

HOUSE BILL 994

E1, E2

0lr1679

By: **Delegates Conway, DeBoy, Eckardt, Elmore, Haddaway, Malone, Mathias, and Rudolph**

Introduced and read first time: February 12, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Death Penalty – Scientific Evidence**

3 FOR the purpose of including scientific evidence among the types of evidence that the
4 State may present to the court or jury in order to sentence a defendant found
5 guilty of murder in the first degree to death.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Law
8 Section 2–202(a)
9 Annotated Code of Maryland
10 (2002 Volume and 2009 Supplement)

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

13 **Article – Criminal Law**

14 2–202.

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

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

19 (i) the State’s intention to seek a sentence of death; and

20 (ii) each aggravating circumstance on which the State intends
21 to rely;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) (i) with respect to § 2–303(g) of this title, except for §
2 2–303(g)(1)(i) and (vii) of this title, the defendant was a principal in the first degree; or

3 (ii) with respect to § 2–303(g)(1)(i) of this title, a law
4 enforcement officer, as defined in § 2–303(a) of this title, was murdered and the
5 defendant was:

6 1. a principal in the first degree; or

7 2. a principal in the second degree who:

8 A. willfully, deliberately, and with premeditation
9 intended the death of the law enforcement officer;

10 B. was a major participant in the murder; and

11 C. was actually present at the time and place of the
12 murder;

13 (3) the State presents the court or jury with:

14 (i) biological [evidence], **SCIENTIFIC**, or DNA evidence that
15 links the defendant to the act of murder;

16 (ii) a video taped, voluntary interrogation and confession of the
17 defendant to the murder; or

18 (iii) a video recording that conclusively links the defendant to
19 the murder; and

20 (4) the sentence of death is imposed in accordance with § 2–303 of this
21 title.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2010.