

HOUSE BILL 393

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1999 Regular Session  
9r1540  
CF 9r1427

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By: **Delegates Zirkin, Grosfeld, Finifter, and Morhaim**

Introduced and read first time: February 8, 1999

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Abuse Murder**

3 FOR the purpose of making it an offense of murder in the first degree to cause the  
4 death under certain circumstances of certain adults or children while the person  
5 commits abuse; providing that a person who violates this Act is subject to life  
6 imprisonment without the possibility of parole; making stylistic changes; and  
7 generally relating to murder in the first degree.

8 BY adding to

9 Article 27 - Crimes and Punishments  
10 Section 410A  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1998 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article 27 - Crimes and Punishments  
15 Section 412(b)  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 1998 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 410A.

22 (A) A PERSON IS GUILTY OF MURDER IN THE FIRST DEGREE IF:

23 (1) THE PERSON CAUSES THE DEATH OF A SPOUSE, A FORMER SPOUSE,  
24 CHILD, VULNERABLE ADULT, OR OTHER VICTIM WHO IS ELIGIBLE FOR RELIEF  
25 UNDER § 4-501 OF THE FAMILY LAW ARTICLE WHILE THE PERSON COMMITS ABUSE  
26 AS DEFINED IN § 4-501 OF THE FAMILY LAW ARTICLE; AND

1                   (2)     (I)     THE PERSON HAS ENGAGED IN A PAST PATTERN OF ABUSE OF  
2 THE VICTIM; OR

3                                 (II)     THE DEATH OCCURS UNDER CIRCUMSTANCES THAT SHOW AN  
4 EXTREME INDIFFERENCE TO HUMAN LIFE.

5     (B)     A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO LIFE  
6 IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE BUT MAY NOT BE  
7 SENTENCED TO DEATH OR IMPRISONMENT FOR LIFE.

8 412.

9     (b)     Except as provided under subsection (g) of this section AND § 410A OF THIS  
10 SUBHEADING, a person found guilty of murder in the first degree shall be sentenced  
11 to death, imprisonment for life, or imprisonment for life without the possibility of  
12 parole. The sentence shall be imprisonment for life unless: (1)(i) the State notified the  
13 person in writing at least 30 days prior to trial that it intended to seek a sentence of  
14 death, and advised the person of each aggravating circumstance upon which it  
15 intended to rely, and (ii) a sentence of death is imposed in accordance with § 413 OF  
16 THIS ARTICLE; or (2) the State notified the person in writing at least 30 days prior to  
17 trial that it intended to seek a sentence of imprisonment for life without the  
18 possibility of parole under [§ 412] THIS SECTION or § 413 of this article.

19     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 1999.