

SENATE BILL 316

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HB 388/00 - JUD

2001 Regular Session
11r1549
CF 11r0713

By: **Senators Blount, Conway, Currie, Exum, Frosh, Hoffman, Hughes,
Kelley, Lawlah, McFadden, Mitchell, Pinsky, Sfikas, and Teitelbaum**
Introduced and read first time: January 29, 2001
Assigned to: Judicial Proceedings

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 the warrant is void and the individual may not be executed before a
8 certain time period; providing for the construction of this Act; and generally
9 relating to the death penalty.

10 BY repealing and reenacting, without amendments,
11 Article - Correctional Services
12 Section 3-901
13 Annotated Code of Maryland
14 (1999 Volume and 2000 Supplement)

15 **Preamble**

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

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

24 WHEREAS, Because the report based on the study will be completed by June
25 30, 2002, a moratorium on the imposition of the death penalty until June 30, 2003,
26 will allow the General Assembly to consider the report and any potential legislation
27 based on the report during the 2003 Session of the General Assembly; now, therefore,

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

3 **Article - Correctional Services**

4 3-901.

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

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

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

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

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

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

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

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

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

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

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

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2001.