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SENATE JOINT RESOLUTION NO. 9

2 WHEREAS, Illinois now holds the distinction of being first 3 in the nation in the number of people exonerated by DNA 4 evidence in non-capital cases; and

5 WHEREAS, Illinois has made great strides in identifying and 6 attempting to address the causes of wrongful felony convictions 7 in capital cases, but has not extended systemic reforms to 8 non-capital cases; and

9 WHEREAS, The incarceration of an innocent person not only 10 works an injustice against that individual, but also harms 11 society in that the real perpetrator of a crime remains free 12 and able to commit additional criminal acts; and

13 WHEREAS, Wrongful felony convictions result in an erosion 14 of public confidence in the judicial system; and

15 WHEREAS, The Appellate Courts review cases only for 16 procedural error and do not provide a forum for presenting 17 claims of actual innocence; and

18 WHEREAS, Defendants in non-capital cases do not have the 19 right to counsel on post-conviction, that stage of proceedings 20 in which new evidence supporting a claim of actual innocence 09500SJ0009 Enrolled -2- LRB095 10563 RLC 30784 r can be presented, and therefore are unable to effectively present such a claim; and

3 WHEREAS, Defendants against whom the death penalty is not 4 pursued, or for whom the death penalty has been taken off the 5 table, do not have the resources available to adequately defend 6 themselves; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL
ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
CONCURRING HEREIN, that there is created the Illinois Justice
Study Committee, hereinafter referred to as the Committee,
consisting of 15 members, and appointed as follows:

12 (1) Three members appointed by the Governor, 2 of whom13 shall be experienced in criminal law;

14 (2) Two members appointed by the President of the15 Senate;

16 (3) Two members appointed by the Minority Leader of the17 Senate;

18 (4) Two members appointed by the Speaker of the House
19 of Representatives;

20 (5) Two members appointed by the Minority Leader of the
21 House of Representatives;

22 (6) One member appointed by the Cook County State's23 Attorney;

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(7) One member appointed by the Office of the Cook

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2 (8) One member appointed by the Office of the State
3 Appellate Defender; and

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4 (9) One member appointed by the Office of the State's
5 Attorneys Appellate Prosecutor; and be it further

RESOLVED, That the appointed members shall be from diverse
backgrounds so as to reflect the diverse citizenry of Illinois;
and be it further

9 RESOLVED, That the Committee shall review all non-capital 10 wrongful felony conviction cases that have been resolved as of 11 the effective date of this resolution and which resulted from DNA testing; a pardon granted on the basis of actual innocence; 12 13 and dismissal of charges or acquittals upon a retrial based on 14 relief granted by either the Illinois Appellate or Supreme 15 Courts, or the federal District, Court of Appeals, or United States Supreme Court; and be it further 16

17 RESOLVED, That the Committee shall review any other 18 relevant material, identify the most common causes of wrongful 19 felony convictions in non-capital cases, identify current 20 laws, rules and procedures implicated in each type of 21 causation, and identify solutions through research, experts, 22 public hearing, and any other source the Committee deems 23 appropriate; and be it further 09500SJ0009 Enrolled -4- LRB095 10563 RLC 30784 r

1 RESOLVED, That the Committee shall consider rules, 2 procedures, educational, and legislative reforms that can aid 3 in eliminating future wrongful felony convictions; and be it 4 further

5 RESOLVED, That the Committee may consider whether the State 6 of Illinois should put into place a procedure for addressing 7 claims of factual innocence prior to appellate review of a 8 conviction; and be it further

9 RESOLVED, That the Committee shall do a cost analysis of 10 wrongful convictions; and be it further

11 RESOLVED, That the Committee shall elicit voluntary 12 assistance from educational, legal, civic, and professional 13 organizations and institutions as well as notable individuals; 14 and be it further

15 RESOLVED, That the Committee shall submit its final report 16 to the Governor and the General Assembly on or before December 17 31, 2008.