

FIRST REGULAR SESSION

HOUSE BILL NO. 561

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIZZO.

1415L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty task force.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 565, RSMo, is amended by adding thereto one new section, to be known as section 565.047, to read as follows:

565.047. 1. There is hereby established in the office of administration a "Task Force On The Death Penalty". The task force shall consist of the following members:

(1) Two members from the house of representatives with one from each party. The majority party member shall be appointed by the speaker of the house of representatives and the minority party member shall be appointed by the minority floor leader;

(2) Two members from the senate, one from each party. The majority party member shall be appointed by the president pro tem of the senate and the minority party member shall be appointed by the minority floor leader;

(3) Two members of the Missouri Assessment Team on the Death Penalty, to be chosen the team's cochairpersons;

(4) A judge, to be chosen by the Missouri supreme court;

(5) A county prosecutor, to be appointed by the chair of the Missouri Association of Prosecuting Attorneys;

(6) A criminal defense attorney, to be chosen by the chair of the Missouri Association of Criminal Defense Lawyers;

(7) A state public defender, to be chosen by the director of the Missouri state public defender's office; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(8) The attorney general or his or her designee.**

19 **2. On or before December 1, 2015, the task force shall be appointed and staffed.**
20 **The task force shall elect a chairperson. The members of the task force shall serve without**
21 **compensation, but the members shall be reimbursed for necessary expenses incurred in the**
22 **work of the task force.**

23 **3. The task force shall analyze the 2012 Missouri Death Penalty Assessment Report**
24 **and its recommendations for promoting greater fairness and accuracy in the application**
25 **of the death penalty. The task force shall also study the findings of the Death Penalty**
26 **Proportionality Project conducted by Saint Louis University School of Law and may**
27 **consider additional appropriate academic information on the subject. Task force members**
28 **shall identify the changes in policy most critical in preventing wrongful convictions and**
29 **promoting fairness in the Missouri capital punishment system, and the task force shall**
30 **identify the specific legislation, regulation, and other judicial and executive action**
31 **necessary in constructively addressing any identified deficiencies.**

32 **4. The task force shall report its recommendations and legislative remedies**
33 **regarding the death penalty to the governor, the president pro tem of the senate, the**
34 **speaker of the house of representatives, and the chief justice of the Missouri supreme court**
35 **by January 1, 2018. The task force shall expire after it issues its report under this**
36 **subsection.**

37 **5. No execution of a defendant shall take place between August 28, 2015, to January**
38 **1, 2018. However, during such period, the special procedures in cases of first degree**
39 **murder provided in sections 565.030 to 565.040 and any other proceedings related to**
40 **capital cases, including motions for postconviction relief, shall continue to be operative and**
41 **shall proceed as if no such moratorium were in place, except that no day certain for**
42 **execution shall be appointed between August 28, 2015, to January 1, 2018.**

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