

---

By: **Delegates Marriott, Benson, Billings, Bobo, Cole, C. Davis, D. Davis, Dobson, Fulton, Gladden, Grosfeld, Healey, Heller, Hixson, Howard, A. Jones, V. Jones, Kirk, Kopp, Mandel, McIntosh, Menes, Montague, Nathan-Pulliam, Paige, Patterson, Phillips, Proctor, Rawlings, Shriver, and Swain**

Introduced and read first time: February 3, 2000  
Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Death Penalty - Moratorium**

3 FOR the purpose of prohibiting an individual who has been sentenced to death from  
4 being executed during a certain time period; prohibiting a judge from issuing a  
5 warrant of execution during a certain time period; providing that if a judge has  
6 issued a certain warrant of execution that has not been executed before a certain  
7 time period that the warrant is void and the individual may not be executed  
8 before a certain time period; providing for the construction of this Act; making  
9 this Act subject to a certain contingency; and generally relating to the death  
10 penalty.

11 BY repealing and reenacting, without amendments,  
12 Article - Correctional Services  
13 Section 3-901  
14 Annotated Code of Maryland  
15 (1999 Volume)

16 **Preamble**

17 WHEREAS, A two-year research study of the administration of the death  
18 penalty conducted by the Department of Criminology of the University of Maryland,  
19 College Park, to be completed by June 30, 2002, is authorized in the State budget for  
20 fiscal year 2001; and

21 WHEREAS, The purpose of this study is not simply to examine whether there is  
22 bias in the process or even the appearance of bias, whether based on race, ethnicity,  
23 economic status, or any other reason, but rather to identify any problems and to  
24 recommend solutions to address any problems; and

25 WHEREAS, Because the report based on the study will be completed by June  
26 30, 2002, a moratorium on the imposition of the death penalty until June 30, 2003

1 will allow the General Assembly to consider the report and any potential legislation  
2 based on the report during the 2003 session of the General Assembly; now, therefore,

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

5 **Article - Correctional Services**

6 3-901.

7 (a) Whenever an individual is sentenced to death, the judge of the court where  
8 the conviction takes place shall cause the individual to be taken into custody by the  
9 sheriff of the county in which the individual was indicted.

10 (b) (1) While the inmate is in the custody of the sheriff, the sheriff shall:

11 (i) hold the inmate under guard as the sheriff determines to be  
12 necessary; and

13 (ii) keep the inmate in solitary confinement in the same manner as  
14 is required when the inmate is in the custody of the Division.

15 (2) As soon as possible, the sheriff shall deliver the inmate to the  
16 Division to await the execution of the inmate's sentence.

17 (c) The expenses of the Division relating to the detention of an inmate under  
18 sentence of death, including the expenses of guarding, lodging, feeding, clothing, and  
19 caring for the inmate, may not be assessed against, billed to, or paid by the county in  
20 which the inmate was indicted.

21 SECTION 2. AND BE IT FURTHER ENACTED, That:

22 (a) An individual who has been sentenced to death may not be executed from  
23 the effective date of this Act to June 30, 2003, both inclusive;

24 (b) A judge may not issue a warrant of execution from the effective date of this  
25 Act to June 30, 2003, both inclusive; and

26 (c) If a judge has issued a warrant of execution before the effective date of this  
27 Act but the sentence has not been executed before the effective date of this Act, the  
28 warrant of execution is void and the individual subject to the warrant may not be  
29 executed until on or after July 1, 2003.

30 SECTION 3. AND BE IT FURTHER ENACTED, That, except as provided in  
31 Section 2 of this Act, this Act may not be construed to affect in any other way the laws  
32 concerning the death penalty, including the procedures and time frames for  
33 notifications, determinations, and judicial review of death penalty decisions.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 2000, contingent on the inclusion in the Budget Bill for fiscal year 2001 of  
3 funding for a two-year study of the death penalty.