



MEMORANDUM

TO: The Pennsylvania House Judiciary Committee

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: April 26, 2026

RE: SUPPORT FOR HB 99 P.N. 2448 (RABB) and HB 888 P.N. 960 (DIAMOND)

Bill summary: [HB 99](#) (PN 2448) and [HB 888](#) (PN 960) would eliminate the death penalty in Pennsylvania by removing all references to capital punishment from existing statutes related to sentencing for murder and related legal procedures. Death sentences would be replaced with mandatory life imprisonment for first-degree murder cases.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to support House Bill 99 and House Bill 888.

Capital punishment is cruel and unusual.

The American Civil Liberties Union believes the death penalty inherently violates the constitutional ban against cruel and unusual punishment and the guarantees of due process of law and of equal protection under the law. It is cruel because it is a relic of the earliest days of penology, when slavery, branding, and other corporal punishments were commonplace. Like those barbaric practices, executions have no place in a civilized society. It is unusual because only the United States of all the western industrialized nations engages in this punishment. It is also unusual because only a random sampling of people convicted of murder in the United States receive a sentence of death.

The death penalty is arbitrary and biased, violating the constitutional guarantee of equal protection.

The death penalty is applied randomly and discriminatorily. It is imposed disproportionately upon those whose victims are white, offenders who are people of color, and on those who are poor and uneducated and concentrated in certain geographic regions of the country.

Constitutional due process and elementary justice both require that the judicial functions of trial and sentencing be conducted with fundamental fairness, especially where the irreversible sanction of the death penalty is involved. In murder cases (since 1930, 88 percent of all executions have been for this crime), there has been substantial evidence to show that courts have sentenced some persons to prison while putting others to death in a manner that has been arbitrary, racially biased, and unfair.

Capital punishment denies due process of law.

The imposition of death is often arbitrary, and always irrevocable—forever depriving an individual of the opportunity to benefit from new evidence or new laws that might warrant the reversal of a conviction, or the setting aside of a death sentence.

Furthermore, the Constitution demands that the government provide counsel for people who cannot afford to hire an attorney in a criminal case. Pennsylvania has one of the most [underfunded indigent defense systems](#) in the country, and the financial burden of defense representation is placed almost entirely on the counties.

In death penalty cases, this lack of funding means that trial attorneys lack key resources to vigorously defend their clients. Nearly 100 Pennsylvania death sentences have been overturned in the courts because of trial counsel's failures to investigate and present facts about a defendant's background, upbringing, or mental health history that could have provided jurors reasons to vote for a life sentence.

Capital punishment wastes limited resources.

According to a [2016 analysis by the Reading Eagle](#) newspaper, since 1978, the commonwealth spent \$816 million more seeking death sentences than it would have cost to pursue life without parole, a number it acknowledged was likely an underestimation. That is a cost of \$272 million per execution.

A capital trial is effectively two trials: the usual trial on guilt or innocence and, if the person is found guilty of first-degree murder, the penalty phase. Unlike non-capital criminal cases, sentencing in a capital case is itself a trial, with testimony and evidence presented. The capital appeals process is also lengthier than a non-capital case, as it must be. The burden of the costs of those appeals falls on the taxpayers.

The death penalty squanders the time and energy of courts, prosecuting attorneys, defense counsel, juries, and courtroom and law enforcement personnel. It unduly burdens the criminal justice system, and it is thus counterproductive as an instrument for society's control of violent crime. Limited funds that could be used to prevent and solve crime (and provide education and jobs) are spent on capital punishment.

Public support for the death penalty has been steadily dropping.

Pennsylvania hasn't executed anyone since 1999. And it's been more than 60 years since the commonwealth executed someone who hadn't given up their appeals. The number of new death sentences annually has declined significantly in Pennsylvania. In the 1990s and early 2000s, it was common for there to be 10-20 people sentenced to death per year. Now, entire years go by without a new death sentence. More prosecutors are reluctant to bring capital charges. And juries are opting for alternative sentences to death. According to a [2025 poll by Susquehanna Polling and Research](#), 58% of Pennsylvanians support a sentence other than capital punishment for someone convicted of murder, while just 29% support a death sentence.

Capital punishment is an intolerable denial of civil liberties and is inconsistent with the fundamental values of our democratic system. The death penalty is fundamentally and irreparably flawed. It is prone to errors, leading to innocent people being sentenced to death. And it is arbitrary and unfair; who gets life and who gets death is based not on the facts of the crime but on the identity of the person who's been accused, the identity of the person who's been harmed, the quality of the accused person's lawyer, and where the crime occurred.

For these reasons, we urge you to support House Bill 99 and House Bill 888.