial disparities. Juvenile restoration is the necessary friction to combat our nation's insistence of mass incarceration.

For the foregoing reasons, ACLU urges a favorable report for HB 385.

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

