

Senate Bill 255

By: Senators Fort of the 39th, Davenport of the 44th, Orrock of the 36th, Stoner of the 6th,
Thompson of the 5th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated,
2 relating to the death penalty generally, so as to provide for a moratorium on the
3 administration of a death sentence; to provide a statement of legislative findings; to provide
4 for conflicts and construction; to provide for applicability; to provide for automatic repeal;
5 to provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The General Assembly finds that:

- 9 (1) Life is the most valuable possession of a human being and there has been increasing
10 public awareness of individuals wrongfully convicted of murder, in Georgia and
11 elsewhere in the nation;
- 12 (2) The execution of an innocent person by the State of Georgia would be a grave and
13 irreversible injustice;
- 14 (3) In January, 2006, the American Bar Association published *Ensuring Fairness and*
15 *Accuracy in State Death Penalty Systems: The Georgia Death Penalty Assessment*
16 *Report*, which analyzed 12 issues related to Georgia's laws, procedures, and practices
17 related to the death penalty in Georgia, and a majority of the members of the Georgia
18 Death Penalty Assessment Team have called for a moratorium on executions and capital
19 prosecutions;
- 20 (4) There is public concern that racial and socioeconomic factors influence decisions to
21 seek or impose the death penalty and there is a lack of any meaningful procedure to
22 ensure uniform application of the death penalty in each county throughout the state; and
- 23 (5) In order for the state to protect its moral and ethical integrity, the state must ensure
24 a justice system which is impartial, uncorrupted, equitable, and competent, and further
25 study is necessary to ensure that the state is fulfilling its obligation in this sense and,
26 therefore, a moratorium on administration of the death penalty is warranted.

1 (b) Except as provided in this Act, this Act shall not be construed to affect the laws
2 governing capital cases and death sentences, including, but not limited to, the procedures and
3 time periods for notifications, determinations, and judicial review.

4 **SECTION 4.**

5 All laws and parts of laws in conflict with this Act are repealed.