



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter**

**In Favor of SB850 Criminal Law – Youth  
(Youth Accountability and Safety Act)**

**Before the Judicial Proceedings Committee**

**on March 14, 2023**

**Chair Smith, Vice-Chair Waldstreicher, and Members of the  
Committee:**

- **Senate Bill 850 will prohibit a person younger than the age of twenty-five (25) at the time of the offense from being convicted of murder in the first degree under the State’s felony murder provisions.**
- **Under Maryland law, a murder is considered to be in the first degree if it is committed during the perpetration or attempted perpetration of specified crimes, even if the person did not actually commit the killing.**
- **The doctrine of felony murder is premised on the idea that certain conduct is so inherently dangerous and violent, that by participating in the activity, the person assumes the risk of the potential deadly consequences.**

- **Many of us (men and women) participated in risky behavior as youths, but had no clear understanding of the inherent risks involved at the time. Just think about some of the conduct we engaged in and/or witnessed in college and elsewhere.**
- **That is because, as was recently scientifically discovered, young people have a lesser ability to foresee and appreciate risk and the future consequences of their conduct, they have less impulse control, and they are more impressionable and subject to peer influence and pressure, than older adults.**
- **Deficits in risk appreciation and long-term thinking and vulnerability to the influence of others, are a normal part of development and not evidence of irreversible depraved character. The process of brain maturation continues into a person's mid-20's. Therefore, young people have less culpability than their adult counterparts because of their brains' inability to fully appreciate, and envision the risks and consequences of their actions.**
- **In addition, genuine change is possible as the brain matures. This is precisely why the felony murder rule is not effective as a deterrent to young people and is too harsh in its application.**
- **As mentioned earlier, young minds often cannot (and do not) grasp the potential consequences of their conduct because their brains are still developing. Accordingly, imposing life sentences on children and emerging young adults fails to deter them and their peers from engaging in risky behavior and fails to adequately punish a young defendant because a life sentence under the circumstances is too harsh.**

- **While this bill does not have a retroactive component, a prospective repeal of felony murder for juveniles and emerging adults will prevent the injustice of individuals serving many decades in prison for murders they did not actually commit. This will not sacrifice public safety, nor will it prevent the state from holding these individuals accountable for the felonies they participated in.**
- **In sum, SB 850 will move Maryland closer to proportionality in sentencing.**

**For these reasons, I urge a favorable report of SB850.**

**Sincerely,**



**Jill P. Carter, Esq.**