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## SENATE JOINT RESOLUTION NO. 316

Offered January 9, 2013

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*Directing the Joint Legislative Audit and Review Commission to study the direct and indirect monetary costs of the death penalty. Report.*

Patron—Howell

Referred to Committee on Rules

WHEREAS, according to researchers, the cost of the death penalty amounts to a net expense to the state and the taxpayers and is more expensive than a system handling similar cases with a lesser punishment; and

WHEREAS, the main reason for this are higher costs at every level of the death penalty case, including more pre-trial time and preparation, more pre-trial motions, more experts, twice as many attorneys involved, more difficulty seating a jury, and longer trials; and

WHEREAS, the higher costs also appear in the post-conviction stage: additional appeals following conviction and incarceration of inmates in more secure facilities with a need for more experienced staff; and

WHEREAS, the Judicial Conference of the United States found defense costs were four times higher in death penalty cases than in comparable non-capital cases, and that prosecution costs in death cases were 67 percent higher than defense costs, even without investigative costs of law-enforcement agencies; and

WHEREAS, few states have actually studied the costs of the death penalty process from commencement of charges through incarceration; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study the direct and indirect monetary costs of the death penalty.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) identify all prosecution and state-paid defense costs in all capital cases, including pretrial, trial, direct appeal, and post-conviction proceedings and state and federal habeas corpus; (ii) examine all additional court costs, including extra or lengthier trials, jury selection, compensation of additional jurors, and added security; (iii) identify all costs associated with maintaining the Regional Virginia Capital Defender offices; and (iv) identify all costs incurred by the Department of Corrections in maintaining separate death row and execution facilities, including the costs of recruiting, training, and maintaining personnel qualified to serve in such facilities and to carry out the housing and execution of prisoners under a sentence of death.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2013, and for the second year by November 30, 2014, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

INTRODUCED

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