

HOUSE BILL 195

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HB 788/97 - JUD

1998 Regular Session
8r0224

By: **Delegate M. Burns**

Introduced and read first time: January 22, 1998

Assigned to: Judiciary

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
5 the 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
7 for 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 and 1997 Supplement)

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 and 1997 Supplement)

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
23 first 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
26 the performance of his duties;

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

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

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

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

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

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

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

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

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1998.