

# Senate Bill 369

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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**.

Creates Death Penalty Review Panel. Directs panel to review cases in which sentence of death is imposed when conviction or sentence is subject to litigation. Authorizes panel to convene settlement conference and make settlement recommendation.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1 Relating to the death penalty; appropriating money; and declaring an emergency.

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

3 **SECTION 1. (1) There is created the Death Penalty Review Panel consisting of three**  
4 **members appointed by the Chief Justice of the Supreme Court. Members appointed to the**  
5 **panel must be retired judges who have experience with aggravated murder cases.**

6 (2) The panel shall review aggravated murder cases in which a sentence of death is im-  
7 posed for the purpose of determining whether a settlement conference would be beneficial  
8 to the parties. The panel shall review each case at the following times:

9 (a) When a petition for habeas corpus is filed under ORS 34.310 to 34.730.

10 (b) When a petition for post-conviction relief is filed under ORS 138.510 to 138.680.

11 (c) When a court conducts appellate review of a petition described in paragraph (a) or (b)  
12 of this subsection.

13 (d) When a case is remanded to the trial court.

14 (3) The panel may convene a settlement conference between the parties and may re-  
15 commend to the state that the state offer the defendant a sentence of life imprisonment  
16 without the possibility of release or parole as described in ORS 163.105 (1)(b).

17 (4) Official action by the panel requires the approval of a majority of the members of the  
18 panel.

19 (5) The Judicial Department shall provide staff support to the panel.

20 (6) All agencies of state government as defined in ORS 174.111 are directed to assist the  
21 panel in the performance of its duties and, to the extent permitted by laws relating to  
22 confidentiality, to furnish such information and advice as the members of the panel consider  
23 necessary to perform their duties.

24 (7) Service on the panel:

25 (a) Constitutes service as a pro tem judge for purpose of ORS 238.535 (1)(c); or

26 (b) Entitles a member of the panel to compensation in the amount of \$200 per day plus  
27 necessary travel expenses.

28 **SECTION 2. There is appropriated to the Judicial Department, for the biennium begin-**  
29

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   ning July 1, 2011, out of the General Fund, the amount of \$\_\_\_\_\_ for the purpose of car-  
2   rying out the provisions of section 1 of this 2011 Act.

3       **SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public  
4   peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
5   on its passage.

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