

sentencing authority to focus on the specific circumstances of the crime and the particular characteristics of the offender to the extent constitutionally required by the controlling Supreme Court decisions. That Blackwell was afforded an opportunity to present, and did present, broad circumstances of mitigation to the jury hardly suffices as the measure of the statute's constitutionality; the jury was neither required nor permitted by the statute to weigh or objectively focus on Blackwell's character and record before returning its verdict and causing the death sentence to be imposed upon him."

Most illustrative of the general approach of the United States Supreme Court is the following expression of Mr. Justice Stewart, speaking for the plurality in Gregg v. Georgia, 96 S. Ct. at 2935:

"In summary, the concerns expressed in Furman that the penalty of death not be imposed in an arbitrary or capricious manner can be met by a carefully drafted statute that ensures that the sentencing authority is given adequate information and guidance. As a general proposition these concerns are best met by a system that provides for a bifurcated proceeding at which the sentencing authority is apprised of the information relevant to the imposition of sentence and provided with standards to guide its use of the information.

"We do not intend to suggest that only the above-described procedures would be permissible under Furman or that any sentencing system constructed along these general lines would inevitably satisfy the concerns of Furman, for each distinct system must be examined on an individual basis. Rather, we have embarked upon this general exposition to make clear that it is possible to construct capital-sentencing systems capable of meeting Furman's constitutional concerns."

With these general principles to guide us, we now turn to an examination of the principal features of Senate Bill 106 and our assessment of its constitutionality, with particular consideration of the specific questions you have posed.

Although the Bill as passed does not mirror the statute of any other single state, in its initial form it largely followed the Florida sentencing procedures. The aggravating circumstances, however, without proof of which the death penalty may not be imposed, largely followed the present Maryland list of capital punishment crimes.