

NEWS RELEASE

Luther Strange

Alabama Attorney General



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AG APPLAUDS COMMITTEE APPROVALS TODAY IN SENATE AND HOUSE FOR DEATH PENALTY BILLS

(MONTGOMERY)--Attorney General Luther Strange announced that the two bills in the Fair Justice Act package today were approved by the Judiciary Committees of both the Alabama Senate and House of Representatives. He applauded the committees' positive action and urged members of the Legislature to move forward in enacting these important measures.

The Attorney General advocates this legislation to make death penalty appeals more efficient, while preserving and strengthening safeguards for fairness. He also wants to extend certain circumstances in which the death penalty can be applied, such as shootings at a school.

"Death penalty appeals seem endless, with excessive delays that serve only to prolong pain and postpone justice for the victims of these heinous crimes," said Attorney General Strange. "We are proposing fair and sensible changes to make the system work better for everyone. We also want to send a clear message that we will not tolerate attacks on children at schools, with changes in the law that specify it is a capital crime to murder them and others who are particularly vulnerable."

The Fair Justice Act was developed in coordination with the Alabama District Attorneys Association. There are two separate bills to amend different parts of the death penalty law, both of which are sponsored by Rep. Lynn Greer and Sen. Bill Holtzclaw.

The first bill, HB 216 and SB 194, addresses the cumbersome and inefficient appeals process. Following a capital conviction, there is a period of "direct appeals" and only after these are fully completed – sometimes more than several years later – does the defendant begin the next round of appeals, which is a "Rule 32" petition for post-conviction relief. The Fair Justice Act requires capital defendants to file Rule 32 petitions within 180 days of filing their first direct appeal. Capital defendants would receive better representation by having their claims considered earlier in the process, and indigent defendants would be appointed counsel for the Rule 32 petition within 30 days of being sentenced. Finally, the Fair Justice Act calls for a final decision by the circuit court on the Rule 32 petition within 180 days after the direct appeal is completed. This act will make the appellate process more efficient while maintaining the same opportunities for court review and enhancing representation currently provided to death row defendants.

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The second bill, HB 218 and SB 193, provides important protections for schoolchildren and certain others who are particularly vulnerable by expanding classifications for killings that may be prosecuted as capital offenses. These offenses would now include the murder of any person on a school campus, any person in a day care or child care facility, anyone who is covered by a “protection from abuse” order when the murder was committed for intimidation or retaliation for the order, and any family member of law enforcement or a public official when the murder was intended for intimidation or retaliation against the officer or official. The Fair Justice Act also makes it an aggravating circumstance – a factor to be considered in determining whether to impose the death penalty – to murder a law enforcement officer when the officer is acting in the line of duty.

“I am pleased that these bills are moving quickly through the Legislature and that both the Senate and House Judiciary Committees have taken our recommendations to make Alabama’s death penalty laws stronger, more efficient, and more just,” said Attorney General Strange. “I especially want to thank our sponsors, Sen. Bill Holtzclaw and Rep. Lynn Greer, for their outstanding leadership in moving this important legislation forward. I urge the Legislature to swiftly vote on and give final approval to these reforms.”