

(3) Before the court alone~~f~~, if a jury sentencing proceeding is waived by the defendant~~HE~~:

~~(I) EXCEPT AS PROVIDED IN PARAGRAPH (2)(III) OF THIS SUBSECTION, THE DEFENDANT WAS CONVICTED AFTER A TRIAL BEFORE THE COURT SITTING WITHOUT A JURY; OR~~

~~(II) A JURY SENTENCING PROCEEDING IS WAIVED BY THE DEFENDANT.~~

(d) In determining the sentence, the court or jury, as the case may be, shall first consider whether, beyond a reasonable doubt, any of the following aggravating circumstances exist:

(1) The victim was a law enforcement officer who was murdered while in the performance of his duties [.] ;

(2) The defendant committed the murder at a time when he was confined in any correctional institution [.] ;

(3) The defendant committed the murder in furtherance of an escape or an attempt to escape from or evade the lawful custody, arrest, or detention of or by an officer or guard of a correctional institution or by a law enforcement officer [.] ;

(4) The victim was taken or attempted to be taken in the course of a kidnapping or abduction or an attempt to kidnap or abduct [.] ;

(5) The victim was a child abducted in violation of § 2 of this article [.] ;

(6) The defendant committed the murder pursuant to an agreement or contract for remuneration or the promise of remuneration to commit the murder [.] ;

(7) The defendant engaged or employed another person to commit the murder and the murder was committed pursuant to an agreement or contract for remuneration or the promise of remuneration [.] ;

(8) At the time of the murder, the defendant was under sentence of death or imprisonment for life [.] ;

(9) The defendant committed more than one offense of murder in the first degree arising out of the same incident [.] ; OR

(10) The defendant committed the murder while committing or attempting to commit a carjacking, armed carjacking, robbery, arson in the first degree, rape or sexual offense in the first degree.

645A.

(a) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, any person convicted of a crime and either incarcerated under sentence of death or imprisonment or on parole or probation, including any person confined or on parole or probation as a result of a proceeding before the District Court who claims that the sentence or judgment was imposed in violation of the Constitution of the United States or