

Constitution Art. IV, § 13, which requires that an indictment "conclude, 'against the peace, government and dignity of the State'".

Also in subsection (e)(1) of this section, the former reference to "unlawfully" killing is deleted as surplusage.

In subsection (e)(2) of this section, the reference to the manner "or" means of death is substituted for the former reference to the manner "and" means of death for consistency with § 2-208 of this subtitle.

Defined terms: "County" § 1-101

"Person" § 1-101

"Vessel" § 2-101

SUBTITLE 3. MURDER — TRIAL AND SENTENCING.

2-301. INTENT TO SEEK DEATH PENALTY — NOTICE TO COURT OF APPEALS.

(A) NOTICE REQUIRED.

THE STATE'S ATTORNEY SHALL FILE WITH THE CLERK OF THE COURT OF APPEALS A COPY OF EACH:

(1) NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH; AND

(2) WITHDRAWAL OF NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH.

(B) EFFECT OF FAILURE TO NOTIFY.

THE FAILURE OF A STATE'S ATTORNEY TO GIVE TIMELY NOTICE TO THE CLERK OF THE COURT OF APPEALS UNDER SUBSECTION (A)(1) OF THIS SECTION DOES NOT AFFECT THE VALIDITY OF A NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH THAT IS SERVED ON THE DEFENDANT IN A TIMELY MANNER.

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

In subsection (a) of this section, the former phrase "[i]f a State's Attorney files or withdraws a notice of intent to seek a sentence of death" is deleted as implicit in the references to "each" notice or withdrawal.

2-302. VERDICT.

WHEN A COURT OR JURY FINDS A PERSON GUILTY OF MURDER, THE COURT OR JURY SHALL STATE IN THE VERDICT WHETHER THE PERSON IS GUILTY OF MURDER IN THE FIRST DEGREE OR MURDER IN THE SECOND DEGREE.

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

The phrase "that determined the person's guilt", which formerly modified "court or jury", is deleted as implicit.