

HCS HB 157 -- CHANGE OF VENUE FOR CAPITAL CASES

SPONSOR: Veit

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 10 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 12 to 0.

The following is a summary of the House Committee Substitute for HB 157.

This bill creates the "Change of Venue for Capital Cases Fund", which will consist of money appropriated by the General Assembly. Money in the fund is to be used solely for reimbursement to a county that receives a capital case from another county. At the conclusion of a capital case for which the venue was changed from one county to another, the county that sent the case may apply to the Office of State Courts Administrator (OSCA) for reimbursement to the county that received the case of any costs associated with sequestering jurors. If a county is eligible for reimbursement, OSCA shall disburse the money to the county. If OSCA determines that a county is not eligible for reimbursement or the actual costs are more than the amount dispersed, the county in which the capital case originated shall be responsible for all or the remaining reimbursement.

Applications for reimbursement must be submitted by May 1 of the current fiscal year, and reimbursements must be made by June 30 of the current fiscal year. Reimbursements for applications submitted after May 1 of the current fiscal year will be made in the following fiscal year. If there is not enough money in the fund at the end of the fiscal year when reimbursements are made, reimbursements will be made on a pro rata basis.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that, in a capital murder case, many of the rural counties do not have the facilities or do not have the ability to get a qualified jury, or they do not have a hotel to sequester a jury, so they ask to move to a larger county. But the county does not usually have the money so the larger counties to which the cases are transferred to end up paying for the jury sequestration. It is unfair for the receiving counties to carry the burden. Everyone likes to try cases in Cole County, but each capital case is about \$100,000 and \$50,000 of it is sequestration cost. It is so much more expensive to do a capital case because it

takes a week to pick the jury and then you have to rent a couple floors of a hotel and you are feeding them and entertaining them on Sunday when you don't have court. The issue is the jury budget of a small county is about \$5,000, so they cannot afford capital cases. And the Jefferson City jails have to take the offenders, but they are getting reimbursed for those costs. The sending county should be the one asking for the reimbursement, not the receiving county.

Testifying for the bill were Representative Veit; Arnie Dienoff; and Jon Beetem.

OPPONENTS: Those who oppose the bill say that the cost of the death penalty is an important conversation to have in Missouri. The issue with talking about the cost of sequestration only does not solve the issue of the arbitrary way this is handled. It does not solve the issue that smaller counties do not have the money to handle capital cases. It rarely happens and we have not had a venue change case since 2013. This is an excellent opportunity to talk about whether this is a bloated government program that should be taking taxpayer dollars to fund it.

Testifying against the bill was Elyse Max, Missourians For Alternatives to the Death Penalty.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.