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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 940 Session of  
1989

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INTRODUCED BY LEMMOND, JUBELIRER, LOEPER, PORTERFIELD, HOPPER,  
BRIGHTBILL, WENGER, WILT, MADIGAN, FISHER, ROCKS, SHAFFER,  
PUNT, BELL, SALVATORE, REIBMAN, BELAN, O'PAKE AND ANDREZESKI,  
MAY 17, 1989

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REFERRED TO JUDICIARY, MAY 17, 1989

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for additional  
3 aggravating circumstances in death penalty cases.

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

6 Section 1. Section 9711(d) of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

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

9 \* \* \*

10 (d) Aggravating circumstances.--Aggravating circumstances  
11 shall be limited to the following:

12 (1) The victim was a fireman, peace officer [or], public  
13 servant concerned in official detention, as defined in 18  
14 Pa.C.S. § 5121 (relating to escape), judge of any court in  
15 the unified judicial system, the Attorney General of  
16 Pennsylvania, a deputy attorney general, district attorney,  
17 assistant district attorney, State law enforcement official,

1 local law enforcement official, Federal law enforcement  
2 official or person employed to assist or assisting any law  
3 enforcement official in the performance of his duties, who  
4 was killed in the performance of his duties or as a result of  
5 his official position.

6 (2) The defendant paid or was paid by another person or  
7 had contracted to pay or be paid by another person or had  
8 conspired to pay or be paid by another person for the killing  
9 of the victim.

10 (3) The victim was being held by the defendant for  
11 ransom or reward, or as a shield or hostage.

12 (4) The death of the victim occurred while defendant was  
13 engaged in the hijacking of an aircraft.

14 (5) The victim was a prosecution witness to a murder or  
15 other felony committed by the defendant and was killed for  
16 the purpose of preventing his testimony against the defendant  
17 in any grand jury or criminal proceeding involving such  
18 offenses.

19 (6) The defendant committed a killing while in the  
20 perpetration of a felony.

21 (7) In the commission of the offense the defendant  
22 knowingly created a grave risk of death to another person in  
23 addition to the victim of the offense.

24 (8) The offense was committed by means of torture.

25 (9) The defendant has a significant history of felony  
26 convictions involving the use or threat of violence to the  
27 person.

28 (10) The defendant has been convicted of another Federal  
29 or State offense, committed either before or at the time of  
30 the offense at issue, for which a sentence of life

1 imprisonment or death was imposable or the defendant was  
2 undergoing a sentence of life imprisonment for any reason at  
3 the time of the commission of the offense.

4 (11) The defendant has been convicted of another murder,  
5 committed either before or at the time of the offense at  
6 issue.

7 (12) The defendant has been convicted of voluntary  
8 manslaughter, as defined in 18 Pa.C.S. § 2503 (relating to  
9 voluntary manslaughter), committed either before or at the  
10 time of the offense at issue.

11 (13) The defendant committed the killing or was an  
12 accomplice in the killing, as defined in 18 Pa.C.S. § 306(c)  
13 (relating to liability for conduct of another; complicity),  
14 while in the perpetration of a felony under the provisions of  
15 the act of April 14, 1972 (P.L.233, No.64), known as The  
16 Controlled Substance, Drug, Device and Cosmetic Act, and  
17 punishable under the provisions of 18 Pa.C.S. § 7508  
18 (relating to drug trafficking sentencing and penalties).

19 (14) At the time of the killing, the victim was or had  
20 been involved, associated or in competition with the  
21 defendant in the sale, manufacture, distribution or delivery  
22 of any controlled substance or counterfeit controlled  
23 substance in violation of The Controlled Substance, Drug,  
24 Device and Cosmetic Act or similar law of any other state,  
25 the District of Columbia or the United States, and the  
26 defendant committed the killing or was an accomplice to the  
27 killing as defined in 18 Pa.C.S. § 306(c), and the killing  
28 resulted from or was related to that association, involvement  
29 or competition to promote the defendant's activities in  
30 selling, manufacturing, distributing or delivering controlled

1 substances for counterfeit controlled substances.

2 (15) At the time of the killing, the victim was or had  
3 been a nongovernmental informant or had otherwise provided  
4 any investigative, law enforcement or police agency with  
5 information concerning criminal activity and the defendant  
6 committed the killing or was an accomplice to the killing as  
7 defined in 18 Pa.C.S. § 306(c), and the killing was in  
8 retaliation for the victim's activities as a nongovernmental  
9 informant or in providing information concerning criminal  
10 activity to an investigative, law enforcement or police  
11 agency.

12 \* \* \*

13 Section 2. This act shall take effect immediately.