

SENATE BILL 12
EMERGENCY BILL

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2003 Regular Session
3r0830
CF 3r0459

By: **Senators Hughes, Britt, Conway, Currie, Exum, Gladden, Grosfeld,
Jones, Kelley, Lawlah, McFadden, and Pinsky**

Introduced and read first time: January 10, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Death Penalty - Moratorium**

3 FOR the purpose of prohibiting an individual who has been sentenced to death from
4 being executed; prohibiting a judge from issuing a warrant of execution and
5 providing that any warrants of execution issued for which the individual has not
6 been executed are void; requiring the General Assembly to review a certain
7 report; requiring the General Assembly to make certain recommendations and,
8 if necessary, propose certain legislation based on the review of a certain report;
9 requiring the General Assembly to annually review the progress of certain
10 recommendations and legislation; expressing the intent of the General Assembly
11 that, on a certain finding, legislation shall be passed repealing the provisions of
12 this Act that prohibit an individual from being executed and a judge from
13 issuing a warrant of execution; providing for the construction of this Act; making
14 this Act an emergency measure; and generally relating to the death penalty.

15 BY adding to
16 Article - Correctional Services
17 Section 3-910
18 Annotated Code of Maryland
19 (1999 Volume and 2002 Supplement)

20 **Preamble**

21 WHEREAS, A research study of the administration of the death penalty in the
22 State's criminal justice system being conducted by the Department of Criminology of
23 the University of Maryland, College Park, should be completed by December 31, 2002;
24 and

25 WHEREAS, The purpose of the study is not simply to examine if there is bias in
26 the process or even the appearance of bias, whether based on race, ethnicity, economic
27 status, or any other reason, but also to identify any problems and to recommend
28 solutions; and

1 WHEREAS, Because the report based on the study should be completed by
2 December 31, 2002, a moratorium on the death penalty will allow the General
3 Assembly to consider the report, make recommendations based on the report, and
4 evaluate the progress of the implementation of those recommendations; now,
5 therefore,

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

8 **Article - Correctional Services**

9 3-910.

10 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL WHO
11 HAS BEEN SENTENCED TO DEATH MAY NOT BE EXECUTED.

12 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A JUDGE MAY NOT
13 ISSUE A WARRANT OF EXECUTION AND ANY WARRANTS OF EXECUTION ISSUED FOR
14 WHICH THE INDIVIDUAL HAS NOT BEEN EXECUTED ARE VOID.

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) The General Assembly shall review the report of the study on the
17 administration of the death penalty that is submitted by the Department of
18 Criminology of the University of Maryland, College Park.

19 (b) The General Assembly shall make recommendations to the appropriate
20 entities based on its review of the study and, if necessary, propose legislation to
21 implement those recommendations.

22 (c) The General Assembly shall annually review the progress of the
23 implementation of the recommendations and legislation made and enacted in
24 accordance with the provisions of subsection (b) of this section concerning the
25 administration of the death penalty.

26 (d) It is the intent of the General Assembly that, on a finding that the
27 recommendations of and legislation enacted by the General Assembly under this
28 section have been fully implemented, legislation shall be passed repealing § 3-910 of
29 the Correctional Services Article.

30 SECTION 3. AND BE IT FURTHER ENACTED, That, except as provided in
31 Section 1 of this Act, this Act may not be construed to affect in any other way the law
32 concerning the death penalty, including the procedures and time frames for
33 notifications, determinations, and judicial review of death penalty decisions.

34 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an
35 emergency measure, is necessary for the immediate preservation of the public health
36 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
37 members elected to each of the two Houses of the General Assembly, and shall take
38 effect from the date it is enacted.

