

No. 1992-144

AN ACT

HB 2267

Amending the act of June 19, 1913 (P.L.528, No.338), entitled "An act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth, in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act," further providing for the procedures for the implementation of the death penalty.

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

Section 1. Sections 3, 4, 5 and 6 of the act of June 19, 1913 (P.L.528, No.338), entitled "An act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth, in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act," are amended to read:

Section 3. After the receipt of the said record the Governor of the Commonwealth shall issue **[his] a warrant**, directed to the **[warden of the Western Penitentiary] Secretary of Corrections**, commanding **[said warden to cause such convict to be executed in said penitentiary,] that such inmate be executed** within the week to be named in said warrant, and in the manner prescribed by law.

Section 4. Upon the receipt of such warrant the said **[warden] Secretary of Corrections** shall, **[by a written notice under his hand and seal, duly notify the officer having the custody of such convict to deliver such convict to the custody of such warden, and it shall be the duty of such officer to forthwith cause such delivery to be made. Thereupon, and]** until the penalty of death shall be inflicted, or until lawfully discharged from such custody, **[said convict shall be kept] keep said inmate** in solitary confinement **[in said penitentiary]**. During such confinement no person except the **[officers of such penitentiary] staff of the Department of Corrections**, the counsel of such **[convict] inmate**, and a spiritual adviser selected by such **[convict] inmate**, or the members of the immediate family of such **[convict] inmate**, shall be allowed access to such **[convict] inmate** without an order of **[said court or a judge thereof.] the sentencing court**.

Section 5. No person except the following shall witness any execution under the provisions of this act, the **[warden of the penitentiary] superintendent**

dent of the institution where such execution takes place, a qualified physician, six reputable adult citizens selected by such **[warden] superintendent**, one spiritual adviser, when requested and selected by the **[convict] inmate**, not more than six duly accredited representatives of the **[daily newspapers] news media**, and such **[officers of said penitentiary] staff of said institution** as may be selected by said **[warden] superintendent**.

Section 6. After any such execution the **[warden of the Western Penitentiary] superintendent of the institution** shall certify in writing, under oath or affirmation, to the court **[of oyer and terminer]** of the county **[wherein such convict has been]** *where such inmate was* sentenced to death, that such **[convict] inmate** was duly executed at the place and in the manner prescribed in this act, and at the time designated in the death warrant of the Governor. Such certificate shall be filed in the office of the clerk of such court.

Section 2. Section 7 of the act, amended November 5, 1971 (P.L.518, No.125), is amended to read:

Section 7. Immediately after execution, a post-mortem examination of the body of the **[convict] inmate** shall be made by the physician present at the execution, **[and his]**. *The superintendent shall* report, in writing, stating the nature of the examination so made **[by him,]**. *This report* shall be annexed to the certificate hereinbefore named, and filed therewith. After such post-mortem examination **[the body]**, unless claimed by some relative or relatives of the person so executed, *the Department of Corrections shall be* **[delivered to the duly authorized agent of the Humanity Gifts Registry.] responsible for the disposition of the body.**

Section 3. Section 8 of the act is amended to read:

Section 8. The cost and expense incident to any such execution and such post-mortem examination shall be paid **[from the contingent fund of the Western Penitentiary.] by the Department of Corrections.**

Section 4. This act shall take effect immediately.

APPROVED—The 14th day of December, A. D. 1992.

ROBERT P. CASEY