

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend Senate Bill No. 790, Page 1, Section A, Line 4,

2 by inserting after all of said line the following:

3 "546.680. 1. Except as otherwise provided under subsection
 4 2 of this section, when judgment of death is rendered by any
 5 court of competent jurisdiction, a warrant signed by the judge
 6 and attested by the clerk under the seal of the court must be
 7 drawn and delivered to the sheriff. It must state the conviction
 8 and judgment and appoint a day on which the judgment must be
 9 executed, which must not be less than thirty nor more than sixty
 10 days from the date of judgment, and must direct the sheriff to
 11 deliver the defendant, at a time specified in said order, not
 12 more than ten days from the date of judgment, to the chief
 13 administrative officer of a correctional facility of the
 14 department of corrections, for execution.

15 2. In cases in which a defendant kidnapped a victim before
 16 causing the victim's death, when the defendant has completed his
 17 or her direct appeal and postconviction proceeding in state court
 18 and habeas corpus proceeding and appeal in federal court, unless
 19 the defendant's conviction or sentence has been invalidated or
 20 remanded as a result of such proceeding, or when the defendant
 21 has allowed the time permitted for filing a habeas corpus

1 petition in federal court to expire, the supreme court shall
2 issue a warrant of execution directing the chief administrative
3 officer of the correctional facility to execute the sentence
4 within ten days from the date of the warrant.

5 547.380. 1. When a notice of appeal is filed in a criminal
6 case in which a sentence of death has been imposed and the
7 defendant kidnapped the victim before causing the victim's death,
8 the rules relating to appellate practice shall govern except as
9 otherwise provided by this section.

10 2. The following procedures shall apply to an appeal in a
11 criminal case in which a sentence of death has been imposed and
12 the defendant kidnapped the victim before causing the victim's
13 death:

14 (1) Extensions of time shall not be granted, except in
15 exceptional circumstances, for the filing of a record on appeal
16 or primary briefs. An extension for filing a primary brief shall
17 be no more than ninety days. No party shall be granted more than
18 two extensions, except upon a showing of unique and extraordinary
19 circumstances, and no extension shall exceed thirty days. No
20 request for additional time that will cause the brief filing date
21 to extend beyond two hundred seventy days from the initial filing
22 due date may be granted without a hearing before the full supreme
23 court in which counsel shall explain the unique and extraordinary
24 circumstances justifying additional time to the court's
25 satisfaction. Extensions of time to file a reply brief and
26 exceptions to limitations on the length of briefs shall not be
27 granted;

28 (2) The appeal shall be advanced on the court docket and
29 take precedence over all other appeals before the court. The

1 fact that an attorney is engaged in drafting a brief for an
2 appeal in a criminal case in which a sentence of death has been
3 imposed and the defendant kidnapped the victim before causing the
4 victim's death shall be considered by any appellate court as an
5 exceptional circumstance warranting extensions of time to file
6 briefs or other documents in any other case in which counsel is
7 also engaged as lead counsel, upon the request of counsel;

8 (3) Oral arguments shall be heard by the supreme court no
9 later than six months after the filing of the final reply brief
10 of the appellant and the supreme court shall issue a written
11 decision no later than six months after oral argument; and

12 (4) Whether briefed or not, plain errors affecting
13 substantial rights may be considered in the discretion of the
14 court when the court finds that manifest injustice or miscarriage
15 of justice has resulted therefrom. If the court determines that
16 it will consider an error that has not been briefed, the court
17 shall notify the parties of the particular issue no later than
18 sixty days prior to the scheduled oral argument, and shall allow
19 the parties to submit supplemental briefs on the matter prior to
20 oral argument. Such supplemental briefs shall be limited to no
21 more than twenty pages. The court shall not consider any errors
22 that are not identified and brought to the parties' attention
23 prior to sixty days before oral argument."; and

24 Further amend the title and enacting clause accordingly.