

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 157 Session of
1995

INTRODUCED BY LESCOVITZ, COLAIZZO, DALEY, CORRIGAN, DeLUCA,
TIGUE, PESCI, MANDERINO, BELFANTI, FAJT, GORDNER, KUKOVICH,
MUNDY, TRELLO AND LAUGHLIN, JANUARY 20, 1995

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 20, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
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 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:
8 § 9711. Sentencing procedure for murder of the first degree.

9 * * *

10 (e.1) Mental retardation.--A person who is mentally retarded
11 may not be sentenced to death. For purposes of this subsection,
12 "mentally retarded" means having significantly subaverage
13 general intellectual functioning existing concurrently with
14 deficits in adaptive behavior. An intelligence quotient of 70 or
15 below on a reliably administered intelligence quotient test may
16 be presumptive evidence of mental retardation. The burden of
17 proof of mental retardation shall be with the defendant. Mental
18 retardation must be proven by a preponderance of the evidence.

1 * * *

2 Section 2. This act shall apply to sentences imposed on or
3 after the effective date of this act.

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