

# House Amendment 3136

## Amendment Text

PAG LIN

1 1 Amend the amendment, [H-3109](#), to [House File 2](#) as  
1 2 follows:  
1 3 #1. Page 2, by inserting after line 39 the  
1 4 following:  
1 5 "Sec. \_\_\_\_ . NEW SECTION. 813.5 DEATH PENALTY  
1 6 REQUEST REVIEW PANEL.  
1 7 1. The death penalty request review panel is  
1 8 established, consisting of three retired judges or  
1 9 justices who shall be appointed by the governor,  
1 10 subject to confirmation by the senate. The duties of  
1 11 the death penalty request review panel shall be to  
1 12 review proposed requests for imposition of the death  
1 13 penalty filed with the panel by the attorney  
1 14 representing the interests of the state and to  
1 15 authorize or disallow the requests. The members of  
1 16 the panel shall serve four-year staggered terms, which  
1 17 shall begin and end as provided in section 69.19. The  
1 18 panel shall be balanced, as nearly as is possible, by  
1 19 gender and political affiliation as provided in  
1 20 sections 69.16 and 69.16A. Members appointed shall be  
1 21 compensated for any actual and necessary expenses of  
1 22 office in the manner provided in section 7E.6.  
1 23 2. An attorney representing the interests of the  
1 24 state who wishes to seek the death penalty in any  
1 25 case, must first submit the request to seek the death  
1 26 penalty to the panel and seek permission to file the  
1 27 notice. The attorney must demonstrate to the panel  
1 28 how the facts of the particular case meet the  
1 29 requirements of section 902.12 and why a sentence of  
1 30 imprisonment until death is insufficient. The  
1 31 attorney shall not file a notice of intent to seek the  
1 32 death penalty in any case in which the panel has  
1 33 disallowed the request. If the panel fails to approve  
1 34 or disapprove the request within thirty days of  
1 35 submission of the request or the panel approves the  
1 36 request, the attorney may file the notice as provided  
1 37 in section 901.11.  
1 38 3. Before the panel approves or disapproves a  
1 39 request to seek the death penalty, the counsel for the  
1 40 defendant shall be notified of the filing of the  
1 41 request and shall be given the opportunity, both  
1 42 orally and in writing, to contest the request and to  
1 43 demonstrate that the request is inappropriate in the  
1 44 particular case. The panel may deny the attorney  
1 45 representing the interests of the state's request, if  
1 46 the panel determines that the ends of justice would  
1 47 not be served by the imposition of a death sentence.  
1 48 All factual information submitted by the attorney  
1 49 representing the interests of the state shall be  
2 1 retained by the panel for an indefinite period of  
2 2 time. The panel shall make the information available  
2 3 to members of the general public upon request, at the  
2 4 conclusion of the trial court proceedings, and to the  
2 5 defendant prior to or during the course of trial  
2 6 pursuant to a subpoena."  
2 7 #2. By designating, redesignating, and correcting  
2 8 internal references as necessary.

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2 11 [KREIMAN](#) of Davis

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2 12 [HF 2](#).547 76

2 13 lh/jw