



## HOUSE BILL 0937

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**POSITION: FAVORABLE FOR HB 0937**

February 24, 2023

My name is Rich Gibson, I am the State's Attorney for Howard County and the President of the Maryland State's Attorney's Association (hereinafter MSAA). I am writing today to offer my support to House Bill 0937. It should be noted that the MSAA is a politically diverse group comprised of the elected prosecutors throughout the State; we are unanimous in our support of this bill.

In 2016, the Maryland General Assembly, as part of the passage of the Justice Reinvestment Act, (hereinafter "JRA"), voted to amend section 2-204 of the Criminal Law Article ("hereinafter "CR") of the Maryland Code, to increase the statutory maximum sentence for second-degree murder to forty years' incarceration from thirty years. In doing so, the amendment had the effect of creating a legal outlier in the Maryland Criminal Code, the statutory maximum penalty for attempted second-degree murder, CR 2-206, is the only code section for attempt-crimes that carries a lesser maximum penalty than the commission of the object of the attempt.<sup>1</sup>

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<sup>1</sup> CR 2-201. Murder in the first-degree (Imprisonment for life/unless State complies with statutory requirements for seeking life without parole

CR 2-205. Attempted murder in the first-degree. (Maximum sentence not exceeding life.)

The failure in 2016 to include language in the “JRA” amending the maximum statutory penalty in CR 2-206, consistent with the amendment to the maximum statutory penalty for CR 2-204, was a mere oversight in the bill drafting process. We can all agree that the crime of attempted second-degree murder is a heinous offense. It requires the State to prove a specific intent to kill beyond a reasonable doubt. There is no rational justification for the existing disparity in the statutory maximum sentences for attempted second-degree murder and second-degree murder. On behalf of the Howard County State’s Attorney’s Office and the Maryland State’s Attorneys’ Association, **we are seeking a favorable report for House Bill 0937** to end this irrational disparity and to bring CR 2-206 in line with the statutory maximum penalty for second-degree murder.

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CR 3-303.Rape in the first-degree. (Imprisonment not exceeding life/life without parole for a victim under 16)

CR 3-309.Attempted rape in the first-degree.(Imprisonment not exceeding life)

CR 3-304.Rape in the second-degree. (Imprisonment not exceeding 20 years)

CR 3-310. Attempted rape in the second-degree.(imprisonment not exceeding 20 years)

CR 3-402.Robbery/Attempted robbery.(imprisonment not to exceed 15 years)

CR 3-403.Robbery a Dangerous Weapon/Attempted RDW.(imprisonment not to exceed 20 years)