



OFFICE OF THE
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CECIL COUNTY, MARYLAND

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DATE: February 28, 2023

BILL NUMBER: HB 937

POSITION: Support

The Office of the State's Attorney for Cecil County supports HB 937.

HB 937 increases the maximum penalty for attempted murder in the second degree from 30 to 40 years in line with the maximum penalty for murder in the second degree.

For any attempted homicide offense, the State must be able to prove that the intended consequence of the attempt is the death of the victim. Such an intent must not be merely to kill, but to murder which has been defined as an intent to kill without justification, excuse or mitigation. *See, State v. Earp*, 319 Md. 156 (1990). Anything short of this standard mitigates the crime to either assault or attempted voluntary manslaughter and further bars the State from charging attempted felony murder or attempted involuntary manslaughter. *Bruce v. State*, 317 Md. 642 (1989); *Cox v. State*, 311 Md. 326 (1988). In short, Maryland law recognizes and makes clear that the level of violence and mindset of the defendant involved in the commission of an attempted second degree murder is extreme because the criminal actor must ***intend*** to murder another human being.

As a result, it is wholly unreasonable that an individual who commits an attempted second degree murder is granted a 10 year discount simply because the victim is lucky to have survived the encounter.

This straightforward and common sense legislation will immediately close this loophole and protect victims of violent crime from this extremely harmful and offensive conduct.

The Office of the State's Attorney for Cecil County seeks a favorable report on HB 937.