

House Bill No. 44

AN ACT concerning

Homicide – Prosecution – “Year and a Day” Rule Abolished

FOR the purpose of abolishing the common-law rule of “year and a day”; by allowing a prosecution for murder or manslaughter to be instituted regardless of the time elapsed between the ~~infliction of the fatal injury act or omission causing the death of the victim~~ and the death of the victim; ~~requiring the State to prove, by a certain standard, that the death of the victim resulted from the injury inflicted by the accused providing for the application of this Act;~~ and generally relating to the prosecution of homicides.

BY adding to

Article 27 – Crimes and Punishments

Section 415 to be under the new subheading “Homicide – Prosecution”

Annotated Code of Maryland

(1992 Replacement Volume and 1995 Supplement)

Preamble

~~WHEREAS, Under the current law, the common-law rule of “year and a day” bars prosecution for murder or manslaughter unless the victim dies within a year and day from the time the fatal injury was inflicted; and~~

~~WHEREAS, The conception of the “year and a day” rule may be traced back to medieval times when the deficiencies of medical science often made it extremely difficult to prove the cause of death whenever a considerable lapse of time intervened between the mortal act or omission and the death itself; and~~

~~WHEREAS, This 700 year old common law rule is now outdated, and in light of medical advances in lifesaving techniques and the improvements in forensics technology, there is no sound reason for retaining the rule today; and~~

~~WHEREAS, The State of Maryland is one of only three remaining jurisdictions in the United States that has not yet abolished the rule and of these remaining jurisdictions, is the only one that has not yet addressed the common law rule of “year and a day” by statute; and~~

~~WHEREAS, The Court of Appeals of Maryland held in State v. Minster, 302 Md. 240 (1985), and State v. Brown, 21 Md. App. 91 (1974), that any change to the common law “year and a day” rule should be made by the General Assembly; now, therefore,~~

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

Article 27 – Crimes and Punishments

HOMICIDE – PROSECUTION

415.