

~~WHETHER TO IMPOSE A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE.~~

(5) IF THE STATE GIVES THE NOTICE REQUIRED UNDER § 412 (B) OF THIS ARTICLE OF INTENTION TO SEEK A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE BUT DOES NOT GIVE NOTICE OF INTENTION TO SEEK THE DEATH PENALTY, THE COURT OR JURY SHALL CONDUCT A SEPARATE SENTENCING PROCEEDING AS SOON AS PRACTICABLE AFTER THE TRIAL HAS BEEN COMPLETED TO DETERMINE WHETHER TO IMPOSE A SENTENCE OF IMPRISONMENT FOR LIFE OR IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE.

~~(ii) IF THE STATE GIVES THE NOTICE REQUIRED UNDER § 412(B) OF THIS ARTICLE OF INTENTION TO SEEK THE DEATH PENALTY IN ADDITION TO THE NOTICE OF INTENTION TO SEEK A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE, THE COURT, AS SOON AS PRACTICABLE AFTER THE SENTENCING PROCEEDING ON THE DEATH PENALTY, SHALL DETERMINE WHETHER TO IMPOSE A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE.~~

(6) IF THE STATE GIVES THE NOTICE REQUIRED UNDER § 412(B) OF THIS ARTICLE OF INTENTION TO SEEK THE DEATH PENALTY IN ADDITION TO THE NOTICE OF INTENTION TO SEEK A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE, AND THE COURT OR JURY DETERMINES THAT A SENTENCE OF DEATH MAY NOT BE IMPOSED UNDER THE PROVISIONS OF THIS SECTION, THE THAT COURT OR JURY, AS SOON AS PRACTICABLE AFTER THE SENTENCING PROCEEDING ON THE DEATH PENALTY, SHALL DETERMINE WHETHER TO IMPOSE A SENTENCE OF IMPRISONMENT FOR LIFE OR IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(7) (I) IN DETERMINING WHETHER TO IMPOSE A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE, A JURY SHALL AGREE UNANIMOUSLY ON THE IMPOSITION OF A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(II) IF THE JURY AGREES UNANIMOUSLY TO IMPOSE A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE, THE COURT SHALL IMPOSE A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(III) IF THE JURY, WITHIN A REASONABLE TIME, IS NOT ABLE TO AGREE UNANIMOUSLY ON THE IMPOSITION OF A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE, THE COURT SHALL DISMISS THE JURY AND IMPOSE A SENTENCE OF IMPRISONMENT FOR LIFE.

(1) The Court of Appeals may adopt rules of procedure to govern the conduct of a sentencing proceeding conducted pursuant to this section, including any forms to be used by the court or jury in making its written findings and determinations of sentence.