
By: **Delegates Quinter, Amedori, DeBoy, Malone, Pendergrass, Shank,
Sophocleus, and F. Turner**

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prosecutor Protection Act of 2004**

3 FOR the purpose of adding the murder of a certain prosecutor to the list of
4 aggravating circumstances to be considered when determining whether a
5 defendant who is found guilty of murder in the first degree shall be sentenced to
6 death; defining a certain term; and generally relating to the murder of a
7 prosecutor and the aggravating circumstances considered in determining
8 whether a defendant is sentenced to death.

9 BY repealing and reenacting, with amendments,

10 Article - Criminal Law
11 Section 2-202(a) and 2-303(a) and (g)
12 Annotated Code of Maryland
13 (2002 Volume and 2003 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article - Criminal Law
16 Section 2-303(b)
17 Annotated Code of Maryland
18 (2002 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:

21 **Article - Criminal Law**

22 2-202.

23 (a) A defendant found guilty of murder in the first degree may be sentenced to
24 death only if:

25 (1) at least 30 days before trial, the State gave written notice to the
26 defendant of:

- 1 (i) the State's intention to seek a sentence of death; and
- 2 (ii) each aggravating circumstance on which the State intends to
3 rely;
- 4 (2) (i) with respect to § 2-303(g) of this title, except for § 2-303(g)(1)(i)
5 [and (vii)], (VII), AND (XI) of this title, the defendant was a principal in the first
6 degree; or
- 7 (ii) with respect to § 2-303(g)(1)(i) AND (XI) of this title, a law
8 enforcement officer OR A PROSECUTOR, as defined in § 2-303(a) of this title, was
9 murdered and the defendant was:
- 10 1. a principal in the first degree; or
- 11 2. a principal in the second degree who:
- 12 A. willfully, deliberately, and with premeditation intended
13 the death of the law enforcement officer OR PROSECUTOR;
- 14 B. was a major participant in the murder; and
- 15 C. was actually present at the time and place of the murder;
16 and
- 17 (3) the sentence of death is imposed in accordance with § 2-303 of this
18 title.
- 19 2-303.
- 20 (a) (1) In this section the following words have the meanings indicated.
- 21 (2) (i) "Correctional facility" has the meaning stated in § 1-101 of this
22 article.
- 23 (ii) "Correctional facility" includes:
- 24 1. an institution for the confinement or detention of juveniles
25 charged with or adjudicated as being delinquent; and
- 26 2. a hospital in which a person is confined under an order of
27 a court exercising criminal jurisdiction.
- 28 (3) (i) "Law enforcement officer" means a law enforcement officer as
29 defined under the Law Enforcement Officers' Bill of Rights, § 3-101 of the Public
30 Safety Article.
- 31 (ii) "Law enforcement officer" includes:
- 32 1. a law enforcement officer of a jurisdiction outside of the
33 State;

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

3 (ix) the defendant committed more than one murder in the first
4 degree arising out of the same incident; [or]

5 (x) the defendant committed the murder while committing, or
6 attempting to commit:

7 1. arson in the first degree;

8 2. carjacking or armed carjacking;

9 3. rape in the first degree;

10 4. robbery under § 3-402 or § 3-403 of this article; or

11 5. sexual offense in the first degree; OR

12 (XI) ONE OR MORE PERSONS COMMITTED THE MURDER OF A
13 PROSECUTOR IN RETALIATION FOR OR WITH THE INTENT TO INTERFERE WITH THE
14 PERFORMANCE OF THE PROSECUTOR'S DUTIES.

15 (2) If the court or jury does not find that one or more of the aggravating
16 circumstances exist beyond a reasonable doubt:

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

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

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