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Gov. Martin O'Malley's bill to repeal Maryland's death penalty survived an early test Friday as supporters turned back an amendment that would have allowed executions to continue in some cases.

Sen. Richard F. Colburn (R-Dorchester) made an emotional appeal to keep the death penalty on the books for murders involving rapes, among other circumstances. He recounted in graphic detail the case of Sarah Foxwell, an 11-year-old girl who was kidnapped, sexually assaulted and murdered on Maryland's Eastern Shore in 2009.

"Just think about what happened to this poor, innocent girl," Colburn told his colleagues.

The amendment failed on a vote of 19 to 27 before the Senate broke for the day. The chamber is scheduled to take up more amendments Monday, with a final vote on the bill expected as early as Tuesday.

Sen. Jamie B. Raskin (D-Montgomery), who is shepherding O'Malley's bill through the chamber, said he considered the vote on the Colburn amendment an "excellent harbinger" of where senators are on the underlying legislation.

The bill requires 24 votes to pass. Twenty-six senators have said publicly that they intend to vote for it. Joining them in opposition to Colburn's amendment Friday was Sen. Allan H. Kittleman (R-Howard), who said he is continuing to wrestle with how to vote on the bill itself.

During Friday's floor debate, Raskin acknowledged that there are cases such as Foxwell's where vengeance is an understandable emotion. But he argued that "death is different" and the state cannot correct a mistake after executing someone.

"With the death penalty, there is no going back," he said.

Raskin and several other senators made reference to Kirk Bloodsworth, a former death row inmate who was later exonerated by DNA evidence. Bloodsworth watched Friday's debate from the Senate gallery.

O'Malley's repeal bill would replace the death penalty with life without the possibility of parole. If the bill clears the Senate, it heads next to the House of Delegates.

Maryland would become the 18th state to end capital punishment.

http://www.washingtonpost.com/local/md-politics/death-penalty-repeal-bill-clears-early-hurdle-in-maryland-senate-debate/2013/03/01/83f17d42-8296-11e2-8074-b26a871b165a_story.html