

Bill Summary & Status
97th Congress (1981 - 1982)
H.R.5448
CRS Summary

Item 9 of 14

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H.R.5448

Latest Title: A bill to establish procedures for imposition of the death penalty for presidential assassination, and for other purposes.

Sponsor: [Rep Lungren, Daniel E.](#) [CA-34] (introduced 2/3/1982) [Cosponsors](#) (33)

Latest Major Action: 2/8/1982 Referred to House subcommittee. Status: Referred to Subcommittee on Crime.

SUMMARY AS OF:

2/3/1982--Introduced.

Amends the Federal criminal code to establish procedures for the imposition of the death penalty for Presidential assassination.

Requires a separate sentencing hearing before a jury, or the court upon motion by the defendant, when the defendant is found guilty or pleads guilty to an offense punishable by death.

Provides that no presentence report shall be prepared in such cases. Allows the defendant and the Government to present any information relevant to sentencing, without regard to the rules of evidence, but permits information to be excluded where its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.

Specifies mitigating factors which the defendant must establish by a preponderance of the information and aggravating factors which the Government must prove beyond a reasonable doubt.

Conditions imposition of the death penalty on a unanimous finding by the jury (or finding by the court) that: (1) some aggravating factor exists; and (2) the aggravating factors sufficiently outweigh any mitigating factor found to exist.

Directs the court to impose the death penalty upon a finding that such sentence is justified.

Establishes procedures for appeal from the death sentence.

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