

HOUSE BILL 301

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2004 Regular Session
4lr0137
CF 4lr0051

By: **The Speaker and the Minority Leader (By Request - Administration)**
and Delegates Edwards, Amedori, Anderson, Arnick, Aumann, Barkley,
Bartlett, Bates, Boschert, Boteler, Boutin, Bromwell, Cluster, Costa,
Cryor, C. Davis, DeBoy, Dwyer, Eckardt, Elliott, Elmore, Frank, Fulton,
Glassman, Haddaway, Hennessy, Hogan, Impallaria, Jennings, Kach,
Kelly, Krebs, McComas, McDonough, McKee, McMillan, Mitchell,
O'Donnell, Owings, Parrott, Shank, Smigiel, Sossi, Stocksedale,
Trueschler, Vaughn, Walkup, and Weldon

Introduced and read first time: January 27, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Victim and Witness Intimidation - Death Penalty**

3 FOR the purpose of making the first degree murder of victims, witnesses, and certain
4 individuals in the course of committing or attempting to commit certain crimes
5 relating to the individuals' official duties or participation in certain proceedings,
6 reports, or investigations an aggravating factor for the purpose of imposing the
7 death penalty; and generally relating to victim and witness intimidation and the
8 death penalty.

9 BY repealing and reenacting, without amendments,
10 Article - Criminal Law
11 Section 2-303(b)
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2003 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Law
16 Section 2-303(g)(1)
17 Annotated Code of Maryland
18 (2002 Replacement Volume and 2003 Supplement)

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

1

Article - Criminal Law

2 2-303.

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

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

10 (i) one or more persons committed the murder of a law
11 enforcement officer while the officer was performing the officer's duties;

12 (ii) the defendant committed the murder while confined in a
13 correctional facility;

14 (iii) the defendant committed the murder in furtherance of an
15 escape from, an attempt to escape from, or an attempt to evade lawful arrest, custody,
16 or detention by:

17 1. a guard or officer of a correctional facility; or

18 2. a law enforcement officer;

19 (iv) the victim was taken or attempted to be taken in the course of
20 an abduction, kidnapping, or an attempt to abduct or kidnap;

21 (v) the victim was a child abducted in violation of § 3-503(a)(1) of
22 this article;

23 (vi) the defendant committed the murder under an agreement or
24 contract for remuneration or promise of remuneration to commit the murder;

25 (vii) the defendant employed or engaged another to commit the
26 murder and the murder was committed under an agreement or contract for
27 remuneration or promise of remuneration;

28 (viii) the defendant committed the murder while under a sentence of
29 death or imprisonment for life;

30 (ix) the defendant committed more than one murder in the first
31 degree arising out of the same incident; or

32 (x) the defendant committed the murder while committing, or
33 attempting to commit:

34 1. arson in the first degree;

HOUSE BILL 301

- 1 2. carjacking or armed carjacking;
- 2 3. rape in the first degree;
- 3 4. robbery under § 3-402 or § 3-403 of this article; [or]
- 4 5. sexual offense in the first degree; OR
- 5 6. A VIOLATION OF § 9-302, § 9-303, OR § 9-305 OF THIS
- 6 ARTICLE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 2004.