

PENNSYLVANIA

STATISTICAL INFORMATION

Current Governor: Edward E. Rendell
Term of Office: Jan. 2003 - Jan. 2007

Legislative Term: Jan. - Nov.

Total Inmate Pop.

(As of 5/1/05): 41,484 **White: 36.5%** **Black: 51.6%** **Latino/a: 11.2%** **Other: .7%**

Death Row Pop.

(As of 4/1/05): 230 **White: 70** **Black: 140** **Latino/a: 18** **Other: 2**

EXECUTIONS:

Since 1976: 3 **White: 3** **Black: 0** **Latino/a: 0** **Other: 0**
(As of 6/28/05)

Carried out in 2002: 0

Carried out in 2003: 0

Carried out in 2004: 0

Carried out in 2005: 0 **Scheduled for 2005:** 0
(As of 6/28/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2005 *(does not include those executed by the state or those who died of natural causes) :*

Total Number: 83

Sentence/Conviction

overturned (minus exonerated): 80

Sentence reduced: 0

Exoneration: 3

Other: 0

RELATED STATUTORY PROVISIONS:

Life without Parole: yes

Prohibits the execution of juvenile offenders: yes

Prohibits the execution of mentally retarded offenders: yes

Prohibits the execution of mentally ill offenders: no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: yes - Independent Study of Philadelphia (Published in the Cornell Law Review)

Results: In 1998, a study published in Cornell Law Review concluded that, in Philadelphia, both the race of the defendant and the race of the victim matter when it comes to death sentences. The main findings included that black defendants were nearly three times as likely to receive a death sentence than were non-black defendants and that a jury was one and a half times more likely to sentence a defendant to death when the victim was non-black than when the victim was black.

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study: Current: 2005: One bill introduced urges the Federal Government and states with death penalty statutes to pass bills imposing a moratorium on the death penalty (HB206).

Previous Years: 2004 : One bill introduced urges the Federal Government and states with death penalty statutes to pass bills imposing a moratorium on the death penalty (HR812). 2003: One bill introduced would create a constitutional amendment abolishing the death penalty (SJR12, SB12); One bill introduced would create a two year moratorium on executions and implement a commission to study the death penalty system (SB14, HB766); One bill introduced that would prohibit the prosecutor from requesting the death penalty or the sentencing court from imposing the death penalty where the victim's family opposes its imposition (SB17). 2001-02 : Two bills introduced impose a two year suspension of the death penalty while a commission conducts a study of the death penalty in the state (SB25, HB1111); One bill introduced proposes a state Constitutional amendment abolishing the death penalty (SB23); One bill introduced abolishes the death penalty (SB24); Two bill introduced to prohibit the death penalty in cases where the victim's family opposes its imposition (SB28, SB29);

1999: One bill introduced would have imposed a two year suspension of the death penalty while a commission conducted a study of the state death penalty system.

Capital Offenses and Procedures:

Current: None.

Previous Years: None.

Aggravating and Mitigating Circumstances:

Current: None.

Previous Years: None.

DNA Testing and Preservation of Material Evidence:

Current: None.

Previous Years: None.

**Crime Labs and
Medical Examiner
Offices:**

Current: None.

Previous Years: None.

**Counsel
Qualifications,
Training, and
Competency:**

Current: None.

Previous Years: 2003: One bill introduced would establishing the Capital Representation Resource Center of Pennsylvania for capital offense litigation (SB52).

**Counsel
Compensation:**

Current: None.

Previous Years: None.

Judges and Juries:

Current: None.

Previous Years: None.

**Racial and Ethnic
Minorities:**

Current: None.

Previous Years: None.

Juvenile Offenders:

Current: None.

Previous Years: 2003: One bill introduced would abolish the death penalty for those who are 17 years or younger (SB15). 1999 : One bill introduced would have eliminated death sentences for defendants who were 17 or younger at the time of the crime; 1998 : One bill introduced to eliminate death sentences for defendants who were 17 or younger at the time of the crime.

**Mental Retardation,
Mental Disability
and Mental
Competency:**

Current: 2005: One bill introduced amends Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the imposition of the death sentence in cases of mental retardation (SB631, HB1410).

Previous Years: 2003: One bill introduced would prohibit the execution of mentally retarded offenders (SB26, HB576). Another bill provides procedures in order to establish whether the defendant is mentally retarded and, if so, provides that the jury shall impose a sentence of life imprisonment and not death (HB1073). Another bill on Mental Retardation would have amended Title 42 of the PA consolidated statutes to prohibit the death penalty in cases of mental retardation (HB1365). 2001-02: Two bills introduced would prohibit the imposition of the death penalty in cases of mental retardation (SB26, HB1861); 1999: One bill introduced would have eliminated the death penalty for mentally retarded defendants; One bill introduced would have eliminated the death penalty for mentally retarded defendants convicted of aggravated murder; 1998: One bill introduced would have prohibited the execution of the mentally retarded.

Special Notes:

Current: 2005: One bill introduced amends the act of June 18, 1998 (P.L.622, No.80), entitled “An act providing for a procedure and method of execution. and making repeals,” further providing for method of execution (HB1477).

**STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS THAT
HAVE PASSED MORATORIUM RESOLUTIONS**

Pennsylvania State Bar Association, October 31, 1997
Philadelphia Bar Association, November 25, 1997
Pennsylvania Association of Criminal Defense Lawyers
National Lawyers Guild, Philadelphia Chapter
City of Erie
City of Gettysburg
City of Harrisburg
City of Philadelphia
City of Pittsburgh
Rouseville
City of Shippensburg
City of York

****Last Updated on June 28, 2005**