

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 12

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “executed” insert “before a certain date”; in the same line, after “execution” insert “before a certain date”; strike beginning with “requiring” in line 6 down through “execution” in line 13 and substitute “establishing a Maryland Commission on Capital Punishment; providing for the membership of the Commission; establishing the chairman of the Commission; authorizing the Commission to hold public hearings; providing for the staffing of the Commission; requiring certain entities to cooperate with the Commission; providing for the funding of the Commission; providing that a member of the Commission may not receive compensation but is entitled to certain reimbursement; establishing the duties of the Commission; requiring the Commission to make certain reports at certain times”; in line 13, after “Act;” insert “providing for the effective date and termination date of certain provisions of this Act;”; and in line 14, after “measure;” insert “providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 1, in line 22, strike “being”; in line 23, strike “should be” and substitute “is”; and in the same line, strike “by December 31, 2002”.

On page 2, in line 1, strike “should be” and substitute “is”; and in lines 1 and 2, strike “by December 31, 2002”.

AMENDMENT NO. 3

On page 2, in line 11, after “EXECUTED” insert “BEFORE JULY 1, 2005”; and in line 13, after the first “EXECUTION” insert “BEFORE JULY 1, 2005,”.

AMENDMENT NO. 4

On page 2, strike in their entirety lines 16 through 29, inclusive, and substitute:

(Over)

“(a) There is a Maryland Commission on Capital Punishment.

(b) The Commission consists of the following members:

(1) the Lieutenant Governor;

(2) two members of the Senate of Maryland, appointed by the President of the Senate;

(3) two members of the House of Delegates, appointed by the Speaker of the House;

(4) the Attorney General, or the Attorney General’s designee;

(5) the State Public Defender, or the State Public Defender’s designee;

(6) a State’s Attorney recommended by the president of the Maryland State’s Attorney’s Association;

(7) the president of the Maryland State Bar Association, or the president’s designee who is not a prosecutor or criminal defense attorney;

(8) one member of the Judiciary, appointed by the Chief Judge of the Court of Appeals;

(9) the Secretary of Public Safety and Correctional Services, or the Secretary’s designee;

(10) the president of the Maryland Conference of the NAACP, or the president’s designee; and

(11) the following members, appointed by the Governor;

(i) one representative of the Maryland Crime Victims’ Resource Center;

(ii) one representative of the religious community; and

(iii) two representatives of the general public.

- (c) The chairman of the Commission shall be the Lieutenant Governor.
- (d) The Commission may hold public hearings.
- (e) (1) The Maryland Justice Analysis Center of the Department of Criminology at the University of Maryland shall provide staff for the Commission.
  - (2) All State, county, and municipal agencies, departments, boards, bureaus, commissions, and agencies shall cooperate fully with the Commission.
- (f) Funds necessary for the functioning of the Commission shall be as provided in the State budget.
- (g) A member of the Commission:
  - (1) may not receive compensation; but
  - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (h) (1) The Commission shall:
  - (i) study capital punishment in the State; and
  - (ii) review:
    - 1. the findings of the 2-year University of Maryland study, “An Empirical Analysis of Maryland’s Death Sentencing System with Respect to the Influence of Race and Legal Jurisdiction”;
    - 2. the June 2001 Protocols of the American Bar Association Section of Individual Rights and Responsibilities;

3. “Mandatory Justice: Eighteen Reforms to the Death Penalty”, a report of The Constitution Project’s bipartisan, blue-ribbon commission of capital punishment supporters and opponents; and

4. other nonpartisan, academic, or government inquiries into the administration of capital punishment at state and national levels.

(2) (i) The Commission shall make recommendations to guarantee that the application and administration of capital punishment in the State and the public policy of the State regarding capital punishment is free from bias and error and designed to guarantee fairness and accuracy.

(ii) The recommendations shall address:

1. racial disparities;

2. jurisdictional disparities;

3. socio-economic disparities;

4. the risk of innocent people being executed;

5. evolving standards of decency regarding state executions; and

6. a comparison of the costs associated with death sentences and the costs associated with sentences of life imprisonment without the possibility of parole.

(i) (1) The Commission shall make a preliminary report on its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the House Judiciary Committee and the Senate Judicial Proceedings Committee during the 2004 Session of the General Assembly.

(2) The Commission shall make a final report on its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the General Assembly on or before November 30, 2004.”;

and after line 33, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2003. It shall remain effective for a period of 1 year and 6 months and, at the end of December 31, 2004, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.

AMENDMENT NO. 5

On page 2, in line 34, strike “4.” and substitute “5.”; in line 37, after “and” insert “, except as provided in Section 4 of this Act,”; and in line 38, after the period insert “Except as provided in Section 4 of this Act, this Act shall remain effective through July 1, 2005 and, at the end of July 1, 2005, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.