

SENATE BILL No. 158

By Committee on Judiciary

2-6

AN ACT concerning crimes, criminal procedure and punishment; relating to moratorium of imposition of death sentences; creating a death penalty study commission and prescribing the duties thereon.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) No sentence imposition of the death penalty shall be imposed or executed pursuant to the laws of this state for two years from the effective date of this act. This prohibition shall apply to all cases pending on the effective date of this act and to all cases filed during the term of the prohibition.

(b) (1) A death penalty study commission is hereby created. Such commission shall study the laws relating to and the administration of that provide for the death penalty and for the administration of the death penalty in this state. Such commission shall study and make findings and recommendations with regard to the following:

(A) Whether defendants who are charged with capital murder actually meet the statutory criteria for capital murder;

(B) what is the total cost to state and local governmental entities for capital murder cases;

(C) whether capital murder cases are handled similarly in all areas of the state, or does disparity exist;

(D) whether changes are needed in the laws or in the processing of capital murder cases to ensure that no innocent person is ever sentenced to death in this state; and

(E) whether race of the victim or of the defendant plays a role in charging and the disposition of capital murder cases.

(2) Membership of the commission shall consist of seven members and shall be as follows:

(A) Two members appointed by the chief justice of the supreme court;

(B) one member appointed by the governor;

(C) one member appointed by the president of the senate;

(D) one member appointed by the minority leader of the senate;

(E) one member appointed by the speaker of the house of representatives; and

1 (F) one member appointed by the minority leader of the house of
2 representatives.

3 (3) The commission shall elect a chairperson and vice-chairperson
4 from among the members of the commission. The commission shall meet
5 upon the call of the chairperson. A majority of members shall constitute
6 a quorum.

7 (4) Members of the commission attending meetings of the commis-
8 sion shall be paid compensation, travel expenses and subsistence expenses
9 or allowances as provided in K.S.A. 75-3212, and amendments thereto.

10 (c) Such commission shall make a report that includes the findings
11 of such study and any recommendations of such commission to the Kansas
12 legislature on or prior to December 31, 2003.

13 Sec. 2. This act shall take effect and be in force from and after its
14 publication in the Kansas register.

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