

ADAPTIVE BEHAVIOR, AND THE MENTAL RETARDATION IS MANIFESTED BEFORE THE INDIVIDUAL ATTAINS THE AGE OF 22.

(f) (1) If a person found guilty of murder in the first degree was, AT THE TIME THE MURDER WAS COMMITTED, less than 18 years old [at the time the murder was committed] OR IF THE PERSON ESTABLISHES BY A PREPONDERANCE OF THE EVIDENCE THAT THE PERSON WAS, AT THE TIME THE MURDER WAS COMMITTED, MENTALLY RETARDED, the person shall be sentenced to imprisonment for life or imprisonment for life without the possibility of parole and may not be sentenced to death.

(2) The sentence shall be imprisonment for life unless the State notified the person in writing at least 30 days prior to trial that the State intended to seek a sentence of imprisonment for life without the possibility of parole under this section or § 413 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act apply retrospectively to individuals who are awaiting trial or sentencing by the courts of this State on July 1, 1989 and prospectively to any individual sentenced on or after July 1, 1989.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

Approved May 25, 1989.

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CHAPTER 678

(House Bill 680)

AN ACT concerning

Insurance Companies - Investments

FOR the purpose of altering the security requirements for mortgage loans made or acquired by insurers other than life insurers; altering a requirement that certain mortgage loans or deeds of trust be held as a senior participation; and generally relating to reserve investments of certain insurers in mortgage loans and deeds of trust.

BY repealing and reenacting, with amendments,

Article 48A - Insurance Code  
Section 104(6)