

1 SENATE RESOLUTION

2 WHEREAS, On May 4, 2000, the Governor of the State of
3 Illinois issued Executive Order No. 4 that created the
4 Governor's Commission On Capital Punishment; and

5 WHEREAS, The duties of the Commission were: (1) to study
6 and review the administration of the capital punishment
7 process in Illinois to determine why that process has failed
8 in the past, resulting in the imposition of death sentences
9 upon innocent people; (2) to examine ways of providing
10 safeguards and making improvements in the way law enforcement
11 and the criminal justice system carry out their
12 responsibilities in the death penalty process from
13 investigation through trial, judicial appeal, and executive
14 review; (3) to consider, among other things, the ultimate
15 findings and final recommendations of the House Death Penalty
16 Task Force and the Special Supreme Court Committee on Capital
17 Cases and determine the effect these recommendations may have
18 on the capital punishment process; and (4) to make any
19 recommendations and proposals designed to further ensure that
20 the application and administration of the death penalty in
21 Illinois is just, fair and accurate; and

22 WHEREAS, In April 2002, the Commission issued its
23 recommendations; and

24 WHEREAS, The Commission raised concerns about the
25 reliability of accomplice and informant testimony; and

26 WHEREAS, Section 16 of Article VI of the Illinois
27 Constitution vests general administrative and supervisory
28 authority over all courts in the Supreme Court of Illinois;
29 and

30 WHEREAS, In accordance with this authority, the Illinois
31 Supreme Court has adopted rules governing trial procedure in
32 criminal cases; and

1 WHEREAS, The Committee of the Illinois Pattern Jury
2 Instructions-Criminal has been presented with a proposal to
3 change Illinois Pattern Jury Instruction Criminal 3.17 to
4 read as follows:

5 "3.17 Testimony of an Accomplice or Informant.

6 When a witness says he was involved in the commission of
7 crime with the defendant, or if a witness provides evidence
8 against the defendant for (pay) (leniency) (immunity from
9 punishment) (vindication) or any other personal advantage the
10 testimony of that witness is subject to suspicion and should
11 be considered by you with caution. It should be carefully
12 examined in the light of the other evidence in the case.

13 This instruction does not apply to the testimony of an
14 expert witness or law enforcement officer."; and

15 RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL
16 ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Illinois
17 Supreme Court to adopt the proposed changes to Illinois
18 Pattern Jury Instruction-Criminal 3.17; and be it further

19 RESOLVED, That a suitable copy of this Resolution be
20 presented to the Honorable Mary Ann McMorrow, Chief Justice
21 of the Illinois Supreme Court.