

**§202. Felony murder**

1. A person is guilty of felony murder if acting alone or with one or more other persons in the commission of, or an attempt to commit, or immediate flight after committing or attempting to commit, murder, robbery, burglary, kidnapping, arson, gross sexual assault, or escape, the person or another participant in fact causes the death of a human being, and the death is a reasonably foreseeable consequence of such commission, attempt or flight.

[PL 1991, c. 377, §8 (AMD).]

2. It is an affirmative defense to prosecution under this section that the defendant:

A. Did not commit the homicidal act or in any way solicit, command, induce, procure or aid the commission thereof; [PL 1977, c. 510, §39 (RPR).]

B. Was not armed with a dangerous weapon, or other weapon which under circumstances indicated a readiness to inflict serious bodily injury; [PL 1977, c. 510, §39 (RPR).]

C. Reasonably believed that no other participant was armed with such a weapon; and [PL 1977, c. 510, §39 (RPR).]

D. Reasonably believed that no other participant intended to engage in conduct likely to result in death or serious bodily injury. [PL 1977, c. 510, §39 (RPR).]

[PL 1977, c. 510, §39 (RPR).]

3. Felony murder is a Class A crime.

[PL 1977, c. 510, §39 (NEW).]

**SECTION HISTORY**

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §40 (AMD). PL 1977, c. 510, §39 (RPR). PL 1979, c. 701, §20 (AMD). PL 1991, c. 377, §8 (AMD).

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