

(I) THE DEFENDANT COMMITTED THE MURDER AT A TIME WHEN HE WAS CONFINED OR UNDER SENTENCE OF CONFINEMENT TO ANY CORRECTIONAL INSTITUTION IN THIS STATE;

(II) THE DEFENDANT COMMITTED THE MURDER IN FURTHERANCE OF AN ATTEMPT TO ESCAPE FROM OR EVADE THE LAWFUL CUSTODY, ARREST, OR DETENTION OF OR BY A LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, OR GUARD;

(III) THE VICTIM WAS A HOSTAGE TAKEN OR ATTEMPTED TO BE TAKEN IN THE COURSE OF A KIDNAPPING OR AN ATTEMPT TO KIDNAP;

(IV) THE VICTIM WAS A CHILD ABDUCTED IN VIOLATION OF SECTION 2 OF THIS ARTICLE;

(V) THE DEFENDANT COMMITTED THE MURDER PURSUANT TO AN AGREEMENT OR CONTRACT TO COMMIT THE MURDER FOR PECUNIARY GAIN;

(VI) AT THE TIME OF THE MURDER, THE DEFENDANT WAS UNDER A SENTENCE OF LIFE IMPRISONMENT[.];

(VII) THE DEFENDANT COMMITTED MORE THAN ONE OFFENSE OF MURDER IN THE FIRST DEGREE ARISING OUT OF THE SAME OR SEPARATE INCIDENTS;

(VIII) THE DEFENDANT COMMITTED THE MURDER WHILE COMMITTING OR ATTEMPTING TO COMMIT ROBBERY.

(C) EVERY PERSON CONVICTED OF AIDING, ABETTING, OR COUNSELLING THE COMMISSION OF ANY MURDER SPECIFIED IN SUBSECTION (A) OR (B) SHALL BE SENTENCED TO LIFE IMPRISONMENT.

(D) A DEATH SENTENCE MAY NOT BE SUSPENDED, AND NO OTHER PENALTY IN LIEU OF THE DEATH PENALTY MAY BE IMPOSED UPON CONVICTION OF A MURDER IN THE FIRST DEGREE SPECIFIED IN SUBSECTION (B).

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Every person convicted of a crime of rape or as being accessory thereto before the fact shall[, at the discretion of the court, suffer death, or] be sentenced to confinement in the penitentiary for [the period of his natural life, or undergo a confinement in the penitentiary for] not less than eighteen months nor more than [twenty-one years] THE PERIOD OF HIS NATURAL LIFE; and penetration shall be evidence of rape, without proof of emission.

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