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Testimony of
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In Opposition to HB 5445

AN ACT CONCERNING THE DEATH PENALTY

Judiciary Committee

March 11, 2010

The Human Rights and Responsibilities Section (HRR) of the Connecticut Bar Association holds the following position: "To support legislation that would eliminate the death penalty and substitute life imprisonment without the possibility of release as the maximum penalty for any crimes that currently carry the death penalty."

With respect to HB 5445 presently under consideration by the Judiciary Committee, the Section in furtherance of its authorization recommends the following action:

The Section **opposes** HB 5445, since that bill permits the continuation of the death penalty in Connecticut. While the bill does provide for certain additional safeguards and procedures for defendants facing capital charges, it does not protect such defendants from the erroneous imposition of a sentence of death by Connecticut juries and courts. The HRR Section instead urges an amendment to HB 5445 to provide that the death penalty be abolished for all those now under sentence of death in the state, and that a punishment of life imprisonment without possibility of release is substituted as the maximum penalty for all crimes presently classed as capital felonies. The bill's safeguards and procedures set forth should be retained.

Other compelling reasons for abolition, all based on demonstrable factual evidence include the following:

- Numerous studies over the past 20 years show that the costs of capital felony murder cases are significantly higher than the costs of non-capital felony murder cases. The Los Angeles Times (March 6, 2005) reported that California's death penalty system costs taxpayers \$114 million per year beyond the alternative of life imprisonment, while in Texas each death penalty case costs \$2.3 million, three times the cost of imprisoning the same person in a single cell for life (Dallas Morning News, March 8, 1992). In this time of deficits, Connecticut would save substantial staff and court time and untold thousands of dollars every year by adopting this legislation;
- Studies show that the death penalty is not a deterrent to violent crime. Since 1973, the South has executed 82% of the total of 1196 executions, yet also has a 57% higher murder rate than the Northeast. The Northeast has by far the lowest rate of executions (less than 1%) and also has the lowest murder rate of any region;
- The death penalty disproportionately affects the poor and minorities. Those wealthy enough to afford private defense attorneys rarely are sentenced to death. Since 1976, 77% of the murder victims in cases resulting in execution were white, even though only 50% of murder victims generally are white;
- The United Nations General Assembly has for many years called for abolition of the death penalty, and the vast majority of nations, including all EU members, have done so. The United States is 4th in the world in number of executions, after China, Iran, and Saudi Arabia. The Universal Declaration of Human Rights, adopted by the United Nations and signed by the United States, calls for abolition;
- It is well known that the imposition of the death penalty is random in its application. With over 20,000 homicides last year in the U. S., only 150 defendants were sentenced to death.
- In this state, there is a serious geographic disparity. Of the 10 men on death row, five were prosecuted in Waterbury by one state's attorney.

For all of these reasons, the Human Rights and Responsibilities Section respectfully requests that the Judiciary Committee consider adoption of the HRR Section position and amend HB 5445 to provide for permanent elimination of the death penalty.