

HB 1870 -- Commission on the Death Penalty

Sponsor: Roorda

This bill places a moratorium on all executions until January 1, 2013, and establishes the Commission on the Death Penalty within the Office of Administration to study all aspects of the death penalty including several specified issues. The commission will consist of 10 members, including two members of the Senate with one from each party appointed by the President Pro Tem and the Minority Leader, two members of the House of Representatives with one from each party appointed by the Speaker and the Minority Leader, the State Public Defender or his or her designee, the Attorney General or his or her designee, a criminal defense attorney appointed by the Missouri Association of Criminal Defense Lawyers, a county prosecutor appointed by the Missouri Association of Prosecuting Attorneys, and a family member of a murder victim and a family member of a person on death row both appointed by the Director of the Department of Corrections. The membership must be comprised equally of individuals in favor and in opposition to the death penalty.

The commission must hold public hearings throughout the state and make recommendations for changes to the laws and court rules regarding cases in which the death penalty is sought or imposed to ensure that:

- (1) Defendants who are sentenced to death are in fact guilty of first degree murder;
- (2) Defendants are provided adequate and experienced counsel and adequate resources for the defense of their cases at trial and at the appellate and post-conviction stages;
- (3) Race does not play an impermissible role in determining which defendants are sentenced to death;
- (4) Appellate and post-conviction procedures are adequate to provide a fair opportunity for courts to correct errors and injustices occurring at the trial level, including allowing access to evidence for forensic testing; and
- (5) All prosecutors throughout the state use similar criteria to determine whether to seek the death penalty in a case involving criminal homicide.

The commission must issue a report of its findings to the Governor, General Assembly, and Missouri Supreme Court by January 1, 2013.

The Office of Administration is required to issue an annual report to the Governor, Speaker of the House of Representatives, and President Pro Tem of the Senate estimating the total state costs of the disposition and implementation of the death penalty during the year. If the state, at any time, abolishes or repeals the death penalty, the money saved annually as determined by the Office of Administration will be deposited into the newly created Cold Case Investigation Revolving Fund. The fund will be administered by the Department of Public Safety to reimburse law enforcement agencies for the costs associated with reopening old investigations involving homicides, missing persons, sexual assaults, and child abductions.