HOUSE BILL 1576

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By: Delegates Serafini, Shank, Kelly, and Myers

Rules suspended

Introduced and read first time: March 24, 2009 Assigned to: Rules and Executive Nominations

A BILL ENTITLED

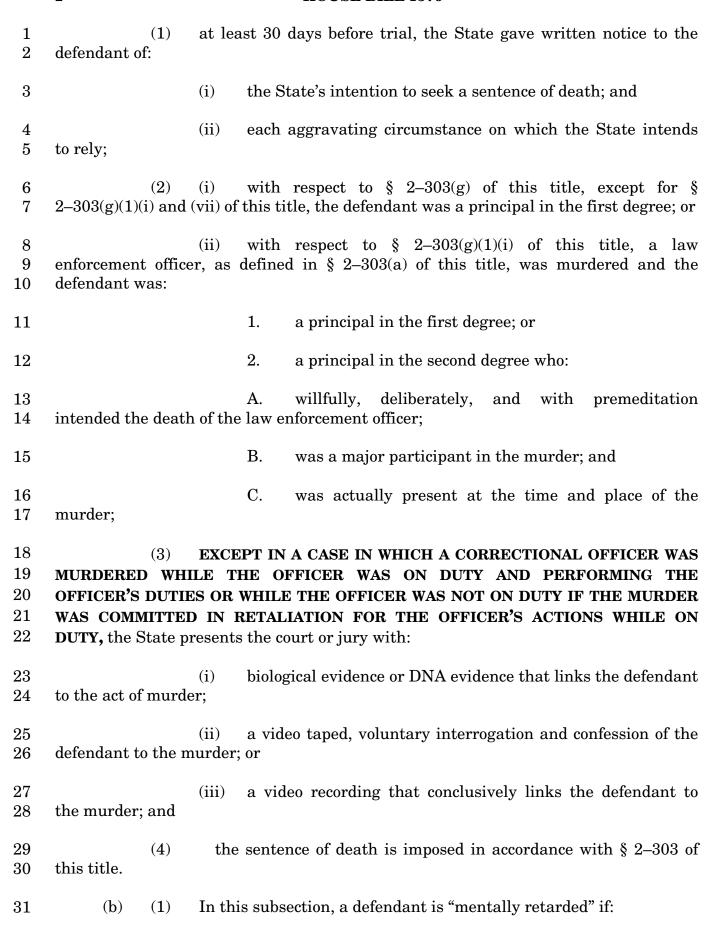
1 AN ACT concerning

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Criminal Law - Death Penalty - Evidence of Murder of Correctional Officer

- 3 FOR the purpose of providing that the requirement that the State present certain 4 evidence in the prosecution of a murder before the defendant may be sentenced 5 to death does not apply in a case in which a correctional officer was murdered under certain circumstances; providing that the prohibition against sentencing 6 7 a defendant to death if the State relies solely on eyewitness evidence does not apply in a case in which a correctional officer is murdered under certain 8 9 circumstances; making this Act contingent on the taking effect of another Act; 10 and generally relating to the death penalty.
- 11 BY repealing and reenacting, with amendments,
- 12 Article Criminal Law
- 13 Section 2–202
- 14 Annotated Code of Maryland
- 15 (2002 Volume and 2008 Supplement)
- 16 (As enacted by Chapter ___ (S.B. 279) of the Acts of the General Assembly of 2009)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
- 20 Article Criminal Law
- 21 2-202.
- 22 (a) A defendant found guilty of murder in the first degree may be sentenced 23 to death only if:





$\begin{matrix} 1 \\ 2 \\ 3 \end{matrix}$	(i) the defendant had significantly below average intellectual functioning, as shown by an intelligence quotient of 70 or below on an individually administered intelligence quotient test and an impairment in adaptive behavior; and
4 5	${\rm (ii)} \ {\rm the \; mental \; retardation \; was \; manifested \; before \; the \; age \; of \; 22} \\ {\rm years.}$
6 7 8	(2) A defendant may not be sentenced to death, but shall be sentenced to imprisonment for life without the possibility of parole subject to the requirements of $\S 2-203(1)$ of this subtitle or imprisonment for life, if the defendant:
9	(i) was under the age of 18 years at the time of the murder; or
10 11	(ii) proves by a preponderance of the evidence that at the time of the murder the defendant was mentally retarded.
12	(c) [A] EXCEPT IN A CASE IN WHICH A CORRECTIONAL OFFICER WAS
13	MURDERED WHILE THE OFFICER WAS ON DUTY AND PERFORMING THE
14	OFFICER'S DUTIES OR WHILE THE OFFICER WAS NOT ON DUTY IF THE MURDER
15	WAS COMMITTED IN RETALIATION FOR THE OFFICER'S ACTIONS WHILE ON
16	DUTY, A defendant may not be sentenced to death, but shall be sentenced to
17	imprisonment for life without the possibility of parole subject to the requirements of §
18	2–203(1) of this subtitle or imprisonment for life, if the State relies solely on evidence
19	provided by eyewitnesses.
20	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
$\overline{21}$	October 1, 2009, contingent on the taking effect of Chapter (S.B. 279) of the Acts
22	of the General Assembly of 2009, and if Chapter (S.B. 279) does not become
23	
	effective, this Act shall be null and void without the necessity of further action by the