
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1302 Session of
1999

INTRODUCED BY LESCOVITZ, CALTAGIRONE, TIGUE, LAUGHLIN AND
TRELLO, APRIL 14, 1999

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 14, 1999

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.--

11 (1) A person who is mentally retarded may not be
12 sentenced to death. For purposes of this subsection,
13 "mentally retarded" means having significantly subaverage
14 general intellectual functioning existing concurrently with
15 deficits in adaptive behavior.

16 (2) An intelligence quotient of 70 or below on a
17 reliably administered intelligence quotient test may be
18 presumptive evidence of mental retardation. The burden of

1 proof of mental retardation shall be with the defendant.
2 Mental retardation must be proven by a preponderance of the
3 evidence.

4 * * *

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

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