

February 13, 2017

House of Representatives—House Bill No. 2167

My name is Larry Heyka and I live in Council Grove, Kansas. I must say that I am very disturbed and disappointed that you are now looking to repeal the Death Penalty in Kansas. My son, Brad Heyka, was murdered on December 15, 2000 by the Carr Brother in a very brutal and violent crime. Along with Brad, three of his close and dear friends were also murdered with him. They were forced to do acts against their will at gunpoint and later taken out to a frigid and snowy field naked and were told to kneel down and then were murdered by the Carr Brothers execution style. I, and my family, will never forget that event for the rest of our lives. The Carr Brothers received a very fair trial and the evidence was found to very conclusive, including an eye witness who was also shot but survived.

At the time of statehood in 1861, the Kansas Territory had already enacted a death penalty. Over the ensuing years, the law was amended, and in 1907, legislative action abolished capital punishment in favor of life imprisonment. It was not until the great debates of 1935 that capital punishment again became law in Kansas as it was passed as a bill as a "drastic step to stamp out the epidemic of brutal crimes". That re-enactment bill was signed into law by Governor Alf Landon in 1935. Because of the *Furman vs. Georgia*, the death penalty was invalidated in 32 states in 1972 and 629 inmates were removed from death row. In later years, the Supreme Court reviewed changes enacted in state laws and indicated that under specific criteria, capital punishment statues could be constitutional. In the 1993-1994 session, the Kansas legislature passed a number of important criminal justice laws and enacted K.S.A. 21-3439 that reinstated the death penalty in the State of Kansas. Under present law, the death penalty may only be given in the most limited and stringent circumstances.

Kansas has one of the most responsible and limited death penalty statues in the nation. The death penalty does not apply to all murders. It is reserved for the worst, most heinous and cruel murders. The individuals on death row in Kansas are some of the most notorious and dangerous criminals in our state's history. These defendants received two experienced attorneys and an automatic appeal to the Kansas Supreme Court. Each is being given time to make peace with God and to say goodbye to their families and prepare for death. The victims got none of these things.

The state of Kansas needs to retain the death penalty and show that it is very serious about justice. Kansans want and deserve that and it is not right for you to determine that laws should be weakened at a time when serious crimes have escalated throughout the nation. In reality, the State of Kansas should get tougher on crime than it is today. Talking to law enforcement agents, it is obvious that the justice system has opened a revolving door and criminals continue to re-commit more serious crimes and are released early or put on probation with very little true punishment time. These acts escalate and are now often ending in numerous more severe crimes such as murder. Let's make those who commit criminal acts understand that there are

real consequences for their actions . Please get a grip on the severity of the situation and take rationale and real efforts to reduce crime in Kansas. House Bill No. 2167 does not address the problems or issue but merely shows weakness by those that support this potential legislation.

If you had endured the pain and loss that we have, you might understand better your responsibilities. I plead with you to let the Death Penalty stand.

Thanks for your consideration in this matter.

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