
By: **Delegates Kelley, Anderson, Barve, Benson, Bobo, Bronrott, Burns, Cane, Carter, C. Davis, D. Davis, Dumais, Feldman, Franchot, Gaines, Goldwater, Gordon, Griffith, Gutierrez, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, Jones, Kaiser, King, Lee, Madaleno, Mandel, Marriott, McIntosh, Menes, Montgomery, Nathan-Pulliam, Oaks, Paige, Parker, Patterson, Pendergrass, Proctor, Ramirez, Rosenberg, Ross, Shewell, Stern, Taylor, V. Turner, and Vaughn**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Death Penalty - Maryland Commission on Capital Punishment**

3 FOR the purpose of establishing a Maryland Commission on Capital Punishment;
4 providing for the membership of the Commission; providing for the election of
5 the chairman of the Commission; authorizing the Commission to hold public
6 hearings; providing for the staffing of the Commission; requiring certain entities
7 to cooperate with the Commission; providing for the funding of the Commission;
8 providing that a member of the Commission may not receive compensation but
9 is entitled to certain reimbursement; establishing the duties of the Commission;
10 requiring the Commission to make certain reports at certain times; providing for
11 the construction of this Act; providing for the termination of this Act; and
12 generally relating to the death penalty.

13 BY adding to
14 Article - Correctional Services
15 Section 3-910
16 Annotated Code of Maryland
17 (1999 Volume and 2004 Supplement)

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

20 **Article - Correctional Services**

21 3-910.

22 (A) IN THIS SECTION, "COMMISSION" MEANS THE MARYLAND COMMISSION ON
23 CAPITAL PUNISHMENT.

1 (B) THERE IS A MARYLAND COMMISSION ON CAPITAL PUNISHMENT.

2 (C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

3 (1) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE
4 PRESIDENT;

5 (2) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE
6 SPEAKER OF THE HOUSE;

7 (3) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;

8 (4) THE STATE PUBLIC DEFENDER, OR THE STATE PUBLIC DEFENDER'S
9 DESIGNEE;

10 (5) A STATE'S ATTORNEY, RECOMMENDED BY THE PRESIDENT OF THE
11 MARYLAND STATE'S ATTORNEYS' ASSOCIATION;

12 (6) THE PRESIDENT OF THE MARYLAND STATE BAR ASSOCIATION, OR
13 THE PRESIDENT'S DESIGNEE WHO IS NOT A PROSECUTOR OR CRIMINAL DEFENSE
14 ATTORNEY;

15 (7) ONE MEMBER OF THE JUDICIARY, APPOINTED BY THE CHIEF JUDGE
16 OF THE COURT OF APPEALS;

17 (8) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES,
18 OR THE SECRETARY'S DESIGNEE;

19 (9) THE PRESIDENT OF THE MARYLAND CONFERENCE OF THE NAACP,
20 OR THE PRESIDENT'S DESIGNEE; AND

21 (10) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

22 (I) ONE REPRESENTATIVE OF THE MARYLAND CRIME VICTIM'S
23 RESOURCE CENTER;

24 (II) ONE REPRESENTATIVE OF THE RELIGIOUS COMMUNITY; AND

25 (III) TWO REPRESENTATIVES OF THE GENERAL PUBLIC.

26 (D) THE CHAIRMAN OF THE COMMISSION SHALL BE ELECTED BY THE
27 MEMBERS OF THE COMMISSION.

28 (E) THE COMMISSION MAY HOLD PUBLIC HEARINGS.

29 (F) (1) THE MARYLAND JUSTICE ANALYSIS CENTER OF THE DEPARTMENT
30 OF CRIMINOLOGY AT THE UNIVERSITY OF MARYLAND SHALL PROVIDE STAFF FOR
31 THE COMMISSION.

1 (2) ALL STATE, COUNTY, AND MUNICIPAL AGENCIES, DEPARTMENTS,
2 BOARDS, BUREAUS, COMMISSIONS, AND AGENCIES SHALL COOPERATE FULLY WITH
3 THE COMMISSION.

4 (G) FUNDS NECESSARY FOR THE FUNCTIONING OF THE COMMISSION SHALL
5 BE AS PROVIDED IN THE STATE BUDGET.

6 (H) A MEMBER OF THE COMMISSION:

7 (1) MAY NOT RECEIVE COMPENSATION; BUT

8 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
9 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

10 (I) (1) THE COMMISSION SHALL:

11 (I) STUDY CAPITAL PUNISHMENT IN THE STATE; AND

12 (II) REVIEW:

13 1. THE FINDINGS OF THE 2-YEAR UNIVERSITY OF
14 MARYLAND STUDY, "AN EMPIRICAL ANALYSIS OF MARYLAND'S DEATH SENTENCING
15 SYSTEM WITH RESPECT TO THE INFLUENCE OF RACE AND LEGAL JURISDICTION";

16 2. THE JUNE 2001 PROTOCOLS OF THE AMERICAN BAR
17 ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES;

18 3. "MANDATORY JUSTICE: EIGHTEEN REFORMS TO THE
19 DEATH PENALTY", A REPORT OF THE CONSTITUTION PROJECT'S BIPARTISAN,
20 BLUE-RIBBON COMMISSION OF CAPITAL PUNISHMENT SUPPORTERS AND
21 OPPONENTS; AND

22 4. OTHER NONPARTISAN, ACADEMIC, OR GOVERNMENTAL
23 INQUIRIES INTO THE ADMINISTRATION OF CAPITAL PUNISHMENT AT STATE AND
24 NATIONAL LEVELS.

25 (2) (I) THE COMMISSION SHALL MAKE RECOMMENDATIONS TO
26 GUARANTEE THAT THE APPLICATION AND ADMINISTRATION OF CAPITAL
27 PUNISHMENT IN THE STATE AND THE PUBLIC POLICY OF THE STATE REGARDING
28 CAPITAL PUNISHMENT ARE FREE FROM BIAS AND ERROR AND DESIGNED TO
29 GUARANTEE FAIRNESS AND ACCURACY.

30 (II) THE RECOMMENDATIONS SHALL ADDRESS:

31 1. RACIAL DISPARITIES;

32 2. JURISDICTIONAL DISPARITIES;

33 3. SOCIO-ECONOMIC DISPARITIES;

34 4. THE RISK OF INNOCENT PEOPLE BEING EXECUTED;

