

HOUSE MESSAGE SUMMARY

Date: April 29, 1998

Bill Subject: Administration of Capital Cases - Public Records

Prepared By: Senate Committee on Criminal Justice

I. Amendments Contained in Message

House Amendment #1 (214449) (body)

House Amendment #2 (142661) (body)

House Amendment #3 (064823) (body)

House Amendment #4 (693317) (body)

House Amendment #5 (275715) (body with title)

II. Summary of Amendments Contained in Message

House Amendment #1 provides an appropriation of \$75,000 to the Department of State in order to carry out the provisions of the bill, namely establishing and maintaining a central records repository.

House Amendment #2 clarifies that the state attorney, public defender or private counsel are not required to notify the attorney general of additional agencies possessing relevant public records if this information has already been provided to the Capital Collateral Regional Council or post conviction private counsel.

House Amendment #3 is designed to clarify that all current death row inmates are subject to the bill's provisions and provides:

- ▶ Notification of agencies to initiate record repository provisions of bill in those cases where the direct appeal is final (mandate has issued) before the bill's effective date, but where the public records process has not started.

- ▶ Specifies that those defendants who have begun the public records process are limited to 90 days for additional records requests and that agencies may object and the trial court may hold a hearing as provided in the bill.
- ▶ A procedure for one final public records request when a death warrant is issued, but limits such requests to records previously requested and where no objection was made or sustained.

House Amendment #4 provides an changes the effective date of the bill to October 1, 1998.

House Amendment #5 preserves budget conference report proviso requiring state attorney workload reports in order to obtain specific appropriation for computer system. It specifies that this proviso language may not be repealed, nullified or modified by any legislation passed by the 1998 Legislature unless the legislation makes specific reference to this provision. Title amendment does not change "Act Relating to" clause, but it should be broadened to encompass the provisions of this amendment.