

Every person, his counsellors, aiders or abettors, who shall be convicted of kidnapping and forcibly or fraudulently stealing, taking or carrying away any child under the age of sixteen years, except by a parent thereof, shall be guilty of a felony and shall be sentenced to [death or to] the penitentiary for not more than thirty years[, in the discretion of the court].

412.

And the jury before whom any person indicted [for murder] PURSUANT TO SECTION 616(A) FOR A MURDER NOT PUNISHABLE BY DEATH IS [shall be] tried shall if they find such person guilty thereof ascertain in their verdict whether it be murder in the first or second degree; but if such person be convicted by confession, the court shall proceed, by examination of witnesses, to determine the degree of the crime, and to give sentence accordingly; and every person liable to be prosecuted for petit treason shall in future be indicted, proceeded against and punished as is directed in other kinds of murder, according to the degree.

413.

(A) Every person convicted of murder in the first degree[, his or her aiders, abettors and counsellors,] shall [suffer death, or] undergo a confinement in the penitentiary of the State for the period of their natural life UNLESS OTHERWISE PROVIDED IN THIS SECTION.[, in the discretion of the court before whom such person may be tried; provided, however, that the jury in a murder case who render a verdict of murder in the first degree, may add thereto the words "without capital punishment," in which case the sentence of the court shall be imprisonment for life, and in no case where a jury shall have rendered a verdict in manner and form as hereinbefore prescribed, "without capital punishment" shall the court in imposing the sentence, sentence the convicted party to pay the death penalty.]

(B) EVERY PERSON WHO IS CONVICTED OF MURDER IN THE FIRST DEGREE SHALL BE SENTENCED TO DEATH IF:

(1) HE IS FOUND BY THE TRIER OF FACT TO HAVE BEEN THE PERSON WHO ACTUALLY COMMITTED AN ACT WHICH PROXIMATELY CAUSED THE VICTIM'S DEATH; AND

(2) AT THE TIME OF THE COMMISSION OF THE ACT, HE WAS 18 YEARS OF AGE OR OLDER; AND

(3) THE MURDER WAS COMMITTED UNDER ONE OR MORE OF THE FOLLOWING CIRCUMSTANCES: