
By: **Delegates Quinter, Anderson, Barkley, Bohanan, Cadden, G. Clagett, Cluster, Conroy, DeBoy, Dwyer, Feldman, Hammen, Impallaria, Kelly, Krebs, Mayer, McComas, McHale, McMillan, Moe, O'Donnell, Shank, Shewell, Simmons, Smigiel, and Sophocleus**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

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 and 2004 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
14 Section 2-303(g)
15 Annotated Code of Maryland
16 (2002 Volume and 2004 Supplement)

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.

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

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

6 (ii) the defendant committed the murder while confined in a
7 correctional facility;

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

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

12 2. a law enforcement officer;

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

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

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

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

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

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

26 (x) the defendant committed the murder while committing, or
27 attempting to commit:

28 1. arson in the first degree;

29 2. carjacking or armed carjacking;

30 3. rape in the first degree;

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

32 5. sexual offense in the first degree; OR

1 (XI) THE DEFENDANT COMMITTED THREE OR MORE MURDERS IN
2 THE FIRST DEGREE WITHIN A 4-YEAR PERIOD.

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

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2005.