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SB185: Abolishing the death penalty
Introduced by: D. Wanzenreid

The bill deals with three items.

- Abolishing the death penalty and replacing it with life in prison without the possibility of parole.
- Revising the eligibility for bail.
- Revising the affirmative defense of compulsion.

As I understand Article V, section 11, part (3) of the Montana Constitution, which says "Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title...", it seems this bill oversteps the bounds.

But, that aside, I feel the State should keep the death penalty on the books.

- It doesn't cost anything to leave it on the books.
- It need only be pursued in cases where there are multiple witnesses, and/or solid forensic evidence that leave absolutely no doubt as to the guilt of the defendant, such as the soldier who opened fire at Fort Hood, or the case in Idaho where a man (Joseph Edward Duncan III) kidnapped two children from their home after murdering three people and subsequently killed one of the children and was found in the company of the remaining kidnapped victim.

Granted, historically it has been a lengthy and expensive process to bring a death sentence to a close, but in cases such as I just described, there is basically no reason to delay carrying out the death sentence because there is nothing to dispute.

- If a death sentence is imposed in such cases with no doubt and carried out within a short time period, the State would save the costs of carrying that inmate for his/her lifespan to spend on someone who may serve a finite sentence and be released.
- We commonly use lethal injection as a "humane" method to relieve the suffering of animals, or to remove dangerous animals from our midst. Why, then, is lethal injection inhumane when it comes to eliminating dangerous or vicious human predators who terrorize and prey on innocent members of our society?

By striking the phrase "other than an offense punishable with death" in Section 11, (page 22, line 23) I interpret this as saying that a person is not guilty of anything if they feel threatened with bodily harm or death

if they don't commit an act. That would open the door to deliberate homicide, aggravating kidnapping, sexual intercourse without consent, or any crime which currently can receive the death penalty.

As to the changes proposed in Section 17 for bailable offenses, I do not think that all persons should be bailable before conviction. In other changes indicated, the word 'death' is replaced with 'life imprisonment without the possibility of parole', why isn't that used as well in the bailable offenses change?

To summarize, if the State uses the death penalty wisely, there is no reason to change the law. I ask the committee to vote no and keep the death penalty on the books.

Thank you,

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