

Talking Points Against SB 5339: Prohibiting the Death Penalty

<https://www.heritage.org/civil-society/commentary/how-the-death-penalty-saves-lives>

Reasons to keep the Death Penalty

1. The death penalty gives closure to the victim's families who have suffered so much.
2. It creates another form of crime deterrent.
3. Justice is better served.
4. Our justice system shows more sympathy for criminals than it does victims.
5. It provides a deterrent for prisoners already serving a life sentence.
6. DNA testing and other methods of modern crime scene science can now effectively eliminate almost all uncertainty as to a person's guilt or innocence.
 - a. If there is uncertainty, the death penalty should and would not be upheld.
7. Prisoner parole can give criminals another chance to kill.
 - a. People ineligible for parole can still have their sentences commuted through pardons.
8. It gives prosecutors another bargaining chip in the plea bargain process, which is essential in cutting costs in an overcrowded court system.
 - a. Plea bargaining is used in most countries. It's the process through which a criminal gets a reduced sentence in exchange for providing help to the police.
 - b. Where the possible sentence is death, the prisoner has the strongest possible incentive to try to get their sentence reduced, even to life imprisonment without possibility of parole, and it's argued that capital punishment therefore provides a useful tool to the police.
9. **Religious Argument in Favor of the Death Penalty:** There are many examples of persons condemned to death taking the opportunity of the time before execution to repent, express remorse, and very often experience profound spiritual rehabilitation.
 - a. Thomas Aquinas noted that by accepting the punishment of death, the offender was able to expiate his evil deeds and so escape punishment in the next life.
10. **Reductionist Argument in Favor of the Death Penalty:** If we execute murderers and there is in fact no deterrent effect, we have killed a bunch of murderers. If we fail to execute murderers, when doing so could have deterred other murders, we have increased the possibility of more innocent victims.

How we would properly eliminate the death penalty

1. The death penalty is one of the oldest forms of capital punishment, and it should not just be stricken from law in an instant with the stroke of a pen and without a say from our citizens.
 - a. Let the voters decide, not the legislatures