

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 449 Session of 2023

INTRODUCED BY ROTHMAN AND BOSCOLA, MARCH 14, 2023

REFERRED TO JUDICIARY, MARCH 14, 2023

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, further
3 providing for definitions and for sentencing procedure for
4 murder of the first degree.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 9702 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 9702. Definitions.

10 [As used in this chapter "court" and "judge" include (when
11 exercising criminal or quasi-criminal jurisdiction pursuant to
12 section 1515 (relating to jurisdiction and venue)) a magisterial
13 district judge.]

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "College." Any of the following:

18 (1) An institution created prior to, on or after the
19 effective date of this paragraph under any of the following:

1 (i) Article XIX-A of the act of March 10, 1949
2 (P.L.30, No.14), known as the Public School Code of 1949.

3 (ii) The act of August 24, 1963 (P.L.1132, No.484),
4 known as the Community College Act of 1963.

5 (2) An independent institution of higher education that
6 is an institution of higher education located in this
7 Commonwealth and incorporated or chartered by the
8 Commonwealth, entitled to:

9 (i) confer degrees under 24 Pa.C.S. § 6505 (relating
10 to power to confer degrees); and

11 (ii) apply to itself the designation "college,"
12 "university" or "seminary" as provided for by standards
13 and qualifications prescribed by the State Board of
14 Education under 24 Pa.C.S. Ch. 65 (relating to private
15 colleges, universities and seminaries).

16 (3) A State-owned institution.

17 (4) A State-related institution.

18 (5) An education enterprise.

19 "Court" or "judge." The term shall include, when exercising
20 criminal or quasi-criminal jurisdiction under section 1515
21 (relating to jurisdiction and venue), a magisterial district
22 judge.

23 "Elementary or secondary school." In the buildings of, on
24 the grounds of or in a conveyance providing transportation to or
25 from any of the following:

26 (1) An elementary or secondary publicly funded
27 educational institution.

28 (2) An elementary or secondary private school licensed
29 by the Department of Education.

30 (3) An elementary or secondary parochial school.

1 "Government office." The place of business of any of the
2 following:

3 (1) The Governor and the departments, boards,
4 commissions, authorities and officers and agencies of the
5 Commonwealth or other instrumentalities of the Commonwealth.

6 (2) The General Assembly and its officers and agencies.

7 (3) A political subdivision, municipality or other local
8 authority and the departments, boards, commissions,
9 authorities and officers and agencies of the political
10 subdivision or other instrumentality of the political
11 subdivision.

12 (4) A court or other officer or agency of the unified
13 judicial system or instrumentality of the court or unified
14 judicial system.

15 "Place of worship." In the buildings of or on the grounds of
16 a church, synagogue, mosque or other regularly established place
17 of meeting of a religious institution or religious organization.

18 "Professional sports facility." A stadium, arena or other
19 place owned or leased by a professional sports organization at
20 which a professional athletic event is conducted in the presence
21 of individuals who pay admission to view the event.

22 Section 2. Section 9711(d) of Title 42 is amended by adding
23 a paragraph to read:

24 § 9711. Sentencing procedure for murder of the first degree.

25 * * *

26 (d) Aggravating circumstances.--Aggravating circumstances
27 shall be limited to the following:

28 * * *

29 (19) The defendant committed the killing on the premises
30 of an elementary or secondary school, college, place of

1 worship, professional sports facility or government office.

2 * * *

3 Section 3. This act shall take effect in 60 days.