



**NDA**

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## **RESOLUTION ON HABEAS CORPUS REFORM**

**WHEREAS**, the National District Attorneys Association has consistently over the last two decades supported the reform of federal habeas corpus law; and

**WHEREAS**, the Association strongly supports legislation which promotes expeditious federal habeas corpus review of state court judgments; preserves finality of those judgments; reinforces the deterrent effect of the criminal law; and reduces repetitious and unwarranted litigation; and

**WHEREAS**, current law, the Anti-terrorism and Effective Death Penalty Act, has, as applied by many federal courts, failed to achieve many of its intended goals, resulting in increasing rather than decreasing delays and thus the undermining of state criminal judgments, and

**WHEREAS**, the “Streamlined Procedures Act of 2005,” proposes to

- ξ Require respect for state procedural rules, which have been increasingly disregarded by federal courts;
- ξ Strengthen the requirement that convicted criminals litigate all claims in state court before filing federal habeas corpus petitions;
- ξ Eliminate expansive court-made tolling provisions that have undermined the habeas filing deadlines that Congress adopted by statute;
- ξ Regulate excessive or untimely amendments that may be made to an application for a writ; and
- ξ Set reasonable time limitations on appeals from the granting or denial of a writ of habeas corpus; and
- ξ Restore the special provisions, which federal courts have refused to apply, for expediting litigation of habeas petitions in capital cases.

**BE IT RESOLVED**, that the National District Attorneys Association hereby urges Congress to adopt legislation that is consistent with the above principles.

Adopted by the Board of Directors, November 5, 2005 (Chicago, Illinois)  
2005.11FAL