



INDEX DEPARTMENT

MAR 10 2000

IN THE OFFICE OF
SECRETARY OF STATE

Springfield, Illinois

EXECUTIVE ORDER

NUMBER 4 (2000)

EXECUTIVE ORDER CREATING
THE GOVERNOR'S COMMISSION ON CAPITAL PUNISHMENT

WHEREAS, I am charged with the constitutional responsibility for the faithful execution of the laws of this State and I have supported laws and programs to assist the police, prosecutors and the courts in fairly enforcing those laws; and

WHEREAS, I have been a strong proponent of strict criminal penalties, victim rights and the protection of all the people of Illinois; and

WHEREAS, the dual aim of our criminal justice system and the rule of law is to ensure that the guilty shall not escape or the innocent suffer; and

WHEREAS, the death penalty is a legal form of punishment supported by the citizenry and I have long supported the imposition of such punishment as a proper societal response for the most vicious and heinous of crimes; and

WHEREAS, since the reestablishment of the death penalty in Illinois in 1977, there have been persistent problems in the administration of the death penalty as illustrated by the thirteen individuals on death row who have had their death sentences and convictions vacated by the courts; and

WHEREAS, the number of death sentences and criminal convictions being vacated or overturned has raised serious concerns with respect to the process by which the death penalty is imposed; and

WHEREAS, based on this experience, we should conduct a thorough review of the death penalty process because the ultimate outcome is irreversible; and

WHEREAS, the people of the State of Illinois must have full and complete confidence that when the death penalty is imposed and final appeals of that sentence are completed, the guilt of the defendant has been justly, fairly, thoroughly and accurately established; and

WHEREAS, in discharging my constitutional obligations with respect to the death penalty, I have the awesome responsibility, and last opportunity, to review a death penalty case before the sentence is carried out to ensure the fairness of the adjudicative process, the factual guilt of the defendant and the appropriateness of the sentence;

THEREFORE, I, George H. Ryan, order the following:

I. CREATION

There shall be established the Governor's Commission on Capital Punishment.

II. PURPOSE

The duties of the Commission shall be:

- A. To study and review the administration of the capital punishment process in Illinois to determine why that process has failed in the past, resulting in the imposition of death sentences upon innocent people.
- B. To examine ways of providing safeguards and making improvements in the way law enforcement and the criminal justice system carry out their responsibilities in the death penalty process--from investigation through trial, judicial appeal and executive review.
- C. To consider, among other things, the ultimate findings and final recommendations of the House Death Penalty Task Force and the Special Supreme Court Committee on Capital Cases and determine the effect these recommendations may have on the capital punishment process.
- D. To make any recommendations and proposals designed to further ensure the application and administration of the death penalty in Illinois is just, fair and accurate.

III. MEMBERSHIP

- A. The Commission shall consist of a Chairperson, two Co-Chairpersons and 11 additional members, including an Executive Director, all appointed by the Governor.
- B. Members shall serve without compensation, but may be reimbursed for expenses.
- C. The Commission shall be provided assistance and necessary staff support services by the Office of the Governor and the agencies of state government involved in the issues to be addressed by it.

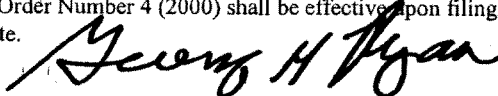
IV. REPORT

The Commission, upon concluding its examination and analysis of the capital punishment process, shall submit to the Governor a written report detailing its findings and providing comprehensive advice and recommendations to the Governor that will further ensure the administration of capital punishment in the State of Illinois will be fair and accurate.

V. EFFECT AND EFFECTIVE DATE

This Executive Order is not intended to, does not, and may not be relied upon to create, expand or abridge any privileges, benefits, remedies, immunities or rights, substantive or procedural, in any matter administrative, civil or criminal. This Order may not be used as evidence, findings or otherwise in any future or pending matter relating to capital litigation. No limitations are hereby placed on the lawful investigative and prosecutorial prerogatives of any office of government (state, county or local).

This Executive Order Number 4 (2000) shall be effective upon filing with the Secretary of State.



GEORGE H. RYAN
Governor

March 10, 2000

FILED
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