

LAW, JUSTICE, AND ETHICS

Resolution LJE-17-38

A RESOLUTION SUPPORTING REPEAL OF THE DEATH PENALTY

WHEREAS, racial bias in the criminal justice system, including the death penalty and its application, is an undisputed fact;

WHEREAS, African-Americans, Latinos, Native Americans, and all people of color are sentenced to longer prison terms, more likely to be tried as adults, and more likely to be sentenced to death in the United States;

WHEREAS, race plays a decisive role in who lives and who dies in the United States;

WHEREAS, from slavery to Jim Crow to the present day, the death penalty has long been a tool of injustice and discrimination;

WHEREAS, African Americans are grossly and disproportionately sentenced to death, representing only 13.3-percent of the U.S. population but 34.6 percent of those executed since 1976;

WHEREAS, the National Black Caucus Of State Legislators (NBCSL), recognizing this disparate application, ratified resolution, LJE-03-15 "CALLING FOR A MORATORIUM ON THE DEATH PENALTY";

WHEREAS, white victims account for half of all homicide cases but account for 80 percent of cases subject to the death penalty;

WHEREAS, the risk of executing an innocent person is higher than ever and evidence suggests that innocent African-Americans have been executed;

WHEREAS, Black jurors are three times more likely to be struck from a jury on a death penalty case with a black defendant according to a study by Michigan State University;

WHEREAS, since 1973, more than 156 innocent people have been exonerated and released from death row after having been found innocent, collectively serving more than four centuries on death rows throughout the United States;

WHEREAS, 88 percent of criminologists do not believe the death penalty acts as an effective deterrent against crime;

WHEREAS, recent studies have found that the death penalty has a negative impact on the family of the deceased and the defendant sentenced to die;

WHEREAS, a study conducted by the Judicial Conference of the United States found that between 1998 and 2004 the average cost of a federal death penalty case was \$620, 932;

WHEREAS, States can no longer purchase execution drugs on legal markets because

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pharmaceutical companies refuse to allow their life-saving drugs to be used by states for executions;

WHEREAS, States without the death penalty consistently post lower murder rates for both police officers and citizens; and

WHEREAS, repeal of the death penalty will free up millions of tax dollars in cash-strapped state budgets that could be redirected to violence prevention, combating implicit bias, or supporting victims of violence in Black communities.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) supports enacting legislation to repeal the death penalty and enact more effective responses to violence.

BE IT FURTHER RESOLVED, NBCSL supports justice reinvestment initiatives and alternative programs that address criminal justice reform;

BE IT FURTHER RESOLVED, NBCSL urges the U.S. justice department to investigate the fairness, effectiveness, and costs of the death penalty and disproportionate sentencing; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, Vice President of the United States, members of the United States House Of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSOR: Senator Tanya D. Cook (NE)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Co-Chair: Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 3, 2016

Ratification is certified by: Senator Catherine Pugh (MD), President