

Sen. Pierce, Dist. 5
Sen. Lasky, Dist. 13
Sen. Kelly, Dist. 10
March 2, 2016
2016-0887s
04/08

Floor Amendment to SB 463-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT repealing the death penalty.

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5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 Legislative Findings. The general court finds that:

8 I. Despite all its procedural protections and the good faith of most all of its participants, the
9 criminal justice system in the United States is not infallible. The best available evidence indicates
10 that, on the one hand, innocent people are sentenced to death with materially greater frequency
11 than was previously supposed and that, on the other hand, convincing proof of their innocence often
12 does not emerge until long after their convictions. It is therefore fully foreseeable that in enforcing
13 the death penalty a meaningful number of innocent people will be executed who otherwise would
14 otherwise eventually be able to prove their innocence.

15 II. It is estimated that at least 13 persons have been executed in this country since 1973
16 despite strong and compelling evidence of their innocence.

17 III. There have in fact been 156 people in this country who were sentenced to death but
18 were later exonerated of the capital crimes for which they were convicted and sentenced.

19 IV. At least 23 persons have had their capital convictions and death sentences reversed and
20 at least 12 death row inmates earned commutations to life imprisonment from their respective state
21 governors because of serious doubts about their guilt.

22 V. These people were wrongly convicted of capital crimes and sentenced to death largely
23 based on evidence later found to be unreliable and therefore insufficient to sustain a capital
24 conviction or a death sentence. Such evidence typically includes recanted or erroneous eyewitness
25 testimony, false confessions later determined to have been coerced, government misconduct,
26 evidence gathered with forensic techniques that have not been subjected to sufficient scientific
27 evaluation, exculpatory evidence never presented to the jury and/or evidence from fellow prison
28 inmates who were granted favors in return for testimony.

29 VI. Our criminal justice system has always been, and always should be, grounded in the
30 fundamental principle that it is better that 10 guilty persons go free than one person be wrongfully
31 executed.

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VII. Because Part First, Article 18 of the New Hampshire constitution expressly states that “[t]he true design of all punishments [is] to reform, not to exterminate mankind” and because a person punished by death cannot be reformed, there is a substantial question about whether our state constitution authorizes the death penalty.

2 Repeal. The following are repealed:

I. RSA 630:1, relative to capital murder.

II. RSA 630:5, relative to procedure in capital murder cases.

III. RSA 630:6 relative to the place of execution and witnesses to the execution.

3 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill repeals the death penalty effective upon passage.