Unofficial Copy E2 1998 Regular Session 8lr0168

### (PRE-FILED)

By: **Senator Haines** Requested: July 28, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

### A BILL ENTITLED

|   | $\Lambda$    | Λ("Ι"       | concerning |
|---|--------------|-------------|------------|
| 1 | $\Delta I I$ | $\Delta CI$ | COHCCHIIII |
|   |              |             |            |

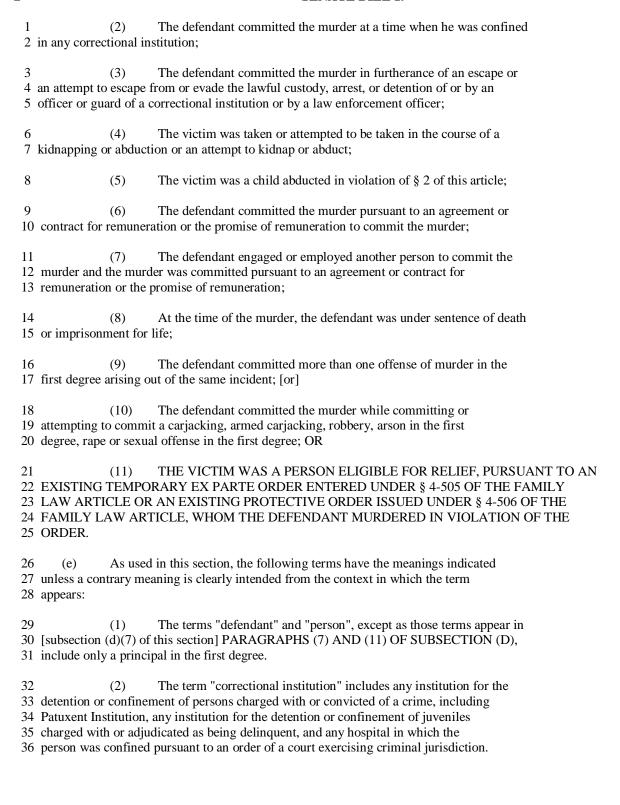
# 2 Sentencing - Death Penalty - Murder in Violation of Protective Order

- 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 certain person eligible for relief, pursuant to an existing
- 6 temporary ex parte order or a protective order, whom the defendant murdered in
- 7 violation of the order; and generally relating to sentencing for first degree
- 8 murder.
- 9 BY repealing and reenacting, with amendments,
- 10 Article 27 Crimes and Punishments
- 11 Section 413(d) and (e)
- 12 Annotated Code of Maryland
- 13 (1996 Replacement Volume and 1997 Supplement)
- 14 BY repealing and reenacting, without amendments,
- 15 Article 27 Crimes and Punishments
- 16 Section 413(f)
- 17 Annotated Code of Maryland
- 18 (1996 Replacement Volume and 1997 Supplement)
- 19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 20 MARYLAND, That the Laws of Maryland read as follows:

## 21 Article 27 - Crimes and Punishments

- 22 413.
- 23 (d) In determining the sentence, the court or jury, as the case may be, shall
- 24 first consider whether, beyond a reasonable doubt, any of the following aggravating
- 25 circumstances exist:
- 26 (1) The victim was a law enforcement officer who was murdered while in
- 27 the performance of his duties;

### **SENATE BILL 19**



### **SENATE BILL 19**

| 1 2      | (3)<br>Section 727 of Article                                                                                                                                                                                                                                                                                                                                                  | (i)<br>27. | The tern | n "law enforcement officer" has the meaning given in      |  |  |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|-----------------------------------------------------------|--|--|
| 3        | this section, includes:                                                                                                                                                                                                                                                                                                                                                        | (ii)       | The tern | n "law enforcement officer", as used in subsection (d) of |  |  |
| 5        |                                                                                                                                                                                                                                                                                                                                                                                |            | 1.       | An officer serving in a probationary status;              |  |  |
| 6        |                                                                                                                                                                                                                                                                                                                                                                                |            | 2.       | A parole and probation officer;                           |  |  |
| 7<br>8   | Maryland; and                                                                                                                                                                                                                                                                                                                                                                  |            | 3.       | A law enforcement officer of a jurisdiction outside of    |  |  |
| 11<br>12 | 4. If the law enforcement officer is wearing the uniform worn by the law enforcement officer while acting in an official capacity or is prominently displaying his official badge or other insignia of office, a law enforcement officer privately employed as a security officer or special policeman under the provisions of Article 41, §§ 4-901 through 4-913 of the Code. |            |          |                                                           |  |  |
|          | 14 (4) "Imprisonment for life without the possibility of parole" means<br>15 imprisonment for the natural life of an inmate under the custody of a correctional<br>16 institution, including the Patuxent Institution.                                                                                                                                                         |            |          |                                                           |  |  |
| 17       | (O TO 1                                                                                                                                                                                                                                                                                                                                                                        |            |          |                                                           |  |  |

- 17 (f) If the court or jury does not find, beyond a reasonable doubt, that one or 18 more of these aggravating circumstances exist, it shall state that conclusion in
- 19 writing, and a sentence of death may not be imposed.
- 20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 21 October 1, 1998.