

From the U.S. Code Online via GPO Access
[wais.access.gpo.gov]
[Laws in effect as of January 3, 2006]
[CITE: **42USC14163c**]

TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 136--VIOLENT CRIME CONTROL AND LAW ENFORCEMENT

SUBCHAPTER IX--STATE AND LOCAL LAW ENFORCEMENT

Part E--Improving the Quality of Representation in State Capital Cases

Sec. 14163c. State reports

(a) In general

Each State receiving funds under this part shall submit an annual report to the Attorney General that--

- (1) identifies the activities carried out with such funds; and
- (2) explains how each activity complies with the terms and conditions of the grant.

(b) Capital representation improvement grants

With respect to the funds provided under section 14163 of this title, a report under subsection (a) of this section shall include--

- (1) an accounting of all amounts expended;
- (2) an explanation of the means by which the State--
 - (A) invests the responsibility for identifying and appointing qualified attorneys to represent indigents in capital cases in a program described in section 14163(e)(1)(A) of this title, an entity described in section 14163(e)(1)(B) of this title, or a selection committee or similar entity described in section 14163(e)(1)(C) of this title; and
 - (B) requires such program, entity, or selection committee or similar entity, or other appropriate entity designated pursuant to the statutory procedure described in section 14163(e)(1)(C) of this title, to--
 - (i) establish qualifications for attorneys who may be appointed to represent indigents in capital cases in accordance with section 14163(e)(2)(A) of this title;
 - (ii) establish and maintain a roster of qualified attorneys in accordance with section 14163(e)(2)(B) of this title;
 - (iii) assign attorneys from the roster in accordance with section 14163(e)(2)(C) of this title;
 - (iv) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases in accordance with section 14163(e)(2)(D) of this title;
 - (v) monitor the performance and training program attendance of appointed attorneys, and remove from the roster attorneys who fail to deliver effective representation or fail to comply with such requirements as

such program, entity, or selection committee or similar entity may establish regarding participation in training programs, in accordance with section 14163(e)(2)(E) of this title; and

(vi) ensure funding for the cost of competent legal representation by the defense team and outside experts selected by counsel, in accordance with section 14163(e)(2)(F) of this title, including a statement setting forth--

(I) if the State employs a public defender program under section 14163(e)(1)(A) of this title, the salaries received by the attorneys employed by such program and the salaries received by attorneys in the prosecutor's office in the jurisdiction;

(II) if the State employs appointed attorneys under section 14163(e)(1)(B) of this title, the hourly fees received by such attorneys for actual time and service and the basis on which the hourly rate was calculated;

(III) the amounts paid to non-attorney members of the defense team, and the basis on which such amounts were determined; and

(IV) the amounts for which attorney and non-attorney members of the defense team were reimbursed for reasonable incidental expenses;

(3) in the case of a State that employs a statutory procedure described in section 14163(e)(1)(C) of this title, an assessment of the extent to which the State is in compliance with the requirements of the applicable State statute; and

(4) a statement confirming that the funds have not been used to fund representation in specific capital cases or to supplant non-Federal funds.

(c) Capital prosecution improvement grants

With respect to the funds provided under section 14163a of this title, a report under subsection (a) of this section shall include--

(1) an accounting of all amounts expended;

(2) a description of the means by which the State has--

(A) designed and established training programs for State and local prosecutors to ensure effective representation in State capital cases in accordance with section 14163a(b)(1)(A) of this title;

(B) developed and implemented appropriate standards and qualifications for State and local prosecutors who litigate State capital cases in accordance with section 14163a(b)(1)(B) of this title;

(C) assessed the performance of State and local prosecutors who litigate State capital cases in accordance with section 14163a(b)(1)(C) of this title;

(D) identified and implemented any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases in accordance with section 14163a(b)(1)(D) of this title;

(E) established a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which

post-conviction DNA testing may be appropriate in accordance with section 14163a(b)(1)(E) of this title; and
(F) provided support and assistance to the families of murder victims; and

(3) a statement confirming that the funds have not been used to fund the prosecution of specific capital cases or to supplant non-Federal funds.

(d) Public disclosure of annual State reports

The annual reports to the Attorney General submitted by any State under this section shall be made available to the public.

(Pub. L. 108-405, title IV, Sec. 424, Oct. 30, 2004, 118 Stat. 2289.)

Codification

Section was enacted as part of the Innocence Protection Act 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.