

SENATE BILL 1187

E2, E1
SB 157/16 – JPR

7lr3796

By: **Senators Cassilly, Brochin, Hough, Norman, and Ready**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 10, 2017

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Life Without Parole – Repeal of Sentencing Proceeding**

3 FOR the purpose of repealing certain provisions of law that provide a separate jury
4 proceeding to determine whether a person convicted of murder in the first degree is
5 sentenced to imprisonment for life without the possibility of parole or imprisonment
6 for life; establishing that a court may sentence a person convicted of murder in the
7 first degree to imprisonment for life without the possibility of parole without the
8 requirement of a separate jury sentencing procedure under certain circumstances;
9 making conforming changes; providing for the application of this Act; and generally
10 relating to sentencing for murder in the first degree.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 2–201(b) and 2–203
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2016 Supplement)

16 BY repealing
17 Article – Criminal Law
18 Section 2–304 and 2–305
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2016 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Criminal Law**

24 2–201.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) (1) A person who commits a murder in the first degree is guilty of a felony and on conviction shall be sentenced to:

(i) imprisonment for life without the possibility of parole; or

(ii) imprisonment for life.

(2) Unless a sentence of imprisonment for life without the possibility of parole is imposed in compliance with § 2–203 of this subtitle [and § 2–304 of this title], the sentence shall be imprisonment for life.

2–203.

A defendant found guilty of murder in the first degree may be sentenced to imprisonment for life without the possibility of parole only if[:

(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].

[2–304.

(a) If the State gave notice under § 2–203(1) of this title, the court shall conduct a separate sentencing proceeding as soon as practicable after the defendant is found guilty of murder in the first degree to determine whether the defendant shall be sentenced to imprisonment for life without the possibility of parole or to imprisonment for life.

(b) (1) A determination by a jury to impose a sentence of imprisonment for life without the possibility of parole must be unanimous.

(2) If the jury finds that a sentence of imprisonment for life without the possibility of parole shall be imposed, the court shall impose a sentence of imprisonment for life without the possibility of parole.

(3) If, within a reasonable time, the jury is unable to agree to imposition of a sentence of imprisonment for life without the possibility of parole, the court shall impose a sentence of imprisonment for life.]

[2–305.

The Court of Appeals may adopt:

1 (1) rules of procedure to govern the conduct of sentencing proceedings
2 under § 2–304 of this subtitle; and

3 (2) forms for a court or jury to use in making written findings and sentence
4 determinations.]

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
6 apply only prospectively and may not be applied or interpreted to have any effect on or
7 application to any crime committed before the effective date of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2017.