

## POSITION PAPER

### House Bill 454 by Bucy and House Bill 651 Moody – 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 cases involving the death penalty is nearly three times higher than the cost of lifetime incarceration.
  - 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. Juries in only two counties in Texas (Harris and Tarrant) 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 is often grossly inadequate.
  
- 3. The death penalty carries the irreversible risk of executing an innocent person.**
  - a. Eighteen individuals have been exonerated from death row in Texas, out of 200 nationwide.
  - b. The State of Texas has executed at least six individuals with strong innocence claims: Carlos de Luna (1989); Ruben Cantu (1993); Claude Jones (2000); Cameron Todd Willingham (2004); Larry Swearingen (2019); and Ivan Cantu (2024).
  
- 4. The death penalty does not deter crime or advance public safety.**
  - a. A 2009 national poll found police chiefs ranked it last among ways to reduce violent crime.
  - 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 remained in the single digits each year for the past decade.
  - b. According to surveys of voters in Dallas and Houston, only 14-20% of respondents prefer the death penalty for persons convicted of first-degree murder.
  - c. Current and former District Attorneys, former Texas Court of Criminal Appeals judges, and religious leaders across the state are calling for repeal of the death penalty.

**RECOMMENDATION:** TCADP supports HB 454 and 651 and recommends these bills receive a hearing by the House Committee on Criminal Jurisprudence to allow for full consideration of these issues.