



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON HOUSE BILL 1190**

**BILL:** House Bill 1190

**FROM:** Maryland Office of the Public Defender

**POSITION:** Favorable

**DATE:** February 26, 2025

---

The Maryland Office of the Public Defender respectfully requests that the Committee issue an favorable report on House Bill 1190.

House Bill 1190 ends the practice of charging juveniles with felony murder and prevent children from dying in prison for crimes they have not committed. In Maryland, felony murder is treated identically to premeditated first degree murder for the purposes of charging and sentencing and carries a mandatory life sentence. Because Maryland's parole system is fundamentally broken with respect to those serving life, a life sentence carries a very high probability that a juvenile convicted of felony murder could die in prison.

Under the felony murder doctrine, the state needs only to prove that a juvenile was engaged in a felony, in many cases a robbery, when a murder occurs. Unlike traditional first degree murder cases, the state does not have to prove that the juvenile had any intent to commit a murder. It is sufficient for the State to show only that a felony was underway when someone else committed the murder. The law essentially operates as a strict liability doctrine in which we expect individuals, including juveniles, to be able to foresee the potential consequences of participating in a felony even if they have no intention to commit a murder.

The rule is particularly unworkable as applied to juveniles. The Supreme Court recognized in a series of recent cases that juvenile brain development lags behind that of an adult. As a result, children are less able to measure risk and foresee the consequences of their actions. Recognizing those limitations, it's difficult to justify applying a rule that is based on foreseeability to minors where the penalty is a life sentence.

In the case of one of my clients, the State admitted that my 16 year old client had no knowledge that a murder would occur. His crime was standing behind his co-defendant, a man 5 years his senior, as his co-defendant pulled a gun and announced a hold up of a gas station. The State initially offered my client 10 years in exchange for a guilty plea. The case was my client's first involvement with the criminal legal system. Without a sophisticated understanding of the system or of the felony murder doctrine, my client could not understand the risks of going to trial. At 16 years old, ten years seemed like a lifetime. He was found guilty of felony murder and sentenced to life plus 20 years consecutive.

In over 37 years of incarceration, he was recommended for parole twice and twice denied by the Governor. The client was one of the first to have his case reviewed under the new Sentencing Review Unit in the Baltimore City State's Attorney's Office. After State's Attorney Marilyn Mosby agreed to relief, he was resentenced in December 2020 to time served. He was 16 years old the day he entered prison, 53 years old the day he walked out, and had served almost four times the amount of time prosecutors offered in their plea deal.

House Bill 1190, as amended, does not include a mechanism for retroactive resentencing. While the Office of the Public Defender in principle believes all changes to substantive law, especially with respect to charging and sentencing, should be retroactive, we recognize that the language in House Bill 1190 with respect to retroactive application posed a number of problems. Because we believe that the prospective only repeal of felony murder in House Bill 1190 is an essential step forward, we support the bill as amended.

A prospective repeal of felony murder for juveniles will prevent the injustice of individuals serving many decades in prison for murders they either did not commit themselves or did not intend to commit. This will not sacrifice public safety, nor will it prevent the state from holding these individuals accountable for the felonies and/or underlying crimes they participated in. House Bill 1190 simply asks the state to do what it is required to do in any other case – prove both the act and the underlying intent.

**House Bill 1190 moves Maryland closer to proportionality in sentencing and for those reasons, the Office of the Public Defender urges a favorable report.**

**Submitted by: Maryland Office of the Public Defender, Government Relations Division.**

**Authored by: Lila Meadows  
Decarceration Initiative  
Maryland Office of the Public Defender  
[lila.meadows@maryland.gov](mailto:lila.meadows@maryland.gov)**