

## **REFORMS TO THE ILLINOIS CAPITAL PUNISHMENT SYSTEM**

---

1. Custodial interview pilot project. 20 ILCS 3930/7.2 and 720 ILCS 5/14-3 (P.A. 93-605, Secs. 5 and 10).
2. Mandatory taped interrogations in homicide cases. 725 ILCS 5/103-2.1 (P.A. 93-206, Sec. 25, and P.A. 93-517, Sec. 25).
3. Mandatory lineup admonishments, records and disclosure. 725 ILCS 5/107A-5 (P.A. 93-605, Sec. 15).
4. Pilot program studying additional lineup procedure reforms. 725 ILCS 5/107A-10 (P.A. 93-605, Sec. 15).
5. Mandatory record-keeping and disclosure obligations for police departments. 725 ILCS 114-13 (P.A. 93-605, Sec. 15).
6. Mandatory preservation of physical evidence in criminal cases. 725 ILCS 5/116-4 (P.A. 91-459, Sec. 10 and 91-871, Sec. 10).
7. Murder statute: redefinition of felony murder aggravating factor. 720 ILCS 5/9-1(b)(6)(c) (P.A. 93-605, Sec. 10).
8. Murder statute: advisory prosecution standards for screening capital punishment. 720 ILCS 9-1(k) (P.A. 93-605, Sec. 10).
9. Funding for DNA testing from Capital Litigation Trust Fund. 725 ILCS 124/15(e)(2) (P.A. 93-605, Sec. 20).
10. Notice requirements on seeking the death penalty. Sup. Ct. R. 416(c).
11. Minimum, uniform evidentiary standards for DNA evidence. Sup. Ct. R. 417.
12. Murder statute: redefinition of witness murder aggravating factor. 720 ILCS 5/9-1(b)(8) (P.A. 93-605, Sec. 10).

13. Murder statute: new mitigating factor for mental/physical abuse and diminished mental capacity. 720 ILCS 5/9-1(c)(6) & (7) (P.A. 93-605, Sec. 10).

14. Murder statute: new standard for imposing death – is death appropriate (changes from mitigation sufficient to preclude death). 720 ILCS 9-1(g) (P.A. 93-605, Sec. 10). Illinois Pattern Jury Instructions Committee drafting instruction reflecting this change.

15. Murder statute: judicial decision to non-concur with a jury verdict of death. 720 ILCS 9-1(g) (P.A. 93-605, Sec. 10).

16. Murder statute: trial court decertification of capital case. 720 ILCS 9-1(h-5)(P.A. 93-605, Sec. 10).

17. Mandatory taped interrogations in homicide cases use at trial. 725 ILCS 5/103-2.1 (P.A. 93-206, Sec. 25, and P.A. 93-517, Sec. 25).

18. Trial court proceedings to determine mental retardation. 725 ILCS 5/114-15 (P.A. 93-605, Sec. 15).

19. Informant testimony (snitch) pre-trial hearing on reliability. 725 ILCS 5/115-21 (P.A. 93-605).

20. Use of the Capital Litigation Trust Fund at trial. 730 ILCS 5/5-4-3.

21. Specific description and disclosure of Brady material by the prosecution. Sup. Ct. R. 412(c).

22. Notice requirements on seeking the death penalty and notice practice followed by prosecutors. Sup. Ct. R. 416(c).

23. Assignment of qualified prosecution and defense counsel from capital litigation bar. Sup. Ct. R. 416(d).

24. Discovery depositions in capital cases. Sup. Ct. R. 416(e).

25. Case management conferences to regulate, ensure competence of counsel and implementation of disclosure requirements in capital cases. Sup. Ct. R. 416(f).

26. Respective certifications of readiness by prosecution and defense counsel before trial in capital cases. Sup. Ct. R. 416(g) and (h).

27. Police decertification proceedings for perjury. 50 ILCS 705/6.1 (P.A. 93-605, Sec. 6).

28. Murder statute: Supreme Court reduction of death sentence as fundamentally unjust. 720 ILCS 9-1(i) (P.A. 93-605, Sec. 10).

29. Defense motions for fingerprint and forensic testing. 725 ILCS 5/116-3 11 (P.A. 93-605, Sec. 15).

30. Defense motions for DNA database searches. 725 ILCS 5/116-5 (P.A. 93-605, Sec. 15).

31. Post conviction proceedings, evidence of actual innocence. 725 ILCS 5/22-1 (P.A. 93-605, Sec. 15).

32. Repeal of Capital Litigation Trust Fund sunset provision, making it a permanent reform. 730 ILCS 5/5-4-3(f) (P.A. 93-605, Sec. 25).

33. Capital litigation bar. Sup. Ct. R. 714(a) through (f) and (h).

34. Continuing legal education for capital litigation bar attorneys. Sup. Ct. R. 714(g).

35. Judicial capital litigation training seminars. Sup. Ct. R. 43.