
By: **Chairman, Judiciary Committee and Delegate Grosfeld**

Introduced and read first time: January 18, 2002

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 12, 2002

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Death Sentence Proceedings - Evidence**

3 FOR the purpose of clarifying that a defendant may rebut certain evidence during a
4 death penalty sentencing proceeding; and generally relating to death penalty
5 sentencing.

6 BY repealing and reenacting, with amendments,
7 Article - Criminal Law
8 Section 2-303(e)
9 Annotated Code of Maryland
10 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
11 2002)

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

14 **Article - Criminal Law**

15 2-303.

16 (e) (1) The following type of evidence is admissible in a sentencing
17 proceeding:

18 (i) evidence relating to a mitigating circumstance that is listed
19 under subsection (h) of this section;

20 (ii) evidence relating to an aggravating circumstance:

- 1 1. that is listed under subsection (g) of this section; and
 2 2. of which the State provided notice under § 2-202(a)(1)(ii)
 3 of this subtitle;
- 4 (iii) evidence of a prior criminal conviction, guilty plea, plea of nolo
 5 contendere, or the absence of any prior convictions or pleas, to the same extent that
 6 the evidence would be admissible in other sentencing procedures;
- 7 (iv) subject to paragraph (2) of this subsection, any presentence
 8 investigation report; and
- 9 (v) any other evidence the court finds to have probative value and
 10 relevance to sentencing, if the defendant has a fair opportunity to rebut [any
 11 statement] THAT EVIDENCE.

12 (2) A recommendation in a presentence investigation report as to a
 13 sentence is not admissible in a sentencing proceeding.

14 (3) The State and the defendant or counsel for the defendant may
 15 present argument for or against the sentence of death.

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