

Capital Punishment Reform Study Committee
Minutes of Subcommittee No. 4 meeting

April 19, 2007

Subcommittee 4 met at Arthur Turner's legislative office in the State Capitol from 1 to 1:55 P.M. Attending were Theodore A. Gottfried, Gerald E. Nora, James B. Durkin and Arthur L. Turner. Also attending were Peter G. Baroni, Special Counsel and Brian Mackey, Chicago Daily Law Bulletin.

The minutes of the January 23, 2007 meeting were approved unanimously. The minutes of the February 13, 2007 were amended and approved unanimously.

1. DNA Issues.

The subcommittee discussed the issue of federal funding for DNA testing and collection. Mr. Baroni was instructed to research the status of federal funding and what types of federal funding are available.

The subcommittee also agreed to invite Colonel Jack S. Garcia, Director of Illinois State Police Forensic Services, to the next subcommittee meeting.

The Subcommittee discussed the status of Mr. Durkin's DNA testing bill (HB488), and the implications it would have for the Illinois State Police Lab.

2. *Potential misuse of the Capital Litigation Trust Fund.*

The subcommittee discussed the perception among some persons that the CLTF is being misused by smaller counties to pay for the defense costs in first degree murder cases. The subcommittee acknowledged that there is only anecdotal information at this point, but the appearance of misuse exists. The CLTF creates a monetary incentive for prosecutors in smaller counties to file capital certificates under Supreme Court Rule 416(c), which triggers the CLTF funding defense costs that would otherwise be paid by the county.

The subcommittee decided to invite Edwin R. Parkinson of the State's Attorney's Appellate Prosecutor's Office to a future subcommittee meeting to discuss the issue, and to seek his advice as to how to obtain objective evidence, if it exists, of the misuse of the CLTF.

3. *Next meeting – May 22, 2007, 1 P.M.*

It was agreed that the next subcommittee meeting will be held on Tuesday, May 22, 2007 at 1 P.M. at Representative Arthur Turner's office in the State Capitol, Springfield, Illinois.

Peter G. Baroni
Special Counsel
May 24, 2007