

(1) IF A JURY DETERMINES THAT A DEATH SENTENCE SHALL BE IMPOSED UNDER THE PROVISIONS OF THIS SECTION, THE COURT SHALL IMPOSE A DEATH SENTENCE.

(2) IF, WITHIN A REASONABLE TIME, THE JURY IS UNABLE TO AGREE AS TO WHETHER A DEATH SENTENCE SHALL BE IMPOSED, THE COURT MAY NOT IMPOSE A DEATH SENTENCE.

(3) IF THE SENTENCING PROCEEDING IS CONDUCTED BEFORE A COURT WITHOUT A JURY, THE COURT SHALL DETERMINE WHETHER A DEATH SENTENCE SHALL BE IMPOSED UNDER THE PROVISIONS OF THIS SECTION.

(4) IF THE COURT OR JURY DETERMINES THAT A DEATH SENTENCE MAY NOT BE IMPOSED AND THE STATE GAVE NOTICE UNDER § 2-203(1) OF THIS TITLE, A DETERMINATION SHALL BE MADE CONCERNING IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE UNDER § 2-304 OF THIS SUBTITLE.

(5) IF THE COURT OR JURY DETERMINES THAT A DEATH SENTENCE MAY NOT BE IMPOSED AND IF THE STATE DID NOT GIVE NOTICE UNDER § 2-203(1) OF THIS TITLE, THE COURT SHALL IMPOSE A SENTENCE OF IMPRISONMENT FOR LIFE.

(K) CERTIFICATION OF PROCEEDINGS.

(1) IMMEDIATELY AFTER THE IMPOSITION OF A DEATH SENTENCE:

(I) THE CLERK OF THE COURT IN WHICH SENTENCE IS IMPOSED, IF DIFFERENT FROM THE COURT WHERE THE INDICTMENT OR INFORMATION WAS FILED, SHALL CERTIFY THE PROCEEDINGS TO THE CLERK OF THE COURT WHERE THE INDICTMENT OR INFORMATION WAS FILED; AND

(II) THE CLERK OF THE COURT WHERE THE INDICTMENT OR INFORMATION WAS FILED SHALL COPY THE DOCKET ENTRIES IN THE INMATE'S CASE, SIGN THE COPIES, AND DELIVER THEM TO THE GOVERNOR.

(2) THE DOCKET ENTRIES SHALL SHOW FULLY THE SENTENCE OF THE COURT AND THE DATE THAT THE SENTENCE WAS ENTERED.

(L) METHOD OF IMPOSING DEATH SENTENCE.

IF THE DEFENDANT IS SENTENCED TO DEATH, THE COURT BEFORE WHICH THE DEFENDANT IS TRIED AND CONVICTED SHALL SENTENCE THE DEFENDANT TO DEATH BY INTRAVENOUS ADMINISTRATION OF A LETHAL QUANTITY OF AN ULTRASHORT-ACTING BARBITURATE OR OTHER SIMILAR DRUG IN COMBINATION WITH A CHEMICAL PARALYTIC AGENT.

REVISOR'S NOTE: All but subsection (a)(2)(i) of this section is new language derived without substantive change from former Art. 27, §§ 413A, 414A, 627, and 413(a) through (d), the introductory language of (e), (e)(2) and (3), (f) through (j), (k)(1) through (4), and (m).

Subsection (a)(2)(i) of this section is new language substituted for the former reference to an "institution for the detention or confinement of persons charged with or convicted of a crime, including Patuxent