

House Amendment 3146

Amendment Text

PAG LIN

1 1 Amend the amendment, [H-3109](#), to [House File 2](#) as
1 2 follows:
1 3 #1. Page 3, by inserting after line 17 the
1 4 following:
1 5 "____. The court shall also, upon the request of
1 6 the defendant, in addition to any other determination,
1 7 review whether the sentence of death is excessive or
1 8 disproportionate to the penalty imposed in similar
1 9 cases by virtue of the race of the defendant or the
1 10 victim of the crime for which the defendant was
1 11 convicted. For purposes of this section:
1 12 a. The universe of potentially similar cases
1 13 considered by the courts shall include all cases in
1 14 which an indictment was returned for the charge of
1 15 first degree murder on or after the effective date of
1 16 this Act, which did not result in the dismissal of the
1 17 indictment or a judgment of acquittal, and in which
1 18 one or more of the statutory factors enumerated in
1 19 section 902.12 is present.
1 20 b. Cases similar to the case under review shall be
1 21 identified by assessing and comparing the overall
1 22 culpability of offenders' conduct as determined by the
1 23 presence or absence of aggravating or mitigating
1 24 factors in potentially similar cases, combined with
1 25 such other criteria as the court deems appropriate.
1 26 c. The determination of whether the sentence is
1 27 excessive or disproportionate shall be based upon the
1 28 relative frequency with which death sentences are
1 29 imposed in similar cases."
1 30 #2. Page 3, by inserting after line 22 the
1 31 following:
1 32 "____. The court may suspend consideration of death
1 33 penalty cases until such time as the court determines
1 34 that the court is prepared to perform the comparative
1 35 assessments required under this section. The court
1 36 shall appoint one or more special administrative
1 37 assistants possessing appropriate expertise and
1 38 training to accumulate the case records and to compile
1 39 and provide such other information as the court deems
1 40 necessary for their review.
1 41 _____. The briefs filed on the appeal by the state
1 42 and the defendant shall include written argument
1 43 regarding the propriety of the sentence that was
1 44 imposed and shall specifically address the issue of
1 45 whether the imposition of the death sentence is
1 46 excessive or disproportionate to the sentence imposed
1 47 in similar cases, if any, considering both the crime
1 48 and the defendant."
1 49 #3. Page 3, line 26, by inserting after the word
1 50 "court." the following: "Decisions of the court shall
2 1 include findings relating to the aggravating and
2 2 mitigating factors established in the record on
2 3 appeal, including an assessment of the offender's
2 4 level of culpability, and similar cases, if any, which
2 5 the court took into consideration, in affirming or
2 6 reversing the trial court judgment."
2 7 #4. By numbering, renumbering, and correcting

2 8 internal references as necessary.
2 8 MARGINS f
2 9
2 10
2 11 _____
2 11 [MORELAND](#) of Wapello
2 12 [HF 2](#).546 76
2 13 lh/jw