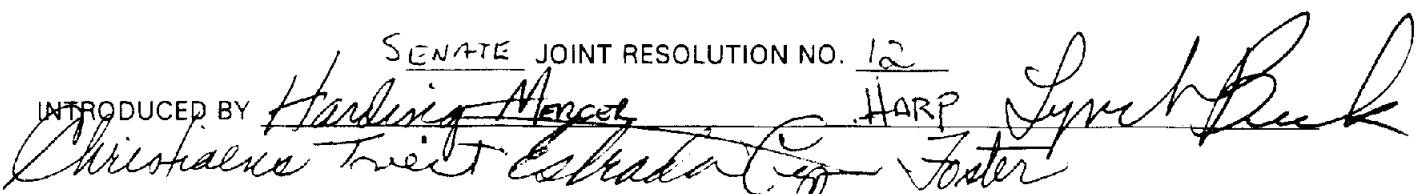


1 SENATE JOINT RESOLUTION NO. 12

2 INTRODUCED BY



HARP

Lynch Beck

Christopher T. Estrada

Lynn Foster

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

7

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

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

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

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

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

18

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

21 That Congress and the federal judiciary be urged to:

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

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

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

29

-END-



Montana Legislative Council

- 1 -

SJ 12
INTRODUCED BILL

1 SENATE JOINT RESOLUTION NO. 12

2 INTRODUCED BY HARDING, MERCER, HARP, LYNCH, BECK, CHRISTIAENS, TVEIT, ESTRADA,
3 CRIPPEN, FOSTER4
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.9
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27 ~~and on applications for writs of habeas corpus in death penalty cases. BROUGHT PURSUANT TO 28 U.S.C.~~
28 2254; AND29 (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.

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

4

-END-

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