

WILLIAM DONALD SCHAEFER, Governor

(3) "MENTALLY RETARDED" MEANS THE INDIVIDUAL HAS SIGNIFICANTLY SUBAVERAGE INTELLECTUAL FUNCTIONING AS EVIDENCED BY AN INTELLIGENCE QUOTIENT OF 70 OR BELOW ON AN INDIVIDUALLY ADMINISTERED INTELLIGENCE QUOTIENT TEST AND IMPAIRMENT IN 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.

May 25, 1989

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 91.

This bill authorizes an alternate method of forming a hearing board held on a complaint against a law enforcement officer, under specified circumstances.