

Broken Justice: The Death Penalty in Alabama

BACKGROUND:

There is mounting evidence that external factors unfairly influence whether or not an individual convicted of a capital crime will receive the death penalty. Race, gender, age and relative wealth of both victim and defendant have all been shown to be significant factors in the decision to impose the death penalty.

Six bills affecting the administration of the death penalty have been introduced this year:

- **HB189 and SB125** by Rep. Merika Coleman and Sen. Hank Sanders, respectively, would establish a moratorium of no more than three years on the imposition and execution of the death penalty. During that period, changes would be made to ensure that death penalty cases are administered fairly and impartially.
- **SB142** by Sen. Sanders would bring Alabama's statutes into compliance with U.S. Supreme Court rulings that prohibit the imposition of the death penalty for crimes committed by a minor.
- **SB143** by Sen. Sanders would bring Alabama's statutes into compliance with U.S. Supreme Court rulings that prohibit the imposition of the death penalty for defendants with mental retardation.
- **SB127** by Sen. Sanders authorizes DNA forensic testing for individuals serving time for a capital crime or awaiting execution. Nationwide, at least 150 individuals have been exonerated by post-conviction DNA testing. The state should use all available tools to insure that justice has been administered appropriately.
- **HB52** by Rep. Demetrius Newton would prohibit a judge in a capital case from overriding the sentence imposed by the jury. In Alabama, almost 25 percent of all death row inmates were first sentenced by a jury to life without parole. An elected judge then decided to increase their punishment to the death penalty.

BOTTOM LINE:

- **Racial inequity is evident throughout Alabama's capital punishment system.**
- **Alabama discriminates against low-income people accused of a capital offense, regardless of their race.**
- **Alabama is one of only three states that permit judicial override.**
- **The proposed death penalty bills would make Alabama's justice system fairer.**