

SENATE BILL 588

E1, E2

6lr1575

By: **Senators Brochin, Kelley, and Pinsky**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Murder in the First Degree – Penalties**

3 FOR the purpose of providing that a defendant found guilty of murder in the first degree
4 may be sentenced to imprisonment for life without the possibility of parole only if the
5 defendant was a principal in the first degree or a principal in the second degree who
6 willfully, deliberately, and with premeditation intended the death of the victim, was
7 a major participant in the murder, and was actually present at the time and place of
8 the murder; providing for the application of this Act; and generally relating to
9 murder in the first degree.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 2–201
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 2–203 and 2–304
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2015 Supplement)

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

22 **Article – Criminal Law**

23 2–201.

24 (a) A murder is in the first degree if it is:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) a deliberate, premeditated, and willful killing;
- 2 (2) committed by lying in wait;
- 3 (3) committed by poison; or
- 4 (4) committed in the perpetration of or an attempt to perpetrate:
- 5 (i) arson in the first degree;
- 6 (ii) burning a barn, stable, tobacco house, warehouse, or other
7 outbuilding that:
- 8 1. is not parcel to a dwelling; and
- 9 2. contains cattle, goods, wares, merchandise, horses, grain,
10 hay, or tobacco;
- 11 (iii) burglary in the first, second, or third degree;
- 12 (iv) carjacking or armed carjacking;
- 13 (v) escape in the first degree from a State correctional facility or a
14 local correctional facility;
- 15 (vi) kidnapping under § 3–502 or § 3–503(a)(2) of this article;
- 16 (vii) mayhem;
- 17 (viii) rape;
- 18 (ix) robbery under § 3–402 or § 3–403 of this article;
- 19 (x) sexual offense in the first or second degree;
- 20 (xi) sodomy; or
- 21 (xii) a violation of § 4–503 of this article concerning destructive
22 devices.
- 23 (b) (1) A person who commits a murder in the first degree is guilty of a felony
24 and on conviction shall be sentenced to:
- 25 (i) imprisonment for life without the possibility of parole; or
- 26 (ii) imprisonment for life.

1 (2) Unless a sentence of imprisonment for life without the possibility of
2 parole is imposed in compliance with § 2–203 of this subtitle and § 2–304 of this title, the
3 sentence shall be imprisonment for life.

4 2–203.

5 A defendant found guilty of murder in the first degree may be sentenced to
6 imprisonment for life without the possibility of parole only if:

7 **(1) THE DEFENDANT WAS:**

8 **(I) A PRINCIPAL IN THE FIRST DEGREE; OR**

9 **(II) A PRINCIPAL IN THE SECOND DEGREE WHO:**

10 **1. WILLFULLY, DELIBERATELY, AND WITH**
11 **PREMEDITATION INTENDED THE DEATH OF THE VICTIM;**

12 **2. WAS A MAJOR PARTICIPANT IN THE MURDER; AND**

13 **3. WAS ACTUALLY PRESENT AT THE TIME AND PLACE OF**
14 **THE MURDER;**

15 **[(1)] (2)** at least 30 days before trial, the State gave written notice to the
16 defendant of the State's intention to seek a sentence of imprisonment for life without the
17 possibility of parole; and

18 **[(2)] (3)** the sentence of imprisonment for life without the possibility of
19 parole is imposed in accordance with § 2–304 of this title.

20 2–304.

21 (a) If the State gave notice under **[(§ 2–203(1))] § 2–203(2)** of this title, the court
22 shall conduct a separate sentencing proceeding as soon as practicable after the defendant
23 is found guilty of murder in the first degree to determine whether the defendant shall be
24 sentenced to imprisonment for life without the possibility of parole or to imprisonment for
25 life.

26 (b) (1) A determination by a jury to impose a sentence of imprisonment for life
27 without the possibility of parole must be unanimous.

28 (2) If the jury finds that a sentence of imprisonment for life without the
29 possibility of parole shall be imposed, the court shall impose a sentence of imprisonment
30 for life without the possibility of parole.

1 (3) If, within a reasonable time, the jury is unable to agree to imposition of
2 a sentence of imprisonment for life without the possibility of parole, the court shall impose
3 a sentence of imprisonment for life.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
5 apply only prospectively and may not be applied or interpreted to have any effect on or
6 application to any crime committed before the effective date of this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2016.