
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 577 Session of
2019

INTRODUCED BY FLYNN, BARRAR, IRVIN, HILL-EVANS, DeLUCA, STRUZZI,
FARRY, KORTZ AND SCHWEYER, FEBRUARY 28, 2019

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 28, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, further
3 providing for sentencing procedure for murder of the first
4 degree.

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

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

9 § 9711. Sentencing procedure for murder of the first degree.

10 * * *

11 (c) Instructions to jury.--

12 (1) Before the jury retires to consider the sentencing
13 verdict, the court shall instruct the jury on the following
14 matters:

15 (i) The aggravating circumstances specified in
16 subsection (d) as to which there is some evidence.

17 (ii) The mitigating circumstances specified in
18 subsection (e) as to which there is some evidence.

19 (iii) Aggravating circumstances must be proved by

1 the Commonwealth beyond a reasonable doubt; mitigating
2 circumstances must be proved by the defendant by a
3 preponderance of the evidence.

4 (iv) ~~[The]~~ Except as provided under subparagraph
5 (vi), the verdict must be a sentence of death if the jury
6 unanimously finds at least one aggravating circumstance
7 specified in subsection (d) and no mitigating
8 circumstance or if the jury unanimously finds one or more
9 aggravating circumstances which outweigh any mitigating
10 circumstances. The verdict must be a sentence of life
11 imprisonment in all other cases.

12 (v) The court may, in its discretion, discharge the
13 jury if it is of the opinion that further deliberation
14 will not result in a unanimous agreement as to the
15 sentence or an agreement as provided under subparagraph
16 (vi), in which case the court shall sentence the
17 defendant to life imprisonment.

18 (vi) The verdict must be a sentence of death if no
19 less than 11 jurors find the aggravating circumstance
20 specified under subsection (d)(1) and no mitigating
21 circumstance.

22 * * *

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