

1 HJR1027
2 122074-1
3 By Representative Coleman
4 RFD: Rules
5 First Read: 21-APR-10

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8 EXPRESSING SUPPORT FOR THE CREATION OF A COMMISSION
9 TO STUDY A MORATORIUM ON THE IMPOSITION OF THE DEATH PENALTY
10 AND RECOMMENDING THE ESTABLISHMENT OF A PUBLIC DEFENDER POOL
11 FOR CAPITAL PUNISHMENT CRIMINAL CASES.

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13 WHEREAS, the imposition of capital punishment for
14 criminal offenders is inconsistent throughout the state; and

15 WHEREAS, the adoption of uniform state criminal
16 justice procedures would help insure fairness and consistency
17 in the application of the death penalty; now therefore,

18 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
19 HOUSES THEREOF CONCURRING, That this body supports the
20 creation of a Commission to Study A Moratorium on the
21 Imposition of the Death Penalty and recommends the
22 establishment of a public defender pool for capital punishment
23 cases.

24 BE IT FURTHER RESOLVED, That the Commission would
25 provide for suggested legislation similar to HB280 of the 2010
26 Regular Session that would establish a moratorium of three
27 years on the imposition or execution, or both, of the death

1 penalty pursuant to Article 2 of Chapter 5 of Title 13 of the
2 Code of Alabama 1975, and that during the moratorium period
3 the following procedures should be implemented to ensure that
4 death penalty cases are administered fairly and impartially,
5 in accordance with due process, and to minimize the risk of
6 innocent persons being executed:

7 (1) The American Bar Association Guidelines for the
8 Appointment and Performance of Counsel in Death Penalty Cases.

9 (2) Due process procedures to preserve and enhance
10 state post-conviction relief in death sentence cases.

11 (3) Procedures to eliminate discrimination in
12 capital sentencing on the basis of race of either the victim
13 or the defendant.

14 (4) Due process procedures to prevent the execution
15 of persons with intellectual disabilities and persons who were
16 under the age of 18 at the time of the offense.

17 BE IT FURTHER RESOLVED, That a public defender pool
18 should be created for consistent and fair application of the
19 death penalty.