

HB 74 -- Death Penalty Commission

Sponsor: Bland

This bill places a moratorium on all executions until January 1, 2007, and establishes a Commission on the Death Penalty to study the use of the death penalty. The commission will consist of nine members, including the state public defender, the Attorney General, three members appointed by the Governor, two Senators appointed by the Senate Pro Tem, and two Representatives appointed by the Speaker of the House of Representatives. The commission will hire an executive director. The commission will study whether:

- (1) Persons sentenced to death are, in fact, guilty of the crimes for which they have been convicted;
- (2) Adequate counsel is provided;
- (3) Race is a factor in the use of the death penalty;
- (4) Appellate and post-conviction procedures are adequate to correct errors and injustices occurring at the trial level, including access to evidence for forensic testing; and
- (5) Prosecutors throughout the state seek the death penalty in a uniform fashion.

The commission must issue a report of its findings to the Governor, General Assembly, and Supreme Court by January 1, 2007.