

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R01-0910.01 Sunny Kristin

SR01-020

SENATE SPONSORSHIP

Tate and Thiebaut

Senate Committees

SENATE RESOLUTION 01-020

101 **CONCERNING ENCOURAGEMENT OF A STUDY OF THE DEATH PENALTY.**

1 WHEREAS, The imposition of the death penalty is the ultimate
2 punishment that the State of Colorado imposes upon any person, the
3 execution of an innocent person would be the worst possible injustice, and
4 the state's capital punishment system must be administered with as much
5 fairness as is humanly possible; and

6 WHEREAS, Despite the fact that the participants in the criminal
7 justice system in Colorado work diligently and professionally to ensure
8 that the procedures for imposing a death sentence are administered
9 properly, concerns exist as to fairness and due process in the imposition
10 of the death penalty; and

11 WHEREAS, These concerns have arisen not out of any belief that
12 there are any innocent persons currently under a sentence of death in
13 Colorado, but out of a fear that factors such as the race, wealth, and
14 gender of the defendants and victims, the mental health of the defendants,
15 and the effectiveness of counsel provided to the defendants may have
16 inappropriately influenced the imposition of death sentences; and

17 WHEREAS, A bill currently before the United States Congress,
18 Senate Bill 233, would place a moratorium on executions by the federal
19 government and urge the states to do the same, pending a review by the
20 National Commission on the Death Penalty of the fairness of imposition
21 of death sentences; and

22 WHEREAS, The State of Colorado has not undertaken such a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

1 study, despite the fact it appears that members of racial minority groups
2 and poor persons are disproportionately represented among those persons
3 sentenced to death in Colorado; and

4 WHEREAS, A review of the procedures used by all persons and
5 agencies involved in the imposition of death sentences and in the
6 administration of capital punishment can help determine whether these
7 fears are justified and whether there are better ways to administer the
8 state's capital punishment system; and

9 WHEREAS, The increase in the number of cases in which the
10 death penalty is being sought increases the danger of an innocent person
11 being sentenced to death, and otherwise increases the strain on the
12 criminal justice system; now, therefore,

13 *Be It Resolved by the Senate of the Sixty-third General Assembly
14 of the State of Colorado:*

15 That the Senate of the State of Colorado calls upon all prosecutors,
16 defense lawyers, judges, law enforcement personnel, and state agencies
17 involved in the administration of capital punishment in Colorado to review
18 all of the procedures they employ in investigating, prosecuting, and
19 defending cases in which the death penalty is sought and in implementing
20 the capital punishment system in Colorado in order to ensure that the
21 highest possible standards of fairness and justice are consistently
22 employed in every aspect of the administration of the capital punishment
23 system.