

1 HR1026  
2 122051-1  
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 HOUSE OF REPRESENTATIVES OF  
19 THE LEGISLATURE OF ALABAMA, 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.