

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1343 Session of
1983

INTRODUCED BY BARBER, WIGGINS, TRUMAN, LAUGHLIN AND DOMBROWSKI,
JULY 14, 1983

REFERRED TO COMMITTEE ON JUDICIARY, JULY 14, 1983

AN ACT

1 Amending the act of June 19, 1913 (P.L.528, No.338), entitled
2 "An act fixing the penalty for murder of the first degree;
3 regulating the procedure incident to the infliction thereof;
4 prescribing and providing for a place and manner of
5 inflicting said penalty on the grounds of the new Western
6 Penitentiary of this Commonwealth, in Centre County; making
7 an appropriation therefor; repealing inconsistent
8 legislation; and providing that neither this act nor said
9 repeal shall apply to any case in which it shall appear that
10 said crime was committed prior to the date of the approval of
11 this act," further providing for the manner of carrying out a
12 sentence of death.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Sections 1, 3, 4 and 6 of the act of June 19,
16 1913 (P.L.528, No.338), entitled "An act fixing the penalty for
17 murder of the first degree; regulating the procedure incident to
18 the infliction thereof; prescribing and providing for a place
19 and manner of inflicting said penalty on the grounds of the new
20 Western Penitentiary of this Commonwealth, in Centre County;
21 making an appropriation therefor; repealing inconsistent
22 legislation; and providing that neither this act nor said repeal

1 shall apply to any case in which it shall appear that said crime
2 was committed prior to the date of the approval of this act,"
3 are amended to read:

4 Section 1. Be it enacted, &c., That every person, his
5 aiders, abettors and counsellors, hereafter convicted of the
6 crime of murder of the first degree, shall be sentenced to
7 suffer death in the manner herein provided, and not otherwise.
8 Such punishment, in every case, must be inflicted by [causing to
9 pass through the body of the convict a current of electricity of
10 intensity sufficient to cause death, and the application of such
11 current must be continued until such convict is dead. The said
12 punishment shall be inflicted by the warden or deputy warden of
13 the Western Penitentiary, or by such person as the warden shall
14 designate, and shall be inflicted in a building to be erected on
15 the land owned by the Commonwealth in Centre County, whereon the
16 buildings of the new Western Penitentiary are to be built.]
17 continuous intravenous injection of an ultra-short-acting
18 barbiturate in combination with a chemical paralytic agent in a
19 lethal quantity sufficient to cause death and until such person
20 is dead. The Commissioner of the Bureau of Correction shall
21 determine the substance or substances to be used and the
22 procedures to be used in any execution. This act shall apply to
23 all executions carried out on or after the effective date of
24 this amendatory act, irrespective of the date sentence was
25 imposed.

26 Section 3. After the receipt of the said record the Governor
27 of the Commonwealth shall issue his warrant, directed to the
28 [warden of the Western Penitentiary] Commissioner of the Bureau
29 of Correction commanding said [warden] commissioner to cause
30 such convict to be executed [in said penitentiary,] within the

1 week to be named in said warrant, and in the manner prescribed
2 by law.

3 Section 4. [Upon the receipt of such warrant the said warden
4 shall, by a written notice under his hand and seal, duly notify
5 the officer having the custody of such convict to deliver such
6 convict to the custody of such warden, and it shall be the duty
7 of such officer to forthwith cause such delivery to be made.
8 Thereupon, and until] Until the penalty of death shall be
9 inflicted, or until lawfully discharged from such custody, said
10 convict shall be kept in solitary confinement in said
11 penitentiary. During such confinement no person except the
12 officers of such penitentiary, the counsel of such convict, and
13 a spiritual adviser selected by such convict, or the members of
14 the immediate family of such convict, shall be allowed access to
15 such convict without an order of said court or a judge thereof.

16 Section 6. After any such execution the [warden of the
17 Western Penitentiary] Commissioner of the Bureau of Correction
18 shall certify in writing, under oath or affirmation, to the
19 court [of oyer and terminer] of the county wherein such convict
20 has been sentenced to death, that such convict was duly executed
21 at the place and in the manner prescribed in this act, and at
22 the time designated in the death warrant of the Governor. Such
23 certificate shall be filed in the office of the clerk of such
24 court.

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