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By: Senators Kelley, Haines, Sfikas, ~~and Middlebrooks~~ Middlebrooks, and Ferguson
Introduced and read first time: February 2, 1996
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 19, 1996

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CHAPTER ____

1 AN ACT concerning

2   **Sentencing - Murder of Driver-for-Hire**

3 FOR the purpose of adding to the list of aggravating circumstances to the crime of
4   murder in the first degree; providing that it is an aggravating circumstance if the
5   victim was a licensed driver of a for-hire vehicle who was murdered while
6   performing the duties of a driver-for-hire; and generally relating to sentencing for
7   first degree murder.

8 BY repealing and reenacting, with amendments,
9   Article 27 - Crimes and Punishments
10   Section 413(d)
11   Annotated Code of Maryland
12   (1992 Replacement Volume and 1995 Supplement)

13 BY repealing and reenacting, without amendments,
14   Article 27 - Crimes and Punishments
15   Section 413(f)
16   Annotated Code of Maryland
17   (1992 Replacement Volume and 1995 Supplement)

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

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1 **Article 27 - Crimes and Punishments**

2 413.

3 (d) In determining the sentence, the court or jury, as the case may be, shall first
4 consider whether, beyond a reasonable doubt, any of the following aggravating
5 circumstances exist:

6 (1) The victim was a law enforcement officer who was murdered while in the
7 performance of his duties;

8 (2) The defendant committed the murder at a time when he was confined in
9 any correctional institution;

10 (3) The defendant committed the murder in furtherance of an escape or an
11 attempt to escape from or evade the lawful custody, arrest, or detention of or by an officer
12 or guard of a correctional institution or by a law enforcement officer;

13 (4) The victim was taken or attempted to be taken in the courseof a
14 kidnapping or abduction or an attempt to kidnap or abduct;

15 (5) The victim was a child abducted in violation of § 2 of thisarticle;

16 (6) The defendant committed the murder pursuant to an agreementor
17 contract for remuneration or the promise of remuneration to commit the murder;

18 (7) The defendant engaged or employed another person to commit the
19 murder and the murder was committed pursuant to an agreement or contract for
20 remuneration or the promise of remuneration;

21 (8) At the time of the murder, the defendant was under sentenceof death or
22 imprisonment for life;

23 (9) The defendant committed more than one offense of murder in the first
24 degree arising out of the same incident; [or]

25 (10) The defendant committed the murder while committing or attempting to
26 commit a carjacking, armed carjacking, robbery, arson in the first degree, rape or sexual
27 offense in the first degree; OR

28 (11) THE VICTIM WAS A LICENSED DRIVER OF A FOR-HIRE VEHICLE
29 WHO WAS MURDERED WHILE PERFORMING THE DUTIES OF A DRIVER-FOR-HIRE.

30 (f) If the court or jury does not find, beyond a reasonable doubt, that one or more
31 of these aggravating circumstances exist, it shall state that conclusion in writing, and a
32 sentence of death may not be imposed.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1996.

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