

Maryland Criminal Defense Attorneys' Association



MD Senate – Judicial Proceedings Committee

March 14, 2023 1pm

Hearing on SB 850

Youth Accountability and Safety Act

MCDAA POSITION: SUPPORT

Brief bill explanation: The bill would prohibit an individual under the age of 25 from being convicted of first-degree murder committed in the perpetration of or an attempt to perpetrate various felonies including carjacking, arson, burglary, rape, and various sex offenses. The current penalty for first-degree murder, including felony murder as described in the bill, is imprisonment for life or life without the possibility of parole.

MCDAA's Position: MCDAA supports this legislation and generally believes the "felony murder" concept is not in step with current trends in criminal justice. The general issue is that young defendants who are merely involved with a crime, and not the principal, are incarcerated for long periods of time, often without the chance of parole. The felony murder concept is a holdover from the common law in England, and allows prosecution for 1st degree murder of a non-principal criminal defendant that was merely involved with a crime, or its attempt. The concept is based on the belief that criminal responsibility should attach upon the occurrence of foreseeable results of serious crimes. Numerous respected studies have concluded that the youthful brain has not yet developed the necessary faculties to "foresee" the possible outcomes of a criminal activity, and, therefore, a youthful non-principal offender should NOT be held responsible for the death that occurred. Assuming the youthful non-principal was truly involved with the commission of a crime, the State's Attorney can charge the youthful defendant with numerous OTHER crimes (besides 1st degree murder) with potentially long jail sentences, and the youthful non-principal will still be held responsible for their own criminal actions by the trier of fact, either the judge or the jury.

For additional information or questions regarding this legislation, please contact MCDAA lobbyist John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com Copyright 2023 MCDAA. All rights reserved.