

Introduced by Senator Anderson

February 21, 2013

An act to amend Section 190.6 of the Penal Code, relating to capital crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 428, as introduced, Anderson. Capital crimes: expeditious imposition of sentence.

Existing law states that the Legislature finds that the sentence in all capital cases should be imposed expeditiously. Existing law generally requires that the opening appellate brief to the Supreme Court be filed no later than 7 months after certification of the trial record for completeness in all cases in which the sentence of death has been imposed. Existing law states that it is the Legislature's goal that the appeal be decided and an opinion reaching the merits be filed within 210 days of the completion of that briefing. Existing law states that the failure to comply with these time limits shall not be a ground for granting relief from a judgment of conviction or sentence of death.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 190.6 of the Penal Code is amended to
- 2 read:
- 3 190.6. (a) The Legislature finds that the sentence in all capital
- 4 cases should be imposed expeditiously.

1 (b) Therefore, in all cases in which a sentence of death has been
2 imposed on or after January 1, 1997, the opening appellate brief
3 in the appeal to the State Supreme Court shall be filed no later than
4 seven months after the certification of the record for completeness
5 under subdivision (d) of Section 190.8 or receipt by the appellant's
6 counsel of the completed record, whichever is later, except for
7 good cause. However, in those cases where the trial transcript
8 exceeds 10,000 pages, the briefing shall be completed within the
9 time limits and pursuant to the procedures set by the rules of court
10 adopted by the Judicial Council.

11 (c) In all cases in which a sentence of death has been imposed
12 on or after January 1, 1997, it is the Legislature's goal that the
13 appeal be decided and an opinion reaching the merits be filed
14 within 210 days of the completion of the briefing. However, where
15 the appeal and a petition for writ of habeas corpus is heard at the
16 same time, the petition should be decided and an opinion reaching
17 the merits should be filed within 210 days of the completion of
18 the briefing for the petition.

19 (d) The failure of the parties or the Supreme Court to meet or
20 comply with the time limit provided by this section ~~shall~~ *is not be*
21 a ground for granting relief from a judgment of conviction or
22 sentence of death.