

## HB 700 -- Death Penalty Commission

Sponsor: Colona

This bill places a moratorium on all executions until January 1, 2014, and establishes a commission on the death penalty to study the use of the death penalty. The commission will consist of 10 members including two members of the House of Representatives, one appointed by the Speaker and one appointed by the Minority Floor Leader; two members of the Senate, one appointed by the President Pro Tem and one by the Minority Floor Leader; the State Public Defender or his or her designee; the Attorney General or his or her designee; a criminal defense attorney; a county prosecutor; a family member of a murder victim; and a family member of a person on death row. The membership must be comprised equally of individuals in favor of and in opposition to the death penalty.

The commission will make recommendations for changes to the laws and court rules regarding death penalty cases 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 correct errors and injustices occurring at the trial level including, but not limited to, access to physical evidence for later forensic testing; and
- (5) Prosecutors throughout the state seek the death penalty using similar criteria.

The commission must submit a report of its findings to the Governor, General Assembly, and Missouri Supreme Court by January 1, 2014.