

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on January 26, 2005, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Kansas Legislative Research Department  
Jill Wolters, Office of Revisor of Statutes  
Helen Pedigo, Office of Revisor of Statutes  
Nancy Lister, Committee Secretary

Conferees appearing before the committee:

Senator Haley  
Senator Jean Schodorf  
Richard Ney, Attorney  
Donna Schneweis, Amnesty International  
Professor William Arnold, Kansas Coalition Against the Death Penalty

Others attending:

See attached list.

Chairman Vratil opened the meeting. There were no bill introductions. The Chairman opened the hearing on **SB 6**.

**SB 6 Abolition of the Kansas death penalty**

Proponents:

Senator Jean Schodorf testified on behalf of her brother, Bill Kurtis, a graduate of Washburn Law School and successful journalist. Mr. Kurtis has covered many high profile murder cases and is no longer in favor of the death penalty. Mr. Kurtis wrote The Death Penalty on Trial. Senator Schodorf asked that the Committee read, as part of her brother's testimony, pages 12 through 16, and she provided copies of the book for the Committee members. (A copy of the book is on file with the Legislative Research Department.)

Senator Schodorf paraphrased from the book, stating that in the 80's, there was no DNA testing. In the '90s, DNA was used and began to reveal mistakes in investigations. She stated, on page 13 in the book, new studies showed reversible errors in seven of every ten capital cases in over 23 years of study. Senator Schodorf concluded, quoting her brother from his book, after he had done extensive research on the death penalty, "The statistics became disturbing to me. One-hundred-eighteen death row inmates were released because of wrongful convictions. Headlines seem to come daily about exonerations. I concluded there became too much of a risk of sending innocent men and women to death row and possible execution to continue the death penalty." (Attachment 1)

Senator Haley testified regarding an Audit that was performed by the Legislative Post Audit Committee in 2003, which stated that Death Penalty Cases in Kansas cost about 70 percent more than cases in which the death penalty was not sought. Additionally, death penalty cases tend to have higher costs at the trial and appeal stages. (A copy of the report, "Costs Incurred for Death Penalty Cases: A K-GOAL Audit of the Department of Corrections", dated December, 2003, is on file in the Legislative Division of Post Audit.) Senator Haley stated that the Division of Budget, in its Fiscal Note, stated that if the bill were passed, the savings at each trial case would be approximately \$300,000. Senator Haley also supplied a copy of a report from the January 24, 2005, issue of the Houston Chronicle, in which the Houston, Texas, Police Department announced that evidence from thousands of cases, including those of twenty-eight death row inmates would require external oversight. (Attachments 2-4)

Richard Ney, a Wichita Attorney, testified that Kansas' recent 10-year history with the death penalty has been one of arbitrariness, racial disparity, appellate reversals, and incredible expense. (Attachment 5)

Donna Schneweis testified on behalf of Amnesty International, in support of the bill. Ms. Schneweis stated

## CONTINUATION SHEET

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that, according to the Legislative Post Audit study on the Death Penalty, the median cost of a case in which the death sentence was given was \$1.2 million, compared to the same estimated costs for a non-death penalty case cost of \$740,000. Ms. Schneweis stated that Kansas already has life without parole as an alternative to the death penalty, and cited that the money saved could be spent for victim services, enhanced monitoring of persons on parole, or general crime prevention. (Attachment 6)

Professor William Arnold testified on behalf of the Kansas Coalition Against the Death Penalty in support of the bill. Professor Arnold stated that although the public wants to believe that having the death penalty deters crime, it does not. He provided a comparison of contiguous states, including Kansas, listing the rank order and murder rates between 1984 and 2003. Professor Arnold stated that, statistically, the death penalty may “kill the killer” so that individual may not kill again, but it leaves the homicide rate the same as before the killer was killed. (Attachment 7)

Chairman Vratil stated that the meeting time had run out, but that anyone wanting to testify would be given an opportunity to do so at another time before final action would be taken on **SB 6**.

Chairman Vratil adjourned the meeting at 10:30 A.M. The next meeting is scheduled for January 27, 2005.