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By: **Delegates Quinter, Anderson, Kelly, McHale, O'Donnell, and Shank**  
Introduced and read first time: February 7, 2003  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Serial Murder Death Penalty Act**

3 FOR the purpose of adding the commission of a certain number of murders in the first  
4 degree within a certain period of time to the list of aggravating circumstances a  
5 court or jury is required to consider before a defendant can be sentenced to  
6 death; and generally relating to the death penalty.

7 BY repealing and reenacting, without amendments,  
8 Article - Criminal Law  
9 Section 2-303(b)  
10 Annotated Code of Maryland  
11 (2002 Volume)

12 BY repealing and reenacting, with amendments,  
13 Article - Criminal Law  
14 Section 2-303(g)  
15 Annotated Code of Maryland  
16 (2002 Volume)

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

19 **Article - Criminal Law**

20 2-303.

21 (b) If the State gave notice under § 2-202(a)(1) of this title, a separate  
22 sentencing proceeding shall be held as soon as practicable after a defendant is found  
23 guilty of murder in the first degree to determine whether the defendant shall be  
24 sentenced to death.

25 (g) (1) In determining a sentence under subsection (b) of this section, the  
26 court or jury first shall consider whether any of the following aggravating  
27 circumstances exists beyond a reasonable doubt:

- 1 (i) one or more persons committed the murder of a law  
2 enforcement officer while the officer was performing the officer's duties;
- 3 (ii) the defendant committed the murder while confined in a  
4 correctional facility;
- 5 (iii) the defendant committed the murder in furtherance of an  
6 escape from, an attempt to escape from, or an attempt to evade lawful arrest, custody,  
7 or detention by:
- 8 1. a guard or officer of a correctional facility; or  
9 2. a law enforcement officer;
- 10 (iv) the victim was taken or attempted to be taken in the course of  
11 an abduction, kidnapping, or an attempt to abduct or kidnap;
- 12 (v) the victim was a child abducted in violation of § 3-503(a)(1) of  
13 this article;
- 14 (vi) the defendant committed the murder under an agreement or  
15 contract for remuneration or promise of remuneration to commit the murder;
- 16 (vii) the defendant employed or engaged another to commit the  
17 murder and the murder was committed under an agreement or contract for  
18 remuneration or promise of remuneration;
- 19 (viii) the defendant committed the murder while under a sentence of  
20 death or imprisonment for life;
- 21 (ix) the defendant committed more than one murder in the first  
22 degree arising out of the same incident; [or]
- 23 (x) the defendant committed the murder while committing, or  
24 attempting to commit:
- 25 1. arson in the first degree;  
26 2. carjacking or armed carjacking;  
27 3. rape in the first degree;  
28 4. robbery under § 3-402 or § 3-403 of this article; or  
29 5. sexual offense in the first degree; OR
- 30 (XI) THE DEFENDANT COMMITTED THREE OR MORE MURDERS IN  
31 THE FIRST DEGREE WITHIN A 4-YEAR PERIOD.
- 32 (2) If the court or jury does not find that one or more of the aggravating  
33 circumstances exist beyond a reasonable doubt:

1 (i) it shall state that conclusion in writing; and

2 (ii) a death sentence may not be imposed.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2003.