

April 12, 2001

**H 1116. DEATH PENALTY MORATORIUM.** *TO ESTABLISH A MORATORIUM ON CARRYING OUT THE DEATH PENALTY.* Establishes a moratorium on carrying out the death penalty, whether imposed before or after the act's effective date. Provides for moratorium to end only upon action by the General Assembly "addressing the fair and impartial administration of the death penalty in accordance with due process, and limiting, to the degree practicable, the risk that innocent persons may be executed." Requires that legislative action ending the moratorium be supported by a study that includes examination of adequacy of counsel in all stages of capital cases; judicial review of constitutional claims; disproportionate racial impact of case processing; whether there is racial discrimination; whether mentally retarded persons should be executed; prosecutorial misconduct; and presence of innocent persons on death row. Requires that report be made to the Pres. Pro Tem., the Speaker, the Governor, and the Attorney General by Feb. 1, 2003.

**Intro. by Hackney, Luebke, Fitch, Nesbitt.**

Ref. to Rules	STUDY
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April 25, 2001

**H 1116. DEATH PENALTY MORATORIUM.** Intro. 4/12/01. House committee substitute makes the following changes to 1st edition. Amends title to read *TO ESTABLISH A MORATORIUM ON CARRYING OUT THE DEATH PENALTY AND TO CREATE A LEGISLATIVE STUDY COMMISSION ON THE DEATH PENALTY.* Establishes a twelve-member Death Penalty Study Comm'n to study issues specified in original bill. Comm'n to be composed of four House members, four Senators, two public members appointed by the Speaker of the House and two public members appointed by the President Pro Tem. of the Senate. Requires report from the Comm'n by Feb. 1, 2003, and appropriates \$50,000 in 2001-2002 and \$50,000 in 2002-2003 from General Fund to the Legislative Services Comm'n to fund the study commission. Creation of Comm'n and appropriation effective July 1, 2001, remainder of bill effective when it becomes law.