

CF 7r0437

By: Delegates Brinkley, Snodgrass, Stup, Elliott, Stull, and La Vay

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Death Penalty - Minimum Age**

3 FOR the purpose of lowering the minimum age of an individual who is subject to the
4 death penalty; and generally relating to the death penalty.

5 BY repealing and reenacting, with amendments,
6 Article 27 - Crimes and Punishments
7 Section 412(g)
8 Annotated Code of Maryland
9 (1996 Replacement Volume)

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

12 **Article 27 - Crimes and Punishments**

13 412.

14 (g) (1) If a person found guilty of murder in the first degree was, at the time the
15 murder was committed, less than [18] 16 years old or if the person establishes by a
16 preponderance of the evidence that the person was, at the time the murder was
17 committed, mentally retarded, the person shall be sentenced to imprisonment for life or
18 imprisonment for life without the possibility of parole and may not be sentenced to death.

19 (2) The sentence shall be imprisonment for life unless the State notified the
20 person in writing at least 30 days prior to trial that the State intended to seek a sentence
21 of imprisonment for life without the possibility of parole under this section or § 413 of this
22 article.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1997.