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**By: Senators Trotter and Young**

Introduced and read first time: February 5, 1997

Assigned to: Rules

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 1997

Re-referred to: Judicial Proceedings, February 14, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Death Penalty - Appellate Review - Considerations**

3 FOR the purpose of requiring the Court of Appeals in a death sentence review to  
4 consider whether the imposition of the verdict or sentence was based on the race of  
5 the defendant or of the victim of the crime for which the defendant was convicted;  
6 and generally relating to appellate review of death sentences.

7 BY repealing and reenacting, with amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 414(e)  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume)

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

14 **Article 27 - Crimes and Punishments**

15 414.

16 (e) In addition to the consideration of any errors properly before the Court on  
17 appeal, the Court of Appeals shall consider the imposition of the death sentence. With  
18 regard to the sentence, the Court shall determine:

19 (1) Whether the sentence of death was imposed under the influence of  
20 passion, prejudice, or any other arbitrary factor, INCLUDING WHETHER THE  
21 IMPOSITION OF THE VERDICT OR SENTENCE WAS BASED ON THE RACE OF THE  
22 DEFENDANT OR OF THE VICTIM OF THE CRIME FOR WHICH THE DEFENDANT WAS  
23 CONVICTED;

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1                   (2) Whether the evidence supports the jury's or court's finding of a statutory  
2 aggravating circumstance under § 413(d); and

3                   (3) Whether the evidence supports the jury's or court's finding that the  
4 aggravating circumstances outweigh the mitigating circumstances.

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