

Maryland Criminal Defense Attorneys' Association



Md House of Delegates Judiciary Committee

March 2, 2023

Hearing on HB 1180

Youth Accountability and Safety Act

MCDAA POSITION: SUPPORT

Brief bill explanation: This bill prohibits an individual younger than age 25 from being convicted of first-degree murder under the felony murder provision of State law. Current felony murder convictions require a finding (by the judge or by the jury, by direction of the Pattern Jury Instructions) that the resulting death was "foreseeable" by the defendant, who was a participant in another listed crime. Using the doctrine of "transferred intent," the defendant can be held criminally responsible for a death resulting from another's criminal act. The MCDAA believes that, with a life sentence without parole as a punishment, a juvenile's or young adult's conviction for first degree murder should not be based on whether the death of another was "foreseeable." Mounting volumes of medical research on the psychology of juveniles and young adults document and describe juveniles' and young adults' lack of foresight in criminal matters.

Maryland's felony murder statute was adopted and continued from Britain's criminal common law, which is the law Maryland adopted from the English courts when it declared independence in 1776. British courts abolished the use of felony murder convictions in 1957, finding the common-law practice of transferred intent unconstitutional.

MCDAA position: The Maryland Criminal Defense Attorneys' Association is supportive of efforts to modify and eliminate Maryland's outdated felony murder statute, and we wholeheartedly endorse Del. Crutchfield's efforts to eliminate first degree felony murder for those under 25. MCDAA believes that HB 1180 takes an important step toward this goal by making first degree felony murder not applicable to those under 25. MCDAA believes this will be an effective step toward an eventual full elimination of the first-degree felony murder statute.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com.