

## No. 1995-22 (SS1)

## AN ACT

## SB 54

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing in capital cases.

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

Section 1. Section 9711(a)(2), (b) and (c)(2) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

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

(a) Procedure in jury trials.—

\* \* \*

(2) In the sentencing hearing, *evidence concerning the victim and the impact that the death of the victim has had on the family of the victim is admissible*. Additionally, evidence may be presented as to any *other* matter that the court deems relevant and admissible on the question of the sentence to be imposed [and]. *Evidence* shall include matters relating to any of the aggravating or mitigating circumstances specified in subsections (d) and (e), *and information concerning the victim and the impact that the death of the victim has had on the family of the victim*. Evidence of aggravating circumstances shall be limited to those circumstances specified in subsection (d).

\* \* \*

(b) Procedure in nonjury trials and guilty pleas.—If the defendant has waived a jury trial or pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose unless waived by the defendant with the consent of the Commonwealth, in which case the trial judge shall hear the evidence and determine the penalty in the same manner as would a jury *as provided in subsection (a)*.

(c) Instructions to jury.—

\* \* \*

(2) The court shall instruct the jury *that if it finds at least one aggravating circumstance and at least one mitigating circumstance, it shall consider, in weighing the aggravating and mitigating circumstances, any evidence presented about the victim and about the impact of the murder on the victim's family*. *The court shall also instruct the jury* on any other matter that may be just and proper under the circumstances.

\* \* \*

Section 2. The amendment of 42 Pa.C.S. § 9711(a)(2), (b) and (c)(2) shall apply to sentences imposed for offenses which take place on or after the effective date of this act.

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

APPROVED—The 11th day of October, A.D. 1995.

THOMAS J. RIDGE