

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 17

Session of
2003

INTRODUCED BY HELFRICK, KUKOVICH, KITCHEN, HUGHES, FUMO AND
A. WILLIAMS, JANUARY 21, 2003

REFERRED TO JUDICIARY, JANUARY 21, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, prohibiting the
3 prosecutor from requesting the death penalty or the
4 sentencing court from imposing the death penalty where the
5 victim's family opposes the imposition of the death penalty.

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

8 Section 1. Section 9711 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subsection to read:

10 § 9711. Sentencing procedure for murder of the first degree.

11 * * *

12 (a.1) Victim's family wishes.--In any case where the
13 defendant is charged with murder of the first degree, the
14 prosecutor shall not seek nor the sentencing court impose a
15 sentence of death where the victim's surviving spouse, adult
16 child or parent indicates, at any stage of the proceedings, that
17 he or she does not want the death penalty to be imposed.

18 * * *

19 Section 2. This act shall take effect in 60 days.