

HB 1625 -- Death Penalty

Sponsor: Ellinger

This bill prohibits any agent of the state from seeking, imposing, affirming, or inflicting a sentence of death on the basis of race or seeking, defending, imposing, affirming, or inflicting a death sentence that any agent at any point sought or imposed on the basis of race. Certain evidence relevant to establish a finding that race was the basis for seeking the death penalty may include statistical evidence, and the defendant has the burden of proving that at the time of sentencing race was a significant factor in decisions to seek or impose the death sentence.

If a court determines that race was a significant factor in decisions to seek or impose the death penalty, it must order that a sentence of death cannot be sought against the defendant or that the defendant's death sentence must be vacated and the defendant re-sentenced to life imprisonment without eligibility for probation, parole, or release except by an act of the Governor. The provisions of the bill must be applied retroactively.

The bill contains an emergency clause.