

POSITION PAPER

House Bill 246 by Farrar - 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. \$770,000, according to the *Dallas Morning News*).
 - b. Counties with larger budgets have more resources to seek the death penalty than those with smaller budgets. Consequently, similar crimes that occur in different counties can result in significantly different charges and sentences.
 - c. The exorbitant cost of death penalty trials has caused certain 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 elected district attorney in each county.
 - b. Only four counties in Texas have imposed more than one death sentence in the last five years.
 - c. Since 2014, more than 70% of new death sentences in Texas have been imposed on people of color.
 - 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 160 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).
 - c. Flaws in death penalty cases are frequently identified on the eve of scheduled executions.

- 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 numbered in the single digits in nine of the last ten years.
 - District attorneys are seeking fewer death sentences and opting instead for Life in Prison Without the Possibility of Parole.
 - Since 2015, juries have rejected the death penalty in nearly one-third of the cases in which prosecutors sought a death verdict.
 - 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, and religious leaders across the state.

RECOMMENDATION: TCADP supports HB 246 and recommends the bill receive a hearing by the House Criminal Jurisprudence Committee so that elected officials can fully consider this issue.