

**A001-0001**

10 AN ACT CONCERNING

**20 Sentencing and Punishment – Death Penalty and Minors**

30 FOR the purpose of changing the punishment of first degree murder committed by minors to include 40  
the possibility of life imprisonment with parole upon completion of a rehabilitation program.

50 BY repealing and reenacting with amendments

60 Article 27 – Crimes and Punishments

70 Section 412

80 Annotated Code of Maryland

90 1996 Replacement Volume

100 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE,

**110 Article 27**

120 § 412. Punishment for murder

130 (a) Designation of degree by court or jury. - -If a person is found guilty of murder, the court or  
140 jury that determined the person’s guilt shall state in the verdict whether the person is guilty of  
150 murder in the first degree or murder in the second degree.

160 (b) Penalty for first degree murder. - - Except as provided under subsection (g) of this section, a person  
170 found guilty of murder in the first degree shall be sentenced to death, imprisonment for life, or  
180 imprisonment for life without the possibility of parole. The sentence shall be imprisonment unless: (1)  
190 (i) the State notified the person in writing at least 30 days prior to trial that it intended to seek a  
200 sentence of death, and advised the person of each aggravating circumstance upon which it intended to  
210 rely, and (ii) a sentence of death is imposed in accordance with §413; or (2) the State notified the  
220 person in writing at least 30 days prior to trial that it intended to seek a sentence of imprisonment for  
230 life without the possibility of parole under § 412 or § 413 of the article.

240 (c) Notice of intent to seek death penalty. - -

250 (1) If a State’s Attorney files or withdraws a notice of intent to seek a sentence of death, the  
260 State’s Attorney shall file a copy of the notice or withdrawal with the clerk of the Court of  
270 Appeals.

280 (2) The validity of a notice of intent to seek a sentence of death that is served on a defendant  
290 in a timely manner shall in no way be affected by the State’s Attorney’s failure to file a copy  
300 of the death notice in a timely manner with the clerk of the Court of Appeals.

310 (d) Penalty for second degree murder. - - A person found guilty of murder in the second degree shall  
320 be sentenced to imprisonment for not more than 30 years.

330 (e) Court to determine possibility of parole. - - Except as provided by § 413 of this article, the court  
340 shall decide whether to impose a sentence of life imprisonment or life imprisonment without  
350 the possibility of parole.

360 (f) Definitions. - -

370 (1) In this section, the following terms have the meanings indicated.

380 (2) “Imprisonment for life without the possibility of parole” means imprisonment for the  
390 natural life of an inmate under the custody of a correctional institution, including the Patuxent  
400 Institution.

410 (3)“Mentally retarded” means the individual has significantly subaverage intellectual

420 functioning as evidenced by an intelligence quotient of 70 or below on an individually  
430 administered intelligence quotient test and impairment in adaptive behavior, and the mental  
440 retardation is manifested before the individual attains the age of 22.

450 (g) Penalty for defendants less than 18 years old or mentally retarded defendants. - -

460 (1) If a person found guilty of murder in the first degree was, at the time the murder was  
470 committed, less than 18 years old or if the person establishes by a preponderance of the  
480 evidence that the person was, at the time the murder was committed, mentally retarded, the  
490 person shall be sentenced to imprisonment for life ~~or imprisonment for life without the~~  
500 ~~possibility of parole~~ and may not be sentenced to death.

510 (i) PAROLE MAY ONLY BE GRANTED UPON SATISFACTORY  
520 COMPLETION OF A REHABILITATION PROGRAM TO BE DEVELOPED  
530 AND ADMINISTERED BY THE MARYLAND DEPARTMENT OF JUVENILE  
540 JUSTICE AND THE APPROVAL OF THE CERTIFIED PSYCHOLOGIST  
550 WORKING WITH THE INDIVIDUAL.

560 (ii) THE REHABILITATION PROGRAM SHALL CONTAIN THE FOLLWOING  
570 THREE MAIN COMPONENTS: (a) COMPLETION OF HIGH SCHOOL  
580 STUDIES OR THE EQUIVALENT THEREOF; (b) INTENSIVE ONE ON ONE  
590 THERAPY WITH A CERTIFIED PSYCHOLOGIST; AND (c) INTENSIVE  
600 GROUP AND/OR FAMILY THERAPY.

610 (2) The sentence shall be imprisonment for life unless the State notified the person  
620 writing at least 30 days prior to trial that the State intended to seek a sentence of  
630 imprisonment for life without the possibility of parole under this section of § 413 of  
640 this article.

650 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect on October 1, 2001.

660 MANDATES: The Honorable Governor Parris N. Glendening  
670 The Honorable Lieutenant Governor Kathleen Kennedy Townsend  
680 The Honorable Wayne T. Gilchrest  
690 The Honorable Janet Greenip

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