

Pipirick Carlquist

SENATE JOINT RESOLUTION NO. 16

INTRODUCED BY *Lynch Harding Jacobson*
Coff VanWalterburg *HARP* *Devlin Beck* *Franklin*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO ENACT MEANINGFUL REFORMS TO LIMIT DEATH PENALTY APPEALS.

WHEREAS, at yearend 1993, 34 states and the federal prison system held 2,716 prisoners under sentence of death; and

WHEREAS, in capital cases it has been estimated that the average length of time from commission of the crime to execution of the sentence was 8 years, 2 months; and

WHEREAS, justice delayed is justice denied; and

WHEREAS, the delay and small number of executions associated with capital cases indicate that the present system of collateral review operates to frustrate the capital punishment laws of the states; and

WHEREAS, capital litigation is often chaotic, with periodic inactivity and last-minute frenzied activity and rescheduling of execution dates; and

WHEREAS, this chaotic nature of capital litigation diminishes public confidence in the criminal justice system; and

WHEREAS, reform of the appellate review process in capital cases would reduce the cost of death penalty cases by reducing the number and length of appeals proceedings; and

WHEREAS, reforms to the appellate review process, such as allowing federal habeas corpus petitions to be filed for only a 6-month period following final decision by a state court and restricting the filing of second or successive federal habeas corpus petitions, would provide an orderly postconviction process with the opportunity for fair and effective review.

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

(1) That the Senate and the House of Representatives of the United States be encouraged to enact meaningful reforms to limit successive appeals in death penalty cases.

(2) That such reforms include allowing federal habeas corpus petitions to be filed for only a



1 6-month period following conviction and imposing restrictions on the filing of second or successive federal
2 habeas corpus petitions.

3 (3) That a copy of this resolution be sent to the presiding officers of the United States Senate and
4 House of Representatives and to the members of the Montana Congressional Delegation.

5 -END-

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28 STATE OF MONTANA:

29 (1) That the Senate and the House of Representatives of the United States be encouraged to enact
30 meaningful reforms to limit successive appeals in death penalty cases.

1 (2) That such reforms include allowing federal habeas corpus petitions to be filed for only a
2 6-month period following THE DATE ON WHICH THE conviction BECOMES FINAL and imposing restrictions
3 on the filing of second or successive federal habeas corpus petitions.

4 (3) That a copy of this resolution be sent to the presiding officers of the United States Senate and
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