

(I) SENTENCING A DEFENDANT WHO IS CONVICTED OF A FELONY OR OF A MISDEMEANOR THAT RESULTED IN SERIOUS PHYSICAL INJURY OR DEATH TO THE VICTIM TO THE JURISDICTION OF THE DIVISION OF CORRECTION; OR

(II) REFERRING A DEFENDANT TO THE PATUXENT INSTITUTION.

(2) THE PARTY THAT REQUESTS THE REPORT HAS THE BURDEN OF ESTABLISHING THAT THE INVESTIGATION SHOULD BE ORDERED.

(3) IF REQUIRED UNDER ARTICLE 27, § 781 OF THE CODE, THE REPORT SHALL INCLUDE A VICTIM IMPACT STATEMENT.

(C) SAME — REQUIRED.

(1) THE DIVISION SHALL COMPLETE A PRESENTENCE INVESTIGATION REPORT IN EACH CASE IN WHICH THE DEATH PENALTY OR IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE IS REQUESTED UNDER ARTICLE 27, § 412 OF THE CODE.

(2) THE REPORT SHALL INCLUDE A VICTIM IMPACT STATEMENT AS PROVIDED UNDER ARTICLE 27, § 781 OF THE CODE.

(3) THE COURT OR JURY BEFORE WHICH THE SEPARATE SENTENCING PROCEEDING IS CONDUCTED UNDER ARTICLE 27, § 412 OR § 413 OF THE CODE SHALL CONSIDER THE REPORT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-609(b), (c), and (d).

In the introductory language of subsection (a)(1) of this section, the former reference to "the judge of" the court is deleted as unnecessary in light of the reference to "a court".

In subsection (a)(1)(i), (2), and (3) of this section, the references to a presentence "investigation" report are added for consistency with Art. 10, § 40A.

In subsection (a)(1) of this section, the former requirement that the Division perform probationary services "from time to time" is deleted as implicit in the requirement that the Division perform probationary services "[o]n request".

In subsection (a)(3)(iv) of this section, the former reference to the "District of Columbia" is deleted as included in the defined term "state". See § 1-101 of this article.

In subsection (a)(3)(v) of this section, the reference to a public or private mental health facility "located in this State or any other state" is substituted for the former reference to a public or private mental health facility "in any of those jurisdictions" for clarity and accuracy.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the list of individuals who