

State of Connecticut

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JUDICIARY COMMITTEE

June 3, 2009

Via Hand Delivery

Governor M. Jodi Rell
State Capitol
Hartford, CT 06106

Dear Governor Rell:

As you are aware, the General Assembly recently approved legislation to abolish the death penalty and replace it with the penalty of life imprisonment without the possibility of release.

Most people in the state concede that the current death penalty statute is unworkable because of the endless appeals process. In effect, the victims' families are seemingly spending a lifetime in courtrooms.

Several of the prisoners currently on death row committed their crimes in the 1980's and are only on their first appeal with no end in sight. The reason for this appears to be the procedures required by the United States Supreme Court in the case of *Furman v. Georgia*, 408 U.S. 238 (1972). These delays are generally the result of constitutional challenges under the due process and equal protection clauses of the constitution.

During a hearing before the Judiciary Committee last month, Chief State's Attorney Kevin Kane was asked to explain why the state's death penalty takes so long to carry out and whether the legislature had passed any type of laws at all that create any obstacles or prolong its implementation. Attorney Kane testified, "No. The legislature has not done anything affirmatively to make it more difficult." (See testimony of Kevin Kane, May 8, 2009)

In 2003, a report was made to former Governor John Rowland by the statutorily-created Commission on the Death Penalty explaining the reasons why the Connecticut death penalty is so complicated. The commission was chaired by former U.S. Attorney Kevin

O'Connor and by your key criminal justice advisor, Department of Emergency Management and Homeland Security Commissioner James Thomas. Their report concluded that the only real way to speed up the death penalty process would be to provide more resources to the state's prosecutors and to the court system.

In our view, there are only two possible solutions to this problem. One would be to abolish the death penalty and substitute it with life in prison without the possibility of release. In a historic bipartisan vote last month, the General Assembly chose this option. The other choice would be to make it "workable."

For a number of reasons previously articulated, we urge you to sign this bill. However, if you choose to veto the bill and retain the death penalty, we believe you should simultaneously submit a detailed proposal to the legislature that will make the current law workable. We respectfully suggest that it would be appropriate for a veto message of the bill to include your proposal.

In the event that you veto the bill and provide a proposal, we have set aside Wednesday, July 22 at 11 a.m. for the Judiciary Committee to hold a hearing at which the members will have an opportunity to discuss your proposal.

As you know, we consider the death penalty in Connecticut to be a false promise to the families of murder victims who are being subjected to a lifetime of appeals. If you decide to keep this sentence in place, we believe that would be only one half of a response. The second half – your affirmative proposal – would be just as vital as the first half.

Respectfully,



Andrew J. McDonald
State Senator, 27th District



Michael P. Lawlor
State Representative, 99th District