

(B) IN ANY CASE IN THE CIRCUIT COURT IN WHICH THIS GENERAL FORM OF INDICTMENT OR INFORMATION IS USED TO CHARGE AN OFFENSE UNDER THIS SUBHEADING, THE DEFENDANT ON TIMELY DEMAND IS ENTITLED TO A BILL OF PARTICULARS.

COMMITTEE NOTE: The Committee intends that the provisions of the Maryland Rules be followed as to the applicable time limits and other requirements concerning a bill of particulars.

408.

All murder which shall be committed in the perpetration of, or attempt to perpetrate [any arson], ARSON IN THE FIRST DEGREE shall be murder in the first degree.

COMMITTEE NOTE: This change is stylistic and clarifies that only murder committed in the perpetration of arson in the first degree, and not arson in the second degree, is first degree murder. This essentially retains the current law in this area.

413.

(d) In determining the sentence, the court or jury, as the case may be, shall first consider whether, beyond a reasonable doubt, any of the following aggravating circumstances exist:

(10) The defendant committed the murder while committing or attempting to commit a robbery, arson IN THE FIRST DEGREE, rape or sexual offense in the first degree.

(g) If the court or jury finds, beyond a reasonable doubt, that one or more of these aggravating circumstances exist, it shall then consider whether, based upon a preponderance of the evidence, any of the following mitigating circumstances exist:

(1) The defendant has not previously (i) been found guilty of a crime of violence; (ii) entered a plea of guilty or nolo contendere to a charge of a crime of violence; or (iii) had a judgment of probation on stay of entry of judgment entered on a charge of a crime of violence. As used in this paragraph, "crime of violence" means abduction, arson IN THE FIRST DEGREE, escape, kidnapping, manslaughter, except involuntary manslaughter, mayhem, murder, robbery, or rape or sexual offense in the first or second degree, or an attempt to commit any of these offenses, or the use of a handgun in the commission of a felony or another crime of violence.

COMMITTEE NOTE: See note to § 408 above. For purposes of the death penalty, the change to arson in the first degree essentially retains the current law in this area.

441.

(e) The term "crime of violence" means abduction; arson IN THE FIRST DEGREE; burglary, including common-law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary