

UNFAVORABLE - HB 1322



MARYLAND ALLIANCE FOR JUSTICE REFORM
Citizens working to reform criminal justice in Maryland



TO: Chairman Luke Clippinger and House Judiciary Committee

FROM: Phil Caroom

DATE: March 10, 2020

With this written testimony, I urge the Committee to give an unfavorable report to HB 1322 and point out that HB 1322 includes an effort to reinstate the death penalty for certain juveniles - a provision already ruled unconstitutional by the U.S. Supreme Court in *Roper v. Simmons*, 543 U.S. 551 (2005).

The Maryland Commission on Capital Punishment, twelve years ago in 2008, studied our state's use of capital punishment and made findings that still should deter legislators from undoing their well-considered repeal of the law in 2013:

- * Racial disparities existed in how the death penalty was applied with African-Americans being more than twice as likely to be selected;
- * Geographic disparities existed in how the death penalty was applied – with Baltimore County 12 times more likely to seek this penalty than Baltimore City — among other county-by-county disparities.
- * Death penalty cases were approximated to be three times more costly to taxpayers than non-death penalty cases and took a greater toll on the survivors of murder victims.
- * The stringent standards required by the U.S. Supreme Court and Maryland Courts resulted in a reversal rate of “eighty percent (80%) for the years 1995-2007” by appeals courts for Md. death penalty convictions. Even with potential retrials, the penalty was tremendously uncertain and delayed.
- * No persuasive evidence was found to confirm that the risk of execution is a deterrent to crimes.
- * The unavailability of DNA evidence in some cases opened the "real possibility" of wrongly executing an innocent person. Notably, across the U.S. between 1987 and 2008, “for every 8.7 executions, there has been one exoneration.”

The Commission, by strong majority vote, also rejected the proposal—comparable to HB 1322—to limit capital punishment to cases with aggravating circumstances.

For all these reasons, I urge the Committee to give an unfavorable report to HB 1322.

NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary
