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SB 540/96 - JPR

1997 Regular Session  
7r2209

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**By: Senator Jimeno**

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

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A BILL ENTITLED

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 (1996 Replacement Volume)

13 BY repealing and reenacting, without amendments,  
14 Article 27 - Crimes and Punishments  
15 Section 413(f)  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume)

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

20 **Article 27 - Crimes and Punishments**

21 413.

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

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

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

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

4                   (4) The victim was taken or attempted to be taken in the course of a  
5 kidnapping or abduction or an attempt to kidnap or abduct;

6                   (5) The victim was a child abducted in violation of § 2 of this article;

7                   (6) The defendant committed the murder pursuant to an agreement or  
8 contract for remuneration or the promise of remuneration to commit the murder;

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

12                   (8) At the time of the murder, the defendant was under sentence of death or  
13 imprisonment for life;

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

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

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

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

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