

## DEATH PENALTY

### **CAPITAL PUNISHMENT IN NEW YORK STATE**

#### **Statement of Position**

**Announced by the State Board, January 2005**

**The League of Women Voters of New York State opposes the death penalty. We believe that New York State, as part of a civilized society in the 21<sup>st</sup> century, should not be executing people. Almost all developed countries have abolished the death penalty. The League joins in the call for abolition of the death penalty, with the use of life without parole as the primary alternative.**

**Should the legislature consider reestablishment of the death penalty, the League urges the creation of a state commission to study factors including, but not limited to, the following before a decision is made:**

- **Adequate mechanisms for introducing new evidence,**
- **Powers given to the county District Attorney in seeking the death penalty,**
- **Racial, ethnic and economic issues of defendants and victims (including data from other states),**
- **Geographic inequities in the New York law,**
- **Costs of the death penalty versus life in prison,**
- **Equitable justice for all defendants,**
- **Reliability of evidence in New York criminal convictions, and**
- **Human rights aspects of state killing.**

**If the New York State Legislature and Governor reestablish the death penalty statute, the League supports the exclusion of the following categories of people:**

- **Mentally ill,**
- **Developmentally disabled, and**
- **Under 18 years of age at the time of the crime.**

**The League further believes that any death penalty law should require proof of guilt “beyond any doubt,” rather than “beyond a reasonable doubt.”**

### **Recent Activity**

Since the State League announced our position against capital punishment in January of 2005, we have been monitoring the state legislature and following the appeals of the cases remaining of the seven men who had been sentenced to death in New York.

### **Past League Activity**

In 1995, the state legislature passed a capital punishment statute after twenty years of not having the death penalty as a sentencing option. Since 1995, seven men have been given the death penalty. In the summer of 2004, the Court of Appeals, New York’s highest court, ruled that one aspect of the New York law was unconstitutional, thereby nullifying the law. The Legislature was urged to pass a ‘quick fix’ to the law, which the Senate did in February of 2005. During this time the Assembly Codes, Judiciary, and Corrections committees held five joint hearings where 170 witnesses testified. Of that number, 148 opposed the death penalty, 9 favored it, and 5 others favored it with specific changes.

The people who testified included families who had been directly affected by a murder, judges, professors, people who had been wrongly incarcerated, citizen groups, religious groups, attorneys, and former legislators who had become convinced of the futility of the death penalty. The League testified that New York should abandon this law, replacing it with life without parole as the primary alternative. Our testimony was based on a two-year study and publication of a booklet, "Death Penalty Study," completed in the fall of 2004. Members came to consensus that fall after discussion meetings and talks by experts in the field.

Committee staff summarized testimony of the hearings in an 85-page report, "The Death Penalty in New York." <http://assembly.state.ny.us>,

Following the hearings, in April of 2005, the Assembly Codes Committee voted NOT to discharge to the floor a Republican Assembly version of the Senate death penalty bill.

Though the Senate passed a 'quick fix' to the law that the Court of Appeals had ruled unconstitutional, the Assembly Codes Committee voted not to discharge a Republican-sponsored bill. At that time, Chairman Lentol said, this issue will not go away, so we need to remain alert for future attempts to bring it back. He was so right. In the spring of 2007, the Senate again passed two bills to bring back the death penalty. We again urged Senate members not to pass them, and Assembly members not to take up the issue.

In the fall of 2007, the NYS Court of Appeals affirmed its 2004 decision to halt capital punishment in the state, by a 4-3 vote, in the case of the last defendant on death row. Thus, the law that is now deemed unconstitutional would have to be revised, or a new law passed to bring back the state's death penalty. This eventuality is not anticipated with the current makeup of the state legislature.

#### Action on Death Penalty Abolition at National Convention

With New York League help, and that of other state Leagues, delegates at the national 2006 League convention adopted the concurrence position, "The League of Women Voters of the United States supports the abolition of the death penalty." Now every state League can speak out on this issue, using materials from the Leagues that have studied it.