

SB0276/993129/2

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

Strike in their entirety the Judicial Proceedings Committee Amendments (SB0276/258274/1).

AMENDMENT NO. 2

On page 1 of the bill, in line 2, after “Penalty” insert “- Video Evidence -”; strike beginning with “and” in line 2 down through “Victims” in line 3; in line 4, after the first “repealing” insert “certain provisions of law authorizing the introduction of certain video evidence among the types of evidence that the State must present to a court or jury in support of the imposition of”; in the same line, after “penalty” insert “in certain cases”; strike beginning with the second “repealing” in line 4 down through “changes;” in line 14; and in line 15, strike “the repeal of”.

AMENDMENT NO. 3

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 23 on page 2, inclusive.

AMENDMENT NO. 4

On page 2 of the bill, in line 26, strike “2-201(b), 2-304(a), 2-305, and 14-101” and substitute “2-202(a)”.

AMENDMENT NO. 5

On pages 2 through 26 of the bill, strike in their entirety the lines beginning with line 29 on page 2 through line 27 on page 26, inclusive, and substitute:

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

(Over)

Article – Criminal Law

2–202.

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

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

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

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

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

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

1. a principal in the first degree; or

2. a principal in the second degree who:

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

B. was a major participant in the murder; and

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

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

(i)] biological evidence or DNA evidence that links the defendant to the act of murder];

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

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

(4) the sentence of death is imposed in accordance with § 2-303 of this title.”.

AMENDMENT NO. 6

On page 26 of the bill, in line 28, strike “5.” and substitute “2.”.