

SENATE BILL 480

E2

3lr2129

By: **Senators Getty and Jennings**

Introduced and read first time: January 31, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Death Penalty – Murder on School or Child Care Facility**
3 **Property**

4 FOR the purpose of requiring a court or jury, in determining whether to impose a
5 sentence of death, to consider as an aggravating circumstance whether the
6 defendant committed the murder on the property of a private or public school,
7 educational institution, or child care facility; and generally relating to the
8 imposition of the death penalty.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 2–303(g)(1)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Criminal Law
16 Section 2–303(g)(2)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2012 Supplement)

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

21 **Article – Criminal Law**

22 2–303.

23 (g) (1) In determining a sentence under subsection (b) of this section, the
24 court or jury first shall consider whether any of the following aggravating
25 circumstances exists beyond a reasonable doubt:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) one or more persons committed the murder of a law
2 enforcement officer while the officer was performing the officer's duties;

3 (ii) the defendant committed the murder while confined in a
4 correctional facility;

5 (iii) the defendant committed the murder in furtherance of an
6 escape from, an attempt to escape from, or an attempt to evade lawful arrest, custody,
7 or detention by:

8 1. a guard or officer of a correctional facility; or

9 2. a law enforcement officer;

10 (iv) the victim was taken or attempted to be taken in the course
11 of an abduction, kidnapping, or an attempt to abduct or kidnap;

12 (v) the victim was a child abducted in violation of § 3-503(a)(1)
13 of this article;

14 (vi) the defendant committed the murder under an agreement or
15 contract for remuneration or promise of remuneration to commit the murder;

16 (vii) the defendant employed or engaged another to commit the
17 murder and the murder was committed under an agreement or contract for
18 remuneration or promise of remuneration;

19 (viii) the defendant committed the murder while under a sentence
20 of death or imprisonment for life;

21 (ix) the defendant committed more than one murder in the first
22 degree arising out of the same incident; [or]

23 (x) the defendant committed the murder while committing, or
24 attempting to commit:

25 1. arson in the first degree;

26 2. carjacking or armed carjacking;

27 3. rape in the first degree;

28 4. robbery under § 3-402 or § 3-403 of this article; or

29 5. sexual offense in the first degree; **OR**

1 **(XI) THE DEFENDANT COMMITTED THE MURDER ON THE**
2 **PROPERTY OF A PRIVATE OR PUBLIC SCHOOL, EDUCATIONAL INSTITUTION, OR**
3 **CHILD CARE FACILITY.**

4 (2) If the court or jury does not find that one or more of the
5 aggravating circumstances exist beyond a reasonable doubt:

6 (i) it shall state that conclusion in writing; and

7 (ii) a death sentence may not be imposed.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2013.