

HB 445 -- Death Penalty Commission

Sponsor: Deeken

This bill places a moratorium on all executions until January 1, 2011, and establishes the 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 Senate, two members of the House of Representatives, the state public defender, the Attorney General, a private criminal defense attorney, a county prosecutor, a family member of a murder victim, and a family member of a person on death row. The commission will hire an executive director.

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 counsel and adequate resources 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 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 Missouri Supreme Court by January 1, 2011.