

February 13, 2013

TO: THE PEOPLE OF LEGISLATIVE DISTRICT 8

THE DEATH PENALTY

I have never voted to repeal the state's death penalty and I will not vote for repeal during the 2013 session. I agree with Baltimore County's State's Attorney, Scott Shellenberger, that the death penalty is a valuable bargaining tool in prosecuting a first degree murder case and even more important, the death penalty should be the ultimate penalty imposed on the those who commit the most heinous murders.

Maryland has long been reluctant to use its death penalty. It should be emphasized that Maryland has the most restrictive death penalty in the nation. In 2009, the law was restricted to assure that only those whose guilt is conclusively proved would face the punishment of death. The state's death penalty applies only to those people who commit a first-degree murder coupled with an aggravating factor, such as a killing of more than one person or the murder of a police officer. Conviction cannot be obtained solely on eyewitness testimony. To convict, the state needs either DNA evidence linking the defendant to the murder, a videotaped confession, or a video of the murder. These requirements assure that the death penalty is imposed on only those who are truly guilty. Had these guidelines been in place in 1983, Kirk Bloodsworth would have never been wrongly convicted of the rape and murder of a child and forced to spend nine years in prison waiting for the death penalty to be imposed.

Since 2006, a de facto moratorium on executions has been in place as a result of a state court ruling which overturned state rules on the process for administering the lethal injection. To date, new rules for administering the injection have not been implemented.

Ever since the state reinstated the death penalty in 1978, opponents of the penalty have tried unsuccessfully to repeal it. In 1993, 1996, 2000 and 2008, the Legislature has established commissions, task forces and other groups to study the death penalty and determine its administration and its fairness. In fact, in 2008, the Maryland Commission on Capital Punishment voted 13-9 in its recommendation to repeal the penalty.

Although Maryland remains one of the 33 states with a death penalty, since 2005, no one has been executed. Today, there are only five prisoners on death row; three of them for murders committed in 1983. Recent polling shows that 53% of Marylanders oppose repeal of the death penalty. Nationwide, a Gallup poll found that 61% of Americans support the death penalty. Last month, voters in California voted down a referendum that would have repealed capital punishment. The death penalty is just punishment for the worst of the worst murders. Certainly, it is the just penalty for mass murders. I oppose its repeal.

Please do not hesitate to contact me on this or any other legislative issue of concern to you. As always, I encourage and welcome your input.