

## Committee on Appropriations

### **HB 5303 — Counsel in Proceedings for Executive Clemency**

by Justice Appropriations Subcommittee and Rep. McBurney (SB 2508 by Appropriations Committee)

The bill:

- Shifts the responsibility for appointing counsel to represent indigent clients in capital clemency cases from the trial court to the Board of Executive Clemency and requires the board to appoint a private attorney, rather than a State-employed attorney, as counsel. The Timely Justice Act that was enacted in the 2013 session requires completion of the executive clemency process before the Governor issues a warrant for execution.
- Raises the maximum amount of compensation that can be paid to an appointed attorney from \$1,000 to \$10,000, with payment made from General Revenue funds budgeted to the Parole Commission.
- Provides that the statute permitting appointment of counsel does not create a right to counsel.

If approved by the Governor, these provisions take effect July 1, 2014.

*Vote: Senate 40-0; House 106-8*