

HB 584 -- Death Penalty Commission and Moratorium

Sponsor: Roorda

This bill establishes a Commission on the Death Penalty within the Office of Administration. The commission must:

- (1) Consist of 10 members including two members from the House of Representatives, with one from each party; two members from the Senate, with one from each party; a county prosecutor appointed by the Missouri Association of Prosecuting Attorneys; a criminal defense attorney appointed by the Missouri Association of Criminal Defense Lawyers; the State Public Defender or his or her designee; the Attorney General or his or her designee; a murder victim's family member; and a family member of an individual on death row appointed by the Director of the Department of Corrections;
- (2) Be comprised equally of individuals in favor and those opposed to the death penalty;
- (3) Be appointed and staffed on or before December 1, 2013;
- (4) Elect a chair and be assisted in its work by the staff of the Missouri Supreme Court and the personnel and staff of the state public universities;
- (5) Hold public hearings throughout the state, calling witnesses to testify and allowing other interested citizens to comment on issues relevant to the administration of the death penalty in Missouri;
- (6) Study all aspects of the death penalty as administered in the state and review and analyze all cases in which the death penalty was sought and use a scientific method of random sampling to review and analyze specified cases;
- (7) Report its findings and recommendations regarding the death penalty, including remedies for any deficiencies found by the commission, to the Governor, members of the legislature, and the Missouri Supreme Court by January 1, 2016; and
- (8) Make recommendations for amendments to the statutes and court rules pertaining to cases in which the death penalty is sought or imposed to provide specified assurances.

The bill prohibits the execution of any defendant between the effective date of these provisions and January 1, 2016. During the moratorium period, the special procedures for cases of first degree murder and any other proceedings related to capital cases,

including motions for post-conviction relief, must continue to be operative and proceed as if no moratorium were in place. No date certain for execution can be appointed that falls during the moratorium.

Beginning on the effective date of these provisions, the Office of Administration must make an annual report which estimates the total cost to the state of the disposition and implementation of the death penalty during each year. These annual reports must be provided to the Governor, Speaker of the House of Representatives, and President Pro Tem of the Senate.

The bill creates the Cold Case Investigation Revolving Fund to be administered by the Department of Public Safety. Moneys in the fund must be used solely for the purpose of reimbursing law enforcement agencies in this state for the costs associated with reopening old investigations regarding homicides, missing persons, sexual assaults, or child abductions.

If the death penalty is abolished or repealed, the money saved annually as a result of the abolition or repeal must be transferred that year and each year thereafter to the Department of Public Safety for deposit in the fund, subject to appropriation. Any moneys in the fund at the end of the biennium must not revert to the credit of the General Revenue Fund.