

House Amendment 3131

Amendment Text

PAG LIN

1 1 Amend the amendment, [H-3109](#), to [House File 2](#) as
1 2 follows:
1 3 #1. Page 7, by inserting after line 45 the
1 4 following:
1 5 "Sec. ____ . NEW SECTION. 901.12 INFERENCE OF RACE
1 6 AS BASIS FOR DEATH SENTENCE.
1 7 1. An inference that race was the basis of
1 8 imposition of a death sentence is established if
1 9 relevant evidence is presented demonstrating that, at
1 10 the time the death sentence was imposed, race was a
1 11 significant factor influencing decisions to seek or
1 12 impose the sentence of death in the jurisdiction in
1 13 question.
1 14 2. Evidence relevant to establish an inference
1 15 that race was the basis of a death sentence may
1 16 include both qualitative or quantitative evidence that
1 17 death sentences, at the time in which the particular
1 18 sentence was sought or imposed, were being sought or
1 19 imposed significantly more frequently in the
1 20 jurisdiction in question as follows:
1 21 a. Against or upon persons of one race rather than
1 22 upon persons of another race.
1 23 b. As punishment for capital murder committed
1 24 against persons of one race rather than as punishment
1 25 for capital murder committed against persons of
1 26 another race.
1 27 3. If statistical evidence is presented to
1 28 establish an inference that race was the basis for
1 29 seeking or imposing a sentence of death, the court
1 30 shall determine the validity and statistical
1 31 significance of the evidence. Valid and statistically
1 32 significant evidence shall include, to the extent such
1 33 information is compiled and made publicly available,
1 34 evidence of the statutory aggravating factors of the
1 35 crimes involved and comparisons of similar cases
1 36 involving persons of different races.
1 37 4. If an inference is made that race was the basis
1 38 for seeking or imposing a death sentence, the person
1 39 shall not be executed under section 902.12, unless the
1 40 state rebuts the inference by a preponderance of the
1 41 evidence. The state cannot rely on mere assertions
1 42 that it did not intend to discriminate or that the
1 43 case or cases in question meet the statutory criteria
1 44 for eligibility for imposition of the death penalty."
1 45 #2. By numbering and renumbering and correcting
1 46 internal references as necessary.
1 47
1 48
1 49 _____
1 50 [SHOULTZ](#) of Black Hawk
2 1
2 2
2 3 _____
2 4 [FALLON](#) of Polk
2 5
2 6
2 7 _____

2 8 [JOCHUM](#) of Dubuque
2 9
2 10
2 11 _____
2 12 [BERNAU](#) of Story
2 13
2 14
2 15 _____
2 16 [MASCHER](#) of Johnson
2 17
2 18
2 19 _____
2 20 [KOENIGS](#) of Mitchell
2 21 [HF 2.246](#) 76
2 22 lh/jj