



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by Dale A. Righter

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Attorney General Death Sentence Procedural Act. Provides that within 30 days after the receipt of a final order of a court of last resort, the Attorney General shall petition the Illinois Supreme Court to set a date certain for the execution of the death sentence. Provides that within 72 hours before the date set by the Illinois Supreme Court for the execution of a death sentence, the Attorney General shall request the Governor to issue a death warrant unless a death warrant is then in force. Effective immediately.

LRB093 18477 RLC 47266 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning death sentences.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Attorney General Death Sentence Procedural Act.

6 Section 5. Definitions. In this Act:

7 "Attorney General" means the Attorney General of the State  
8 of Illinois.

9 "Court of last resort" means the United States Supreme  
10 Court or any State or federal court, before which is pending a  
11 direct appeal; petition for writ of certiorari;  
12 post-conviction petition; motion for rehearing on such an  
13 appeal, a writ, or a petition; or other proceeding or pleading  
14 that the Attorney General, in the interests of justice and  
15 judicial economy, may by rule prescribe, the purpose of which  
16 is to set aside or otherwise reverse a sentence of death, and  
17 from a decision on that question no further appeal is allowed.

18 "Death warrant" means an order or warrant, signed by the  
19 Governor, directing the Director of Corrections to proceed with  
20 the execution of a death sentence.

21 "Final order" means the order of a court of last resort  
22 that upholds or affirms a sentence of death.

23 "Governor" means the Governor of the State of Illinois.

24 Section 10. No moratorium on death penalty.

25 (a) It is the public policy of the State of Illinois that a  
26 sentence of death imposed by a court of competent jurisdiction  
27 whose validity has been affirmed by a final order of a court of  
28 last resort shall be speedily executed at a time directed by  
29 the Illinois Supreme Court.

30 (b) Nothing in this Act shall be deemed or construed to  
31 restrict or otherwise intrude upon or interfere with the

1 authority of the Governor to commute, delay, or otherwise  
2 impede the execution of a death sentence.

3 Section 15. Petition to set execution date. Within 30 days  
4 after the receipt of a final order of a court of last resort,  
5 the Attorney General shall petition the Illinois Supreme Court  
6 to set a date certain for the execution of the death sentence.

7 Section 20. Request by Attorney General for issuance of  
8 death warrant. Within 72 hours before the date set by the  
9 Illinois Supreme Court for the execution of a death sentence,  
10 the Attorney General shall request the Governor to issue a  
11 death warrant unless a death warrant is then in force.

12 Section 25. Certified copy of final order of a court of  
13 last resort. If the prosecuting authority for the  
14 post-sentencing review of a death sentence is not the Attorney  
15 General, that prosecuting authority shall, immediately upon  
16 receipt, provide the Attorney General with a certified copy of  
17 a final order of a court of last resort.

18 Section 30. Rules. Within 90 days after the effective date  
19 of this Act, the Attorney General shall adopt rules and  
20 establish procedures necessary for its implementation.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.