

POSITION PAPER

House Bill 142 by Moody - Relating to abolishing the death penalty

1. **The death penalty is arbitrarily imposed and unfairly administered. Its use is isolated to a small number of counties in Texas.**
 - a. The decision to seek the death penalty rests solely with the District Attorney in each county.
 - b. Only two counties in Texas have imposed more than one death sentence in the last five years.
 - c. Death sentences are disproportionately imposed on people of color.
 - d. The quality of legal counsel provided to indigent defendants, particularly at the trial level, often is grossly inadequate.

2. **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 190 nationwide).
 - b. There is strong evidence the State of Texas has executed at least five innocent individuals: Carlos de Luna (1989); Ruben Cantu (1993); Claude Jones (2000); Cameron Todd Willingham (2004); and Larry Swearingen (2019).

3. **Public support for the death penalty is declining.**
 - a. New death sentences in Texas have dropped to single digits for the past eight years after peaking in 1999, when juries sent 48 people to death row. District Attorneys are seeking death less often and juries are rejecting the death penalty with greater frequency when it is sought.
 - b. Voters in both Dallas and Harris counties prefer alternatives to the death penalty.
 - i. 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.
 - ii. When asked which punishment they prefer for people convicted of first-degree murder, 75% of voters in Dallas opted for a sentence of life in prison with a possibility of parole after 20 or 40 years or life in prison without parole, according to a poll conducted in June 2021 by Public Policy Polling. Only 14% of all respondents prefer the death penalty.
 - 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.

4. **The death penalty is more expensive than life in prison without the possibility of parole.**
 - 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 forced some counties to raise taxes.

RECOMMENDATION: TCADP supports HB 142 and recommends the bill receive a hearing by the House Criminal Jurisprudence Committee so that elected officials can fully consider this issue.