

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Section 113-7 follows:

6 (725 ILCS 5/113-7 new)

7 Sec. 113-7. Notice of intention to seek or decline the
8 death penalty; State Death Penalty Review Committee.

9 (a) The State's Attorney or Attorney General shall
10 provide notice of the State's intention to seek or decline
11 the death penalty by filing a Notice of Intent to Seek or
12 Decline the Death Penalty as soon as practicable. In no event
13 shall the filing of the notice be later than 120 days after
14 arraignment, unless, for good cause shown, the court directs
15 otherwise. A notice of intent to seek the death penalty shall
16 also include all of the statutory aggravating factors
17 enumerated in subsection (b) of Section 9-1 of the Criminal
18 Code of 1961 which the State intends to introduce during the
19 death penalty sentencing hearing.

20 (b) The State's Attorney must also submit the decision
21 to seek the death penalty to the State Death Penalty Review
22 Committee for approval. The State Death Penalty Review
23 Committee is created effective June 1, 2003. The Review
24 Committee shall be composed of 5 voting members consisting of
25 the Attorney General or his or her designee, the State's
26 Attorney of Cook County or his or her designee, the president
27 of the Illinois State's Attorney's Association, a State's
28 Attorney appointed by the Governor, and a retired judge
29 appointed by the Governor. The Governor may appoint an
30 alternate member and shall only participate and vote in the
31 event of a tie vote. The retired judge member shall have

1 experience in criminal law and preferably appellate review of
2 criminal cases. The Attorney General and Cook County State's
3 Attorney shall serve during their respective term of office.
4 The president of the State's Attorney's Association shall
5 serve for one year concurrent with the elected term as
6 president of the State's Attorney's Association. The State's
7 Attorney appointed by the Governor shall serve for one year
8 and the retired judge member shall serve for 4 years. The
9 alternate member shall serve at the pleasure of the Governor.
10 In the event of a vacancy of a member appointed by the
11 Governor, the appointment to fill the vacancy shall be made
12 in the same manner as the original appointment. The appointed
13 members shall serve until their successor is appointed and
14 qualified. The Attorney General or his or designee shall
15 serve as chairman.

16 (c) The State Death Penalty Review Committee must
17 develop standards to assist State's Attorneys in the exercise
18 of discretion in seeking the death penalty on a first degree
19 charge. The Review Committee must also approve a State's
20 Attorney's decision to seek the death penalty in a first
21 degree murder case. The review must include the
22 appropriateness of the sentence of death upon conviction and
23 whether the decision is consistent with the application of
24 the death penalty in other counties. The Review Committee
25 must consider information submitted by the State's Attorney
26 and defense counsel that is relevant to the review.
27 Information submitted that is not otherwise subject to
28 discovery at this stage of the court proceedings or for which
29 confidentiality is necessary for security of any individual,
30 the submission to the Review Committee is confidential and
31 not subject to disclosure outside of the Review Committee.

32 (d) The approval shall be pursuant to a vote of 3
33 members of the Committee; however, the Attorney General or a
34 State's Attorney must recuse himself or herself from voting

1 on any case prosecuted by his or her office. The review and
2 comment is confidential and shall only be disclosed to:

3 (1) the submitting State's Attorney;

4 (2) the defendant's attorney; and

5 (3) the Governor, upon request, after the Supreme
6 Court has ordered the final execution date.