

Senate Bill 366

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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**.

Requires county in which defendant is charged with aggravated murder to reimburse state for one-half of costs associated with death penalty.

A BILL FOR AN ACT

1
2 Relating to the death penalty.

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

4 **SECTION 1. (1) No later than six months after a defendant is sentenced to death under**
5 **ORS 163.150, the county in which the defendant is charged with aggravated murder shall pay**
6 **over to the Department of Revenue, for deposit in the General Fund, an amount of moneys**
7 **equal to one-half of the average cost of conducting death penalty litigation as determined**
8 **under subsection (2) of this section.**

9 (2)(a) **Once every five years, the Judicial Department, the Department of Justice and the**
10 **Public Defense Services Commission shall determine the average cost of conducting death**
11 **penalty litigation and provide that information to the Department of Revenue. The Depart-**
12 **ment of Revenue shall post the average cost of conducting death penalty litigation for the**
13 **agencies on the Department of Revenue's website.**

14 (b) **The average cost of conducting death penalty litigation shall be determined by sub-**
15 **tracting the average amount of moneys each agency expends in an aggravated murder case**
16 **in which a sentence other than death is imposed from the average amount of moneys each**
17 **agency expends in an aggravated murder case in which a sentence of death is imposed. The**
18 **average expenditures shall include expenditures associated with:**

19 (A) **The trial;**

20 (B) **The sentencing proceeding described in ORS 163.150;**

21 (C) **The death warrant hearing described in ORS 137.463;**

22 (D) **Direct appellate review under ORS 138.012; and**

23 (E) **Any other post-conviction proceeding involving the conviction or the imposition or**
24 **execution of the sentence.**

25 **SECTION 2. (1) Section 1 of this 2011 Act applies to prosecutions for offenses committed**
26 **on or after the effective date of this 2011 Act.**

27 (2) **As soon as practicable after the effective date of this 2011 Act, the Judicial Depart-**
28 **ment, the Department of Justice and the Public Defense Services Commission shall deter-**
29 **mine the average cost of conducting death penalty litigation, as described in section 1 (2) of**
30 **this 2011 Act, and provide that information to the Department of Revenue.**

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.

