

## **Tilted Scales: The Death Penalty in Alabama**

### **BACKGROUND**

**Substantial evidence suggests external factors unfairly influence whether a person convicted of a capital crime in Alabama will receive the death penalty.** Race, gender, age and the relative wealth of both the victim and defendant have been shown to be significant factors in the state's decisions to seek and then impose the death penalty. Executions can never be undone.

**Five bills** affecting the administration of the death penalty have been introduced this year. The moratorium bills are on the Arise legislative agenda. The other bills address specific concerns with the state's current death penalty system.

**SB 68** by Sen. Hank Sanders would establish a three-year moratorium on the imposition and use of the death penalty. During that period, changes would be made to improve due process protections and to ensure that death penalty cases are administered fairly and impartially. **HB 116** by Rep. Merika Coleman is the House version of this bill.

**SB 67** by Sen. Sanders would bring Alabama law into compliance with the U.S. Supreme Court's holding in *Roper v. Simmons* (2005) prohibiting the imposition of the death penalty for crimes committed by a minor.

**SB 69** by Sen. Sanders would prohibit a judge in a capital case from disregarding the jury's sentencing recommendation. Juries recommended life without parole for about one-fourth of inmates currently on Alabama's death row, but elected judges then opted to impose death.

**SB 70** by Sen. Sanders would establish standards and procedures for determining whether a defendant has mental retardation. The U.S. Supreme Court held in *Atkins v. Virginia* (2002) that execution of offenders with mental retardation is unconstitutional.

### **BOTTOM LINE:**

- **Racial inequity exists throughout our capital punishment system.**
- **Alabama discriminates against low-income people accused of capital crimes, regardless of their race. Alabama lacks a statewide public defender system to ensure quality legal representation for the poor.**
- **Alabama is the only state lacking a state-funded system for legal aid to those on death row and is one of only three states to permit judicial override of a jury's recommended sentence.**
- **Several states recently have abolished executions altogether, recognizing the costs of the death penalty and the risk of executing an innocent person.**
- **The proposed death penalty bills would make our justice system fairer and minimize the chances of wrongful executions.**