

Defined term: "Person" § 1-101

2-206. ATTEMPT TO COMMIT MURDER IN THE SECOND DEGREE.

A PERSON WHO ATTEMPTS TO COMMIT MURDER IN THE SECOND DEGREE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 411A(a).

Defined term: "Person" § 1-101

2-207. MANSLAUGHTER.

(A) PENALTY.

A PERSON WHO COMMITS MANSLAUGHTER IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:

(1) IMPRISONMENT NOT EXCEEDING 10 YEARS; OR

(2) IMPRISONMENT IN A LOCAL CORRECTIONAL FACILITY NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(B) SPOUSAL ADULTERY NOT A MITIGATING FACTOR.

THE DISCOVERY OF ONE'S SPOUSE ENGAGED IN SEXUAL INTERCOURSE WITH ANOTHER DOES NOT CONSTITUTE LEGALLY ADEQUATE PROVOCATION FOR THE PURPOSE OF MITIGATING A KILLING FROM THE CRIME OF MURDER TO VOLUNTARY MANSLAUGHTER EVEN THOUGH THE KILLING WAS PROVOKED BY THAT DISCOVERY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 387 and 387A.

In subsection (a) of this section, the phrase "guilty of a felony" is added for clarity and consistency with other penalty provisions throughout the revised articles of the Code. Manslaughter of all types is a felony at common law in Maryland. *See, e.g., State v. Gibson*, 4 Md. App. 236 (1968), *aff'd*, 254 Md. 399 (1969); *Forbes v. State*, 324 Md. 335 (1991).

Also in subsection (a) of this section, the former phrase "in the discretion of the court" is deleted as implicit in setting a maximum penalty.

In subsection (a)(1) of this section, the former reference to a person being subject to imprisonment "in the penitentiary" is deleted for consistency within this article. Currently, inmates are sentenced to the custody of a unit such as the Division of Correction and then are placed in a particular facility. *See CS § 9-103.*

In subsection (a)(2) of this section, the defined term "local correctional facility" is substituted for the former term "jail" for consistency with the Correctional Services Article.