



State Senator

Rita Heard Days

District 14



Column For Week of: March 23, 2009

[Website](#) | [Biography](#) | [Newsroom](#)

Bill Moving Through Legislature Creating Commission to Examine the Ultimate Punishment

As lawmakers returned to the State Capitol from their annual spring recess, many focused on the work ahead. The General Assembly has approximately seven weeks to deliver important legislation to the governor's desk for his signature. But before these bills can reach this mark, they first have to pass out of both the Senate and House chambers.

My colleagues in the Senate and I work from a list or "calendar" of bills, organized by different standards in how each bill should be brought up on the Senate floor for debate. Bills on the Senate's "Formal Calendar for Perfection" are at a point in the legislative process when lawmakers can add amendments if they deem necessary. One of the bills on this calendar is a bill I am sponsoring that has received support from several of my Senate colleagues.

[Senate Bill 321](#) would create a ten-member commission charged with studying the death penalty in our state. Noteworthy history regarding the death penalty in our country dates back to 1968, when a moratorium on capital punishment was invoked as a result of the court case *Fruman vs. Georgia*. On June 29, 1972, the U.S. Supreme Court ruled that the death penalty was cruel and unusual punishment and a violation of our country's Eight Amendment — ultimately suspending the death penalty nationwide.

Approximately four years later, the U.S. Supreme Court ruled that the revised capital punishment laws in three states (Florida, Georgia, and Texas) were constitutional. This ruling deemed capital punishment as an acceptable form of punishment, no longer considered to be cruel and unusual by the nation's highest court.

The next year Governor Joseph P. Teasdale signed Missouri's Capital Murder Law on May 26, 1977, stating that capital punishment — the death penalty — cannot be used unless one of the 14 listed "aggravating circumstances" in the bill was considered part of the offense.

The last noteworthy change in statute regarding capital punishment in our state was made by the 84th General Assembly (we are currently in the 95th General Assembly). On June 2, 1988, Governor John Ashcroft signed a bill into law (which became effective Aug. 13, 1998) allowing capital punishment to be administered either by means of lethal gas or lethal injection at the discretion of the director of the Department of Corrections. Since then, lethal injection has been selected as the method of carrying out the death penalty sentence in our state.

More than ten years have passed since we have seriously sat down and examined Missouri's death penalty. The ten-member commission created by [Senate Bill 321](#) would recommend in their report any proposed modifications to our state's current capital punishment law. The report would be distributed to the governor, the Missouri Supreme Court, and the General Assembly by Jan. 1, 2012.

Those serving on the commission would examine if defendants who were given a death sentence are indeed guilty of first-degree murder, study the adequacy of trial and appellate legal counsel, consider if race was not impermissibly a factor in determining implementation of the death penalty, review if adequate appellate and post-conviction procedures exist to remedy errors at trial, and see if prosecutors throughout the state use similar criteria to determine whether to seek the death penalty.

The commission would also study alternatives to the death penalty that would address other social interests and ensure the safety of those in our state. The commission created by [Senate Bill 321](#), composed equally of those citizens in favor of and against the death penalty, would be appointed by Dec. 1, 2009.

If you have comments or questions about this week's column or any other matter involving state government, please feel free to contact my office at (573) 751-4106.

*Senator Rita Heard Days represents a portion of
St. Louis County in the Missouri Senate.*



Contact Information

Capitol Office
State Capitol
Room 220
Jefferson City, MO 65101

Phone Number:
573.751.4106

Fax:
573.751.0467

Website:
<http://www.senate.mo.gov/days>

District Office:
7309 Natural Bridge Road
St. Louis, MO
63121

Phone Number:
314.877.2650

Fax:
314.877.2650