

CAPITAL PUNISHMENT REFORM STUDY COMMITTEE

Agenda for meeting on November 8, 2007

The meeting will be held at the office of CJIA, 120 S. Riverside Plaza, Chicago, beginning at 12 noon. The conference call in number is 800-864-4804, passcode 8143061#.

1. Approval of minutes of September 17, 2007 meeting.
2. Replacement Committee members, and assignment of Charles Schiedel.
3. Committee's budget for F/Y/E 6/30/08.
4. Lobbying registration.
5. Status of Senate Bill 1023.
6. David Olson's surveys.
7. Draft letter re recommendation on page 16 of Third Annual Report, attached.
8. Illinois Justice Study Committee (Senate Joint Resolution No. 9), attached.
9. Subcommittee reports.

Subcommittee 1: Police and investigations.

James R. Coldren, Jr. Geoffrey R. Stone
Richard D. Schwind

Subcommittee 2: Eligibility for capital punishment and proportionality.

Leigh B. Bienen Thomas P. Sullivan
Kirk W. Dillard Michael J. Waller


Subcommittee 3: Trial court proceedings.

Jeffrey M. Howard Edwin R. Parkinson
Boyd J. Ingemunson Randolph N. Stone

Subcommittee 4: Post-conviction proceedings, DNA and general topics.

Gerald E. Nora Arthur L. Turner

10. Other business.



TPS
10/9/07

Capital Punishment Reform Study Committee

November __, 2007

[D R A F T]

Thomas P. Sullivan
Chair

Richard D. Schwind
Vice Chair

Leigh B. Bienen

James R. Coldren, Jr.

Kirk W. Dillard

Jeffrey M. Howard

Boyd J. Ingemunson

Gerald E. Nora

Edwin R. Parkinson

Charles M. Schiedel

Geoffrey R. Stone

Randolph N. Stone

Arthur L. Turner

Michael J. Waller

Peter G. Baroni
Special Counsel

Tom Cross
House Republican Leader
316 Capitol Building
Springfield, IL 62706

Emil Jones, Jr.
Senate President
327 Capitol Building
Springfield, IL 62706

Michael J. Madigan
Speaker of the House
300 Capitol Building
Springfield, IL 62706

Frank C. Watson
Republican Leader
309A Capitol Building
Springfield, IL 62706

Gentlemen:

At the Committee's meeting on September 17, 2007, it was agreed that the Committee withdraws the following recommendation contained on page 16 of its Third Annual Report, in order that the Committee members may further study and discuss this subject:

“Legislation should be enacted requiring that whenever practicable the administrator of an eyewitness lineup or photo spread should not be aware of which member of the array is the police suspect.”

Yours truly,

Thomas P. Sullivan

Chair
330 N. Wabash Avenue
Chicago, IL 60611
312-923-2928

Richard D. Schwind

Vice Chair
100 W. Randolph St., 12th Fl.
Chicago, IL 60601
312-814-5387

cc: Governor, State of Illinois
Chief Justice, Supreme Court of Illinois
Committee members



09500SJ0009 Enrolled

LRB095 10563 RLC 30784 r

1

SENATE JOINT RESOLUTION NO. 9

2 WHEREAS, Illinois now holds the distinction of being first
3 in the nation in the number of people exonerated by DNA
4 evidence in non-capital cases; and

5 WHEREAS, Illinois has made great strides in identifying and
6 attempting to address the causes of wrongful felony convictions
7 in capital cases, but has not extended systemic reforms to
8 non-capital cases; and

9 WHEREAS, The incarceration of an innocent person not only
10 works an injustice against that individual, but also harms
11 society in that the real perpetrator of a crime remains free
12 and able to commit additional criminal acts; and

13 WHEREAS, Wrongful felony convictions result in an erosion
14 of public confidence in the judicial system; and

15 WHEREAS, The Appellate Courts review cases only for
16 procedural error and do not provide a forum for presenting
17 claims of actual innocence; and

18 WHEREAS, Defendants in non-capital cases do not have the
19 right to counsel on post-conviction, that stage of proceedings
20 in which new evidence supporting a claim of actual innocence

1 can be presented, and therefore are unable to effectively
2 present such a claim; and

3 WHEREAS, Defendants against whom the death penalty is not
4 pursued, or for whom the death penalty has been taken off the
5 table, do not have the resources available to adequately defend
6 themselves; therefore, be it

7 RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL
8 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
9 CONCURRING HEREIN, that there is created the Illinois Justice
10 Study Committee, hereinafter referred to as the Committee,
11 consisting of 15 members, and appointed as follows:

12 (1) Three members appointed by the Governor, 2 of whom
13 shall be experienced in criminal law;

14 (2) Two members appointed by the President of the
15 Senate;

16 (3) Two members appointed by the Minority Leader of the
17 Senate;

18 (4) Two members appointed by the Speaker of the House
19 of Representatives;

20 (5) Two members appointed by the Minority Leader of the
21 House of Representatives;

22 (6) One member appointed by the Cook County State's
23 Attorney;

24 (7) One member appointed by the Office of the Cook

1 County Public Defender;

2 (8) One member appointed by the Office of the State
3 Appellate Defender; and

4 (9) One member appointed by the Office of the State's
5 Attorneys Appellate Prosecutor; and be it further

6 RESOLVED, That the appointed members shall be from diverse
7 backgrounds so as to reflect the diverse citizenry of Illinois;
8 and be it further

9 RESOLVED, That the Committee shall review all non-capital
10 wrongful felony conviction cases that have been resolved as of
11 the effective date of this resolution and which resulted from
12 DNA testing; a pardon granted on the basis of actual innocence;
13 and dismissal of charges or acquittals upon a retrial based on
14 relief granted by either the Illinois Appellate or Supreme
15 Courts, or the federal District, Court of Appeals, or United
16 States Supreme Court; and be it further

17 RESOLVED, That the Committee shall review any other
18 relevant material, identify the most common causes of wrongful
19 felony convictions in non-capital cases, identify current
20 laws, rules and procedures implicated in each type of
21 causation, and identify solutions through research, experts,
22 public hearing, and any other source the Committee deems
23 appropriate; and be it further

1 RESOLVED, That the Committee shall consider rules,
2 procedures, educational, and legislative reforms that can aid
3 in eliminating future wrongful felony convictions; and be it
4 further

5 RESOLVED, That the Committee may consider whether the State
6 of Illinois should put into place a procedure for addressing
7 claims of factual innocence prior to appellate review of a
8 conviction; and be it further

9 RESOLVED, That the Committee shall do a cost analysis of
10 wrongful convictions; and be it further

11 RESOLVED, That the Committee shall elicit voluntary
12 assistance from educational, legal, civic, and professional
13 organizations and institutions as well as notable individuals;
14 and be it further

15 RESOLVED, That the Committee shall submit its final report
16 to the Governor and the General Assembly on or before December
17 31, 2008.