

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

---

DIGEST

Morrell

SCR No. 16

Creates the Joint Capital Punishment Fiscal Impact Commission to study the fiscal costs of the death penalty in Louisiana and to recommend any action or legislation that the commission deems necessary or appropriate.

The commission consists of the following members or their designees:

- (1) One member of the Senate appointed by the president, who serves as co-chairperson of the commission.
- (2) One member of the House of Representatives appointed by the speaker, who serves as co-chairperson of the commission.
- (3) A district attorney appointed by the La. District Attorneys Association.
- (4) A public defender appointed by the La. Public Defender Board.
- (5) A person selected by the secretary of the Dept. of Public Safety and Corrections.
- (6) The legislative auditor.
- (7) A member of the La. Sentencing Commission to be selected by the chairman of the commission.
- (8) A person appointed by the chief justice of the La. Supreme Court.
- (9) A sheriff appointed by the La. Sheriffs' Association.
- (10) The superintendent of state police.
- (11) A person selected by the Council for a Better Louisiana.
- (12) A person appointed by the governor.
- (13) An attorney appointed by the La. Association of Criminal Defense Lawyers.
- (14) A person appointed by the Public Affairs Research Council.
- (15) A person appointed by the Pelican Institute for Public Policy.

- (16) A person appointed by Louisiana Budget Project.
- (17) A person appointed by Louisiana Interchurch Conference.
- (18) The warden of the La. State Penitentiary.

Further provides that the commission study is to include an examination and analysis concerning the costs of prosecuting and adjudicating all potential capital murder cases as compared to noncapital murder cases, including the costs relating to the death penalty that are borne by the state of Louisiana and by local governments in this state at each stage of the proceedings.

Further provides that the commission study is to include an assessment of the costs incurred as a result of the possibility of capital punishment for all violations of present law relative to first degree murder, and identification of the agency responsible for bearing these costs, and the impact of those expenditures on the agency.

Further provides that the commission study is to include an examination and analysis concerning any potential cost savings relative to the appropriate use of plea bargaining in potential capital cases, strategic litigation choices by the prosecution and the defense in potential capital case, and the execution of a death sentence.

Further provides that the commission study is to include an examination and analysis concerning whether potential cost savings can be secured through alternative measures, including alteration of punishment schemes, internalizing of cost structures, or oversight.

Further provides that the members of the commission are to serve without compensation, except per diem or expenses reimbursement to which they may be entitled as members of the constituent organizations.

Specifies that a majority of the total membership constitutes a quorum of the commission, and any official action requires an affirmative vote of a majority of the quorum present and voting.

Further provides that the commission may conduct such public meetings as it deems necessary or convenient to enable it to exercise its powers fully and effectively, perform its duties, and accomplish the commission's objectives and purposes, and may receive at such public meetings testimony and other evidence relative to any of the subjects of study, except that evidence detailing security related measures and costs associated therewith, and personal information concerning those individuals responsible for the administration of capital punishment, may be deemed confidential.

Further provides that the commission has the authority to subpoena any information concerning costs, excluding confidential information concerning specific cases.

Further provides that the commission is to report its findings and recommendations to the governor and the legislature no later than December 31, 2014.

Further provides that the commission terminates on January 1, 2015.