

SENATE JOINT RESOLUTION NO. 12

INTRODUCED BY

*Harding Mence* *HARP* *Lynch Beck*  
*Christalene Truitt Eskdale* *Foster*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS AND THE FEDERAL JUDICIARY TO REFORM THE NUMBER OF PETITIONS FOR REVIEW AND APPLICATIONS FOR WRITS OF HABEAS CORPUS IN DEATH PENALTY CASES.

WHEREAS, the number of prisoners under sentence of death rose from 139 in 1977, following the United States Supreme Court's reinstatement of the death sentence, to 2,575 on January 1, 1993; and

WHEREAS, the average time elapsed from the time a death sentence is imposed until execution has risen from 51 months to 114 months during the same time period; and

WHEREAS, successive petitions for review and repeated applications for writs of habeas corpus in death penalty cases deny justice by delaying justice; and

WHEREAS, successive petitions for review and repeated applications for writs of habeas corpus in death penalty cases burden the judicial system and impose unnecessary costs on taxpayers; and

WHEREAS, reasonable restrictions on and time limits on petitions for review and on applications for writs of habeas corpus in death penalty cases would provide justice for the families of victims.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That Congress and the federal judiciary be urged to:

(1) require a petition for review or an application for a writ of habeas corpus in a death penalty case to raise all issues applicable to the conviction; and

(2) set reasonable time limits on petitions for review and on applications for writs of habeas corpus in death penalty cases.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Montana Congressional Delegation, to the Clerk of the United States Supreme Court, and to the Clerk of the United States Court of Appeals, Ninth Circuit.

-END-

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3 CRIPPEN, FOSTER  
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5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
6 MONTANA ~~URGING CONGRESS AND THE FEDERAL JUDICIARY TO REFORM THE NUMBER OF SET~~  
7 ~~REASONABLE TIME LIMITS ON AND LIMIT SUCCESSIVE PETITIONS FOR REVIEW AND APPLICATIONS~~  
8 ~~FOR FEDERAL WRITS OF HABEAS CORPUS IN DEATH PENALTY CASES.~~

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21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
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24 ~~(1) require a petition for review or an application for a writ of habeas corpus in a death penalty case~~  
25 ~~to raise all issues applicable to the conviction; and~~

26 ~~(2)(1) set reasonable time limits on THE FILING OF INITIAL AND SUCCESSIVE petitions for review~~  
27 ~~and on applications for writs of habeas corpus in death penalty cases. Brought pursuant to 28 U.S.C.~~  
28 2254; AND

29 (2) LIMIT THE FILING OF SUCCESSIVE HABEAS CORPUS PETITIONS TO THOSE INSTANCES IN  
30 WHICH THE PETITIONER IS ABLE TO DEMONSTRATE A PROBABILITY OF ACTUAL INNOCENCE.



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