

CHAPTER 25

(Senate Bill 37)

AN ACT to repeal and re-enact, with amendments, sub-sections (a) and (e) of Section 75 of Article 27 of the Annotated Code of Maryland (1957 Edition), title "Crimes and Punishments", sub-title "Death Penalties" correcting therein two cross references to Section 86 of Article 5 of the 1951 Edition of the Code, the references relating generally to appeals in criminal cases.

WHEREAS, In Section 75 of Article 27 of the 1957 Code there are two cross references to Section 86 of Article 5 of the 1951 Code, and

WHEREAS, The entire Article 5 of the Code was revised by Chapter 399 of the Acts of 1957, and

WHEREAS, Following this revision there is no Section 86 of Article 5 in the Code since the provisions concerning appeals in criminal cases now are contained in Sections 12 to 17, inclusive, of Article 5, under the sub-title "Appeals in Criminal Cases", and

WHEREAS, Since this incorrect cross reference relates to the death penalty contained in the criminal laws it is advisable to clarify and correct the references to Article 5; now, therefore

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That sub-sections (a) and (e) of Section 75 of Article 27 of the Annotated Code of Maryland (1957 Edition), title "Crimes and Punishments", sub-title "Death Penalties", be and they are hereby repealed and re-enacted, with amendments, to read as follows:

75.

(a) Issuance and contents of warrant; effect of other proceedings on warrant; another warrant after stay of execution.—When a person is sentenced to the punishment of death, the judge or judges presiding in the court shall, at the time of passing sentence, make out, sign and issue a warrant directed to the warden of the Maryland Penitentiary, stating the conviction and sentence and appointing a week within which the sentence must be executed, and commanding the said warden to execute the sentence upon some day within the week so appointed. If a proceeding is instituted in any federal court or in any court of this State or before any judge thereof to test the validity of the conviction, other than by an appeal to the Court of Appeals of Maryland, the warrant shall remain in full force and effect unless the court, or a judge thereof, in which or before whom such proceeding is instituted, shall pass an order revoking the warrant. In any case in which a stay of execution has resulted by reason of an appeal to the Court of Appeals of Maryland after compliance with the requirements of [sec. 86 of] Article 5 of the Code, *sub-title "Appeals in Criminal Cases"*, and the judgment has been affirmed,

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

~~Strike out~~ indicates matter stricken out of bill.