

SECOND REGULAR SESSION

SENATE BILL NO. 945

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS BROWN, LIBLA, WASSON, RICHARD, LAMPING,
KRAUS, RUPP, PARSON, SATER, CUNNINGHAM,
NIEVES, SCHAEFER, LAGER AND ROMINE.

Read 1st time February 26, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6215S.011

AN ACT

To repeal section 546.680, RSMo, and to enact in lieu thereof two new sections relating to the death penalty.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 546.680, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 546.680 and 547.380, to read as
3 follows:

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

11 2. **In cases in which a defendant kidnapped a victim before**
12 **causing the victim's death, when the defendant has completed his or**
13 **her direct appeal and postconviction proceeding in state court and**
14 **habeas corpus proceeding and appeal in federal court, unless the**
15 **defendant's conviction or sentence has been invalidated or remanded**
16 **as a result of such proceeding, or when the defendant has allowed the**
17 **time permitted for filing a habeas corpus petition in federal court to**
18 **expire, the supreme court shall issue a warrant of execution directing**
19 **the chief administrative officer of the correctional facility to execute**

20 the sentence within ten days from the date of the warrant.

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

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

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

21 (2) The appeal shall be advanced on the court docket and take
22 precedence over all other appeals before the court. The fact that an
23 attorney is engaged in drafting a brief for an appeal in a criminal case
24 in which a sentence of death has been imposed and the defendant
25 kidnapped the victim before causing the victim's death shall be
26 considered by any appellate court as an exceptional circumstance
27 warranting extensions of time to file briefs or other documents in any
28 other case in which counsel is also engaged as lead counsel, upon the
29 request of counsel;

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

34 (4) Whether briefed or not, plain errors affecting substantial
35 rights may be considered in the discretion of the court when the court
36 finds that manifest injustice or miscarriage of justice has resulted

37 therefrom. If the court determines that it will consider an error that
38 has not been briefed, the court shall notify the parties of the particular
39 issue no later than sixty days prior to the scheduled oral argument, and
40 shall allow the parties to submit supplemental briefs on the matter
41 prior to oral argument. Such supplemental briefs shall be limited to no
42 more than twenty pages. The court shall not consider any errors that
43 are not identified and brought to the parties' attention prior to sixty
44 days before oral argument.

✓

Unofficial

Bill

Copy