

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 308 Session of 2011

INTRODUCED BY D. O'BRIEN, BARRAR, BOYD, D. COSTA, CUTLER,
GILLESPIE, GOODMAN, HESS, HORNAMAN, METZGAR, MURT, O'NEILL,
PYLE AND VULAKOVICH, JANUARY 27, 2011

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 27, 2011

AN ACT

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

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

6 Section 1. Section 9711(c)(1)(v) of Title 42 of the
7 Pennsylvania Consolidated Statutes is amended to read:
8 § 9711. Sentencing procedure for murder of the first degree.

9 * * *

10 (c) Instructions to jury.--

11 (1) Before the jury retires to consider the sentencing
12 verdict, the court shall instruct the jury on the following
13 matters:

14 * * *

15 (v) The court may, in its discretion, discharge the
16 jury if it is of the opinion that further deliberation
17 will not result in a unanimous agreement as to the
18 sentence[, in which case the court shall sentence the

1 defendant to life imprisonment]. The court shall impanel
2 a new jury to decide the sentence at a hearing conducted
3 in the same manner as provided under subsection (a). If
4 the court finds that further deliberation by the new jury
5 will not result in a unanimous agreement as to the
6 sentence, the court may discharge the new jury and shall
7 sentence the defendant to life imprisonment.

8 * * *

9 Section 2. This act shall take effect in 60 days.