

POSITION PAPER

House Bill 1537 - Relating to abolishing the death penalty

1. The death penalty is more expensive than Life in Prison Without the Possibility of Parole.

- a. The average cost of a capital murder case resulting in execution is nearly three times higher than the cost of lifetime incarceration (\$2.1 million v. \$770K; *Dallas Morning News*).
- b. Counties with larger budgets have greater capacity to seek the death penalty than those with smaller budgets. Consequently, similar crimes that occur in different counties can lead to vastly different charges and sentences.
- c. The exorbitant cost of death penalty trials has caused some county commissioners to increase taxes and withhold employee raises. Some district attorneys are not seeking death in capital cases because of the cost to their counties.

2. The death penalty is arbitrarily and unfairly administered by the government.

- a. The decision to seek the death penalty rests solely with the district attorney in each county.
- b. Just seven counties account for nearly two-thirds of all new death sentences in Texas since 2012.
- c. Over the last five years, 60% of all new death sentences in Texas have been imposed on African-American defendants.
- d. The quality of legal counsel provided to indigent defendants often is grossly inadequate.

3. The death penalty carries the irreversible risk of executing an innocent person.

- a. Thirteen individuals have been exonerated from death row in Texas due to evidence of their wrongful conviction. There have been more than 155 death row exonerations nationwide.
- b. There is a high probability the State of Texas has wrongfully executed at least four individuals: Carlos de Luna (1989); Ruben Cantu (1993); Claude Jones (2000); and Cameron Todd Willingham (2004).

4. The death penalty does not deter crime.

- a. A 2009 national poll found police chiefs ranked the death penalty last among ways to reduce violent crime. They also considered it the least efficient use of taxpayers' dollars.
- b. The FBI Uniform Crime Report consistently shows the South, which accounts for more than 80% of executions in the United States, to have the highest murder rate in the nation.
- c. A 2012 report from the National Research Council determined none of the research on deterrence over the last 30 years should be considered useful or informative in assessing whether the death penalty has any impact on homicide rates.

5. Public support for the death penalty is declining.

- a. New death sentences in Texas fell to a record low in 2015 and 2016, when juries imposed just three death sentences statewide.
 - District attorneys are seeking fewer death sentences and opting instead for Life in Prison Without the Possibility of Parole.
 - Over the last two years, death-qualified juries in Texas have rejected the death penalty nearly as many times as they imposed it.
 - According to the Houston Area Survey conducted by the Kinder Institute for Urban Research at Rice University, just 27% of respondents think the death penalty, rather than life imprisonment, is the most appropriate punishment for murder.
- b. New voices are calling for repeal of the death penalty, including former Texas district attorneys, former Texas Court of Criminal Appeals judges, religious leaders, and conservatives.

RECOMMENDATION: TCADP recommends HB 1537 receive a hearing by the House Criminal Jurisprudence Committee so that elected officials can fully consider this important issue.