

POSITION PAPER

Senate Bill 188 by Lucio - Relating to abolishing the death penalty

1. **The death penalty is more expensive than Life in Prison Without the Possibility of Parole (LWOP).**
 - a. The average cost of the death penalty 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 some counties to increase taxes.

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. Only four counties in Texas imposed more than one death sentence in the last five years.
 - c. Death sentences are disproportionately imposed on people of color.
 - d. Often the quality of legal counsel provided to indigent defendants is grossly inadequate.

3. **The death penalty carries the irreversible risk of executing an innocent person.**
 - a. Sixteen individuals have been exonerated from death row in Texas (out of 185 nationwide).
 - b. The State of Texas has likely executed at least five innocent individuals: Carlos de Luna (1989); Ruben Cantu (1993); Claude Jones (2000); Cameron Todd Willingham (2004); and Larry Swearingen (2019).

4. **Public support for the death penalty is declining.**
 - a. New death sentences in Texas have dropped to single digits for the past six years.
 - District attorneys are seeking fewer death sentences.
 - Since 2015, juries have rejected the death penalty in nearly one-third of cases.
 - b. According to the 2020 Houston Area Survey conducted by the Kinder Institute for Urban Research, just 20% of respondents consider the death penalty the most appropriate punishment for murder.
 - c. Current and former Texas District Attorneys, former Texas Court of Criminal Appeals judges, and religious leaders across the state are calling for repeal of the death penalty.

5. **The death penalty does not deter crime.**
 - a. A 2009 national poll found police chiefs ranked it last among ways to reduce violent crime.
 - b. As of 2008, 88% of American criminologists assert the death penalty is not a deterrent to crime.
 - c. 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.
 - d. 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.

RECOMMENDATION: TCADP supports SB 188 and recommends the bill receive a hearing by the Senate Criminal Justice Committee so that elected officials can fully consider this issue.