

# House Amendment 3156

## Amendment Text

PAG LIN

1 1 Amend the amendment, [H-3109](#), to [House File 2](#) as  
1 2 follows:  
1 3 #1. Page 6, by striking lines 36 and 37 and  
1 4 inserting the following:  
1 5 "5. a. At the conclusion of presentation of  
1 6 evidence in the penalty proceeding, if the matter is  
1 7 tried to a jury, the court shall instruct the jury on  
1 8 all of the following:  
1 9 (1) The factors enumerated under section 902.12,  
1 10 and any aggravating circumstances that it must  
1 11 consider and the state's burden of proof as to the  
1 12 factors.  
1 13 (2) The concept of mitigation and the mitigating  
1 14 circumstances offered by the defense or which may be  
1 15 deduced from the evidence presented, the fact that the  
1 16 defense is not required to prove any mitigating  
1 17 circumstance offered, and how such evidence may be  
1 18 considered in arriving at a decision on the  
1 19 appropriate penalty in the case.  
1 20 (3) That if the jury concludes that the state has  
1 21 failed to demonstrate at least one statutory factor  
1 22 exists beyond a reasonable doubt, the jury must  
1 23 conclude its deliberations and return a verdict which  
1 24 shows the negative finding, and the defendant will be  
1 25 sentenced to imprisonment until death.  
1 26 (4) That if one or more of the statutory factors  
1 27 are found to exist, the jury must record this finding  
1 28 in writing as part of its verdict, weigh those factors  
1 29 and any other aggravating circumstances against any  
1 30 mitigating circumstances offered by the defendant, and  
1 31 record its finding as to whether the aggravating  
1 32 circumstances outweigh the mitigating circumstances.  
1 33 (5) That a sentence of death shall not be imposed  
1 34 unless the prosecution has demonstrated beyond a  
1 35 reasonable doubt that the aggravating circumstances  
1 36 substantially outweigh the mitigating circumstances.  
1 37 (6) That the jury may, even if the statutory  
1 38 factors have been proven and the aggravating  
1 39 circumstances outweigh the mitigating circumstances,  
1 40 conclude that a sentence of death is not appropriate  
1 41 and determine that the defendant shall be imprisoned  
1 42 until the defendant's death.  
1 43 b. Upon the submission of the instructions to the  
1 44 jury, the court shall also submit the following issues  
1 45 to".  
1 46 #2. Page 6, line 40, by striking the letter "a."  
1 47 and inserting the following: "(1)".  
1 48 #3. Page 6, line 43, by striking the letter "b."  
1 49 and inserting the following: "(2)".  
1 50 #4. Page 6, line 47, by striking the letter "c."  
2 1 and inserting the following: "(3)".  
2 2 #5. Page 12, by striking line 35 and inserting the  
2 3 following: "evidence in the penalty proceeding, if  
2 4 the matter is tried to a jury, the court shall  
2 5 instruct the jury on all of the following:  
2 6 a. The factors enumerated under section 902.12,  
2 7 and any aggravating circumstances that it must

