
By: **Delegates Brown, Anderson, and Quinter**
Introduced and read first time: February 7, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study the Need for Prosecutorial Guidelines and Procedures**
3 **to Govern Death Penalty Decisions**

4 FOR the purpose of establishing a Task Force to Study the Need for Prosecutorial
5 Guidelines and Procedures to Govern Death Penalty Decisions; providing for the
6 membership of the Task Force; requiring the Governor to designate a
7 chairperson for the Task Force; requiring the Department of Public Safety and
8 Correctional Services to staff the Task Force; providing that a member of the
9 Task Force may not receive compensation, but is entitled to a certain
10 reimbursement; establishing the duties of the Task Force; requiring the Task
11 Force to report to certain entities on or before a certain date; providing for the
12 termination of this Act; and generally relating to the Task Force to Study the
13 Need for Prosecutorial Guidelines and Procedures to Govern Death Penalty
14 Decisions.

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That:

17 (a) There is a Task Force to Study the Need for Prosecutorial Guidelines and
18 Procedures to Govern Death Penalty Decisions.

19 (b) The Task Force consists of the following members:

20 (1) two members of the Senate of Maryland, appointed by the President
21 of the Senate;

22 (2) two members of the House of Delegates, appointed by the Speaker of
23 the House;

24 (3) the Chief Judge of the Maryland Court of Appeals or a designee of the
25 Chief Judge who is a judge or a former judge on the Maryland Court of Appeals or the
26 Maryland Court of Special Appeals;

27 (4) one judge of the circuit court of Maryland appointed by the Chief
28 Judge of the Court of Appeals;

29 (5) the Attorney General or the Attorney General's designee;

1 (6) the Maryland Public Defender, or the Public Defender's designee;

2 (7) the Secretary of Public Safety and Correctional Services, or the
3 Secretary's designee; and

4 (8) the following members appointed by the Governor:

5 (i) two State's Attorneys from geographically diverse areas of the
6 State, recommended by the President of the Maryland State's Attorneys Association;

7 (ii) two criminal defense attorneys from geographically diverse
8 areas of the State, recommended by the President of the Maryland Criminal Defense
9 Lawyers Association;

10 (iii) one representative from a victim's advocacy group;

11 (iv) one representative from law enforcement;

12 (v) one member with a background in criminal justice who is a
13 recognized expert in the field; and

14 (vi) one member from the general public.

15 (c) The Governor shall designate the chairman of the Task Force.

16 (d) The Department of Public Safety and Correctional Services shall provide
17 staff for the Task Force.

18 (e) A member of the Task Force:

19 (1) may not receive compensation; but

20 (2) is entitled to reimbursement for expenses under the Standard State
21 Travel Regulations, as provided in the State budget.

22 (f) The Task Force shall:

23 (1) investigate whether the State needs to take action to establish
24 prosecutorial guidelines and procedures to ensure that the death penalty decision
25 making process is being handled in an equitable and unbiased manner throughout
26 the jurisdictions of the State;

27 (2) investigate the actions of other states in the implementation of
28 prosecutorial guidelines and procedures to govern the death penalty decision making
29 process;

30 (3) investigate whether adequate resources are available in all
31 jurisdictions in the State to provide the necessary support if a prosecutor makes the
32 decision to pursue the death penalty;

1 (4) study what effect the establishment of prosecutorial guidelines and
2 procedures would have on the death penalty decision making process in the State;

3 (5) if the Task Force determines that there is a need for the
4 implementation of prosecutorial guidelines and procedures to govern the death
5 penalty decision making process, determine what organizations or government
6 agencies should be involved in the development of guidelines; and

7 (6) if the Task Force determines that there is a need for the
8 implementation of prosecutorial guidelines and procedures to govern the death
9 penalty decision making process, develop a recommended model for the prosecutorial
10 guidelines and procedures.

11 (g) The Task Force shall report its findings and recommendations to the Court
12 of Appeals, the Governor, the Lieutenant Governor, the President of the Senate of
13 Maryland, the Speaker of the House of Delegates, the House Judiciary Committee,
14 the Senate Judicial Proceedings Committee and, subject to § 2-1246 of the State
15 Government Article, the General Assembly on or before December 30, 2003.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 June 1, 2003. It shall remain effective for a period of 1 year and, at the end of May 31,
18 2004, with no further action required by the General Assembly, this Act shall be
19 abrogated and of no further force and effect.