

This Administration bill makes procedural changes regarding imposition of the death penalty by altering the procedures and times at which a stay of execution can be ordered. The bill also allows a defendant to waive and revoke the waiver of the right to a petition for review of sentence.

Senate Bill 340, which was passed by the General Assembly and signed by me on April 11, 1995, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 403.

Sincerely,  
Parris N. Glendening  
Governor

### House Bill No. 403

AN ACT concerning

#### Death Penalty Reform

FOR the purpose of establishing that a warrant of execution shall be stayed during the direct review process and certain parts of the State postconviction review process; establishing that a warrant of execution must designate a certain period within which the sentence must be executed; requiring a certain judge to lift a stay of a warrant of execution or issue a new warrant of execution at a certain time; permitting a circuit court to stay a warrant of execution upon the filing of a certain petition; requiring a circuit court to lift a certain stay or provide certain notice if the court finds an inmate to be competent; requiring a circuit court to stay a warrant of execution if the court finds an inmate to be incompetent; permitting the Court of Appeals to stay a warrant of execution under certain circumstances; ~~clarifying that a certain requirement governing notice of intent to seek a sentence of death and notice of intent to seek a sentence of life without the possibility of parole shall apply to any trial date so as to permit the State to comply with the requirement by filing notice at least a certain number of days before a trial date even if the State did not file notice at least a certain number of days before a previously scheduled trial date;~~ requiring a State's Attorney to file a copy of a notice of intent to seek the death penalty or a withdrawal of any such notice with the Clerk of the Court of Appeals; ~~providing that the validity of a notice of intent to seek a sentence of death that is served on a defendant in a timely manner shall in no way be affected by the State's Attorney's failure to file a copy of the death notice in a timely manner with the Clerk of the Court of Appeals;~~ requiring that a death penalty sentencing proceeding be conducted before a judge rather than a jury if the defendant was convicted after a trial before the judge sitting without a jury; ~~providing that this requirement does not apply if review of the original sentence of death has resulted in a remand for resentencing;~~ altering the number of petitions for postconviction relief, arising out of each trial, that a person is permitted to file; permitting a circuit court to reopen a postconviction proceeding under certain circumstances; providing that the defendant may waive the statutory period provided for filing a postconviction petition; ~~altering the time line governing the filing of an initial postconviction petition in a case in which a sentence of death has been imposed under certain~~