

Bill Number: HB385

**Edward J. Coyne, Deputy State's Attorney for Carroll County
Opposition**

**WRITTEN TESTIMONY OF EDWARD J. COYNE,
DEPUTY STATE'S ATTORNEY FOR CARROLL COUNTY,
IN OPPOSITION TO HOUSE BILL 385 THAT ELIMINATES
FIRST DEGREE FELONY MURDER FOR JUVENILES AND
REVIEW OF PRIOR CONVICTION**

I write in opposition of House Bill 385 which would outlaw convictions for first degree felony murder for juvenile defendants charged as adults. The bill would also permit Courts to review the prior convictions of juvenile offenders who were convicted of first-degree felony murder.

First, juveniles who are convicted first degree felony murder, must have participated in a violent felony regardless of whether the victim dies by their hand. The choice to engage in the listed violent felonies (arson, rape, carjacking...) is a choice to engage in conduct that always poses a threat to the life and limb of the victim(s). This bill would give juvenile offenders immunity from conviction of first-degree felony murder regardless of their role or culpability in the crimes. This bill would also eliminate any deterrence to those juvenile offenders engaged in the commission of violent felonies. This bill ignores real life cases where it can be difficult for investigators to prove who was the actual principal in the killing. In Carroll County, we had a home invasion burglary where the victim was stabbed and killed after two offenders broke into his apartment. Both offenders blamed the other for the stabbing and the jury was able to hold both accountable of the felony murder regardless of who was the principle killer. The current law appropriately holds accomplices to the felony culpable for the murder to the victim. Sentencing judges must and do consider the age and individual circumstances of the offenders in sentencing.

Second, the bill would also permit juveniles convicted of first-degree felony murder to have their cases reviewed by the Court, which can change the conviction to second degree murder. The bill requires the State to prove a second time that the first-degree felony murder conviction should be upheld. This bill would also unnecessarily require victims to be re- traumatized by having a second trial. This bill would provide one more mechanism for these violent offenders to challenge their conviction on top of the multiple existing ways. These offenders already have ample opportunity for the Court and parole board to consider their individual circumstances in determining their future and appropriate outcome.

The Carroll County State's Attorney's Office joins the Maryland State's Attorneys' Association in requesting that this committee give HB 385 an unfavorable report.