

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means
Vote:	3 - 2 - 0
Yeas:	Bonamici, Dingfelder, Prozanski
Nays:	Kruse, Whitsett
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	4/4, 4/20, 4/21

WHAT THE MEASURE DOES: Directs the Chief Justice of the Oregon Supreme Court to appoint a judge with experience in death penalty cases to review aggravated murder cases in which a sentence of death is imposed for the purposes of determining if a settlement conference would be beneficial. Requires the judge to review when a: (1) petition for habeas corpus is filed; (2) petition for post-conviction relief has been filed; (3) court conducts appellate review of either a habeas corpus or post-conviction relief petition; (4) case is sent back to the trial court. Effective upon passage. Requires a district attorney to file notice to seek a sentence of death no later than 180 days after the defendant is charged with aggravated murder except for good cause shown but in no event may the notice be filed less than 90 before trial. Prohibits the defendant from entering a plea of guilty or no contest to a charge of aggravated murder more than 90 days before trial without the consent of the district attorney. Notice provisions apply to aggravated murder committed after the effective date of this Act.

ISSUES DISCUSSED:

- Cost of death penalty
- Need for closure

EFFECT OF COMMITTEE AMENDMENT: Requires a district attorney to file notice to seek a sentence of death no later than 180 days after the defendant is charged with aggravated murder except for good cause shown but in no event may the notice be filed less than 90 before trial. Prohibits the defendant from entering a plea of guilty or no contest to a charge of aggravated murder more than 90 days before trial without the consent of the district attorney. Applies to aggravated murder committed after the effective date of this Act. Reduces the review panel to one judge.

BACKGROUND: Death penalty cases are very expensive to try. The United States Supreme Court has set very high legal standards for these cases. Consequently, many years pass between conviction and execution. Oregon reinstated the death penalty with the passage of Ballot Measure 7 in November of 1984. In the twenty-five years since, only two people have been executed in Oregon, both of whom refused to pursue their respective rights of appeal and post-conviction relief. In other words, they volunteered to be executed. Otherwise, every other person sentenced to death in Oregon is still in the appeal and post-conviction relief process, some for over twenty years. The cost associated with prosecuting and defending death penalty cases combined with the cost for the almost endless appeals is so great that these exceed the costs associated with incarcerating the individual in prison for the remainder of his or her natural life. Both Oregon and Washington have a death penalty. As of 2009, Oregon had 51 individuals charged with aggravated murder with a possibility of a sentence of death at the trial level. By comparison Washington, with a much larger population than Oregon, had five. Oregon had 35 persons on death row; Washington had eight. Oregon adopted its current death penalty statute in 1985, Washington in 1981.

4/28/2011 8:28:00 AM

This summary has not been adopted or officially endorsed by action of the committee.

Washington requires district attorneys to file notice to seek the death penalty and requires the Washington Supreme Court to review death penalty cases for proportionality. The Department of Justice requires a US Attorney to send to a special committee for review and approval a case where the US Attorney would like to seek the death penalty.