

SENATE BILL 198

E1

(9lr0907)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by ~~Senators Hough and Cassilly~~, Cassilly, Zirkin, Ready, Waldstreicher, Hester, and West

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Solicitation and Conspiracy to Commit Murder – Penalty Resulting in**
3 **Death**
4 **(Stacey’s Law)**

5 FOR the purpose of ~~repealing the statute of limitations for the crime of solicitation to~~
6 ~~commit murder in the first degree; providing that a person who solicits another or~~
7 ~~conspires with another to commit murder in the first degree is guilty of a felony;~~
8 ~~establishing a certain penalty; providing for the application of this Act; clarifying~~
9 ~~that a person who solicits another or conspires with another to commit murder in the~~
10 ~~first degree is guilty of murder in the first degree if the death of another occurs as a~~
11 ~~result of the solicitation or conspiracy;~~ and generally relating to solicitation and
12 conspiracy to commit murder.

13 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~Article – Courts and Judicial Proceedings
Section 5-106(ff)
Annotated Code of Maryland
(2013 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~

Article – Criminal Law
Section ~~2-211~~ 2-201
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

~~Article – Courts and Judicial Proceedings~~

~~5-106.~~

~~(ff) The statute of limitations for the prosecution of the crime of solicitation to
commit [murder in the first degree in violation of § 2-201 of the Criminal Law Article,]
murder in the second degree in violation of § 2-204 of the Criminal Law Article, arson in
the first degree in violation of § 6-102 of the Criminal Law Article, or arson in the second
degree in violation of § 6-103 of the Criminal Law Article is 3 years.~~

~~Article – Criminal Law~~

~~2-211.~~

~~A PERSON WHO SOLICITS ANOTHER OR CONSPIRES WITH ANOTHER TO
COMMIT MURDER IN THE FIRST DEGREE IS GUILTY OF A FELONY AND ON
CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
apply only prospectively and may not be applied or interpreted to have any effect on or
application to any offense occurring before the effective date of this Act.~~

Article – Criminal Law

2-201.

(a) A murder is in the first degree if it is:

(1) a deliberate, premeditated, and willful killing;

(2) committed by lying in wait;

1 (3) committed by poison; or

2 (4) committed in the perpetration of or an attempt to perpetrate:

3 (i) arson in the first degree;

4 (ii) burning a barn, stable, tobacco house, warehouse, or other
5 outbuilding that:

6 1. is not parcel to a dwelling; and

7 2. contains cattle, goods, wares, merchandise, horses, grain,
8 hay, or tobacco;

9 (iii) burglary in the first, second, or third degree;

10 (iv) carjacking or armed carjacking;

11 (v) escape in the first degree from a State correctional facility or a
12 local correctional facility;

13 (vi) kidnapping under § 3-502 or § 3-503(a)(2) of this article;

14 (vii) mayhem;

15 (viii) rape;

16 (ix) robbery under § 3-402 or § 3-403 of this article;

17 (x) sexual offense in the first or second degree;

18 (xi) sodomy; or

19 (xii) a violation of § 4-503 of this article concerning destructive
20 devices.

21 (b) (1) A person who commits a murder in the first degree is guilty of a felony
22 and on conviction shall be sentenced to:

23 (i) imprisonment for life without the possibility of parole; or

24 (ii) imprisonment for life.

25 (2) Unless a sentence of imprisonment for life without the possibility of
26 parole is imposed in compliance with § 2-203 of this subtitle and § 2-304 of this title, the
27 sentence shall be imprisonment for life.

1 **(C) A PERSON WHO SOLICITS ANOTHER OR CONSPIRES WITH ANOTHER TO**
 2 **COMMIT MURDER IN THE FIRST DEGREE IS GUILTY OF MURDER IN THE FIRST DEGREE**
 3 **IF THE DEATH OF ANOTHER OCCURS AS A RESULT OF THE SOLICITATION OR**
 4 **CONSPIRACY.**

5 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 6 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.