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By: **Delegates Poole, O'Donnell, Hecht, DeCarlo, and M. Burns**  
Introduced and read first time: February 5, 1998  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - First Degree Murder - Domestic Violence**

3 FOR the purpose of providing that murder that is committed by a person while the  
4 person was subject to certain civil protective orders issued in a domestic violence  
5 case against another who had been granted relief in the order shall be murder in  
6 the first degree; and generally relating to murder and domestic violence.

7 BY adding to  
8 Article 27 - Crimes and Punishments  
9 Section 410A  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article 27 - Crimes and Punishments  
14 Section 412(b), (d), and (e)  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume and 1997 Supplement)

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

19 **Article 27 - Crimes and Punishments**

20 410A.

21 MURDER COMMITTED BY A PERSON WHILE THE PERSON WAS SUBJECT TO A  
22 PROPERLY SERVED TEMPORARY EX PARTE ORDER UNDER § 4-505 OF THE FAMILY  
23 LAW ARTICLE OR WAS SUBJECT TO A CURRENT PROTECTIVE ORDER UNDER § 4-506  
24 OF THE FAMILY LAW ARTICLE AGAINST ANOTHER WHO HAD BEEN GRANTED RELIEF  
25 IN THE ORDER SHALL BE MURDER IN THE FIRST DEGREE.

1 412.

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

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

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

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