

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 423 Session of
1997

INTRODUCED BY DELP, BELL, ARMSTRONG, PUNT AND THOMPSON,
FEBRUARY 11, 1997

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 2, 1997

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, ~~to permit service of~~ <—
3 ~~process on Sunday.~~ FURTHER PROVIDING FOR SENTENCING FOR <—
4 MURDER OF THE FIRST DEGREE.

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

7 ~~Section 1. Section 5107 of Title 42 of the Pennsylvania~~ <—
8 ~~Consolidated Statutes is amended to read:~~

9 ~~§ 5107. Service of process on Sunday.~~

10 ~~[(a) General rule. No process shall] Process may be served~~
11 ~~or executed on a Sunday except at any church, synagogue,~~
12 ~~meetinghouse or any place of worship. [except in the case of:~~

13 ~~(1) Felony or misdemeanor.~~

14 ~~(2) Breach of the peace.~~

15 ~~(3) Criminal or civil contempt of court in orders~~
16 ~~relating to support or custody matters.~~

17 ~~(4) When authorized or directed by the court upon a~~

1 ~~finding that the exigency of the case is such as to impel the~~
2 ~~court to suspend the rule against service or execution of~~
3 ~~process on a Sunday.~~

4 ~~(5) Any matter where the service or execution of process~~
5 ~~on a Sunday is expressly authorized by statute.~~

6 ~~(b) Effect of violation. Process served or executed in~~
7 ~~violation of subsection (a) shall be void and the person so~~
8 ~~serving or executing such process shall be liable to any person~~
9 ~~aggrieved to the same extent as if the action was taken without~~
10 ~~any process at all.]~~

11 SECTION 1. SECTION 9711(H) OF TITLE 42 OF THE PENNSYLVANIA
12 CONSOLIDATED STATUTES IS AMENDED TO READ:

13 § 9711. SENTENCING PROCEDURE FOR MURDER OF THE FIRST DEGREE.

14 * * *

15 (H) REVIEW OF DEATH SENTENCE.--

16 (1) A SENTENCE OF DEATH SHALL BE SUBJECT TO AUTOMATIC
17 REVIEW BY THE SUPREME COURT OF PENNSYLVANIA PURSUANT TO ITS
18 RULES.

19 (2) IN ADDITION TO ITS AUTHORITY TO CORRECT ERRORS AT
20 TRIAL, THE SUPREME COURT SHALL EITHER AFFIRM THE SENTENCE OF
21 DEATH OR VACATE THE SENTENCE OF DEATH AND REMAND FOR FURTHER
22 PROCEEDINGS AS PROVIDED IN PARAGRAPH (4).

23 (3) THE SUPREME COURT SHALL AFFIRM THE SENTENCE OF DEATH
24 UNLESS IT DETERMINES THAT:

25 (I) THE SENTENCE OF DEATH WAS THE PRODUCT OF
26 PASSION, PREJUDICE OR ANY OTHER ARBITRARY FACTOR; OR

27 (II) THE EVIDENCE FAILS TO SUPPORT THE FINDING OF AT
28 LEAST ONE AGGRAVATING CIRCUMSTANCE SPECIFIED IN
29 SUBSECTION (D)[; OR

30 (III) THE SENTENCE OF DEATH IS EXCESSIVE OR

DISPROPORTIONATE TO THE PENALTY IMPOSED IN SIMILAR CASES,
CONSIDERING BOTH THE CIRCUMSTANCES OF THE CRIME AND THE
CHARACTER AND RECORD OF THE DEFENDANT].

(4) IF THE SUPREME COURT DETERMINES THAT THE DEATH
PENALTY MUST BE VACATED BECAUSE NONE OF THE AGGRAVATING
CIRCUMSTANCES ARE SUPPORTED BY SUFFICIENT EVIDENCE [OR
BECAUSE THE SENTENCE OF DEATH IS DISPROPORTIONATE TO THE
PENALTY IMPOSED IN SIMILAR CASES,] THEN IT SHALL REMAND FOR
THE IMPOSITION OF A LIFE IMPRISONMENT SENTENCE. IF THE
SUPREME COURT DETERMINES THAT THE DEATH PENALTY MUST BE
VACATED FOR ANY OTHER REASON, IT SHALL REMAND FOR A NEW
SENTENCING HEARING PURSUANT TO SUBSECTIONS (A) THROUGH (G).

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Section 2. This act shall take effect ~~in 60 days~~
IMMEDIATELY.

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