



Eastern Region Office
PO Box 40008
Philadelphia, PA 19106
215-592-1513 T
215-592-1343 F

Central Region Office
PO Box 11761
Harrisburg, PA 17108
717-238-2258 T
717-236-6895 F

Western Region Office
313 Atwood St.
Pittsburgh, PA 15213
412-681-7736 T
412-681-8707 F

MEMORANDUM

TO: House Judiciary Committee

FROM: Andy Hoover, Legislative Director
American Civil Liberties Union of Pennsylvania

DATE: April 26, 2010

RE: OPPOSITION TO HOUSE BILL 739

Tomorrow the House Judiciary Committee is scheduled to consider House Bill 739. This legislation would add a new aggravating circumstance in capital trials for a homicide that included a sex offense and when the perpetrator was required to register as a person who had previously committed a sex offense. In recent years, it has become increasingly clear that the death penalty is broken in Pennsylvania. This is no time to expand it. The American Civil Liberties Union of Pennsylvania opposes HB 739, and on behalf of the 18,000 members of the ACLU of PA, I urge you to please vote "no" on the bill.

Since 2000, four Pennsylvanians have been exonerated after being sentenced to death. Together, they spent 47 years in prison for crimes they did not commit. The possibility of executing an innocent person is a problem that all Pennsylvanians should take very seriously.

In 2003, the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System recommended a moratorium on executions in order to conduct a more thorough analysis of how capital punishment works. The committee was concerned about racial and economic bias in the imposition of the death penalty in Pennsylvania.

In 2007, the American Bar Association released a report from a team of Pennsylvania lawyers and academics that stated that Pennsylvania is in grave danger of executing an innocent person and that the commonwealth fails to fully comply with most of the ABA's recommendations for death penalty states. The ABA team also recommended a more thorough analysis of capital punishment and suggested that the analysis be co-sponsored by the state government.

Meanwhile, Pennsylvania has not executed anyone in 11 years. Appeals courts have stopped executions because the commonwealth's system of justice is such a miserable failure. A majority of the more than 200 death sentences that have been vacated in the commonwealth since 1980 have been due to ineffective assistance of counsel.

The evidence is clear. The death penalty in Pennsylvania is a failed government program. Now is no time to expand it. Please vote "no" on HB 739.