

1 SENATE RESOLUTION

2 BE IT RESOLVED, BY THE SENATE OF THE NINETY-SECOND
3 GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the
4 Illinois Supreme Court to adopt the following rule relating
5 to the testimony of an accomplice or an incarcerated
6 informant in capital cases:

7 "When the sentence of death is being sought by the State,
8 the court shall consider, or shall instruct the jury to
9 consider, that the testimony of an accomplice or incarcerated
10 informant who may provide evidence against a defendant for
11 pay, immunity from punishment, or personal advantage must be
12 examined and weighed with greater care than the testimony of
13 an ordinary witness. Whether the accomplice or informant's
14 testimony has been affected by interest or prejudice against
15 the defendant must be determined. In making the
16 determination, the jury must consider (i) whether the
17 accomplice or incarcerated informant has received anything,
18 including pay, immunity from prosecution, leniency in
19 prosecution, or personal advantage, in exchange for
20 testimony, (ii) any other case in which the accomplice or
21 informant testified or offered statements against an
22 individual but was not called, and whether the statements
23 were admitted in the case, and whether the accomplice or
24 informant received any deal, promise, inducement, or benefit
25 in exchange for that testimony or statement, (iii) whether
26 the accomplice or informant has ever changed his or her
27 testimony, (iv) the criminal history of the accomplice or
28 informant, and (v) any other evidence relevant to the
29 credibility of the accomplice or informant."; and be it
30 further

31 RESOLVED, That a copy of this resolution be forwarded to
32 the Honorable Mary Ann McMorrow, Chief Justice of the
33 Illinois Supreme Court.