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DIGEST

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Morrell

SCR No. 54

Creates the Capital Punishment Fiscal Impact Commission to study the fiscal costs of the death penalty in La. and to recommend any action or legislation that the commission deems necessary or appropriate.

The commission consists of the following 15 members or their designees:

- (1) The chairman of the Senate Judiciary B Committee, who serves as co-chairman.
- (2) The chairman of the Senate Judiciary C Committee.
- (3) The chairman of the House Committee on Administration of Criminal Justice, who serves as co-chairman.
- (4) The chairman of the House Judiciary Committee.
- (5) A district attorney appointed by the La. District Attorneys Association.
- (6) A public defender appointed by the La. Public Defender Board.
- (7) A person selected by the secretary of the Dept. of Public Safety and Corrections.
- (8) The legislative auditor.
- (9) A member of the La. Sentencing Commission to be selected by the chairman of the commission.
- (10) An attorney appointed by the La. Association of Criminal Defense Lawyers.
- (11) A person appointed by the Pelican Institute for Public Policy.
- (12) A person appointed by Louisiana Budget Project.
- (13) A person appointed by Louisiana Interchurch Conference.
- (14) A person appointed by the Louisiana Sheriff's Association, or his designee.
- (15) The attorney general, or his designee.

Further provides that the study is to include an examination and analysis concerning the costs of prosecuting and adjudicating all potential capital murder cases as compared to noncapital murder cases, including the costs relating to the death penalty that are borne by the state and by local governments at each stage of the proceedings.

Further provides that the commission study is to include an assessment of the costs incurred as a result of the possibility of capital punishment for violations of present law relative to first degree murder, and identification of the agency responsible for bearing these costs, and the impact of those expenditures on the agency.

Further provides that the study is to include an examination and analysis concerning any potential cost savings relative to the appropriate use of plea bargaining in potential capital cases, strategic litigation choices by the prosecution and the defense in potential capital cases, and the execution of a death sentence.

Further provides that the study is to include an examination and analysis concerning whether potential cost savings can be secured through alternative measures, including alteration of punishment schemes, internalizing of cost structures, or oversight.

Further provides that the members of the commission are to serve without compensation, except per diem or expense reimbursement to which they may be entitled as members of the constituent organizations.

Specifies that a majority of the total membership constitutes a quorum of the commission, and any official action requires an affirmative vote of a majority of the quorum present and voting.

Further provides that the commission may conduct such public meetings as it deems necessary or convenient to enable it to exercise its powers fully and effectively, perform its duties, and accomplish the commission's objectives and purposes, and may receive at such public meetings testimony and other evidence relative to any of the subjects of study, to the extent permitted by the public records law.

Further provides that the commission has the authority to subpoena any information concerning costs to the extent permitted by the public records law.

Further provides that the staffs of the Senate, the House of Representatives, the legislative fiscal office, and the legislative auditor may provide staff support as requested by the commission and pursuant to the commission's written request to the president of the Senate, the speaker of the House of Representatives, the legislative fiscal officer, or the legislative auditor for specific support and assistance.

Further provides that every officer, agency, board, commission, and department of the state and every political subdivision and local officer is to furnish aid, services, and assistance as may be requested by the commission and, to the extent permitted by and in accordance with the public records law, make available all facts, records, information, and data requested by the commission, and in all ways cooperate with the commission in carrying out its functions and duties.

Further provides that the commission may apply for, contract for, receive, and expend for purposes of its study, any appropriation or grant from the state, its political subdivisions, the federal government, or any other public or private source.

Further provides that the books and records of the commission are subject to audit by the legislative auditor pursuant to present law.

Further provides that the commission is to report its findings and recommendations to the chairman of the Senate Judiciary B Committee, the chairman of the House Committee on Administration of Criminal Justice, and the legislature no later than Jan. 1, 2016.

Further provides that the commission terminates on Jan. 2, 2016.

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Changes date commission is to report its findings and date that commission sunsets from February, 2015 to February, 2016.

##### Senate Floor Amendments to engrossed bill

1. Increases membership of the commission from 13 members to 15 members.
2. Adds the attorney general and a person appointed by the La. Sheriff's Association, or their designees, to the membership of the commission.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed resolution.

1. Changes the deadline for the commission to report its findings from Feb. 1, 2016, to Jan. 1, 2016, and changes the termination date of the commission from Feb. 2, 2016, to Jan. 2, 2016.