

HB6007



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6007

Introduced 2/10/2010, by Rep. Chapin Rose - Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

New Act

Creates the Death Sentence Procedural Act. Provides that within 72 hours of receipt of the certified copy of the final order of a court of last resort that upholds or affirms a sentence of death, the Governor shall issue a death warrant setting a date certain for execution, unless a death warrant is then in force. Effective immediately.

LRB096 18205 RLC 35821 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning death sentences.

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

4 Section 1. Short title. This Act may be cited as the Death
5 Sentence Procedural Act.

6 Section 5. Definitions. In this Act:

7 "Court of last resort" means the United States Supreme
8 Court or any State or federal court, before which is pending a
9 direct appeal; petition for writ of certiorari;
10 post-conviction petition; motion for rehearing on such an
11 appeal, a writ, or a petition; or other proceeding or pleading
12 that the Office of the State's Attorneys Appellate Prosecutor
13 or State's Attorney, in the interests of justice and judicial
14 economy, may by rule prescribe, the purpose of which is to set
15 aside or otherwise reverse a sentence of death, and from a
16 decision on that question no further appeal is allowed.

17 "Death warrant" means an order or warrant, signed by the
18 Governor, directing the Director of Corrections to proceed with
19 the execution of a death sentence.

20 "Final order" means the order of a court of last resort
21 that upholds or affirms a sentence of death.

22 "Governor" means the Governor of the State of Illinois.

1 Section 10. Governor to issue death warrant.

2 (a) The prosecuting attorney shall, immediately upon
3 receipt of the final order, provide the Governor with a
4 certified copy of the final order.

5 (b) Within 72 hours of receipt of the certified copy of the
6 final order, the Governor shall issue a death warrant setting a
7 date certain for execution, unless a death warrant is then in
8 force.

9 (c) Nothing in this Act shall be deemed or construed to
10 restrict or otherwise intrude upon or interfere with the
11 authority of the Governor to commute, delay, or otherwise
12 impede the execution of a death sentence.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.