
By: **Chairman, Judiciary Committee and Delegate Grosfeld**
Introduced and read first time: January 18, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Death Sentence Review - Life Without Parole**

3 FOR the purpose of authorizing the Court of Appeals to set aside a death sentence
4 and remand for certain proceedings relating to imprisonment for life without the
5 possibility of parole in certain circumstances; and authorizing the Court to set
6 aside a death sentence and remand for imposition of a sentence of imprisonment
7 for life without the possibility of parole in certain circumstances.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Law
10 Section 2-401(d)
11 Annotated Code of Maryland
12 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
13 2002)

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

16 **Article - Criminal Law**

17 2-401.

18 (d) (1) In addition to any error properly before the Court on appeal, the
19 Court of Appeals shall consider the imposition of the death sentence.

20 (2) With regard to the death sentence, the Court of Appeals shall
21 determine whether:

22 (i) the imposition of the death sentence was influenced by passion,
23 prejudice, or any other arbitrary factor;

24 (ii) the evidence supports the finding by the court or jury of a
25 statutory aggravating circumstance under § 2-303(g) of this title; and

1 (iii) the evidence supports a finding by the court or jury that the
2 aggravating circumstances outweigh the mitigating circumstances under § 2-303(h)
3 and (i)(1) of this subtitle.

4 (3) In addition to its review under any direct appeal, with regard to the
5 death sentence, the Court of Appeals shall:

6 (i) affirm the death sentence;

7 (ii) set the death sentence aside and remand the case for a new
8 sentencing proceeding under § 2-303 of this title;

9 (III) IF THE STATE GAVE NOTICE UNDER § 2-203(1) OF THIS TITLE,
10 SET THE DEATH SENTENCE ASIDE AND REMAND THE CASE FOR A NEW SENTENCING
11 PROCEEDING UNDER § 2-304 OF THIS TITLE; or

12 [(iii)] (IV) set the death sentence aside and remand the case for
13 modification of the sentence to imprisonment for life, OR, IF THE STATE GAVE NOTICE
14 UNDER § 2-203(1) OF THIS TITLE, TO IMPRISONMENT FOR LIFE WITHOUT THE
15 POSSIBILITY OF PAROLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect October 1, 2002.