

HB1180: Youth Accountability and Safety Act
Testimony for the Maryland House of Delegates Judiciary Committee, March 2, 2023.

To the Maryland House Judiciary Committee,

My name is Judith Lichtenberg. I'm professor emerita of philosophy at Georgetown, and I'm on the executive committee of the [Maryland Alliance for Justice Reform](#) (MAJR), where I co-chair the Behind the Walls Workgroup. I have been teaching college courses, tutoring, and mentoring incarcerated people at Jessup Correctional Institution (JCI) since 2016, and at the DC Jail starting a year or two later. Through this work I've gotten to know a significant number of people who are serving life sentences (or more) for felony murder.

Felony murder rules were adopted in England in medieval times but have since been outlawed there and elsewhere, including in several U.S. states. We think of murder as intentional killing, but felony murder obliterates the distinction between intentional and unintentional killing. It applies disproportionately to juveniles and emerging adults (those under 25), who may participate in crimes without being causal agents in deaths that ensue. They neither *intended* to kill anyone nor *did* kill anyone. Sentencing them as if they intentionally killed someone violates the fundamental principle of our criminal justice system that punishments must be proportional to crimes and that intentional killing is a more serious crime than unintentional killing—let alone not killing at all but only participating in a crime that resulted in a death.

Maryland courts don't keep track of how often this rule is used. But two other states have ascertained that about 50 percent to 75 percent of emerging adults with life sentences received their convictions as a result of this rule. The felony murder rule also disproportionately affects women and people of color.

Scientists, as well as the U.S. Supreme Court, have recognized that adolescents and emerging adults often exercise poor judgment, especially when under the influence of peer pressure or substance abuse. But they often mature over the years and become responsible citizens—as my experience teaching at JCI and the DC Jail attests. And our modern understanding suggests these young people are less culpable and likely to be rehabilitated with much less than a life sentence.

Some will argue that the felony murder rule is a deterrent and should be retained for that reason. However, one survey found that less than 1 percent of those charged with felony murder knew of the rule before their arrest. Another study has found no difference in the crime rates of states with and without the felony murder rule.

HB1180 is called “the Youth Accountability and Safety Act” because it would still hold young adults responsible for the crimes they actually commit themselves—but *not* for a killing that they didn't commit, plan, or expect.

For more information, I highly recommend [“Felony Murder: An On-Ramp for Extreme Sentencing,”](#) a report from the Sentencing Project, and [“Task Force on Aiding and Abetting Felony Murder: A Report to the Minnesota Legislature,”](#) both published in 2022.

I sincerely hope you will give a favorable report to HB1180.

Sincerely,

Judith Lichtenberg

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