

SB0279/283623/2

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 279

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Repeal” and substitute “Restriction”; in line 3, strike the first “repealing” and substitute “restricting”; in the same line, after “penalty” insert “to a case in which the court or jury finds beyond a reasonable doubt that a certain defendant committed murder in the first degree and rape of a certain child”; strike beginning with “repealing procedures” in line 3 down through “penalty;” in line 4; in line 4, after “providing” insert “, with certain exceptions,”; strike beginning with “providing” in line 8 down through “penalty;” in line 11; in lines 12 and 16, in each instance, strike “repeal” and substitute “restriction”; and in line 17, after “penalty” insert “to certain cases”.

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 18 on page 2, inclusive.

On page 2, in line 19, after “repealing” insert “and reenacting, without amendments,”; strike beginning with “2-103(h)” in line 21 down through “Appeals” in line 22 and substitute “2-201(b)”; in line 27, strike “2-201(b), 2-304(a), 2-305, and 14-101” and substitute “2-202 and 2-303”; and strike in their entirety lines 30 through 40, inclusive.

On page 3, strike in their entirety lines 1 through 16, inclusive; strike beginning with “That” in line 18 down through “ENACTED,” in line 25.

AMENDMENT NO. 2

On pages 3 through 9, strike in their entirety the lines beginning with line 27 on page 3 through line 28 on page 9, inclusive.

(Over)

On page 9, strike line 30 in its entirety.

AMENDMENT NO. 3

On page 10, strike in their entirety lines 1 through 4, inclusive; in lines 8, 9, and 10, in each instance, strike the bracket; in line 10, strike “(II)”; and in lines 11, 12, and 15, in each instance, strike the bracket; strike beginning with the colon in line 19 down through “(i)” in line 20; strike beginning with the semicolon in line 20 down through “rely” in line 22 and substitute “**BECAUSE THE MURDER WAS COMMITTED WHILE THE DEFENDANT WAS COMMITTING OR ATTEMPTING TO COMMIT RAPE IN THE FIRST DEGREE OF A CHILD UNDER THE AGE OF 12 YEARS**”; strike beginning with “(i)” in line 23 down through “title,” in line 24; and in the same line, strike “or” and substitute “**AND**”.

On pages 10 and 11, strike in their entirety the lines beginning with line 25 on page 10 through line 3 on page 11.

AMENDMENT NO. 4

On page 11, in lines 17 and 27, in each instance, strike the bracket; strike in their entirety lines 18 through 26, inclusive; in line 28, strike “(1)”; strike beginning with the first “the” in line 28 down through “(i)” in line 29 and substitute a “:

(1);

and in line 30, strike the period and substitute “;**AND**”.

On page 12, in lines 1, 2, and 4, strike “(ii)”, “1.”, and “2.”, respectively, and substitute “**(2)**”, “**(I)**”, and “**(II)**”, respectively; and strike in their entirety lines 6 through 18, inclusive.

AMENDMENT NO. 5

On page 13, in line 23, strike “an” and substitute “**THE**”; and in line 24, strike “listed” and substitute “**SPECIFIED**”.

AMENDMENT NO. 6

On page 14, in line 20, strike “any of the following” and substitute “**THE**”; and in line 21, strike “circumstances” and substitute “**CIRCUMSTANCE OF THE DEFENDANT COMMITTING THE MURDER WHILE COMMITTING OR ATTEMPTING TO COMMIT RAPE IN THE FIRST DEGREE OF A CHILD UNDER THE AGE OF 12 YEARS**”.

AMENDMENT NO. 7

On pages 14 and 15, strike beginning with the colon in line 21 on page 14 down through “degree” in line 18 on page 15.

On page 15, strike beginning with “one” in line 19 down through “exist” in line 20 and substitute “**THE AGGRAVATING CIRCUMSTANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION EXISTS**”.

AMENDMENT NO. 8

On page 16, strike beginning with “one” in line 11 down through “circumstances” in line 12 and substitute “**THE AGGRAVATING CIRCUMSTANCE**”; and in line 12, strike “exist” and substitute “**EXISTS**”.

AMENDMENT NO. 9

On page 17, in lines 9, 10, 11, 22, and 25, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”; in lines 10, 12, and 23, in each instance, strike “outweigh” and substitute “**OUTWEIGHS**”; in lines 14 and 26, in each instance, strike “do” and substitute “**DOES**”; in line 20, strike “each” and substitute “**THAT THE**”; in the same line, strike “found” and substitute “**WAS FOUND UNDER SUBSECTION (G) OF THE SECTION**”; and in line 22, strike “any” and substitute “**THE**”.

On page 18, in line 27, strike the bracket.

On pages 18 through 24, strike in their entirety the lines beginning with line 28 on page 18 through line 31 on page 24, inclusive.

AMENDMENT NO. 10

On page 24, in line 32, strike “4.” and substitute “2.”; and in the same line, after “That” insert “, except for a sentence of death imposed for a murder committed while the defendant was committing or attempting to commit rape in the first degree of a child under the age of 12 years,”.

On page 25, in lines 4, 7, 11, and 14, strike “5.”, “6.”, “7.”, and “8.”, respectively, and substitute “3.”, “4.”, “5.”, and “6.”, respectively; in line 6, strike “repeal” and substitute “restriction”; and in line 8, after “report” insert “, in accordance with § 2-1246 of the State Government Article,”.