

TO: Members of Subcommittee No.2

FROM: Peter Baroni,
Special Counsel to the Capital Punishment Reform Study Committee

DATE: April 19, 2006

RE: MINUTES – Subcommittee No. 2 Conference Call meeting held on April 13, 2006

On April 13, 2006 at 2:30pm a Subcommittee Meeting by Conference call was held. Attending were Leigh Bienen (Chair) Mike Waller, Peter Baroni (Legal Counsel to the Committee) and Linda Hui (research assistant to Leigh Bienen). Tom Sullivan and Kirk Dillard did not participate.

Item No. 1: DNA Issues. The current status of SB 2737 regarding the requirement of certification of laboratories by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD) for DNA testing which is being requested after trial. The link to the current status of that bill is below. As of April 13th, it passed the House Judiciary II Committee unanimously and is currently on 2nd Reading on the House Floor. The bill has an extended deadline to April 30, 2006. The bill passed the Senate on March 2, 2006.

Peter Baroni reported a conversation with the Governor's public safety staffer, Robin Olson, regarding the status of the State DNA backlog. She indicated she would provide information on the backlog after legislative session had adjourned. Baroni also spoke to a representative of the Illinois State Police. That representative indicated that the backlog was likely to grow as the result of a lack of capacity of private and State Police labs due to massive demand.

Item No. 2: Peter Baroni and Leigh Bienen reported on the response to the letter sent asking for the indictments from the county prosecutors for first degree murders during the 2003 and 2004 period. More than 70 of 102 counties have responded, and the information on the indictments is being put in a database. Peter Baroni spoke to Gerry Nora of the Cook County State's Attorney's Office regarding the receipt of first degree murder information and indictments. Nora indicated that he is working on a database for the information and his office will respond within a month. Baroni also spoke to Jeff Howard from the Cook County Public Defender's Office. Howard indicated that he will supply indictments to our subcommittee for the active first degree murder cases his office handles. Finally, Baroni spoke to Joe Birkett, DuPage County State's Attorney, regarding the transfer of his office's indictments. Birkett said his office would provide all such indictments. Leigh Bienen indicated that she would create a separate database for Cook County. Chairperson Bienen also said she would contact the Kane County State's Attorney regarding compliance with the subcommittee's request for indictment

information. Mike Waller indicated that he had not heard many complaints about complying with the subcommittee's request for information from State's Attorneys.

Item No. 3: The status of the protocols adopted by the State's Attorneys regarding the prosecution of capital cases in Illinois. Mike Waller reported that the status was largely unchanged. Discussions continue between the Attorney General's Office and the DuPage County State's Attorney's Office concerning the final Protocol proposal. The Committee would like to get a copy of the Protocols for public distribution within the month.

The meeting was adjourned.

Shortcut to SB2737:

<http://www.ilga.gov/legislation/billstatus.asp?DocNum=2737&GAID=8&GA=94&DocTypeID=SB&LegID=23713&SessionID=50>

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