

115TH CONGRESS
2D SESSION

S. 2389

To amend title 18, United States Code, to require the impaneling of a new jury if a jury fails to recommend by unanimous vote a sentence for conviction of a crime punishable by death.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2018

Mr. TOOMEY (for himself, Mr. COTTON, Mr. CORNYN, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to require the impaneling of a new jury if a jury fails to recommend by unanimous vote a sentence for conviction of a crime punishable by death.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Eric’s Law”.

1 **SEC. 2. REQUIREMENT TO IMPANEL A NEW JURY IN CER-**
 2 **TAIN CASES.**

3 (a) ADDITIONAL GROUND FOR IMPANELING JURY.—
 4 Section 3593(b)(2) of title 18, United States Code, is
 5 amended—

6 (1) in subparagraph (C), by striking “or” at
 7 the end; and

8 (2) by adding at the end the following:

9 “(E) a new special hearing is required pur-
 10 suant to subsection (g); or”.

11 (b) IMPANELING OF NEW JURY WHEN JURY DOES
 12 NOT REACH A UNANIMOUS RECOMMENDATION.—Section
 13 3593 of title 18, United States Code, is amended by add-
 14 ing at the end the following:

15 “(g) SPECIAL RULE WHEN JURY DOES NOT RE-
 16 TURN A UNANIMOUS RECOMMENDATION.—

17 “(1) IN GENERAL.—If a jury described in sub-
 18 section (b)(1) or subparagraphs (A) through (D) of
 19 subsection (b)(2) does not, by unanimous vote, make
 20 a recommendation whether the defendant should be
 21 sentenced to death, to life imprisonment without
 22 possibility of release, or some other lesser sentence
 23 pursuant to subsection (e), the court, upon motion
 24 of the attorney for the government, shall order a
 25 new special hearing and impanel a new jury pursu-
 26 ant to subsection (b).

1 “(2) IMPOSITION OF SENTENCE.—If the jury
2 impaneled pursuant to paragraph (1) does not reach
3 a unanimous recommendation as to sentence, the
4 court shall impose a sentence other than death au-
5 thorized by law.”.

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