

HB 129 -- CHANGE OF VENUE FOR CAPITAL CASES FUND

SPONSOR: Veit

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 9 to 0.

This bill creates the "Change of Venue for Capital Cases Fund", which is to be used solely for reimbursement to any county that receives a capital case from another county to cover the costs associated with the sequestering of jurors. At the conclusion of a capital case for which the venue was changed from one county to another, the initial county may apply to the Office of State Courts Administrator (OSCA) for reimbursement for the county that received the case. If a county is eligible for reimbursement, OSCA will disburse the money to the county. If OSCA determines that a county is not eligible for reimbursement or the actual costs are more than the amount disbursed, the county in which the capital case originated will be responsible for all or the remaining reimbursement.

Applications for reimbursement must be submitted by May 1 of the current fiscal year, and reimbursements must be made by June 30 of the current fiscal year. Reimbursements for applications submitted after May 1 of the current fiscal year will be made in the following fiscal year. If there is not enough money in the Fund at the end of the fiscal year when reimbursements are made, reimbursements will be made on a pro rata basis.

PROPONENTS: Supporters say that some of the counties that receive capital cases cannot afford the costs of the trials including sequestering juries. The counties attempt to obtain reimbursement from the originating counties and they don't have any money. So this bill helps counties recover some of their costs. There are a lot of cases that do not go to the death penalty because costs associated with the trials are prohibitive. The receiving county should not have to be stuck with the entire cost. Most of the capital cases are prosecuted by the Attorney General's Office, while most of them are defended by the Public Defender's Office, so they take place in Cole County. The reason the originating county is the one to make the application for reimbursement is because that is the county that transferred the case so it should be that county's responsibility to submit for reimbursement. Because, under existing law, that county is responsible for the costs of trial.

Testifying in person for the bill were Representative Veit; Jon E. Beetem; Brian Bernskoetter, Cole County Commission; Arnie Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.