

penalty is NOT a deterrent to crime, and factual information from previous studies is still valid.

The last formal study of capital punishment conducted for the State was in 1962 by a special committee appointed by the Legislative Council and headed by Ralph G. Murdy. This committee held extensive public hearings, compiled a considerable amount of factual data and recommended, by a vote of 5 to 2, that capital punishment be abolished in Maryland.

At present, Maryland permits the death penalty for six offenses: first degree murder, rape, statutory rape, assault with intent to commit rape, kidnapping, kidnapping of a child under 16. In none of these is the death penalty mandatory; and in several cases, the sentence ranges from 18 months or two years to death.

There presently are 21 convicts under sentence of death in this State. The average length of time that each has been under the death penalty is four years and eight months. In 1935 there were 199 executions throughout the United States. Last year there was but *one*! Maryland has executed only four persons since 1956; the last was six years ago, in 1961.

I will recommend to the 1968 session of the Maryland General Assembly that the death penalty be abolished, with one exception: the commission of murder by a person who already is serving life sentence without possibility of parole. Thus there would still be a deterrent against the murder of a guard or a fellow inmate, or of anyone else should such inmate escape.

This proposal envisages that, on conviction for one of the six present capital offenses, a jury would be permitted to recommend and the judge permitted to sentence the offender either:

1. To the jurisdiction of the Department of Correction for life, which under present parole procedures permits parole after 15 years.

or

2. To the jurisdiction of the Department of Correction for life *without possibility of parole*, an option not now open to Maryland courts.

Under this policy, no one could be put to death for a first offense, no matter how heinous the crime. But in the more severe cases, the defendant would be effectively incarcerated for the rest of his natural life and society would be protected, a safeguard that does not now exist as to life termers convicted of capital crimes.