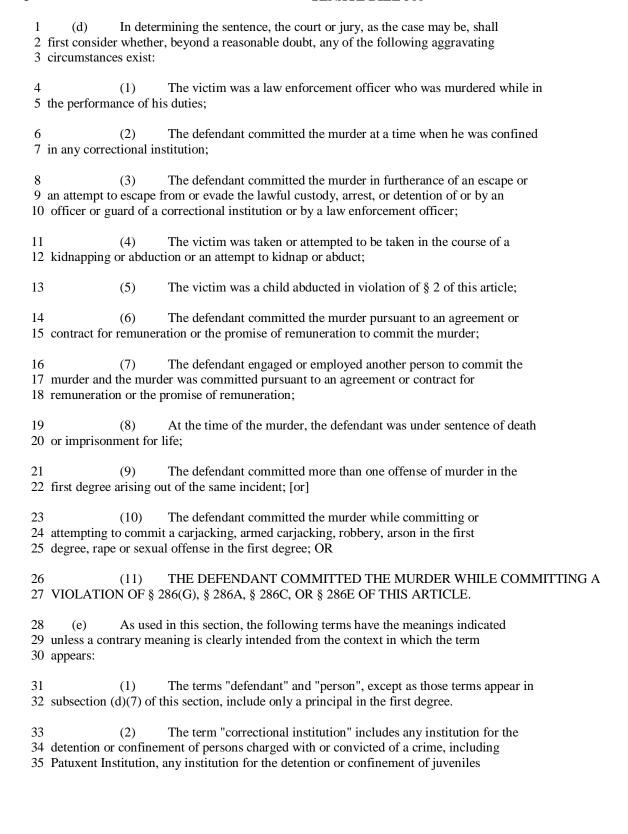
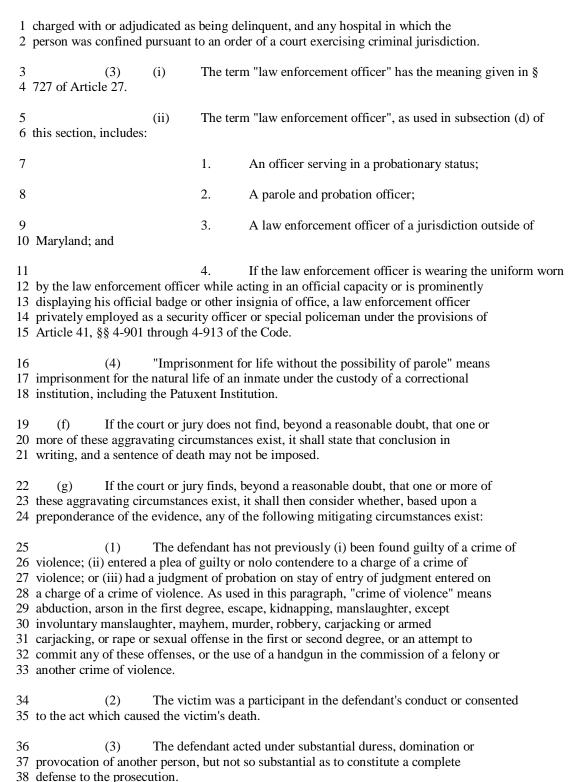
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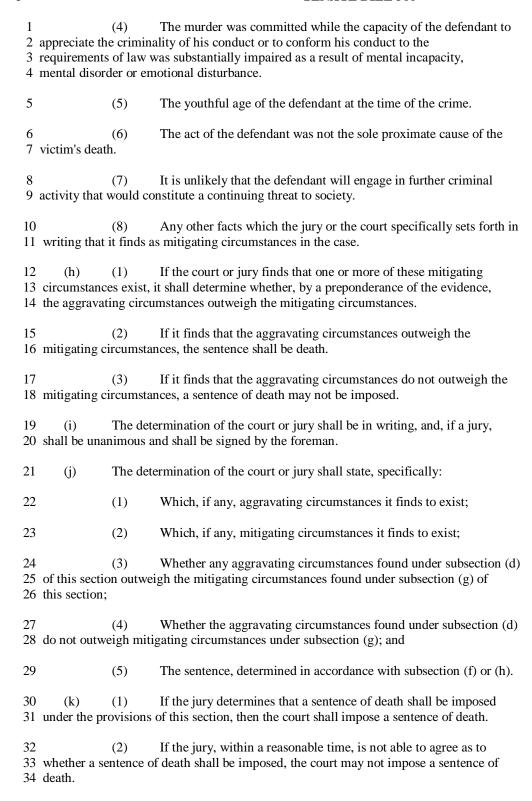
By: Senators Colburn, Baker, Ferguson, Haines, Hogan, Jimeno, Middlebrooks, and Stone Introduced and read first time: February 6, 1998 Assigned to: Judicial Proceedings						
Committee Report: Favorable Senate action: Adopted						
Read second time: March 23, 1998						
CHAPTER						
1 AN ACT concerning						
2 Death Penalty - Aggravating Circumstances - Drug Traffick	king					
FOR the purpose of identifying murder in the first degree committed during the commission of a violation of certain offenses relating to manufacturing, distributing, or dispensing controlled dangerous substances as an aggravating circumstance for a court or jury to consider in determining a sentence of death; and generally relating to aggravating circumstances in determining criminal sentencing.						
 9 BY repealing and reenacting, with amendments, 10 Article 27 - Crimes and Punishments 11 Section 413 12 Annotated Code of Maryland 13 (1996 Replacement Volume and 1997 Supplement) 						
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:						
16 Article 27 - Crimes and Punishments						
17 413.						
18 (a) If a person is found guilty of murder in the first degree, and if the State 19 had given the notice required under § 412(b), a separate sentencing proceeding shall 20 be conducted as soon as practicable after the trial has been completed to determine 21 whether he shall be sentenced to death.						

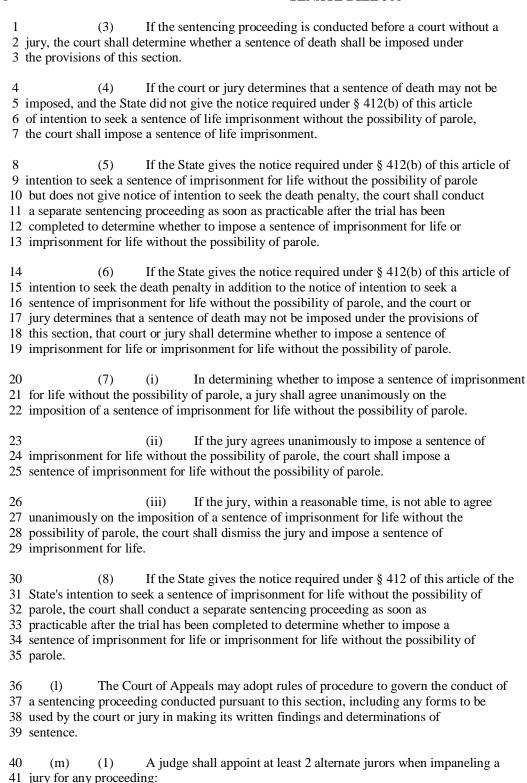
1	(b)	This pro	ceeding	shall be conducted:
2		(1)	Before t	he jury that determined the defendant's guilt; or
3		(2)	Before a	jury impaneled for the purpose of the proceeding if:
4			(i)	The defendant was convicted upon a plea of guilty;
5 6	sitting witho	ut a jury;	(ii)	The defendant was convicted after a trial before the court
7 8	discharged b	y the cou	(iii) rt for goo	The jury that determined the defendant's guilt has been ad cause; or
9 10	jurisdiction	has result	(iv) ted in a re	Review of the original sentence of death by a court of competent emand for resentencing; or
11 12	the defendar	(3) nt.	Before to	he court alone, if a jury sentencing proceeding is waived by
13	(c)	(1)	The follo	owing type of evidence is admissible in this proceeding:
14 15	subsection (g) of this	(i) section;	Evidence relating to any mitigating circumstance listed in
	subsection (to § 412(b) o			Evidence relating to any aggravating circumstance listed in of which the State had notified the defendant pursuant
	nolo contene admissible i			Evidence of any prior criminal convictions, pleas of guilty or e of such prior convictions or pleas, to the same extent procedures;
22 23	recommenda	ation as to	(iv) o sentenc	Any presentence investigation report. However, any e contained in the report is not admissible; and
	relevant to s		(v) provided	Any other evidence that the court deems of probative value and the defendant is accorded a fair opportunity to rebut
27 28	or against th	(2) le sentenc		e and the defendant or his counsel may present argument for h.
31 32 33	instruct the j sentence sha imprisonmen	jury as to all be dea nt for life	appropriathe finding the finding the finding the finding the first appropriate the first	esentation of the evidence in a proceeding before a jury, in ate instructions permitted by law, the court shall ngs it must make in order to determine whether the comment for life without the possibility of parole, or burden of proof applicable to these findings in or subsection (h) of this section.

SENATE BILL 566









SENATE BILL 566

1	(i) In which the defendant is being tried for a crime for which the
2	death penalty may be imposed; or
3	(ii) Which is held under the provisions of this section.
4	(2) The alternate jurors shall be retained during the length of the
5	proceedings under such restrictions and regulations as the judge may impose.
8	(3) (i) If any juror dies, becomes incapacitated, or disqualified, or is discharged for any other reason before the jury begins its deliberations on sentencing, an alternate juror becomes a juror in the order in which selected, and serves in all respects as those selected on the regular trial panel.
	(ii) An alternate juror may not replace a juror who is discharged during the actual deliberations of the jury on the guilt or innocence of the defendant, or on the issue of sentencing.
13 14	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.