



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Memorandum

To: Honorable Allan Egolf

From: Honorable Rick Geist, Republican Caucus Chairman

Date: October 26, 1993

A bill / amendment which you have sponsored is scheduled for floor activity in the near future.

Would you please proof the following synopsis of your legislation? The enclosed summary will be used as a part of the "Week In Preview" Republican Caucus handout.

If we do not hear from you before 10:00 a.m., Monday, on the Session week in which the bill is scheduled for a vote, due to our own printing/processing constraints we will be forced to assume the synopsis information is accurate.

We encourage you to come to Caucus each week to further explain your legislation and respond to any questions.

SECRETARIES : IN AN EVENT THAT YOU RECEIVE THIS MEMO WHEN YOUR MEMBER IS OUT OF THE HARRISBURG OFFICE, WE URGE YOU TO FAX/MAIL/READ IT TO HIM/HER AT THEIR PRESENT LOCATION. SUCH A POLICY WILL PROMOTE AND ENSURE ACCURATE CAUCUS INFORMATION.

Please direct all responses to Phyllis Brown or Amy Riggleman at 787-4195.

HB 736

Evidence in Capital Cases

Title 42-Judiciary

pn 2281

Gerlach

HISTORY: In its 1991 Payne v. Tennessee decision, the United States Supreme Court rules that the 8th Amendment to the United States Constitution (which prohibits cruel and unusual punishment) did not bar juries from considering victim impact evidence at the sentencing stage of a criminal trial involving a possible death sentence. This decision overrule the 1989 decision in Booth v. Maryland.

* At the time of sentencing in a first degree murder case, a jury must consider information concerning the impact of the victim's death on friends and family

* This must be relevant and admissible on the question of what sentence should be imposed

* The evidence may be offered by either the prosecution or the defense

FACT: The Pennsylvania statute does not provide authority to allow for the admission of victim impact evidence in the jury sentencing phase of a capital murder case; case law is also unclear on this issue.

AYE: Friends and family of a murder victim ought to have the right to provide the jury with facts at sentencing concerning the impact of the victim's death on their lives.

NAY: Not being subject to cross examination, such victim impact testimony will shift jury attention from facts and evidence to emotionalism.

A4019 Egolf

All costs incurred for property damage or other loss of property sustained by nay property owner which was caused by an individual who escapes while under court-ordered commitment to a secure youth development center operated by the Department of Public Welfare shall be borne by the Commonwealth.

A4067 Masland

Provides for contingent fee limits calculations and procedures

A4171 Egolf

Amends current law on juvenile matters to add a section requiring that, when a child escapes while under court-ordered commitment to an open or secure youth development center, any property damage or other losses caused by the child while escaped will be paid by the state, regardless of whether the facility is operated by DPW, under contract with the state or by a state agency

A4189 Gerlach

When a juvenile defendant is testifying in court, questions may be asked about prior convictions which involve dishonesty or falsehood as long as not more than ten years has passed from the date of the prior conviction or the last day of confinement, whichever is later

A4194 Egolf

Similar to A4171 plus adds facilities operated by political subdivisions for which the state is liable if the child causes property or other damage while escaped

Sent to Masland/Egolf 10/6

P. Dunkleberger

10/21 A4171 & A4194 to Egolf

10/21 A4189 to Gerlach