

(3) Whether the evidence supports the jury's or court's finding that the aggravating circumstances are not outweighed by mitigating circumstances [; and

(4) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant].

(f) [(1)] In addition to its review pursuant to any direct appeal, with regard to the death sentence, the Court shall:

[(i)] (1) Affirm the sentence;

[(ii)] (2) Set aside the sentence and remand the case for the conduct of a new sentencing proceeding under § 413; or

[(iii)] (3) Set aside the sentence and remand for modification of the sentence to imprisonment for life.

[(2) The Court shall include in its decision a reference to the similar cases which it considered.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1992.

May 26, 1992

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 430.

This bill would expand the prohibitions relating to the theft of service from cable television companies and increase the penalties for persons found guilty of violating such prohibitions.

House Bill 1387, which was passed by the General Assembly and signed by me on May 26, 1992, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 430.

Sincerely,
William Donald Schaefer
Governor