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2005 Marks Extraordinary Year of Death Penalty Change

DPIC's Year End Report Reveals Record Low Death Sentences, Legislative Action, and Supreme Court Restrictions

WASHINGTON, DC – As the U.S.'s use of the death penalty continues to decline and support for the alternative sentence of life without parole increases, the Death Penalty Information Center's (DPIC) **2005 Year End Report** projects that fewer than 100 death sentences will be handed down in the United States during 2005. Based on data from three-quarters of the year, DPIC projects that 96 people will be sentenced to death this year, down over 60% since the late 1990s and the fewest number of death sentences in one year since capital punishment was reinstated in 1976.

"The year 2005 may be remembered as the year that life without parole became an acceptable alternative to the death penalty in the U.S.," said Richard Dieter, DPIC Executive Director. "Death sentences are down dramatically while the use of life without parole has increased. More states are adopting this alternative as death penalty problems persist."

Among the most significant developments of 2005, New York's legislature refused to reinstate the death penalty after the state's highest court struck it down, leaving life without parole as the punishment for capital murder. Texas became the 37th out of 38 death penalty states to adopt the sentencing option of life without parole for jurors, and the Supreme Court banned the death penalty for juveniles, thereby reducing the death sentences for 71 offenders to life. The Court also rebuffed lower courts for allowing racial bias in jury selection and ineffective assistance of counsel.

The public's shift away from the death penalty was also evident in public opinion polls. An October 2005 Gallup Poll found 64% in support of the death penalty, the lowest level in 27 years. A 2005 CBS News Poll found that when respondents were given the sentencing options of the death penalty, life without parole, or a long prison sentence with a chance of parole for

persons convicted of murder, only 39% chose the death penalty, 39% chose life with no parole, and 6% said a long sentence.

Executions rose slightly in 2005 (up from 59 to 60), but are still down 39% compared to their peak in 1999. Despite the nation carrying out its 1000th execution since capital punishment was reinstated, the majority of states with the death penalty did not carry out any executions in 2005. The size of death row declined to 3,383 people, down about 7% since 2001.

In the states, Illinois continued its moratorium on executions for a sixth year, and New Jersey's ban on executions continued as the state reviews its method of execution. Also in New Jersey, the Senate overwhelmingly passed a bill that would establish a moratorium on executions and implement a study of capital punishment. Kansas' death penalty remained in limbo as the Supreme Court weighed its constitutionality. The New Mexico House of Representatives passed a bill to abolish the death penalty, and in Massachusetts, legislators resoundingly defeated the governor's proposal for a "foolproof" death penalty. California and North Carolina both approved legislative commissions to study their respective death penalty systems.

As the number of people freed from death row increased to 122 and investigators uncovered a series of cases in which an innocent person was likely executed, conservative political leaders, judges, religious leaders, and victims' family members joined a growing number of prominent voices criticizing the death penalty in 2005. In addition, new editorial writers spoke out against the death penalty. *The Birmingham News* announced that "after decades of supporting the death penalty, the editorial board no longer can do so" based on practical and ethical reasons.

The **2005 Year End Report** is the 11th of its kind published by DPIC, a non-profit organization serving the media and the public with analysis and information on capital punishment. A copy of this year's report is attached for your review.

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