

requires this, an abundance of caution might suggest that the State should request, and the trial judge should either request or require, that the jury make at least these three general findings. 13 Of course, the fact that the statute may not require either these general findings or specific written findings of fact such as are required of the trial judge should in no way preclude the State from requesting the jury to make specific findings or the court from requesting or requiring it to do so. Such specific findings can only be of assistance to both the trial judge and to the Court of Appeals in the event of appellate review.

7. Your inquiry as to whether, if the jury recommends death and makes specific findings as to the various circumstances, the court may adopt its findings as its own can be answered with a simple "yes." If the jury does make such findings and they are sufficiently specific to comply with the requirements imposed upon the trial judge by Section 413(e) and the judge agrees with each and every one of those findings, then we see no reason why he may not adopt them as his own.

8. Your final specific question is directed to aggravating circumstances (1) and (6) as set forth in §413(f). You ask if a person released on parole would still be considered as being "under sentence of confinement to any correctional institution in this State" (1), or if applicable "under sentence of life imprisonment." 14

Turning first to aggravating circumstance (1), we note that it applies to a defendant who committed a murder "at a time when he was confined or under sentence of confinement to any correctional institution in this State." Since a person actually incarcerated and serving under a sentence of confinement would clearly be "confined" within the meaning of the statute, we believe that the "under sentence of confinement" language must have been included so as to apply to a person released on parole or otherwise under such a sentence but not actually confined. Limiting the "under sentence of confinement" phrase so as to apply only during actual confinement would tend to reduce it to the status of a redundancy and mere surplusage. Such constructions are not favored. Similarly, we believe that the phrase "under a sentence of life imprisonment" in aggravating circumstance (6) would apply to a person sentenced to life imprisonment who had been released on parole. Indeed, the memorandum prepared by your legislative office submitted to the General Assembly in February, 1977, in connection with the Administration Bill stated in part that the purpose of this particular language when it was first enacted in 1975 "was to deter the commission of a murder by a person who was paroled from a life