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# 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

Committee Report: Favorable with amendments Senate action: Adopted Read second time: April 3, 2001

CHAPTER\_\_\_\_\_

1 AN ACT concerning

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### **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 <u>suspended until a certain date</u> and the

8 individual may not be executed before a certain time period <u>date;</u> providing for

9 the construction of this Act; and generally 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)

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### 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

### **SENATE BILL 316**

#### 1 <u>WHEREAS, A person found guilty of first degree murder in the State is subject</u> 2 to life imprisonment without the possibility of parole; and

3 WHEREAS, Because the report based on the study will be completed by June

4 30, 2002, a moratorium on the imposition of the death penalty until June 30,  $\frac{2003}{2003}$ 

5 2002, will allow the General Assembly to consider the report and any potential

6 legislation based on the report during the 2003 Session of the General Assembly; now,7 therefore,

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 9 MARYLAND, That the Laws of Maryland read as follows:

10

## **Article - Correctional Services**

11 3-901.

12 (a) Whenever an individual is sentenced to death, the judge of the court where 13 the conviction takes place shall cause the individual to be taken into custody by the 14 sheriff of the county in which the individual was indicted.

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

16(i)hold the inmate under guard as the sheriff determines to be17 necessary; and

18 (ii) keep the inmate in solitary confinement in the same manner as19 is required when the inmate is in the custody of the Division.

20 (2) As soon as possible, the sheriff shall deliver the inmate to the 21 Division to await the execution of the inmate's sentence.

22 (c) The expenses of the Division relating to the detention of an inmate under 23 sentence of death, including the expenses of guarding, lodging, feeding, clothing, and 24 caring for the inmate, may not be assessed against, billed to, or paid by the county in 25 which the inmate was indicted.

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

27 (a) An individual who has been sentenced to death may not be executed from 28 the effective date of this Act to June 30, <del>2003</del> <u>2002</u>, both inclusive;

29 (b) A judge may not issue a warrant of execution from the effective date of this
30 Act to June 30, 2003 2002, both inclusive; and

31 (c) If a judge has issued a warrant of execution before the effective date of this

32 Act but the sentence has not been executed before the effective date of this Act, the

33 warrant of execution is void suspended until July 1, 2002 and the individual subject

34 to the warrant may not be executed until on or after July 1, 2003 2002.

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#### **SENATE BILL 316**

SECTION 3. AND BE IT FURTHER ENACTED, That, except as provided in
 Section 2 of this Act, this Act may not be construed to affect in any other way the laws

3 concerning the death penalty, including the procedures and time frames for 4 notifications, determinations, and judicial review of death penalty decisions.

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect 6 July 1, 2001.