

Chapter 240

(House Bill 707)

AN ACT concerning

Wrongful Death and Survival Causes of Action – Criminal Homicide – Time Limits for Bringing Civil Action

FOR the purpose of providing that a wrongful death cause of action or survival cause of action arising from conduct that constitutes a criminal homicide under State or federal law accrues at a certain time under certain circumstances; establishing a presumption that a party should have discovered the identity of a person who contributed to a criminal homicide under certain circumstances; providing for the application of this Act; and generally relating to certain time limits for bringing certain civil actions concerning a criminal homicide.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–904(g)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–904(g)(3) and 5–203.1
Annotated Code of Maryland
(2006 Replacement Volume and 2011 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

3–904.

(g) (1) Except as provided in paragraph (2) **OR (3)** of this subsection, an action under this subtitle shall be filed within three years after the death of the injured person.

(3) (I) THIS PARAGRAPH APPLIES ONLY TO A WRONGFUL DEATH CAUSE OF ACTION ARISING FROM CONDUCT THAT WOULD CONSTITUTE A CRIMINAL HOMICIDE UNDER STATE OR FEDERAL LAW.

(II) IF KNOWLEDGE OF A CAUSE OF ACTION OR THE IDENTITY OF A PERSON WHOSE WRONGFUL ACT CONTRIBUTED TO A HOMICIDE IS KEPT FROM A PARTY BY THE CONDUCT OF AN ADVERSE PARTY OR AN ACCESSORY OR ACCOMPLICE OF AN ADVERSE PARTY:

1. THE CAUSE OF ACTION SHALL BE DEEMED TO ACCRUE AT THE TIME THE PARTY DISCOVERED OR SHOULD HAVE DISCOVERED BY THE EXERCISE OF ORDINARY DILIGENCE THE HOMICIDE AND THE IDENTITY OF THE PERSON WHO CONTRIBUTED TO THE HOMICIDE;

2. A PRESUMPTION SHALL EXIST THAT THE PARTY SHOULD HAVE DISCOVERED BY THE EXERCISE OF ORDINARY DILIGENCE THE IDENTITY OF THE PERSON WHO CONTRIBUTED TO THE HOMICIDE AFTER:

A. A CHARGING DOCUMENT IS FILED AGAINST THE PERSON ALLEGED TO HAVE PARTICIPATED IN THE HOMICIDE; AND

B. THE CHARGING DOCUMENT IS UNSEALED AND AVAILABLE TO THE PUBLIC; AND

3. AN ACTION UNDER THIS SUBTITLE SHALL BE FILED WITHIN 3 YEARS AFTER THE DATE THAT THE CAUSE OF ACTION ACCRUES.

5-203.1.

(A) THIS SECTION APPLIES ONLY TO A SURVIVAL CAUSE OF ACTION ARISING FROM CONDUCT THAT CONSTITUTES A CRIMINAL HOMICIDE UNDER STATE OR FEDERAL LAW.

(B) IF KNOWLEDGE OF A CAUSE OF ACTION CONCERNING A HOMICIDE OR THE IDENTITY OF A PERSON WHO CONTRIBUTED TO THE HOMICIDE IS KEPT FROM A PARTY BY THE CONDUCT OF AN ADVERSE PARTY OR AN ACCESSORY OR ACCOMPLICE OF AN ADVERSE PARTY:

(1) THE CAUSE OF ACTION SHALL BE DEEMED TO ACCRUE AT THE TIME THE PARTY DISCOVERED OR SHOULD HAVE DISCOVERED BY THE EXERCISE OF ORDINARY DILIGENCE THE HOMICIDE AND THE IDENTITY OF THE PERSON WHO CONTRIBUTED TO THE HOMICIDE; AND

(2) A PRESUMPTION SHALL EXIST THAT THE PARTY SHOULD HAVE DISCOVERED BY THE EXERCISE OF ORDINARY DILIGENCE THE IDENTITY OF THE PERSON WHO CONTRIBUTED TO THE HOMICIDE AFTER:

(I) A CHARGING DOCUMENT IS FILED AGAINST THE PERSON ALLEGED TO HAVE PARTICIPATED IN THE HOMICIDE; AND

(II) THE CHARGING DOCUMENT IS UNSEALED AND AVAILABLE TO THE PUBLIC.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any action that is not barred by application of any time condition or limit before October 1, 2012, but may not revive any action that was barred by application of any time condition or limit before October 1, 2012.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.