

a charge of a crime of violence. As used in this paragraph, "crime of violence" means abduction, arson in the first degree, escape in the first degree, kidnapping, manslaughter, except involuntary manslaughter, mayhem, murder, robbery UNDER § 486, ~~§ 487, OR § 488~~ OR § 487 OF THIS ARTICLE, carjacking or armed carjacking, 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.

(2) The victim was a participant in the defendant's conduct or consented to the act which caused the victim's death.

(3) The defendant acted under substantial duress, domination or provocation of another person, but not so substantial as to constitute a complete defense to the prosecution.

(4) The murder was committed while the capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired as a result of mental incapacity, mental disorder or emotional disturbance.

(5) The youthful age of the defendant at the time of the crime.

(6) The act of the defendant was not the sole proximate cause of the victim's death.

(7) It is unlikely that the defendant will engage in further criminal activity that would constitute a continuing threat to society.

(8) Any other facts which the jury or the court specifically sets forth in writing that it finds as mitigating circumstances in the case.

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(e) "Crime of violence" means:

- (1) Abduction;
- (2) Arson in the first degree;
- (3) Assault in the first or second degree;
- (4) Burglary in the first, second, or third degree;
- (5) Carjacking and armed carjacking;
- (6) Escape in the first degree;
- (7) Kidnapping;
- (8) Voluntary manslaughter;
- (9) Maiming;
- (10) Mayhem as previously proscribed under former § 384 of this article;