

SB2277



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2277

Introduced 2/10/2011, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

725 ILCS 5/113-7 new

Amends the Code of Criminal Procedure of 1963. Creates the State Death Penalty Review Committee effective July 1, 2011 to develop standards to assist State's Attorneys in the exercise of discretion in seeking the death penalty on a first degree murder charge and to approve a State's Attorney's decision to seek the death penalty in first degree murder cases. Effective July 1, 2011.

LRB097 08689 RLC 48818 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Section 113-7 as follows:

6 (725 ILCS 5/113-7 new)

7 Sec. 113-7. Notice of intention to seek or decline the
8 death penalty; State Death Penalty Review Committee.

9 (a) State Death Penalty Review Committee. The State's
10 Attorney or Attorney General shall provide notice of the
11 State's intention to seek or decline the death penalty by
12 filing a Notice of Intent to Seek or Decline the Death Penalty
13 as soon as practicable. In no event shall the filing of the
14 notice be later than 120 days after arraignment, unless, for
15 good cause shown, the court directs otherwise. A notice of
16 intent to seek the death penalty shall also include all of the
17 statutory aggravating factors enumerated in subsection (b) of
18 Section 9-1 of the Criminal Code of 1961 which the State
19 intends to introduce during the death penalty sentencing
20 hearing.

21 (b) The State's Attorney must also submit the decision to
22 seek the death penalty to the State Death Penalty Review
23 Committee for approval. The State Death Penalty Review

1 Committee is created effective July 1, 2011. The Review
2 Committee shall be composed of 5 voting members consisting of
3 the Attorney General or his or her designee, the State's
4 Attorney of Cook County or his or her designee, the president
5 of the Illinois State's Attorney's Association, a State's
6 Attorney appointed by the Governor, and a retired judge
7 appointed by the Governor. The Governor may appoint an
8 alternate member and shall only participate and vote in the
9 event of a tie vote. The retired judge member shall have
10 experience in criminal law and preferably appellate review of
11 criminal cases. The Attorney General and Cook County State's
12 Attorney shall serve during their respective term of office.
13 The president of the State's Attorney's Association shall serve
14 for one year concurrent with the elected term as president of
15 the State's Attorney's Association. The State's Attorney
16 appointed by the Governor shall serve for one year and the
17 retired judge member shall serve for 4 years. The alternate
18 member shall serve at the pleasure of the Governor. In the
19 event of a vacancy of a member appointed by the Governor, the
20 appointment to fill the vacancy shall be made in the same
21 manner as the original appointment. The appointed members shall
22 serve until their successor is appointed and qualified. The
23 Attorney General or his or designee shall serve as chairman.

24 (c) The State Death Penalty Review Committee must develop
25 standards to assist State's Attorneys in the exercise of
26 discretion in seeking the death penalty on a first degree

1 charge. The Review Committee must also approve a State's
2 Attorney's decision to seek the death penalty in a first degree
3 murder case. The review must include the appropriateness of the
4 sentence of death upon conviction and whether the decision is
5 consistent with the application of the death penalty in other
6 counties. The Review Committee must consider information
7 submitted by the State's Attorney and defense counsel that is
8 relevant to the review. Information submitted that is not
9 otherwise subject to discovery at this stage of the court
10 proceedings or for which confidentiality is necessary for
11 security of any individual, the submission to the Review
12 Committee is confidential and not subject to disclosure outside
13 of the Review Committee.

14 (d) The approval shall be pursuant to a vote of 3 members
15 of the Committee; however, the Attorney General or a State's
16 Attorney must recuse himself or herself from voting on any case
17 prosecuted by his or her office. The review and comment is
18 confidential and shall only be disclosed to:

19 (1) the submitting State's Attorney;

20 (2) the defendant's attorney; and

21 (3) the Governor, upon request, after the Supreme Court
22 has ordered the final execution date.

23 Section 99. Effective date. This Act takes effect July 1,
24 2011.