

(1) AT LEAST 30 DAYS BEFORE TRIAL, THE STATE GAVE WRITTEN NOTICE TO THE DEFENDANT OF THE STATE'S INTENTION TO SEEK A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE; AND

(2) THE SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE IS IMPOSED IN ACCORDANCE WITH § 2-304 OF THIS TITLE.

REVISOR'S NOTE: All but item (2) of this section is new language derived without substantive change from former Art. 27, § 412(g)(2), and, as it related to limitations on sentencing to life imprisonment without parole, the second sentence of (b).

Item (2) of this section is new language added for clarity and consistency with § 2-202(a)(3) of this subtitle.

Defined term: "Imprisonment for life without the possibility of parole" § 2-101 2-204. MURDER IN THE SECOND DEGREE.

(A) IN GENERAL.

A MURDER THAT IS NOT IN THE FIRST DEGREE UNDER § 2-201 OF THIS SUBTITLE IS IN THE SECOND DEGREE.

(B) PENALTY.

A PERSON WHO COMMITS A MURDER IN THE SECOND DEGREE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 411 and 412(d).

In subsection (a) of this section, the reference to a "murder that is not in the first degree under § 2-201 of this subtitle" is substituted for the former reference to "[a]ll other kinds of murder" for clarity.

In subsection (b) 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 division of the crime into two degrees does not alter the felonious character of the crime or its common-law status. See *Newton v. State*, 280 Md. 260 (1977).

Defined term: "Person" § 1-101

2-205. ATTEMPT TO COMMIT MURDER IN THE FIRST DEGREE.

A PERSON WHO ATTEMPTS TO COMMIT MURDER IN THE FIRST DEGREE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 411A(b).