

Article 27 - Crimes and Punishments
Section 616, 645JA, and 645JC
Annotated Code of Maryland
(1976 Replacement Volume and 1977 Supplement)

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings
Section 12-307
Annotated Code of Maryland
(1974 Volume and 1977 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 412, 413, and 414 of Article 27 - Crimes and Punishments, of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 27 - Crimes and Punishments

412. PUNISHMENT FOR MURDER.

(A) IF A PERSON IS FOUND GUILTY OF MURDER, THE COURT OR JURY THAT DETERMINED THE PERSON'S GUILT SHALL STATE IN THE VERDICT WHETHER THE PERSON IS GUILTY OF MURDER IN THE FIRST DEGREE OR MURDER IN THE SECOND DEGREE.

(B) A PERSON FOUND GUILTY OF MURDER IN THE FIRST DEGREE SHALL BE SENTENCED EITHER TO DEATH OR TO IMPRISONMENT FOR LIFE. THE SENTENCE SHALL BE IMPRISONMENT FOR LIFE UNLESS (1) THE STATE NOTIFIED THE PERSON IN WRITING AT LEAST 30 DAYS PRIOR TO TRIAL THAT IT INTENDED TO SEEK A SENTENCE OF DEATH, AND ADVISED THE PERSON OF EACH AGGRAVATING CIRCUMSTANCE UPON WHICH IT INTENDED TO RELY, AND (2) A SENTENCE OF DEATH IS IMPOSED IN ACCORDANCE WITH § 413.

(C) A PERSON FOUND GUILTY OF MURDER IN THE SECOND DEGREE SHALL BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN 30 YEARS.

413. SENTENCING PROCEDURE - FIRST DEGREE MURDER.

(A) IF A PERSON IS FOUND GUILTY OF MURDER IN THE FIRST DEGREE, AND IF THE STATE HAD GIVEN THE NOTICE REQUIRED UNDER § 412(B), A SEPARATE SENTENCING PROCEEDING SHALL BE CONDUCTED AS SOON AS PRACTICABLE AFTER THE TRIAL HAS BEEN COMPLETED TO DETERMINE WHETHER HE SHALL BE SENTENCED TO DEATH OR IMPRISONMENT FOR LIFE.

(B) THIS PROCEEDING SHALL BE CONDUCTED:

(1) BEFORE THE JURY THAT DETERMINED THE DEFENDANT'S GUILT; OR