

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 54

Special Session No. 1 of
1995

INTRODUCED BY GERLACH, SHAFFER, DAWIDA, PETERSON, BELL,
SALVATORE, STAPLETON, DELP, SCHWARTZ, AFFLERBACH, ANDREZESKI,
KASUNIC, HART, BRIGHTBILL AND TOMLINSON, FEBRUARY 8, 1995

REFERRED TO JUDICIARY, FEBRUARY 8, 1995

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 sentencing in capital cases.

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

6 Section 1. Section 9711(a)(2), (b) and (c)(2) of Title 42 of
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 9711. Sentencing procedure for murder of the first degree.

9 (a) Procedure in jury trials.--

10 * * *

11 (2) In the sentencing hearing, evidence concerning the
12 victim and the impact that the death of the victim has had on
13 the family of the victim is admissible. Additionally,
14 evidence may be presented as to any other matter that the
15 court deems relevant and admissible on the question of the
16 sentence to be imposed [and]. Evidence shall include matters
17 relating to any of the aggravating or mitigating
18 circumstances specified in subsections (d) and (e), and

1 information concerning the victim and the impact that the
2 death of the victim has had on the family of the victim.

3 Evidence of aggravating circumstances shall be limited to
4 those circumstances specified in subsection (d).

5 * * *

6 (b) Procedure in nonjury trials and guilty pleas.--If the
7 defendant has waived a jury trial or pleaded guilty, the
8 sentencing proceeding shall be conducted before a jury impaneled
9 for that purpose unless waived by the defendant with the consent
10 of the Commonwealth, in which case the trial judge shall hear
11 the evidence and determine the penalty in the same manner as
12 would a jury as provided in subsection (a).

13 (c) Instructions to jury.--

14 * * *

15 (2) The court shall instruct the jury that if it finds
16 at least one aggravating circumstance and at least one
17 mitigating circumstance, it shall consider, in weighing the
18 aggravating and mitigating circumstances, any evidence
19 presented about the victim and about the impact of the murder
20 on the victim's family. The court shall also instruct the
21 jury on any other matter that may be just and proper under
22 the circumstances.

23 Section 2. The amendment of 42 Pa.C.S. § 9711(a)(2), (b) and
24 (c)(2) shall apply to sentences imposed for offenses which take
25 place on or after the effective date of this act.

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