

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 a charge of a crime of violence. As used in this paragraph, "crime of violence" means abduction, arson in the first degree, escape IN THE FIRST DEGREE, kidnapping, manslaughter, except involuntary manslaughter, mayhem, murder, robbery, carjacking or armed carjacking, or rape or sexual offense in the first or second degree, or an attempt to commit any of these offenses, or the use of a handgun in the commission of a felony or another crime of violence.

441.

(e) "Crime of violence" means:

- (1) Abduction;
- (2) Arson in the first degree;
- (3) Assault in the first or second degree;
- (4) Burglary in the first, second, or third degree;
- (5) Carjacking and armed carjacking;
- (6) Escape IN THE FIRST DEGREE;
- (7) Kidnapping;
- (8) Voluntary manslaughter;
- (9) Maiming;
- (10) Mayhem as previously proscribed under former § 384 of this article;
- (11) Murder in the first or second degree;
- (12) Rape in the first or second degree;