

SB0276/803520/2

BY: Delegate Smigiel

AMENDMENTS TO SENATE BILL 276
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty;” in line 12; and in line 16, after the first “the” insert “partial”.

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 23 on page 2, inclusive.

On page 2, strike in their entirety lines 26 and 27 and substitute “Section 2-103(h)”; strike line 32 in its entirety and substitute “Section 2-201(b), 2-202, and 2-303”; and strike in their entirety lines 35 through 39, inclusive, and substitute:

“BY adding to

Article - Criminal Law

Section 2-201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

On page 3, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On page 3, in line 25, after “from” insert “partially”; and in line 36, strike “Repeal” and substitute “Partial repeal”.

On page 4, strike in their entirety lines 1 through 8, inclusive; in line 9, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER

(Over)

ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10, strike in their entirety the lines beginning with line 11 on page 4 through line 20 on page 10, inclusive.

On page 11, in line 16, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 24, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE WHILE COMMITTING OR ATTEMPTING TO COMMIT ARSON IN THE FIRST DEGREE, CARJACKING OR ARMED CARJACKING, RAPE IN THE FIRST DEGREE, ROBBERY UNDER § 3-402 OR § 3-403 OF THIS ARTICLE, OR SEXUAL OFFENSE IN THE FIRST DEGREE MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 25, strike the bracket; in line 26, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 29 down through “(i)” in line 30; and in line 30, strike “and”.

On page 12, strike in their entirety lines 1 and 2; strike beginning with “with” in line 3 down through “title,” in line 4; and in line 5, strike “with respect to § 2-303(g)(1)(i) of this title,”.

On page 13, in lines 10 and 20, in each instance, strike the bracket; and strike in their entirety lines 11 through 19, inclusive.

On page 15, strike in their entirety lines 15 through 18, inclusive; and in lines 19, 22, and 24, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

On page 16, strike beginning with “any” in line 11 down through “exists” in line 12 and substitute “**A DETERMINATION HAS BEEN MADE**”; in line 12, strike the colon and substitute “**THAT**”; and strike in their entirety lines 13 through 32, inclusive.

On page 17, strike in their entirety lines 1 and 2; in line 3, strike “(x)”; in lines 5, 6, 7, 8, and 9, strike “1.”, “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, “**(IV)**”, and “**(V)**”, respectively; in line 10, strike “one or more of”; and in line 11, strike “circumstances exist” and substitute “**CIRCUMSTANCE EXISTS**”.

On page 18, strike beginning with “one” in line 5 down through “circumstances” in line 6 and substitute “**THE CIRCUMSTANCE**”.

On page 19, in lines 3, 4, and 5, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”; and in lines 4, 6, and 17, in each instance, strike “outweigh” and substitute “**OUTWEIGHS**”; in lines 8 and 20, in each instance, strike “do” and substitute “**DOES**”; in line 14, strike “each” and substitute “**THE**”; in line 16, strike “any” and substitute “**THE**”; and in lines 16 and 19, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”.

On page 20, in line 19, strike the bracket.

On pages 20 through 26, strike in their entirety the lines beginning with line 20 on page 20 through line 29 on page 26, inclusive.

On page 26, in line 30, strike “4.” and substitute “**2.**”; and in the same line, after “That” insert “**, except in a case in which a person has been found guilty of murder in the first degree while committing or attempting to commit arson in the first degree, carjacking or armed carjacking, rape in the first degree, robbery under § 3-402 or § 3-403 of the Criminal Law Article, or sexual offense in the first degree.**”.

On page 27, in line 1, strike “5.” and substitute “**3.**”.