



MARYLAND LEGISLATIVE LATINO CAUCUS

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TO: Delegate Luke Clippinger, Chair
Delegate David Moon, Vice Chair
Judiciary Committee Members
FROM: Maryland Legislative Latino Caucus
DATE: March 20, 2023
RE: HB1180 Criminal Law – Youth Accountability and Safety Act

The MLLC supports HB1180 Criminal Law – Youth Accountability and Safety Act, 2023

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of HB1180.

The Supreme Court has recognized that children should be treated differently than adults in our criminal justice system for the purpose of sentencing in a series of recent decisions. The Court bases its decisions on a plethora of research from physicians and neuroscientists that demonstrates that the brain continues to develop well into a person's mid-20s, and the frontal cortex, which controls for risk and impulse control, is among the last parts to develop. Because felony murder is charged under the first degree murder statute, it is unclear how many juveniles are serving a life sentence for a felony murder conviction. There are over 300 juveniles serving life sentences in Maryland, thus it is likely that a sizable portion of those individuals are serving sentences for a felony murder conviction. Maryland's correctional system is rife with racial disparities. Eighty percent of individuals serving sentences of 10 years or more are young Black men, as are the vast majority of our state's juvenile lifers. Allowing the conviction of first-degree murder under "transferred intent" for children disproportionately affects communities of color. According to the Children's Defense Fund, 67% of children in the juvenile justice system were children of color and black youth represented 54% of youth prosecuted in adult criminal court.¹

HB1180 will end the practice of charging juveniles with felony murder, which carries a mandatory life sentence. The bill provides that a person who was under the age of 25 years at the time of the offense may not be found to have committed murder in the first degree if the charge is based on a murder committed in the perpetration or attempt to perpetrate a certain felony. This change will bring Maryland State law into alignment with Supreme Court's rulings and other states who have recognized the injustice of charging juveniles with felony murder. This will still hold youth accountable for their actions, without inhumanely sentencing them to a life in prison.

For these reasons, the Maryland Legislative Latino Caucus respectfully requests a favorable report on HB1180.

¹ [Youth Justice. \(n.d.\). Children's Defense Fund.](#)