



# DEATH PENALTY

**LEGISLATION:** Death Penalty Evidence – Senate Bill 404

**SPONSOR:** Sen. Norman Stone (District 6)

**COMMITTEE:** Senate Judicial Proceedings (JPR)

**MCC POSITION:** OPPOSE

## TALKING POINTS:

- The Church supports an end to capital punishment in Maryland. We urge legislators to oppose Senate Bill 404, which would weaken the strict evidence requirements the General Assembly passed last year for death penalty cases.
- Expanding the cases eligible for the death penalty contradicts the recommendation of the Maryland Commission on Capital Punishment to repeal executions in our state.
- Allowing evidence as unreliable as fingerprints or photographs is a step backwards, and will increase the chance of convicting an innocent person.
- The sentence of life without the possibility of parole, which is already available in our state, is a just and sufficient means of protecting Maryland's citizens.



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**LEGISLATION:** SENATE BILL 404 (SEN. STONE, DISTRICT 6)

**MCC POSITION:** OPPOSE

**BACKGROUND:**

In December 2008, the Maryland Commission on Capital Punishment recommended that the state repeal the death penalty because, among other things, it found: A “real possibly” of executing an innocent person; serious racial, socioeconomic, and geographic disparities in application of the death penalty; and that death penalty cases are three times more expensive to prosecute than life without the possibility of parole cases.

The General Assembly, unfortunately, did not pass full repeal of the death penalty in its 2009 session. The legislature did, however, make significant progress by passing some of the most stringent evidence requirements in the nation for prosecution of capital cases. The law now only allows the death penalty to be pursued in cases where there is DNA evidence, a video of the crime in progress, or a voluntary, video-taped confession.

Efforts are underway to diminish the gains made last year and expand the cases eligible for the death penalty. Senate Bill 404 would add fingerprints and photographs to the types of evidence that can be used to pursue a death penalty case. Last year’s law already allows the use of fingerprint evidence when biological evidence or DNA is lifted from the fingerprint. Absent DNA, there are no uniform standards for determining a fingerprint “match” with any certainty. As pointed out in a 2009 report to Congress from the National Academy of Sciences, “With the exception of nuclear DNA analysis, however, no forensic method has been rigorously shown to have the capacity to consistently, and with a high degree of certainty, demonstrate a connection between evidence and a specific individual or source.” SB 404 increases the risk of sentencing an innocent person to death.

**CHURCH TEACHING**

“If non-lethal means are sufficient to defend and protect people’s safety from an aggressor, then public authority should limit itself to such means, because they are more in keeping with the concrete conditions of the common good, and with the dignity of the human person.” (*Catechism of the Catholic Church, paragraph 2267*)

“The dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform.” (*Pope John Paul II, St. Louis homily, 1999*)

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