

HB 1092 -- Death Penalty Cases

Sponsor: McGhee

This bill limits the amount of aid the Attorney General may give prosecuting or circuit attorneys in death penalty cases by specifying that the Attorney General or one of his or her assistants may provide aid only if the Attorney General:

- (1) Establishes the Death Increment Fiscal Accountability Committee to review all cases in which the Attorney General is requested to provide assistance in seeking the death penalty;
- (2) Creates the Death Increment Trust Account to fund the trial costs attributed to the Attorney General's Office for death penalty cases;
- (3) Prepares a budget for the prosecution of any case in which he or she is requested to seek the death penalty and submits the budget to the committee; and
- (4) Makes a recommendation whether to seek the death penalty in a given case based on the strength of the evidence of the underlying offense, the strength of the statutory aggravating factors in the case, the relative importance of those factors in separating the case from homicide cases generally, the information in mitigation available to the committee, the personnel and budgetary needs of the Office of the Attorney General and the State Public Defender System, and the ability of the state to pay the additional costs associated with seeking the death penalty as opposed to a sentence other than death.

If the committee recommends that the Attorney General, or his or her assistant, assist in seeking the death penalty in a case in St. Louis County or the City of St. Louis, the county or city must pay into the account the budgeted cost of prosecuting the case as a death penalty case in the court but will be entitled to a refund of any unexpended funds it paid into the trust account for the case.