

HOUSE BILL 16
EMERGENCY BILL

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2003 Regular Session
3lr0459
CF 3lr0830

By: **Delegates Marriott, Benson, Bobo, Bronrott, Burns, Cane, Carter, Conroy, C. Davis, D. Davis, Dumais, Gaines, Goldwater, Griffith, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hurson, Jones, Kaiser, Kelley, King, Kirk, Madaleno, McIntosh, Menes, Montgomery, Murray, Nathan-Pulliam, Niemann, Paige, Parker, Patterson, Pendergrass, Petzold, Proctor, Rosenberg, Ross, Taylor, V. Turner, and Vaughn**

Introduced and read first time: January 9, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2

Death Penalty - Moratorium

3 FOR the purpose of prohibiting an individual who has been sentenced to death from
4 being executed; prohibiting a judge from issuing a warrant of execution and
5 providing that any warrants of execution issued for which the individual has not
6 been executed are void; requiring the General Assembly to review a certain
7 report; requiring the General Assembly to make certain recommendations and,
8 if necessary, propose certain legislation based on the review of a certain report;
9 requiring the General Assembly to annually review the progress of certain
10 recommendations and legislation; expressing the intent of the General Assembly
11 that, on a certain finding, legislation shall be passed repealing the provisions of
12 this Act that prohibit an individual from being executed and a judge from
13 issuing a warrant of execution; providing for the construction of this Act; making
14 this Act an emergency measure; and generally relating to the death penalty.

15 BY adding to

16 Article - Correctional Services
17 Section 3-910
18 Annotated Code of Maryland
19 (1999 Volume and 2002 Supplement)

20

Preamble

21 WHEREAS, A research study of the administration of the death penalty in the
22 State's criminal justice system being conducted by the Department of Criminology of
23 the University of Maryland, College Park, should be completed by December 31, 2002;
24 and

1 WHEREAS, The purpose of the study is not simply to examine if there is bias in
2 the process or even the appearance of bias, whether based on race, ethnicity, economic
3 status, or any other reason, but also to identify any problems and to recommend
4 solutions; and

5 WHEREAS, Because the report based on the study should be completed by
6 December 31, 2002, a moratorium on the death penalty will allow the General
7 Assembly to consider the report, make recommendations based on the report, and
8 evaluate the progress of the implementation of those recommendations; now,
9 therefore,

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

12 **Article - Correctional Services**

13 3-910.

14 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL WHO
15 HAS BEEN SENTENCED TO DEATH MAY NOT BE EXECUTED.

16 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A JUDGE MAY NOT
17 ISSUE A WARRANT OF EXECUTION AND ANY WARRANTS OF EXECUTION ISSUED FOR
18 WHICH THE INDIVIDUAL HAS NOT BEEN EXECUTED ARE VOID.

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (a) The General Assembly shall review the report of the study on the
21 administration of the death penalty that is submitted by the Department of
22 Criminology of the University of Maryland, College Park.

23 (b) The General Assembly shall make recommendations to the appropriate
24 entities based on its review of the study and, if necessary, propose legislation to
25 implement those recommendations.

26 (c) The General Assembly shall annually review the progress of the
27 implementation of the recommendations and legislation made and enacted in
28 accordance with the provisions of subsection (b) of this section concerning the
29 administration of the death penalty.

30 (d) It is the intent of the General Assembly that, on a finding that the
31 recommendations of and legislation enacted by the General Assembly under this
32 section have been fully implemented, legislation shall be passed repealing § 3-910 of
33 the Correctional Services Article.

34 SECTION 3. AND BE IT FURTHER ENACTED, That, except as provided in
35 Section 1 of this Act, this Act may not be construed to affect in any other way the law
36 concerning the death penalty, including the procedures and time frames for
37 notifications, determinations, and judicial review of death penalty decisions.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an
2 emergency measure, is necessary for the immediate preservation of the public health
3 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
4 members elected to each of the two Houses of the General Assembly, and shall take
5 effect from the date it is enacted.