

In subsection (a)(4)(viii) of this section, the former reference to rape "in any degree" is deleted as surplusage.

In subsection (b)(1) of this section, the phrase "guilty of a felony" is added for clarity and consistency within this article. Murder is one of the original felonies at common law. The statutory distinction between the degrees of murder is only for purposes of imposition of penalties, not for altering the elements of the crime of murder at common law. *See Gladden v. State*, 273 Md. 383 (1974).

In subsection (b)(2) of this section, the references to "§ 2-202 of this subtitle and Subtitle 3 of this title" and "§ 2-203 of this subtitle and § 2-304 of this title" are substituted for the former reference to "subsection (g) of [former Art. 27, § 412]" to reflect the reorganization of material relating to the imposition of sentences of death and of imprisonment for life without the possibility of parole.

For specific provisions on sentencing procedures in capital cases, *see* Md. Rule 4-343.

Defined terms: "Imprisonment for life without the possibility of parole" § 2-101
 "Local correctional facility" § 1-101
 "Person" § 1-101
 "State correctional facility" § 1-101

2-202. SAME — SENTENCE OF DEATH.

(A) REQUIREMENT FOR IMPOSITION.

A DEFENDANT FOUND GUILTY OF MURDER IN THE FIRST DEGREE MAY BE SENTENCED TO DEATH ONLY IF:

(1) AT LEAST 30 DAYS BEFORE TRIAL, THE STATE GAVE WRITTEN NOTICE TO THE DEFENDANT OF:

(I) THE STATE'S INTENTION TO SEEK A SENTENCE OF DEATH; AND

(II) EACH AGGRAVATING CIRCUMSTANCE ON WHICH THE STATE INTENDS TO RELY;

(2) (I) WITH RESPECT TO § 2-303(G) OF THIS TITLE, EXCEPT FOR § 2-303(G)(1)(I) AND (VII) OF THIS TITLE, THE DEFENDANT WAS A PRINCIPAL IN THE FIRST DEGREE; OR

(II) WITH RESPECT TO § 2-303(G)(1)(I) OF THIS TITLE, A LAW ENFORCEMENT OFFICER, AS DEFINED IN § 2-303(A) OF THIS TITLE, WAS MURDERED AND THE DEFENDANT WAS:

1. A PRINCIPAL IN THE FIRST DEGREE; OR
2. A PRINCIPAL IN THE SECOND DEGREE WHO: