

118TH CONGRESS  
1ST SESSION

# H. R. 3449

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Mr. THOMPSON of Pennsylvania (for himself and Mr. CARTWRIGHT) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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) by striking “or” at the end of subparagraph  
7 (C); 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 such title is amended by adding at the end the  
14 following:

15 “(g) **SPECIAL RULE FOR INMATES WHEN JURY**  
16 **DOES NOT RETURN A UNANIMOUS RECOMMENDATION.**—

17 “(1) **IN GENERAL.**—Subject to paragraph (3),  
18 if a jury described in subsection (b)(1) or subpara-  
19 graphs (A) through (D) of subsection (b)(2) does  
20 not, by unanimous vote, make a recommendation  
21 whether the defendant should be sentenced to death,  
22 life imprisonment without the possibility of release,  
23 or some other lesser sentence pursuant to subsection  
24 (e), the court, upon motion of the attorney for the  
25 government, shall order a new special hearing and  
26 impanel a new jury pursuant 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.

6           “(3) LIMITATION.—This subsection shall only  
7 apply to a defendant who is—

8                   “(A) an inmate serving a life sentence for  
9 murder; and

10                   “(B) convicted of another murder while  
11 serving such life sentence.”.

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