

House Corrections and Juvenile Justice Committee
Hearing on HB 2167
February 13, 2017

TESTIMONY IN SUPPORT OF HB 2167

Dear Chairman Jennings and Members of the Committee:

Thank you for the opportunity to address the committee and express my support for HB 2167. Some are surprised that a conservative Republican like myself would sponsor a bill to end the death penalty. For me, though, there's no contradiction between my conservative values and view on this issue. I support this bill *because of* my commitment to the conservative principles of fiscal responsibility and promoting a culture of life.

As a legislator, it's my responsibility to ensure that taxpayer dollars are spent in the most cost-effective manner possible. If government programs are wasting hard-earned taxpayer dollars, we have to cut such waste wherever we can.

With the death penalty, we have a government program that is costing the state millions of dollars while achieving little. The last execution in Kansas took place in 1965. But despite zero executions in over 50 years, Kansas keeps spending money each year on the death penalty since reinstating it in 1994.

A 2014 Kansas Judicial Council Study found that defense and district court costs are four times higher in death penalty cases than similar cases where the death penalty is not sought. For all this money spent, there are no tangible benefits to point to. Instead, the death penalty only prolongs cases and ensures years of litigation that could be avoided.

I am skeptical of those who say they can make this system work. Across the country, the death penalty is a mess and characterized by high costs and delays. In other words, the problems I'm identifying with the death penalty are far from unique to Kansas.

Keeping this expensive system in place makes little sense, especially given that we have a much more cost-effective alternative—life without parole—that can keep society safe. The death penalty makes even less sense now when budgets are tight. Tax dollars need to go to essential government functions, not a death penalty we never use.

My Catholic faith and commitment to protecting life also motivate me to support this bill. Kansas is a leader on pro-life issues. Being pro-life requires a certain philosophic consistency. Just as being pro-abortion and against the death penalty is philosophically inconsistent, protecting the unborn, but killing the criminal is similarly inconsistent. I reject the modifier of protecting "innocent" life. Adding qualifications cheapens and discredits the argument. Another example is to not be in favor of education in general, but only public education.

Ending the death penalty is another important step we can take as a state in promoting a culture of life.

The last argument I'll make is to state that that giving any governmental agency the power of life and death flies in the face of every libertarian statement ever made. No government agency can take away our right to free speech, but our life? That's another story. Your right to worship is safe, but your government can kill you. I know, our country is a long way from ever going down that road. But throughout history, this power has most often ended horribly.

To conclude, I would like to point out that I am one of 15 cosponsors of this bill. Some are conservative Republicans like myself, while others are moderates and Democrats. That broad support shows that this is not merely a Republican or a Democratic issue. More of my colleagues across the political spectrum are recognizing that the death penalty is failing our state.

This bill represents a commonsense solution to Kansas' broken death penalty. Let's not put this issue off another year, but address it this year by passing HB 2167. With this bill, we can save the state money while protecting the people of Kansas.

Sincerely,

Rep. Bill Sutton
House District 43