

**SB 5364 - DIGEST**

Creates a death penalty review panel.

Requires the prosecuting attorney to: (1) If a person is charged with aggravated first degree murder and the murder occurred while the person was already serving a term of incarceration, forward a request for review along with all relevant materials to the panel for a determination of whether the death penalty should be sought;

(2) If a majority of the panel recommends pursuing the death penalty, file written notice of a special sentencing proceeding to determine whether or not the death penalty should be imposed.

Requires the attorney general to convene a meeting of the panel, upon receipt of a request for review, and the panel must review materials submitted from the prosecuting attorney and by defense counsel and make a recommendation on the death penalty.