

109TH CONGRESS
1ST SESSION

H. R. 379

To ensure equal protection and due process of law in capital punishment cases by imposing a moratorium on the imposition and carrying out of the death penalty in certain States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. FATAH introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To ensure equal protection and due process of law in capital punishment cases by imposing a moratorium on the imposition and carrying out of the death penalty in certain States.

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 “Innocent Life Protec-
5 tion Act of 2005”.

1 **SEC. 2. MORATORIUM ON IMPOSITION AND CARRYING OUT**
2 **OF THE DEATH PENALTY IN CERTAIN**
3 **STATES.**

4 (a) IN GENERAL.—Any State which had sentenced
5 a person to death, if that person has been determined by
6 subsequent judicial process to be innocent, shall suspend
7 the imposition and carrying out of the death penalty for
8 a period of at least 10 years, beginning on the date of
9 that determination or the date of the enactment of this
10 Act, whichever is later.

11 (b) PRECONDITION FOR TERMINATION OF MORATO-
12 RIUM.—A State may not terminate the moratorium until
13 the State has, upon application, received a written deter-
14 mination by the Attorney General that—

15 (1) due process of law with respect to capital
16 punishment is observed within that State;

17 (2) the State has established a broadly rep-
18 resentative judicial review board that has examined
19 all death penalty cases which are subject to the mor-
20 atorium and determined they are free of due process
21 violations;

22 (3) during the last 10 years of the moratorium,
23 there has been no reversal on appeal by a defendant
24 from a capital sentence;

25 (4) the State pursues capital punishment cases
26 without racial bias; and

1 (5) the State meets the standards developed by
2 the American Bar Association for appointment, per-
3 formance and compensation of counsel for indigent
4 persons.

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