

POSITION PAPER

Senate Bill 1661 - Relating to abolishing the death penalty

- 1. The death penalty is more expensive than Life 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. \$770 thousand; *Dallas Morning News*).
 - b. Counties with larger budgets have greater capacity to seek the death penalty than those with smaller budgets. As a result, 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.

- 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 five counties account for 60% of new death sentences in Texas since 2010.
 - 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 has been grossly inadequate.

- 3. The death penalty carries the irreversible risk of executing an innocent person.**
 - a. Twelve individuals have been exonerated from death row in Texas due to evidence of their wrongful conviction. There have been more than 150 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); faulty witness identification procedures and no physical evidence
 - Ruben Cantu (1993); inaccurate single eyewitness testimony and police coercion
 - Claude Jones (2000); incorrect forensic analysis of DNA evidence
 - Cameron Todd Willingham (2004); faulty analysis of forensic evidence and jailhouse “snitch” testimony

- 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 have declined 80% since 1999.
 - District attorneys are seeking fewer death sentences and opting instead for the sentence of Life in Prison Without the Possibility of Parole.
 - Juries are imposing fewer death sentences after giving full consideration to mitigating factors and the question of future dangerousness.
 - b. New voices are calling for the abolition of the death penalty, including former district attorneys, former Texas Court of Criminal Appeals judges, religious leaders, and conservatives.

RECOMMENDATION: TCADP recommends SB 1661 receive a hearing by the Senate Criminal Justice Committee so that elected officials can engage in dialogue on this important issue.