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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1934 Session of  
2017

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INTRODUCED BY FLYNN, BAKER, MILLARD, FARRY, D. COSTA AND WATSON,  
NOVEMBER 27, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 27, 2017

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AN ACT

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

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

7 Section 1. Section 9711(c)(1) of Title 42 of the  
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 9711. Sentencing procedure for murder of the first degree.

10 \* \* \*

11 (c) Instructions to jury.--

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

15 (i) The aggravating circumstances specified in  
16 subsection (d) as to which there is some evidence.

17 (ii) The mitigating circumstances specified in  
18 subsection (e) as to which there is some evidence.

19 (iii) Aggravating circumstances must be proved by

1 the Commonwealth beyond a reasonable doubt; mitigating  
2 circumstances must be proved by the defendant by a  
3 preponderance of the evidence.

4 (iv) [The] Except as provided under subparagraph  
5 (vi), the verdict must be a sentence of death if the jury  
6 unanimously finds at least one aggravating circumstance  
7 specified in subsection (d) and no mitigating  
8 circumstance or if the jury unanimously finds one or more  
9 aggravating circumstances which outweigh any mitigating  
10 circumstances. The verdict must be a sentence of life  
11 imprisonment in all other cases.

12 (v) The court may, in its discretion, discharge the  
13 jury if it is of the opinion that further deliberation  
14 will not result in a unanimous agreement as to the  
15 sentence or an agreement as provided under subparagraph  
16 (vi), in which case the court shall sentence the  
17 defendant to life imprisonment.

18 (vi) The verdict must be a sentence of death if no  
19 less than 11 jurors find the aggravating circumstance  
20 specified under subsection (d)(1) and no mitigating  
21 circumstance.

22 \* \* \*

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