

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Crist offered the following:

**Amendment (with title amendment)**

On page 15, between lines 13 & 14, of the bill

insert:

Section 9. Subsection (3) is added to section 27.709, Florida Statutes, to read: 27.709 Commission on the Administration of Justice in Capital Cases.--

(3) The Commission on the Administration of Justice in Capital Cases shall conduct a study to evaluate whether the elimination of state postconviction proceedings in death penalty cases will reduce delays in carrying out a sentence of death in capital cases. In conducting the study the Commission shall take public testimony from any interested party. The Commission shall review the average number of postconviction motions and writs filed in capital cases, prior legislative and judicial attempts to reduce delays in capital cases, and the length of time required for capital postconviction claims in state and federal court. The Commission shall consider average delays in capital cases, whether those delays have

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1 increased in the last 10 years, and the reasons for any  
2 increase in delays. The study shall include a report which  
3 addresses the legal, fiscal, and practical considerations  
4 concerning the elimination of state postconviction  
5 proceedings, and the recommendation of the Commission. Public  
6 notice shall be provided, in a manner agreed to by the  
7 Commission, for all hearings where the Commission intends to  
8 hear public testimony concerning the elimination of state  
9 postconviction proceedings in death penalty cases for purposes  
10 of this study. The report shall be submitted to the Speaker  
11 of the House of Representatives, the President of the Senate,  
12 and minority leaders in the House and the Senate by December  
13 1, 1998.

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16 ===== T I T L E    A M E N D M E N T =====

17 And the title is amended as follows:

18        On page 1, line 24, after the semicolon,

19

20 insert:

21        amending s. 27.709, F.S.; providing that the  
22        Commission on the Administration of Justice in  
23        Capital Cases shall conduct a study concerning  
24        the elimination of state postconviction  
25        proceedings in death penalty cases;

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