

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 395

(Senator Waldstreicher, *et al.*)

Judicial Proceedings

Criminal Law - Decriminalization of Attempted Suicide

This bill (1) decriminalizes attempted suicide and (2) abrogates and repeals the common law offense of attempted suicide. The bill states that the act of attempting to commit suicide may not form the basis of a criminal charge against the person who attempted to commit suicide.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law/Background: Under the English common law, suicide was punishable by a dishonorable burial in the highway or without religious ceremony and forfeiture of the decedent's property to the king. Attempted suicide was a misdemeanor, punishable by a fine and imprisonment.

While Maryland's criminal statutes do not prohibit attempted suicide, attempted suicide remains a crime in Maryland since the State recognizes common law crimes. Despite this recognition, attempted suicide is rarely prosecuted. The Judiciary advises that during the past five years, attempted suicide has been charged 10 times in the District Court, resulting in one guilty disposition, as discussed below.

In February 2018, a Caroline County man was convicted of attempted suicide and sentenced to a three-year suspended jail sentence and two years of probation. According to news reports, the defendant was charged with attempted suicide, reckless endangerment, and endangering his safety and the safety of his brother while intoxicated. The State offered a plea that the defendant could plead guilty to one of the charges, and he chose the attempted suicide charge. According to the prosecutor involved in the case, the case was an attempt to get the defendant into mental health treatment, the charge was not something he had seen before, and he would not pursue an attempted suicide charge against a defendant in the future.

Additional Information

Prior Introductions: None.

Cross File: HB 77 (Delegate Moon, *et al.*) - Judiciary.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; *Corpus Juris Secundum*; *The Baltimore Sun*; Department of Legislative Services

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md/kdm

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