

# Senate Bill 1018

Sponsored by COMMITTEE ON JUDICIARY

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates Task Force on Death Penalty in Oregon. Imposes moratorium on executions pending submission of report by task force.

Sunsets task force on date of convening of next biennial legislative session.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to death penalty; and declaring an emergency.

3       Whereas the Seventy-fourth Legislative Assembly finds and declares that life is the most valu-  
4 able possession of a human being; and

5       Whereas the State of Oregon should exercise the utmost care to protect its residents' lives from  
6 homicide, accident or arbitrary or wrongful taking by this state; and

7       Whereas the experience of this state with the death penalty has been characterized by signif-  
8 icant expenditures of money and time; and

9       Whereas the financial costs of attempting to implement the death penalty statutes may not be  
10 justifiable in light of the other needs of this state; and

11       Whereas there is a lack of any meaningful procedure to ensure uniform application of the death  
12 penalty in each county throughout this state; and

13       Whereas there is public concern that racial and socioeconomic factors influence decisions to  
14 seek or impose the death penalty; and

15       Whereas there has been increasing public awareness of cases of individuals wrongfully convicted  
16 of murder; and

17       Whereas the Legislative Assembly is troubled that the possibility of mistakes in the death pen-  
18 alty process may undermine public confidence in our criminal justice system; and

19       Whereas the execution of an innocent person by the State of Oregon would be a grave and ir-  
20 reversible injustice; and

21       Whereas many citizens may favor life in prison without parole or life in prison without parole  
22 with restitution to the victims as alternatives to the death penalty; and

23       Whereas in order for this state to protect its moral and ethical integrity, this state must ensure  
24 a justice system that is impartial, uncorrupted, equitable, competent and in line with evolving stan-  
25 dards of decency; now, therefore,

26 **Be It Enacted by the People of the State of Oregon:**

27       **SECTION 1. (1) There is created the Task Force on the Death Penalty in Oregon, con-**  
28 **sisting of 11 members appointed as follows:**

29       **(a) The President of the Senate shall appoint two members from among members of the**  
30 **Senate, one of whom is a Democrat and one of whom is a Republican.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1       **(b) The Speaker of the House of Representatives shall appoint two members from among**  
 2 **members of the House of Representatives, one of whom is a Democrat and one of whom is**  
 3 **a Republican.**

4       **(c) The Governor shall appoint seven members including the following representatives:**

5       **(A) The public defense services executive director or a designee;**

6       **(B) The Attorney General or a designee;**

7       **(C) A representative of the Oregon State Bar recommended by the Board of Governors**  
 8 **of the Oregon State Bar;**

9       **(D) A representative of the Oregon District Attorneys Association;**

10       **(E) A representative of Crime Survivors for Community Safety; and**

11       **(F) Two representatives of religious organizations in this state.**

12       **(2) All appointments to the task force made under section 1 of this 2007 Act must be**  
 13 **completed by the later of 45 days after adjournment sine die of the regular session of the**  
 14 **Seventy-fourth Legislative Assembly or July 31, 2007.**

15       **(3) The task force shall study all aspects of the death penalty as currently administered**  
 16 **in the State of Oregon, including but not limited to, the following issues:**

17       **(a) Whether the death penalty rationally serves a legitimate penological intent such as**  
 18 **deterrence.**

19       **(b) Whether there is a significant difference between the cost of the death penalty from**  
 20 **indictment to execution and the cost of life in prison without parole. In considering the**  
 21 **overall cost of the death penalty in Oregon, the cost of all the capital trials that result in life**  
 22 **sentences as well as the death sentences that are reversed on appeal must be considered.**

23       **(c) Whether the death penalty is consistent with evolving standards of decency.**

24       **(d) Whether the selection of defendants in Oregon for capital trials is arbitrary, unfair**  
 25 **or discriminatory in any way and whether there is unfair, arbitrary or discriminatory vari-**  
 26 **ability in the sentencing phase or at any stage of the process.**

27       **(e) Whether there is a significant difference in the crimes of defendants who receive a**  
 28 **sentence of death as opposed to those who receive a sentence of life in prison.**

29       **(f) Whether the penological interest in executing some defendants found guilty of murder**  
 30 **is sufficiently compelling that the risk of an irreversible mistake is acceptable.**

31       **(g) Whether alternatives to the death penalty exist that would sufficiently ensure public**  
 32 **safety and address other legitimate social and penological interests, including the interests**  
 33 **of families of victims.**

34       **(4) The task force may propose new legislation, if necessary.**

35       **(5) A majority of the members of the task force constitutes a quorum for the transaction**  
 36 **of business.**

37       **(6) Official action by the task force requires the approval of a majority of the members**  
 38 **of the task force.**

39       **(7) The task force shall elect one of its members to serve as chairperson.**

40       **(8) If there is a vacancy for any cause, the appointing authority shall make an appoint-**  
 41 **ment to become immediately effective.**

42       **(9) The task force shall meet at times and places specified by the call of the chairperson**  
 43 **or of a majority of the members of the task force.**

44       **(10) The task force may adopt rules necessary for the operation of the task force.**

45       **(11) The task force shall submit a report, and may include recommendations for legis-**

1 lation, to an interim committee related to judicial matters in the manner provided by ORS  
2 192.245 no later than October 1, 2008.

3 (12) The Department of Justice shall provide staff support to the task force.

4 (13) Members of the task force who are not members of the Legislative Assembly are not  
5 entitled to compensation, but may be reimbursed for actual and necessary travel and other  
6 expenses incurred by them in the performance of their official duties in the manner and  
7 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions  
8 of the task force shall be paid out of funds appropriated to the Department of Justice for  
9 that purpose.

10 (14) All agencies of state government, as defined in ORS 174.111, are directed to assist  
11 the task force in the performance of its duties and, to the extent permitted by laws relating  
12 to confidentiality, to furnish such information and advice as the members of the task force  
13 consider necessary to perform their duties.

14 SECTION 2. Beginning on the effective date of this 2007 Act, if a defendant has been  
15 sentenced to death pursuant to ORS 137.463, the sentence of death will not be executed prior  
16 to 60 days after the issuance of the report and recommendations of the Task Force on the  
17 Death Penalty in Oregon created in section 1 of this 2007 Act.

18 SECTION 3. Section 1 of this 2007 Act is repealed on the date of the convening of the next  
19 regular biennial legislative session.

20 SECTION 4. This 2007 Act being necessary for the immediate preservation of the public  
21 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
22 on its passage.  
23 \_\_\_\_\_