

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 204
Judiciary

(Chairman, Judiciary Committee and Delegate Grosfeld)

Judicial Proceedings

Criminal Law - Death Sentence Proceedings - Evidence

This bill clarifies that any evidence a court finds is relevant to sentencing and has probative value is admissible in a death penalty sentencing proceeding, as long as the defendant has a fair opportunity to rebut the specific evidence presented.

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: Among the types of evidence admissible in a death penalty sentencing proceeding for first degree murder is any evidence the court deems is relevant and has probative value, as long as the defendant has a fair opportunity to rebut any statement.

Background: This bill is the result of the work of the Criminal Law Article Code Revision Committee. While revising the criminal laws, the 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 bill creating the new Criminal Law Article, the committee recommended that the General

Assembly address these issues. This is one of several bills resulting from these recommendations.

Currently, in the sentencing phase of a death penalty case, the court may admit evidence relating to mitigating circumstances, aggravating circumstances, prior criminal history, presentence reports, and “any other evidence the court finds to have probative value and relevant to sentencing.” This other probative and relevant evidence is not limited to statements. The bill clarifies that a defendant may rebut any of the other evidence introduced in a death sentence proceeding, not just statements.

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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