

(vi) Sections 276 through 313D (relating to drugs and other dangerous substances), as they shall be amended from time to time.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1979.

Approved May 29, 1979.

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CHAPTER 521

(House Bill 149)

AN ACT concerning

Capital Punishment - Mitigating Circumstances

FOR the purpose of providing that in a sentencing proceeding to determine whether capital punishment shall be imposed in a criminal case, the jury or the court before whom the proceeding is being conducted may specifically set forth facts which it finds to be mitigating circumstances in the case.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments

Section 413 (g)

Annotated Code of Maryland

(1976 Replacement Volume and 1978 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 27 - Crimes and Punishments

413.

(g) If the court or jury finds, beyond a reasonable doubt, that one or more of these aggravating circumstances exist, it shall then consider whether, based upon a preponderance of the evidence, any of the following mitigating circumstances exist:

(1) The defendant has not previously (i) been found guilty of a crime of violence; (ii) entered a plea of guilty or nolo contendere to a charge of a crime of violence; or (iii) had a judgment of probation on stay of entry of judgment entered on a charge of a crime of violence. As used in this paragraph, "crime of violence"