
DIGEST

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HB 1090 Original

2016 Regular Session

Glover

Abstract: Creates the Capital Cost Commission and requires sufficient funds to proceed with capital cases and appeals of capital cases.

Present law provides that the district attorney may seek a capital verdict (death penalty) in first degree murder cases and cases of treason at his discretion.

Proposed law provides that the district attorney shall notify the district court and the attorney general of his intention to pursue a capital case for first degree murder. The district attorney may then only proceed with the capital case if the Capital Cost Commission has determined that there are sufficient funds available to proceed with the case.

Proposed law further provides that the Capital Cost Commission shall certify whether funds exist to pursue a capital case appeal post-conviction relief or whether the defendant should be re-sentenced. Proposed law provides that the defendant shall have no basis to contest the decision of the commission.

Proposed law creates the Capital Cost Commission which shall consist of seven members selected as follows:

- (1) The governor shall appoint one member to serve a four-year term and shall designate the chairman.
- (2) The chief justice of the Louisiana Supreme Court shall designate one member to serve a three-year term.
- (3) The attorney general shall designate one member to serve a three-year term.
- (4) The president of the Senate shall designate one member to serve a two-year term.
- (5) The speaker of the House shall designate one member to serve a two-year term.
- (6) The chair of the Louisiana Public Defender Board shall designate one member to serve a three-year term.
- (7) The chair of the Louisiana State Bar Association shall designate one member to serve a three-year term.

Proposed law provides that the Capital Cost Commission shall meet at least quarterly to assess the availability of funds, the costs of proceedings in capital cases, and the compliance with the findings set forth by the Capital Punishment Fiscal Impact Commission as provided for in SCR 54 of the 2014 Regular Session.

Proposed law provides that the commission shall certify by September 1st of each year the availability of funds.

(Amends R.S. 14:30(C) and R.S. 15:178, 181, and 182; Adds 15:169(C) and 184)