

SB0276/933922/1

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 276, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty,” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2-103(h)”; strike in its entirety line 26 and substitute “Section 2-201(b), 2-202, and 2-303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article - Criminal Law

Section 2-201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down though “confinement;” in line 5; and in line 6, strike “and 7-107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

(Over)

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE WHILE COMMITTING OR ATTEMPTING TO COMMIT ARSON IN THE FIRST DEGREE, CARJACKING OR ARMED CARJACKING, RAPE IN THE FIRST DEGREE, ROBBERY UNDER § 3-402 OR § 3-403 OF THIS ARTICLE, OR SEXUAL OFFENSE IN THE FIRST DEGREE MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and strike beginning with “with” in line 27 down through “title,” in line 28.

On page 12 of the bill, in line 1, strike “with respect to § 2-303(g)(1)(i) of this title,”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “**(II)**”, “**(III)**”, and “**(IV)**”, respectively.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “**A DETERMINATION HAS BEEN MADE**”; in line 7, strike the colon and substitute “**THAT**”; strike in their entirety lines 8 through 29, inclusive; and in line 12, strike “(x)”.

On page 17 of the bill, in lines 1, 2, 3, 4, and 5, strike “1.”, “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, “**(IV)**”, and “**(V)**”, respectively; in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “**CIRCUMSTANCE EXISTS**”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “**THE CIRCUMSTANCE**”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”; and in line 31, strike “outweigh” and substitute “**OUTWEIGHS**”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “**OUTWEIGHS**”; in lines 3 and 15, in each instance, strike “do” and substitute “**DOES**”; in line 9, strike “each” and substitute “**THE**”; in line 11, strike “any” and substitute “**THE**”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of murder in the first degree while committing or attempting to commit arson in the first degree, carjacking or armed carjacking, rape in the first degree, robbery under § 3-402 or § 3-403 of the Criminal Law Article, or sexual offense in the first degree.”; and in line 28, strike “5.” and substitute “3.”.