

term." We believe that this is an accurate statement of the legislative intent in 1975 and that in incorporating the same language in Senate Bill 106 the General Assembly intends the same result to follow. In our opinion the language employed adequately reflects that intent.

This concludes our discussion of the specific questions which you have posed, and we turn not to several additional features of the bill which we feel require comment.

The Administration Bill included provisions requiring pretrial notification of the person charged with murder that the State intends to seek the death penalty. That Bill further required that in such circumstances the accused must be advised of the aggravating circumstances with which he was "charged" and provided that no evidence of aggravating circumstances other than those charged could be introduced against him during the sentencing portion of the proceeding. Since Senate Bill 106 repeals the current provisions of Art. 27, §616(b) calling for a special form of capital indictment giving notice to the defendant in the charging instrument and returns §616 to its pre-1975 form calling for only a single general form of indictment where murder or manslaughter is charged, the charging instrument is not required to specifically place the defendant on notice with regard to sentencing. Section 413(b) of Senate Bill 106 provides that any relevant evidence with probative value related to any of the aggravating or mitigating circumstances enumerated in the statute may be introduced during the sentencing proceeding so long as it has not been obtained in violation of the defendant's constitutional rights. By the very terms of the statute the State is not restricted to proof only of such aggravating circumstances of which the defendant may have had notice prior to the trial.

While we remain of the view that basic considerations of fairness and justice should lead to the adoption of notification procedures such as those contained in the Administration Bill, we do not believe that the absence of such specific notification requirements in the statute amounts to a short-coming of constitutional dimension. The basic purpose of an indictment is to advise the defendant of the crime with which he is charged and the charging instrument need not, under any concept of constitutional due process, be required to advise the defendant of the scope of the permissible sentence that may be imposed for such a crime. Hamling v. United States, 418 U.S. 87 (1974); Davis v. State, 39 Md. 355 (1974); and Baker v. State, 6 Md. App. 148 (1969). Nor do we perceive any clear constitutional infirmity in a system which allows the State to adduce proof at the sentencing proceeding of