

107TH CONGRESS
1ST SESSION

H. R. 321

To assure protection for the substantive due process rights of the innocent, by providing a temporary moratorium on carrying out of the death penalty to assure that persons able to prove their innocence are not executed.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2001

Mr. JACKSON of Illinois introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To assure protection for the substantive due process rights of the innocent, by providing a temporary moratorium on carrying out of the death penalty to assure that persons able to prove their innocence are not executed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accuracy in Judicial
5 Administration Act of 2001”.

6 **SEC. 2. TEMPORARY MORATORIUM.**

7 (a) IN GENERAL.—

1 (1) ESTABLISHMENT.—During the period set
2 forth in subsection (b) applicable to a governmental
3 authority of a State or the Federal Government,
4 that authority shall not carry out the penalty of
5 death.

6 (2) STANDARDS.—

7 (A) IN GENERAL.—The Attorney General
8 shall prescribe standards to provide over-
9 whelming confidence that innocent parties will
10 not suffer the death penalty.

11 (B) DISCOVERY.—Such standards shall in-
12 clude procedures to assure an effective oppor-
13 tunity for pretrial discovery by defendants of fo-
14 rensic evidence in the possession of the pros-
15 ecuting authority.

16 (C) POST CONVICTION PROCEDURES.—
17 Such standards shall include procedures to as-
18 sure that each individual convicted of a capital
19 offense has a full and fair opportunity—

20 (i) to produce any exculpatory DNA
21 or similar evidence which was not available
22 to that individual at the time of the trial
23 that resulted in the sentence of death; and

24 (ii) to obtain an effective judicial viti-
25 ation of the conviction and sentence of

1 death if the reviewing court determines
2 that evidence indicates a reasonable doubt
3 that the individual was guilty as convicted.

4 (b) PERIOD OF MORATORIUM.—The period referred
5 to in subsection (a) begins on the date of the enactment
6 of this Act and ends on the later of—

7 (1) 7 years after that date; or

8 (2)(A) in the case of a State authority, the date
9 on which a declaratory judgment with respect to the
10 State of which that authority is a governmental au-
11 thority is entered under subsection (c); and

12 (B) in the case of a Federal authority, the date
13 on which the Attorney General certifies to the public
14 that the Federal authority operates consistently with
15 the standards prescribed in subsection (a).

16 (c) DECLARATORY JUDGMENT.—In a civil action
17 commenced by a governmental authority of a State, an
18 appropriate United States district court may enter a de-
19 claratory judgment under subsection (b) ending the period
20 of moratorium for the relevant State if the court finds that
21 the State has established procedures consistent with the
22 standards prescribed by the Attorney General under sub-
23 section (a).

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