

139.

(A) A SENTENCE IMPOSED FOR A VIOLATION OF § 137 OR § 137A OF THIS SUBHEADING:

(1) SHALL BE CONSECUTIVE TO ANY TERM OF CONFINEMENT BEING SERVED OR TO BE SERVED AT THE TIME OF THE ESCAPE;

(2) MAY NOT BE SUSPENDED; AND

(3) MAY INCLUDE THE ENTRY OF A JUDGMENT FOR ALL REASONABLE EXPENSES INCURRED IN RETURNING THE PERSON TO THE PLACE OF CONFINEMENT, PROVIDED THAT THE DEFENDANT HAS RECEIVED TIMELY NOTICE OF AND AN OPPORTUNITY TO CONTEST THE ACCURACY OF THE EXPENSES ALLEGEDLY OWED.

(B) VOLUNTARY INTOXICATION IS NOT A DEFENSE TO A CHARGE OF ESCAPE UNDER THIS SUBHEADING.

372.

“Machine gun” as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

“Crime of violence” applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape in any degree, assault in the first degree, robbery, burglary in any degree, ESCAPE IN THE FIRST DEGREE, and theft.

“Person” applies to and includes firm, partnership, association, or corporation.

410.

All murder which shall be committed in the perpetration of, or attempt to perpetrate, any rape in any degree, sexual offense in the first or second degree, sodomy, mayhem, robbery, carjacking or armed carjacking, burglary in the first, second, or third degree, a violation of § 139C of this article concerning destructive devices, kidnapping as defined in §§ 337 and 338 of this article, or in the escape IN THE FIRST DEGREE or attempt to escape IN THE FIRST DEGREE from the Patuxent Institution, any institution or facility under the jurisdiction of the Division of Correction or the Division of Pretrial Detention and Services, or from any jail or penal institution in any of the counties of this State, shall be murder in the first degree.

413.

(g) If the court or jury finds, beyond a reasonable doubt, that one or more of these aggravating circumstances exist, it shall then consider whether, based upon a preponderance of the evidence, any of the following mitigating circumstances exist:

(1) The defendant has not previously (i) been found guilty of a crime of violence; (ii) entered a plea of guilty or nolo contendere to a charge of a crime of violence; or (iii) had a judgment of probation on stay of entry of judgment entered on