

BY: Senator Trotter

AMENDMENTS TO SENATE BILL NO. 566

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “prohibiting a State’s Attorney from withdrawing a notice of intent to seek a sentence of death or a notice of intent to seek a sentence of imprisonment for life without the possibility of parole under certain circumstances; making stylistic changes;”; in line 7, strike “aggravating circumstances in determining”; and in line 11, after “Section” insert “412 and”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“412.

(a) If a person is found guilty of murder, the court or jury that determined the person’s guilt shall state in the verdict whether the person is guilty of murder in the first degree or murder in the second degree.

(b) Except as provided under subsection [(g)] (H) of this section, a person found guilty of murder in the first degree shall be sentenced to death, imprisonment for life, or imprisonment for life without the possibility of parole. The sentence shall be imprisonment for life unless: (1)(i) the State notified the person in writing at least 30 days prior to trial that it intended to seek a sentence of death, and advised the person of each aggravating circumstance upon which it intended to rely, and (ii) a sentence of death is imposed in accordance with § 413 OF THIS ARTICLE; or (2) the State notified the person in writing at least 30 days prior to trial that it intended to seek a sentence of imprisonment for life without the possibility of parole under § 412 or § 413 of this article.

(c) (1) If a State’s Attorney files or withdraws a notice of intent to seek a sentence of death, the State’s Attorney shall file a copy of the notice or withdrawal with the clerk of the Court of

(Over)

Appeals.

(2) The validity of a notice of intent to seek a sentence of death that is served on a defendant in a timely manner shall in no way be affected by the State's Attorney's failure to file a copy of the death notice in a timely manner with the clerk of the Court of Appeals.

(d) A STATE'S ATTORNEY MAY NOT WITHDRAW A NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH OR A NOTICE OF INTENT TO SEEK A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE IF A DEFENDANT HAS BEEN CONVICTED OF THE CRIME OF MURDER AND THE DEFENDANT COMMITTED THE MURDER WHILE COMMITTING A CONTROLLED DANGEROUS SUBSTANCE VIOLATION OF § 286(G), § 286A, § 286C, OR § 286E OF THIS ARTICLE.

(E) A person found guilty of murder in the second degree shall be sentenced to imprisonment for not more than 30 years.

[(e)] (F) Except as provided [by] UNDER § 413 of this article, the court shall decide whether to impose a sentence of life imprisonment or life imprisonment without the possibility of parole.

[(f)] (G) (1) In this section, the following terms have the meanings indicated.

(2) "Imprisonment for life without the possibility of parole" means imprisonment for the natural life of an inmate under the custody of a correctional institution, including the Patuxent Institution.

(3) "Mentally retarded" means the individual has significantly subaverage intellectual functioning as evidenced by an intelligence quotient of 70 or below on an individually administered intelligence quotient test and impairment in adaptive behavior, and the mental retardation is manifested before the individual attains the age of 22.

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

(2) The sentence shall be imprisonment for life unless the State notified the person in writing at least 30 days prior to trial that the State intended to seek a sentence of imprisonment for

life without the possibility of parole under this section or § 413 of this article.”.