

JAN 26 1995
JUDICIARY

HOUSE FILE 80
BY MILLAGE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act applying the death penalty or life imprisonment to public
2 offenses classified as capital murder, by establishing
3 criteria for the offense of capital murder, by providing a
4 minimum age for imposition of a death sentence, by providing
5 for review of death sentences, by providing for execution by
6 lethal injection, by amending the rules of criminal procedure,
7 and by providing for the Act's applicability.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 701.7, Code 1995, is amended to read as
2 follows:

3 701.7 FELONY DEFINED AND CLASSIFIED.

4 A public offense is a felony of a particular class when the
5 statute defining the crime declares it to be a felony.

6 Felonies are capital felonies, class "A" felonies, class "B"
7 felonies, class "C" felonies, and class "D" felonies. Where
8 If the statute defining the offense declares it to be a felony
9 but does not state what class of felony it is or provide for a
10 specific penalty, that felony ~~shall be~~ is a class "D" felony.

11 Sec. 2. NEW SECTION. 707.1A CAPITAL MURDER.

12 1. a. A person commits capital murder if the person
13 commits murder in the first degree pursuant to section 707.2,
14 and the person previously has been convicted of capital
15 murder, a class "A" felony pursuant to section 707.2, 709.2,
16 or 710.2, or murder in the second degree pursuant to section
17 707.3.

18 b. A person commits capital murder if the person commits
19 murder in the first degree pursuant to section 707.2, and the
20 person, in the course of that murder, commits another capital
21 murder, another class "A" felony pursuant to section 707.2,
22 709.2, or 710.2, or murder in the second degree pursuant to
23 section 707.3.

24 c. A person commits capital murder if the person commits
25 murder in the first degree pursuant to section 707.2 or murder
26 in the second degree pursuant to section 707.3 for financial
27 gain.

28 d. A person commits capital murder if the person commits
29 murder in the first degree pursuant to section 707.2 by means
30 of a destructive device, bomb, or explosive planted, hidden,
31 or concealed in any place, area, dwelling, building, or
32 structure, and the person knew or should have known that the
33 act would create a great risk of death to one or more human
34 beings.

35 e. A person commits capital murder if the person commits

1 murder in the first degree pursuant to section 707.2 or murder
2 in the second degree pursuant to section 707.3 for the purpose
3 of avoiding or preventing a lawful arrest or to perfect or
4 attempt an escape from custody.

5 f. A person commits capital murder if the person commits
6 murder in the first degree pursuant to section 707.2 by means
7 of a destructive device, bomb, or explosive that the person
8 mailed or delivered, attempted to mail or deliver, or caused
9 to be mailed or delivered and the person knew or should have
10 known that the act would create a great risk of death to one
11 or more human beings.

12 g. A person commits capital murder if the person commits
13 murder in the first degree pursuant to section 707.2 and the
14 victim is a peace officer as defined in section 801.4, who was
15 engaged in the performance of the victim's official duties and
16 the person knew or should have known that the victim was a
17 peace officer.

18 h. A person commits capital murder if the person commits
19 murder in the first degree pursuant to section 707.2 and the
20 victim is a federal law enforcement officer as defined in
21 section 804.7A, who was engaged in the performance of the
22 victim's official duties and the person knew or should have
23 known that the victim was a federal law enforcement officer.

24 i. A person commits capital murder if the person commits
25 murder in the first degree pursuant to section 707.2 and the
26 victim is a fire fighter who was engaged in the performance of
27 the victim's official duties and the person knew or should
28 have known that the victim was a fire fighter.

29 j. A person commits capital murder if the person commits
30 murder in the first degree pursuant to section 707.2 and the
31 victim was a witness to a crime if the murder is for the
32 purpose of preventing the victim from testifying in any
33 criminal proceeding and the murder was not committed during
34 the commission of the crime that the victim witnessed, or the
35 victim was a witness to a crime and the murder is in

1 retaliation for the victim's testimony in any criminal
2 proceeding.

3 k. A person commits capital murder if the person commits
4 murder in the first degree pursuant to section 707.2 and the
5 victim was a prosecutor, assistant prosecutor, or former
6 prosecutor or assistant prosecutor as defined under section
7 801.4, subsection 12, or any prosecutor, assistant prosecutor,
8 or former prosecutor or assistant prosecutor for any federal
9 prosecutor's office and the murder is in retaliation for or to
10 prevent the victim from carrying out the victim's official
11 duties.

12 l. A person commits capital murder if the person commits
13 murder in the first degree pursuant to section 707.2 and the
14 victim was a judicial officer as defined under section
15 602.1101, subsection 8, or a former judicial officer of any
16 court of record in this state or any other state and the
17 murder is in retaliation for or to prevent the victim from
18 carrying out the victim's official duties.

19 m. A person commits capital murder if the person commits
20 murder in the first degree pursuant to section 707.2 and the
21 victim was an elected or appointed official or former elected
22 or appointed official of the state, of a political subdivision
23 of the state, of any other state or political subdivision of
24 any other state, or of the federal government and the murder
25 is in retaliation for or to prevent the victim from carrying
26 out the victim's official duties.

27 n. A person commits capital murder if the person commits
28 murder in the first degree pursuant to section 707.2 or murder
29 in the second degree pursuant to section 707.3 and the victim
30 was an employee of an institution or facility under the
31 control of the department of corrections or a judicial
32 district department of correctional services or of a city or
33 county jail who was performing the victim's official duties,
34 or the victim was an inmate of such an institution, facility,
35 or jail and was killed on the grounds of the institution,

1 facility, or jail or the victim was present at such an
2 institution, facility, or jail with the knowledge and consent
3 of the chief administrative officer of the institution,
4 facility, or jail.

5 o. A person commits capital murder if the person commits
6 murder in the first degree pursuant to section 707.2 and the
7 murder was especially heinous, atrocious, cruel, or
8 manifesting exceptional depravity. For purposes of this
9 paragraph, the phrase "especially heinous, atrocious, cruel,
10 or manifesting exceptional depravity" means a conscienceless
11 or pitiless crime which is unnecessarily torturous to the
12 victim.

13 p. A person commits capital murder if the person commits
14 murder in the first degree pursuant to section 707.2 while
15 lying in wait.

16 q. A person commits capital murder if the person commits
17 murder in the first degree pursuant to section 707.2 because
18 of the other person's race, color, religion, nationality, or
19 country of origin.

20 r. A person commits capital murder if the person commits
21 murder in the first degree pursuant to section 707.2 while the
22 person was committing, was an accomplice in the commission of,
23 was attempting to commit, or was in flight immediately after
24 committing or attempting to commit one or more of the
25 following public offenses:

26 (1) Terrorism in violation of section 708.6, unnumbered
27 paragraph 1.

28 (2) Sexual abuse in violation of section 709.2 or 709.3,
29 or section 709.4, subsection 2, paragraph "b" or "c".

30 (3) Kidnapping in violation of section 710.2 or 710.3.

31 (4) Robbery in violation of section 711.2.

32 (5) Arson in violation of section 712.2.

33 (6) Burglary in violation of section 713.3.

34 (7) Multiple acts of child endangerment in violation of
35 section 726.6A.

1 s. A person commits capital murder if the person commits
2 murder in the first degree pursuant to section 707.2 while
3 inflicting torture upon the other person. For purposes of
4 this section, "torture" means the infliction of extreme
5 physical pain, without regard to the length of time that pain
6 is inflicted.

7 t. A person commits capital murder if the person commits
8 murder in the first degree pursuant to section 707.2 by
9 administering a harmful substance in violation of section
10 708.5.

11 u. A person commits capital murder if the person commits
12 murder in the first degree pursuant to section 707.2 and the
13 victim was under twelve years of age and the death results
14 from exceptionally brutal or heinous behavior indicative of
15 wanton cruelty.

16 v. A person commits capital murder if the person commits
17 murder in the first degree pursuant to section 707.2 and the
18 victim was in the commission of the hijacking of an airplane,
19 train, ship, bus, or other public conveyance.

20 2. Capital murder is a felony punishable either by death
21 or by life imprisonment, as determined pursuant to sections 16
22 through 19 of this Act. However, if a person is convicted of
23 capital murder who was under the age of sixteen years at the
24 time the offense was committed, the person shall be sentenced
25 to life imprisonment.

26 3. If a defendant is sentenced to death pursuant to
27 sections 16 through 19 of this Act, the sentence shall be
28 executed by the administration of a lethal injection pursuant
29 to rules adopted by the board of corrections. For the
30 purposes of this section, "lethal injection" means a
31 continuous intravenous injection of a lethal quantity of
32 sodium thiopental or other equally or more effective substance
33 sufficient to cause death.

34 Sec. 3. Section 707.2, unnumbered paragraph 1, Code 1995,
35 is amended to read as follows:

1 A person commits murder in the first degree when the person
2 commits murder which is not capital murder and which is
3 committed under any of the following circumstances:

4 Sec. 4. Section 707.2, subsections 3 and 4, Code 1995, are
5 amended by striking the subsections.

6 Sec. 5. Section 707.3, unnumbered paragraph 1, Code 1995,
7 is amended to read as follows:

8 A person commits murder in the second degree when the
9 person commits murder which is not capital murder or murder in
10 the first degree.

11 Sec. 6. Section 707.4, unnumbered paragraph 2, Code 1995,
12 is amended to read as follows:

13 Voluntary manslaughter is an included offense under an
14 indictment for capital murder or murder in the first or second
15 degree.

16 Sec. 7. Section 707.5, unnumbered paragraph 1, Code 1995,
17 is amended to read as follows:

18 Involuntary manslaughter as defined in this section is an
19 included offense under an indictment for capital murder or
20 murder in the first or second degree or voluntary
21 manslaughter.

22 Sec. 8. Section 802.1, Code 1995, is amended to read as
23 follows:

24 802.1 MURDER.

25 A prosecution for capital murder or murder in the first or
26 second degree may be commenced at any time after the death of
27 the victim.

28 Sec. 9. Section 811.1, subsections 1 and 2, Code 1995, are
29 amended to read as follows:

30 1. A defendant awaiting judgment of conviction and
31 sentencing following either a plea or verdict of guilty of a
32 class "A" felony, capital murder, murder, felonious assault,
33 sexual abuse in the second degree, sexual abuse in the third
34 degree, kidnapping, robbery in the first degree, arson in the
35 first degree, or burglary in the first degree, or any felony

1 included in section 124.401, subsection 1, paragraph "a".

2 2. A defendant appealing a conviction of a class "A"
3 felony, capital murder, murder, felonious assault, sexual
4 abuse in the second degree, sexual abuse in the third degree,
5 kidnapping, robbery in the first degree, arson in the first
6 degree, or burglary in the first degree, or any felony
7 included in section 124.401, subsection 1, paragraph "a".

8 Sec. 10. Section 811.1, Code 1995, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 4. A defendant charged with capital
11 murder, if upon hearing held under the conditions required by
12 section 812.2, the prosecuting attorney establishes by clear
13 and convincing evidence that the release of the defendant from
14 custody is likely to pose a danger of physical harm to another
15 person. The court shall consider all lawfully obtained
16 evidence relevant to the required determination, whether or
17 not the evidence would be admissible at trial, but testimony
18 of the person charged is not admissible at a subsequent trial
19 on the issue of guilt of the offense charged or of any other
20 offense.

21 Sec. 11. NEW SECTION. 814.28 REVIEW OF DEATH SENTENCE.

22 1. In a case in which a sentence of death is imposed, the
23 supreme court shall automatically review the judgment and
24 sentence. The case shall not be transferred to the court of
25 appeals.

26 2. A review by the supreme court of a judgment and
27 sentence imposing the punishment of death has priority over
28 all other criminal and other actions pending before the
29 supreme court.

30 3. The supreme court shall review the trial and judgment,
31 and separately shall review the sentencing proceeding. Upon
32 determining that errors did not occur at the trial requiring
33 reversal or modification of the judgment, the supreme court
34 shall proceed to determine if the sentence of death is
35 lawfully imposed. In its review of the sentencing proceeding

1 the supreme court shall determine all of the following:

2 a. Whether the sentence of death was imposed capriciously
3 or under the influence of prejudice or other arbitrary factor.

4 b. Whether the special verdicts returned under section 16,
5 subsection 2 of this Act are supported by the evidence.

6 c. Whether the sentence of death is excessive or
7 disproportionate to the penalty imposed in similar cases,
8 considering both the crime and the defendant.

9 4. If the supreme court determines that the sentence of
10 death was not lawfully imposed the court shall set aside the
11 sentence and shall remand the case to the trial court for
12 imposition of a sentence of life imprisonment.

13 5. If the supreme court affirms the judgment and sentence
14 of death, the clerk of the supreme court shall certify the
15 judgment of the supreme court under the seal of the court to
16 the clerk of the trial court.

17 Sec. 12. NEW SECTION. 901.11 CAPITAL MURDER PROCEEDINGS.

18 1. If a charge of capital murder is submitted to the jury
19 or court, but the prosecuting attorney waives the death
20 penalty, upon a verdict of guilty, the court shall sentence
21 the defendant to life imprisonment. If the prosecuting
22 attorney waives the death penalty, the court shall follow the
23 sentencing procedures set forth in rule of criminal procedure
24 22, Iowa court rules, third edition, and need not follow the
25 special sentencing procedures provided for capital murder
26 cases.

27 2. If capital murder is charged, but the charge is not
28 submitted to the court or jury, or the court or jury finds the
29 defendant guilty of another offense, upon conviction of the
30 other charge, the court shall follow the sentencing procedures
31 set forth in rule of criminal procedure 22, Iowa court rules,
32 third edition, concerning sentencing for the offense, rather
33 than the sentencing procedures provided for capital murder
34 cases.

35 3. Capital murder proceedings shall be conducted in

1 bifurcated proceedings before the same trier of fact. During
2 the initial proceeding, the jury, or the court, if the
3 defendant waives the right to a jury trial, shall decide only
4 whether the defendant is guilty or not guilty of any submitted
5 offense. The issue of punishment shall not be submitted
6 during the initial proceeding.

7 Upon a verdict of guilty to a capital murder charge, a
8 separate sentencing proceeding shall be conducted as provided
9 in sections 16 through 19 of this Act. If a defendant enters
10 a plea of guilty to a capital murder charge, the court shall
11 conduct a separate sentencing proceeding as provided in
12 sections 16 through 19 of this Act.

13 Sec. 13. NEW SECTION. 902.12 CAPITAL MURDER.

14 If a person is to be sentenced to life imprisonment under
15 section 16, subsection 5 of this Act, nothing in chapters 901
16 through 909, pertaining to deferred judgment, deferred
17 sentence, suspended sentence, or reconsideration of sentence,
18 applies, and the person shall not be released on parole unless
19 the governor commutes the person's sentence to a term of years
20 and shall not otherwise be released from confinement unless
21 the governor pardons the person.

22 Sec. 14. Section 904.105, Code 1995, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 9A. Adopt rules pursuant to chapter 17A
25 pertaining to executions of persons convicted of capital
26 murder.

27 Sec. 15. Rules of criminal procedure, Iowa court rules,
28 third edition, are amended by adding sections 16 through 19 of
29 this Act.

30 Sec. 16. NEW RULE. CAPITAL MURDER -- PROCEDURE.

31 1. Upon a finding or plea that a defendant is guilty of
32 capital murder, the court shall conduct a separate sentencing
33 proceeding to determine whether the defendant shall be
34 sentenced to death or to life imprisonment. The proceeding
35 shall be conducted in the trial court before the trial jury,

1 or the court if there is no jury, as soon as practicable. In
2 the proceeding, additional evidence may be presented as to any
3 matter which is relevant to the sentence. The court shall
4 receive when offered any evidence that is required by the
5 rules of criminal procedure. This subsection does not
6 authorize the introduction of any evidence secured in
7 violation of the Constitution of the United States or of the
8 Constitution of the State of Iowa. The state and the
9 defendant or the defendant's counsel shall be permitted to
10 cross-examine witnesses and to present argument for or against
11 a sentence of death.

12 2. On conclusion of the presentation of the evidence, the
13 court shall submit each of the following issues to the jury:

14 a. Whether the conduct of the defendant that caused the
15 death of the deceased was committed willfully, deliberately,
16 and with the reasonable expectation that the death of the
17 deceased or another would result.

18 b. Whether a probability exists that in the future the
19 defendant would commit criminal acts of violence that would
20 constitute a continuing threat to society.

21 c. Whether aggravating circumstances exist that are
22 sufficient to outweigh any mitigating circumstances that may
23 exist.

24 If the case is not tried to a jury, the court shall
25 determine the issues.

26 3. The state must prove each issue in subsection 2 beyond
27 a reasonable doubt, and the jury, or the court if there is no
28 jury, shall return a special verdict of "yes" or "no" on each
29 issue.

30 4. If the case is tried to a jury, the court shall charge
31 the jury that:

32 a. It shall answer any issue "yes" if it agrees
33 unanimously.

34 b. It shall answer any issue "no" if the jurors
35 unanimously agree that the answer is "no" or if the jurors do

1 not unanimously agree that the answer is "yes".

2 5. If the jury, or the court if there is no jury, returns
3 an affirmative finding on all applicable issues, the court
4 shall sentence the defendant to death. If the jury or the
5 court returns a negative finding on any applicable issue, the
6 court shall sentence the defendant to the custody of the
7 director of the department of corrections for confinement for
8 the rest of the defendant's life.

9 6. Iowa Code chapters 901 through 909 do not apply to a
10 conviction of capital murder if the defendant is sentenced to
11 death.

12 Sec. 17. NEW RULE. AUTOMATIC REVIEW -- STAY OF JUDGMENT.

13 1. A judgment of conviction and sentence of death shall be
14 reviewed automatically in the manner provided in Iowa Code
15 section 814.28, and the Iowa supreme court has exclusive
16 jurisdiction of the review.

17 2. Upon entry of judgment and sentence of death, the trial
18 court shall prepare a complete record and transcript of the
19 action in the manner provided in the rules of criminal
20 procedure and shall docket the record and transcript with the
21 clerk of the supreme court.

22 3. The judgment and sentence of the trial court is stayed
23 as a matter of law from the time of its entry until the
24 judgment of the supreme court is certified to and entered by
25 the trial court. Upon entry of a judgment of the supreme
26 court which affirms the conviction and sentence, the stay of
27 the judgment and sentence terminates as a matter of law.

28 4. All court costs required due to the automatic
29 preparation of the record and transcript, docketing with the
30 supreme court, and stay of judgment and sentence shall be
31 assessed to the state.

32 Sec. 18. NEW RULE. ISSUANCE OF WARRANT.

33 1. Upon entry by the trial court of the judgment of the
34 supreme court affirming a judgment and sentence of death, a
35 district judge shall within five days of the entry issue a

1 warrant under the seal of the court for the execution of the
2 sentence of death. The warrant shall specifically set forth
3 the offense and the fact of conviction, shall state the
4 judgment and sentence of the court, shall state that the
5 judgment and sentence were affirmed by the supreme court and
6 the date of entry of judgment of the supreme court in the
7 trial court, and shall specify the date fixed for execution of
8 the defendant which shall be not less than fifty nor more than
9 sixty days after the date of entry in the trial court of the
10 judgment of the supreme court affirming the judgment and
11 sentence of death. The warrant shall be directed to the
12 director of the department of corrections commanding the
13 director to cause the warrant to be executed on the date
14 specified. The trial court shall deliver the warrant to the
15 sheriff of the county in which judgment of conviction was
16 entered and the sheriff shall deliver the warrant and the
17 defendant to the custody of the department of corrections for
18 confinement in the state penitentiary. The director of the
19 department of corrections shall acknowledge receipt of the
20 warrant and the defendant, and the sheriff shall return the
21 acknowledgment to the office of the clerk of the trial court
22 from which the warrant was issued.

23 2. Immediately after issuance of a warrant ordering a
24 sentence of death, the clerk of the trial court issuing the
25 warrant shall transmit by mail to the governor a copy of the
26 indictment, the plea, the verdict and special findings, the
27 affirmation of judgment and sentence by the supreme court, and
28 the complete transcript of the trial court.

29 Sec. 19. NEW RULE. EVIDENCE AT SENTENCING IN CAPITAL
30 MURDER CASES -- REQUIRED INFORMATION.

31 1. At a reasonable time before the commencement of
32 sentencing proceedings in a capital murder case, each party
33 shall file and serve upon the other party the following:

34 a. A list of all aggravating or mitigating circumstances
35 which the party intends to prove during the sentencing

1 proceedings.

2 b. The names of all persons whom the party intends to call
3 as witnesses during the sentencing proceedings.

4 c. Notwithstanding rule 13, copies, or for inspection
5 purposes, the location, of all documents, including books,
6 papers, writings, drawings, graphs, charts, photographs, phone
7 records, and other data compilations from which information
8 can be obtained, or other objects which the party intends to
9 offer into evidence during the sentencing proceedings. If
10 copies are not supplied to opposing counsel, the party shall
11 make the items available for inspection and copying without
12 order of the court.

13 2. In proceedings to determine whether the sentence shall
14 be death or life imprisonment, evidence may be presented as to
15 any matter which the trial court deems relevant to sentence,
16 including but not limited to the nature, circumstances, and
17 manner of completion of the murder, and the defendant's
18 character, background, history, and mental and physical
19 condition. The trial court shall admit any relevant evidence
20 respecting any aggravating or mitigating circumstances, if the
21 party has included the circumstance on a list provided
22 pursuant to this rule, or good cause is shown for the failure
23 to do so.

24 Sec. 20. APPLICABILITY. This Act applies to offenses
25 committed on or after the effective date of this Act.

26 EXPLANATION

27 This bill amends the Iowa criminal code to provide for
28 punishment by death for murder committed under specified
29 circumstances if the trial jury, or the judge if there is no
30 jury, makes specific affirmative findings respecting the
31 nature of the act of murder and the characteristics of the
32 defendant in a separate sentencing proceeding held after the
33 close of the trial. Under the bill, the offense of capital
34 murder includes a murder which would constitute murder in the
35 first degree committed by a person who has previously

1 committed a class "A" felony or second degree murder; the
2 commission of another class "A" felony or second degree murder
3 in the course of a murder; the commission of first or second
4 degree murder for financial gain; murder in the first degree
5 through use of a bomb, explosive, or destructive device;
6 murder in the first or second degree to avoid arrest or to
7 perfect an escape, or of an employee, inmate, or other
8 authorized person at a correctional institution or facility;
9 murder in the first degree of a peace officer, federal law
10 enforcement officer, fire fighter, a witness to a crime, a
11 prosecutor, a judge, or a public official; the murder in the
12 first degree involving unnecessary torture of a victim; the
13 murder in the first degree while lying in wait; a murder in
14 the first degree based upon the person's race, color,
15 religion, nationality, or country of origin; murder in the
16 first degree while committing certain enumerated felonies;
17 murder in the first degree while inflicting torture on a
18 person; murder in the first degree by administering a harmful
19 substance; murder in the first degree of a person under the
20 age of 12 as a result of exceptionally brutal or heinous
21 behavior; or murder in the first degree as a result of the
22 hijacking of a public conveyance. Class "A" felonies include
23 murder in the first degree, sexual abuse in the first degree,
24 and kidnapping in the first degree.

25 The sentence of death is imposed only if the trier of fact
26 unanimously answers three questions affirmatively: (1)
27 whether the conduct of the defendant that caused the death of
28 the deceased was committed deliberately and with reasonable
29 expectation that the death of the deceased or another would
30 result; (2) whether a probability exists that in the future
31 the defendant would commit criminal acts of violence that
32 would constitute a continuing threat to society; and (3)
33 whether aggravating circumstances exist that are sufficient to
34 outweigh any mitigating circumstances that may exist. The
35 sentencing proceeding is conducted separately from the finding

1 of guilt or innocence by the same trier of fact. If the jury
2 fails to agree unanimously on the required affirmative
3 findings or if the supreme court determines that error was
4 committed in the sentencing proceeding, the penalty would be
5 life imprisonment.

6 The death penalty sentence would be reviewed automatically
7 by the supreme court. The bill requires the supreme court to
8 examine whether the sentence is excessive or disproportionate
9 to penalties in similar cases. If affirmed by the supreme
10 court, the penalty would be accomplished by lethal injection.
11 The bill requires the board of corrections to adopt rules
12 pertaining to executions.

13 The bill further provides that in order to receive a
14 sentence of death, the defendant must be at least 16 years of
15 age at the time the offense is committed. The bill also
16 provides that it applies only to offenses committed on or
17 after the bill's effective date.

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