

AMENDMENTS TO HOUSE RESOLUTION NO. 143

Sponsor: REPRESENTATIVE DERMODY

Printer's No. 1744

1 Amend Resolution, page 1, lines 1 through 16; pages 2 and 3,
2 lines 1 through 30; page 4, lines 1 through 19; by striking out
3 all of said lines on said pages and inserting

4 Urging the Pennsylvania Task Force and Advisory Committee on
5 Capital Punishment to complete its review, as directed by the
6 Senate, and issue its report before any further executions
7 are conducted in Pennsylvania.

8 WHEREAS, To study the many policy and procedural issues that
9 are implicated in the administration of the death penalty in
10 Pennsylvania, the Senate on December 6, 2011, by Senate
11 Resolution No. 6, established the Pennsylvania Task Force and
12 Advisory Committee on Capital Punishment; and

13 WHEREAS, The charge of the task force is to examine closely
14 all aspects of capital punishment in Pennsylvania, including the
15 overall cost of the death penalty, the method of execution, the
16 impact and services for family members of the victims and public
17 opinion; and

18 WHEREAS, Through the exercise of his exclusive power to grant
19 reprieves under section 9(a) of Article IV of the Constitution
20 of Pennsylvania, the Governor has temporarily delayed, and
21 intends in the future similarly to delay, all executions of
22 those who have been sentenced to death under Pennsylvania law
23 until such time as the report and recommendations of the task
24 force have been issued and considered; and

25 WHEREAS, A reprieve granted by the Governor to temporarily
26 delay the execution of an inmate who is sentenced to death does
27 not disturb the conviction of that inmate, the sentence of death
28 imposed upon that convicted murderer by the courts of this
29 Commonwealth or the conditions under which the imprisoned
30 murderer is confined by the Department of Corrections; and

31 WHEREAS, The issuance of reprieves by the Governor to delay
32 temporarily the imposition of the death penalty by lethal
33 injection also in no way suspends the investigation or
34 prosecution of capital crimes, the ability of judges and juries
35 to impose death sentences or the conditions of confinement of
36 any current death row inmate; and

37 WHEREAS, There are serious concerns about whether adequate

1 procedures and protocols are in place to ensure that the death
2 sentence is administered in accordance with requirements of the
3 United States Constitution and the Constitution of Pennsylvania.
4 For example, of the 35 states that provide for execution by
5 lethal injection, only approximately one-third specifically
6 approve of the use of a chemical paralytic agent; and

7 WHEREAS, A justice of the United States Supreme Court
8 recently expressed his concern that decisions by state
9 legislators, the Congress of the United States and the Supreme
10 Court itself to retain the death penalty as part of our nation's
11 laws, "are the product of habit and inattention[,] rather than
12 an acceptable deliberative process that weighs the costs and
13 risks of administering that penalty against its identifiable
14 benefits"; and

15 WHEREAS, Given that death penalty cases raise more issues and
16 far more complex issues than other criminal cases, the same
17 justice observed that the machinery is "immensely expensive,
18 [and] chokes our legal institutions so they are impeded from
19 doing all the other things a society expects from its courts,
20 [and] that visits repeated trauma on victims' families"; and

21 WHEREAS, While there are currently 184 individuals on
22 Pennsylvania's death row, the death penalty in modern times has
23 been carried out only rarely in this Commonwealth; and

24 WHEREAS, In the nearly 40 years since the General Assembly
25 reinstated the death penalty, the Commonwealth has executed only
26 three individuals, all of whom voluntarily waived their right to
27 further due process; therefore be it

28 RESOLVED, That the House of Representatives urge the
29 Pennsylvania Task Force and Advisory Committee on Capital
30 Punishment to complete its review, as directed by the Senate,
31 and issue its report before any further executions are conducted
32 in Pennsylvania.