

Defined term: "Person" § 1-101

2-303. FIRST DEGREE MURDER — SENTENCING PROCEDURE — DEATH PENALTY.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "CORRECTIONAL FACILITY" HAS THE MEANING STATED IN § 1-101 OF THIS ARTICLE.

(II) "CORRECTIONAL FACILITY" INCLUDES:

1. AN INSTITUTION FOR THE CONFINEMENT OR DETENTION OF JUVENILES CHARGED WITH OR ADJUDICATED AS BEING DELINQUENT; AND

2. A HOSPITAL IN WHICH A PERSON IS CONFINED UNDER AN ORDER OF A COURT EXERCISING CRIMINAL JURISDICTION.

(3) (I) "LAW ENFORCEMENT OFFICER" MEANS A LAW ENFORCEMENT OFFICER AS DEFINED UNDER THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS, ARTICLE 27, § 727 OF THE CODE.

(II) "LAW ENFORCEMENT OFFICER" INCLUDES:

1. A LAW ENFORCEMENT OFFICER OF A JURISDICTION OUTSIDE OF THE STATE;

2. AN OFFICER SERVING IN A PROBATIONARY STATUS;

3. A PAROLE AND PROBATION OFFICER; AND

4. A LAW ENFORCEMENT OFFICER WHILE PRIVATELY EMPLOYED AS A SECURITY OFFICER OR SPECIAL POLICE OFFICER UNDER ARTICLE 41, §§ 4-901 THROUGH 4-913 OF THE CODE IF THE LAW ENFORCEMENT OFFICER IS WEARING THE UNIFORM WORN WHILE ACTING IN AN OFFICIAL CAPACITY OR IS DISPLAYING PROMINENTLY THE OFFICER'S OFFICIAL BADGE OR OTHER INSIGNIA OF OFFICE.

(B) IMPOSITION OF DEATH PENALTY — SENTENCING PROCEEDING.

IF THE STATE GAVE NOTICE UNDER § 2-202(A)(1) OF THIS TITLE, A SEPARATE SENTENCING PROCEEDING SHALL BE HELD AS SOON AS PRACTICABLE AFTER A DEFENDANT IS FOUND GUILTY OF MURDER IN THE FIRST DEGREE TO DETERMINE WHETHER THE DEFENDANT SHALL BE SENTENCED TO DEATH.

(C) SAME — DETERMINATION BY COURT OR JURY.

THE SENTENCING PROCEEDING UNDER SUBSECTION (B) OF THIS SECTION SHALL BE CONDUCTED:

(1) BEFORE THE JURY THAT DETERMINED THE DEFENDANT'S GUILT;

(2) BEFORE A JURY IMPANELED FOR PURPOSES OF THE PROCEEDING IF: