

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

April 19, 2007

Subcommittee 4 met at Representative Art 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 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 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. Finally, the Subcommittee talked about the status of Mr. Durkin's DNA testing bill (HB488) and the implications it would have for the State Police Lab.

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

The subcommittee discussed the perception among some people across the State that the Fund is 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 a conflict exists. That conflict is that the Fund creates a monetary incentive for county prosecutor to seek death in a first degree murder case (in smaller counties) because a capital prosecution will trigger the State funding of the defense in an expensive first degree murder case 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 seek his help out in determining how to obtain objective evidence, if it exists, of the practice of misuse of the Fund.

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 Art Turner's legislative office in the State Capitol, Springfield, Illinois.

Peter G. Baroni
Special Counsel
May 7, 2007