

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number: HB 84**

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron: Marshall, R.G.**

**3. Committee: House Courts of Justice**

**4. Title: Death penalty jury instructions**

**5. Summary:**

Current law requires that, in the instructions to a jury deciding upon the death penalty or life imprisonment for a defendant convicted of a capital crime, the judge must inform the jury, if requested by the defendant, that the defendant shall not be eligible for parole if sentenced to imprisonment for life. The proposed legislation would add three additional items to be included in those instructions:

- a. That an individual who was sentenced to death in the Commonwealth and twice scheduled to be executed was later granted an absolute pardon absolving him of guilt for a capital murder conviction on the basis of DNA testing;
- b. Information about any cases in the United States in which an individual has been posthumously exonerated for a crime in which such individual was executed; and
- c. That eyewitness identifications have been shown in many cases to be inaccurate and highly susceptible to suggestion.

The proposed bill directs the Executive Secretary of the Supreme Court to compile and update the information concerning cases in which individuals executed in the United States have been posthumously exonerated.

**6. Budget Amendment Necessary: No.**

**7. Fiscal Impact Estimates: See Item 8 below.**

**8. Fiscal Implications:**

Any fiscal effect on the Department of Corrections would be negligible. The Office of the Executive Secretary of the Supreme Court has sufficient resources to compile the list of executed persons who were posthumously exonerated.

**9. Specific Agency or Political Subdivisions Affected:**

Circuit Courts

Office of the Executive Secretary of the Supreme Court  
Department of Corrections

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 1/18/2016

**Document:** G:\LEGIS\fis-16\hb84.docx Dick Hall-Sizemore