

1 AN ACT in relation to criminal matters.

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
13 Penalty as soon as practicable. In no event shall the filing
14 of the notice be later than 120 days after arraignment,
15 unless, for good cause shown, the court directs otherwise. A
16 notice of intent to seek the death penalty shall also include
17 all of the statutory aggravating factors enumerated in
18 subsection (b) of Section 9-1 of the Criminal Code of 1961
19 which the State intends to introduce during the death penalty
20 sentencing hearing.

21 (b) The State's Attorney or Attorney General must also
22 submit the decision to seek the death penalty to the State
23 Death Penalty Review Committee for approval. The State Death
24 Penalty Review Committee is created effective January 1,
25 2004. The Review Committee shall be composed of 5 voting
26 members consisting of the Attorney General or his or her
27 designee, the State's Attorney of Cook County or his or her
28 designee, the president of the Illinois State's Attorney's
29 Association, a State's Attorney from some county other than
30 Cook appointed by the Governor, and a retired judge appointed
31 by the Governor. The Governor may appoint an alternate

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

18 (c) The State Death Penalty Review Committee must
19 develop standards to assist State's Attorneys in the exercise
20 of discretion in seeking the death penalty on a first degree
21 murder charge. The Review Committee must also approve a
22 decision by a State's Attorney or Attorney General to seek
23 the death penalty in a first degree murder case. The review
24 must include the appropriateness of the sentence of death
25 upon conviction and whether the decision is consistent with
26 the application of the death penalty in other counties. The
27 Review Committee must consider information submitted by the
28 State's Attorney or Attorney General and defense counsel that
29 is relevant to the review. Information submitted that is not
30 otherwise subject to discovery at this stage of the court
31 proceedings or for which confidentiality is necessary for the
32 security of any individual, is confidential and not subject
33 to disclosure outside of the Review Committee.

34 (d) Approval by the Review Committee shall be pursuant

1 to a vote of 3 members of the Committee; however, the
2 Attorney General or a State's Attorney must recuse himself or
3 herself from voting on any case prosecuted by his or her
4 office. The final decision of the Review Committee shall be
5 promptly provided to:

6 (1) the court in which the defendant is charged;

7 (2) the submitting State's Attorney or Attorney
8 General;

9 (3) the defendant's attorney; and

10 (4) the Governor, upon request, after the Supreme
11 Court has ordered the final execution date for the
12 defendant.