

(III) THE DEFENDANT COMMITTED THE MURDER IN FURTHERANCE OF AN ESCAPE FROM, AN ATTEMPT TO ESCAPE FROM, OR AN ATTEMPT TO EVADE LAWFUL ARREST, CUSTODY, OR DETENTION BY:

1. A GUARD OR OFFICER OF A CORRECTIONAL FACILITY; OR
2. A LAW ENFORCEMENT OFFICER;

(IV) THE VICTIM WAS TAKEN OR ATTEMPTED TO BE TAKEN IN THE COURSE OF AN ABDUCTION, KIDNAPPING, OR AN ATTEMPT TO ABDUCT OR KIDNAP;

(V) THE VICTIM WAS A CHILD ABDUCTED IN VIOLATION OF § 3-503(A)(1) OF THIS ARTICLE;

(VI) THE DEFENDANT COMMITTED THE MURDER UNDER AN AGREEMENT OR CONTRACT FOR REMUNERATION OR PROMISE OF REMUNERATION TO COMMIT THE MURDER;

(VII) THE DEFENDANT EMPLOYED OR ENGAGED ANOTHER TO COMMIT THE MURDER AND THE MURDER WAS COMMITTED UNDER AN AGREEMENT OR CONTRACT FOR REMUNERATION OR PROMISE OF REMUNERATION;

(VIII) THE DEFENDANT COMMITTED THE MURDER WHILE UNDER A SENTENCE OF DEATH OR IMPRISONMENT FOR LIFE;

(IX) THE DEFENDANT COMMITTED MORE THAN ONE MURDER IN THE FIRST DEGREE ARISING OUT OF THE SAME INCIDENT; OR

(X) THE DEFENDANT COMMITTED THE MURDER WHILE COMMITTING, OR ATTEMPTING TO COMMIT:

1. ARSON IN THE FIRST DEGREE;
2. CARJACKING OR ARMED CARJACKING;
3. RAPE IN THE FIRST DEGREE;
4. ROBBERY UNDER § 3-402 OR § 3-403 OF THIS ARTICLE; OR
5. SEXUAL OFFENSE IN THE FIRST DEGREE.

(2) IF THE COURT OR JURY DOES NOT FIND THAT ONE OR MORE OF THE AGGRAVATING CIRCUMSTANCES EXIST BEYOND A REASONABLE DOUBT:

- (I) IT SHALL STATE THAT CONCLUSION IN WRITING; AND
- (II) A DEATH SENTENCE MAY NOT BE IMPOSED.

(H) CONSIDERATION OF MITIGATING CIRCUMSTANCES.

(1) IN THIS SUBSECTION, "CRIME OF VIOLENCE" MEANS:

- (I) ABDUCTION;
- (II) ARSON IN THE FIRST DEGREE;