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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
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TO: All House Members

FROM: Rep. Kerry A. Benninghoff
171st Legislative District

SUBJECT: Proposed Legislation relating to Sex Offenders (former HB 739)

DATE: December 28, 2010

I intend to re-introduce legislation which will amend section 9711 of the Judicial Code (Title 42) to add an aggravating circumstance to the death penalty statute.

Under current law, when there is a conviction for 1st degree murder and before a sentencing jury retires to consider a sentencing verdict, the court must instruct the jury on, among other things, any aggravating or mitigating circumstances which the jury must consider when deciding between life imprisonment and the sentence of death. The verdict must be a sentence of death if the jury unanimously finds at least one aggravating circumstance and no mitigating circumstance, or if the jury unanimously finds one or more aggravating circumstances which outweigh any mitigating circumstances. The verdict must be a sentence of life imprisonment in all other cases. Examples of aggravating circumstances under current law include instances in which: the victim was a member of law enforcement or a judge; the killing was done for hire; the victim was tortured; the victim was held for ransom; the victim was in the 3rd trimester of pregnancy; the victim was a child under age 12.

My bill would add an additional aggravating circumstance to section 9711, so that a person required to register as a sex offender or sexually violent predator under Megan's Law who commits a sexually violent offense and kills the victim may be subject to consideration for the death penalty.

If you would like to co-sponsor this measure, please contact Amy Noel 783-1918 or anoel@pahousegop.com. Thank you!

Former HB 739 cosponsors: BARRAR , BELFANTI , BEYER , BOYD , D. COSTA, GEIST , GILLESPIE , GINGRICH , GRUCELA , HARRIS , HUTCHINSON , KAUFFMAN , KILLION , LONGIETTI , MANN , METZGAR, MURT , PAYNE , PYLE , REICHLEY , ROCK , ROHRER , STEVENSON , SWANGER , VULAKOVICH , WATSON and HARHART