

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 201 (Chairman, Judiciary Committee and Delegate Grosfeld)
Judiciary

Death Sentence Review - Life Without Parole

This bill specifies actions that the Court of Appeals may take in its review of death penalty cases if the State has provided notice to also seek a sentence of life imprisonment without the possibility of parole. The Court of Appeals is authorized to set aside the death sentence and order a new sentencing procedure or set the death sentence aside and remand the case for modification of the sentence to life imprisonment without the possibility of parole.

Fiscal Summary

State Effect: None. The bill's changes are not expected to materially affect State operations or finances.

Local Effect: None. The bill's changes are not expected to materially affect local operations or finances.

Small Business Effect: None.

Analysis

Current Law: The Court of Appeals is required by statute to review every death sentence imposition. The death sentence review must be consolidated with an appeal of the verdict. In addition to its review of the verdict, with regard to the death sentence, the court must affirm the sentence, set aside the sentence and return the case to the trial court for a new sentencing procedure, or set aside the sentence and send the case back to the trial court for modification of the sentence to life imprisonment.

Background: This bill is the result of the work of the Criminal Law Article Code Revision Committee. While revising the criminal laws, that committee encountered issues that were not appropriate for inclusion in the code revision bill because they involved substantive changes to the law. In the revisor's notes to House Bill 11, the Criminal Law Article code revision bill, the committee recommended that the General Assembly address these issues. This is one of several bills resulting from these recommendations.

House Bill 11 is silent on the actions the Court of Appeals may take if the State has provided proper notice to a capital defendant of the intention to seek a sentence of life imprisonment without parole. This bill specifies the actions the court may take when such notice has been provided.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Judiciary (Administrative Office of the Courts), Public Defender's Office, Department of Public Safety and Correctional Services, Department of Legislative Services

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Analysis by: Karen D. Morgan

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510