



Maryland Alliance for Justice Reform

Dear Delegate

Support HB0385/SB0395 Criminal Law - Felony Murder - Limitation and Review of Convictions for Children

As your constituent I am writing to ask your support for HB0385/SB0395: abolish the felony murder rule for children.

Under the legal doctrine of felony murder, if someone dies as a result of a felony, anyone who participated in that felony is ruled as guilty as a killer—even if they themselves didn't kill and didn't foresee the killing. Application of this doctrine is especially troubling as to children whose don't have mature decision-making and are dominated by adults. In Maryland, felony murder is treated the same as a premeditated first degree murder in sentencing.

Should being in the wrong place at the wrong time be the decisive factor for the Court's imposing life sentences? In England where the felony-murder rule was invented, the answer is no. The felony-murder rule was repealed there many years ago. It also has been changed in Canada and elsewhere in the former British Empire. In the U.S., the rule has been changed in Kentucky, Ohio, Michigan, California and other states.

Life sentences for felony-murder are still harsher in Maryland as most Governors veto the huge majority of lifers' parole recommendations. Does the felony-murder rule provide a deterrent? One survey found that less than 1% charged with felony-murder knew of the rule before their arrest.

And women and juveniles are impacted disproportionately: 72% of women sentenced for felony-murder did not personally commit a killing; and the average age of those convicted of felony-murder was 20 years old. Is this what we want to call Justice?

Many models are available for a Maryland bill to revise our unfair felony murder rule. For example, Hawaii, Kentucky, Massachusetts and Michigan have legislatively abolished the rule. Both Pennsylvania and Illinois have bills under consideration. In February 2019, California substantially narrowed that state's felony murder law to eliminate all but "major" felony participants with "reckless disregard" for human life. Those convicted under the unfair, prior felony-murder rule were permitted re-sentencing for the related crimes they admittedly committed.

Maryland should do the same!

For more information please see <https://www.ma4jr.org/felony-murder-rule/>

I would like to know if you will support this legislation. Or if you have issues and questions. Please let me know.

Sincerely,

