



SR0297

LRB096 12741 RLC 27121 r

1

SENATE RESOLUTION

2

WHEREAS, In January of 2000, former Illinois Governor George Ryan declared a moratorium on executions in Illinois; before the moratorium, 13 death row inmates were exonerated and found innocent of the crimes for which they were originally sentenced to death; and

6

7

WHEREAS, Since 2000, six more death row inmates have been exonerated and found innocent of the crimes for which they were originally sentenced to death; most recently, Nathson Fields was acquitted on April 8, 2009; the current number of exonerations in Illinois is 19, and Illinois is second only to Florida in the number of exonerations from death row; and

8

9

10

11

12

13

WHEREAS, There is no safeguard to ensure that an innocent person will not be put on death row; the Illinois Commission on Capital Punishment formed by Governor Ryan in 2000 to study the death penalty in Illinois concluded that "no system, given human nature and frailties, could ever be devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again sentenced to death"; and

14

15

16

17

18

19

20

WHEREAS, Despite the implementation of reforms to Illinois' death penalty system by both the Illinois General Assembly and the Illinois Supreme Court, there remains no

21

22

1 sufficient safeguard against additional innocent persons being
2 convicted of murder and sentenced to death; and

3 WHEREAS, The cost of the death penalty is prohibitive; the
4 average cost of a trial in a federal death case is about 8
5 times that of a federal murder case in which the death penalty
6 is not sought; every state that has done a cost study has found
7 death penalty cases cost millions to hundreds of millions more
8 than non-death cases, including cases in which the defendant
9 receives life without parole; and

10 WHEREAS, A cost study done in the State of New Jersey found
11 the death penalty has cost New Jersey taxpayers \$253 million
12 more than the costs that would have been incurred in a system
13 with a maximum sentence of life without parole; the study
14 examined the costs of death penalty cases to prosecutor
15 offices, public defender offices, courts, and correctional
16 facilities, and the report's authors wrote that the cost
17 estimate is "very conservative" because other significant
18 costs uniquely associated with the death penalty were not
19 available and, "from a strictly financial perspective, it is
20 hard to reach a conclusion other than this: New Jersey
21 taxpayers over the last 23 years have paid more than a quarter
22 billion dollars on a capital punishment system that has
23 executed no one" the report concluded; since 1982, there have
24 been 197 capital trials in New Jersey and 60 death sentences

1 imposed, of which 50 were subsequently reversed; there have
2 been no executions, and 10 men are housed on death row; Michael
3 Murphy, former Morris County prosecutor, remarked: "If you were
4 to ask me how \$11 million a year could best protect the people
5 of New Jersey, I would tell you by giving the law enforcement
6 community more resources; I'm not interested in hypotheticals
7 or abstractions, I want the tools for law enforcement to do
8 their job, and \$11 million can buy a lot of tools"; and

9 WHEREAS, Death penalty cases are more expensive at every
10 stage of the judicial process than similar non-death cases;
11 death penalty cases cost more to try, hear, appeal, and
12 incarcerate than non-death cases; a new study in the State of
13 Maryland released by the Urban Institute on March 6, 2008
14 forecasted that the lifetime expenses of capitally prosecuted
15 cases since 1978 will cost Maryland taxpayers \$186 million; the
16 study estimates that the average cost to Maryland taxpayers for
17 reaching a single death sentence is \$3 million - \$1.9 million
18 more than the cost of a non-death penalty case; the study
19 examined 162 capital cases that were prosecuted between 1978
20 and 1999 and found that those cases cost \$186 million more than
21 what those cases would have cost had the death penalty not
22 existed as a punishment; at every phase of a case, according to
23 the study, capital murder cases cost more than non-capital
24 murder cases; the 106 cases in which a death sentence was
25 sought but not handed down in Maryland cost the state an

1 additional \$71 million and those costs were incurred simply to
2 seek the death penalty even though the ultimate outcome was a
3 life or long-term prison sentence; and

4 WHEREAS, The Cook County Public Defender routinely
5 depletes its annual funds to pay for capital cases before the
6 end of the fiscal year, and without the funds, the office is
7 unable to pay for the help of expert witnesses, as well as the
8 other additional costs of a death penalty case; the Cook County
9 Public Defender's 2009 allotment of \$1.75 million was exhausted
10 this month, in large part because 60 percent of the money went
11 to cover unpaid bills from 2008; and

12 WHEREAS, The State's budget for Fiscal 2009 includes
13 \$10,642,100 for the Capital Litigation Trust Fund, created by
14 the General Assembly in 2000; over the past six fiscal years,
15 the Fund has been allocated just under \$89 million;
16 nevertheless, the Fund's expenditures account for only part of
17 the true cost of maintaining capital punishment in Illinois - a
18 cost that is difficult to estimate without conducting a
19 comprehensive cost study; therefore, be it

20 RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL
21 ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Criminal
22 Justice Information Authority is directed to conduct a study of
23 the costs of the death penalty in Illinois, including but not

1 limited to the costs of seeking the death penalty, the costs of
2 a capital trial, the costs of appeals, the costs of
3 incarceration, and the costs of execution; and be it further

4 RESOLVED, That the Illinois Criminal Justice Information
5 Authority is directed to conduct a parallel study of the costs
6 of sentencing persons convicted of first degree murder to life
7 imprisonment, so as to provide a direct cost comparison on the
8 same level of detail as the costs of the death penalty; and be
9 it further

10 RESOLVED, That the Illinois Criminal Justice Information
11 Authority is directed to provide to the Senate a preliminary
12 report of its study during the 2009 veto session and a final
13 report of its study and recommendations no later than January
14 29, 2010; and be it further

15 RESOLVED, That the Illinois Criminal Justice Information
16 Authority is authorized to expend for this study any
17 appropriation or other funds that may be legally available for
18 this purpose.