

TESTIMONY IN OPPOSITION TO HB 1749

Relative to the penalty for murder

Submitted by: Douglas Carmichael, Meredith, NH

Position: OPPOSE

Chairman and Members of the Committee:

I urge you to vote Inexpedient to Legislate on HB 1749. This bill is particularly concerning because it would dramatically expand death-eligible offenses to include first- and second-degree murder - a sweeping departure from the narrow statute New Hampshire previously maintained.

In 2019, the legislature made the principled, bipartisan decision to abolish capital punishment, sustained by a veto override. Reinstating the death penalty in any form - let alone this expanded version - would reverse that careful deliberation.

Wrongful convictions: At least 200 people have been exonerated from death row since 1973. A 2014 PNAS study ("Rate of False Conviction" by Gross et al.) estimated 4.1% of death sentences are imposed on innocent people. Expanding death eligibility increases this risk.

Costs: New Hampshire has no execution chamber or protocol. The Ohio Legislative Service Commission (2021) found death penalty cases cost 2.5 to 5 times more than non-capital cases. Expanding death eligibility would multiply these costs dramatically.

RSA 91-A conflict: Pharmaceutical companies and gas suppliers refuse to provide execution materials, forcing states into secrecy - incompatible with New Hampshire's Right-to-Know law mandating "the greatest possible public access" to government actions.

Harm to staff: A 2022 NPR investigation documented "life-altering trauma" among execution team members across 17 states, including PTSD, substance abuse, and suicide. Nine former Oklahoma corrections officials warned in 2023 of these risks. More executions mean more trauma.

Medical ethics: The AMA, ANA, NAEMT, ASA, and American Board of Anesthesiology all prohibit member participation in executions - those most qualified to ensure humane executions are ethically barred from doing so.

No deterrence: The National Research Council's "Deterrence and the Death Penalty" (2012) concluded existing deterrence studies are "fundamentally flawed" and "not informative."

New Hampshire has not executed anyone in over 86 years. Expanding death eligibility would be an extreme and unjustified reversal.

I respectfully urge the committee to recommend HB 1749 as Inexpedient to Legislate.

Douglas Carmichael

Meredith, NH