

R003-0102

10 A RESOLUTION CONCERNING
20 PLACING A MORATORIUM ON THE ADMINISTRATION
30 OF THE DEATH PENALTY IN MARYLAND

- 40 WHEREAS: There is compelling evidence to suggest that there is bias in the administration
50 of the death penalty in Maryland; and,
- 60 WHEREAS: 69% (9 of 13) of Maryland's death row is African American, which is the
70 highest percentage of African Americans of any state death row; and,
- 80 WHEREAS: Of the death sentences currently pending in Maryland, 84% resulted from
90 cases involving white victims (11 of 13), yet according to the most recent
100 Uniform Crime Report, in 1998 81% (412 of 509) of the state's homicide
110 victims were African-American; and,
- 120 WHEREAS: 54% of the prisoners on Maryland's death row are black men convicted of
130 killing white people, even though African Americans are the victims in the
140 majority of homicides in the state and nationwide; and,
- 150 WHEREAS: 69% of Maryland's death row prisoners were prosecuted in one county
160 (Baltimore County), even though only a small portion of Maryland's homicides
170 occurred in that county; and,
- 180 WHEREAS: No state, including Maryland, has met standards developed by the American
190 Bar Association for appointment, performance, and compensation of counsel 200
for indigent prisoners; and,
- 210 WHEREAS: Governor Schaefer's 1993 Commission to assess the fairness of Maryland's
220 death penalty concluded, "racial disparity in the implementation of Maryland's
230 death penalty remains a legitimate concern,"; and,
- 240 WHEREAS: Governor Glendening's 1996 Task Force took a closer look at the way that the
250 death penalty is applied and that taskforce found continued cause for concern 260
over racial disparities, and cautioned that their "recommendations alone will 270
not solve the issue,"; and,
- 280 WHEREAS: A two-year research study of the administration of the death penalty being
290 conducted by the Department of Criminology of the University of Maryland, 300
College Park, to be completed June 30, 2002, is authorized in the State budget
310 for fiscal year 2001; and,
- 320 WHEREAS: This study will provide a more complete picture of how the combination of the
330 victim's race and defendant's race impact capital sentencing; and,
- 340 WHEREAS: The purpose of this study is not simply to examine whether there is bias in the
350 process or even the appearance of bias, whether based on race, ethnicity,
360 economic status, or any other reason, but rather to identify any problems and
370 recommend solutions; and,
- 380 WHEREAS: If there is enough cause for concern to warrant a study of racial bias, then it is
390 unjust to continue to carry out executions until those concerns have been
400 addressed; and,

410 WHEREAS: A moratorium could be emplaced such that the moratorium could not be
420 construed to affect in any other way the laws concerning the death penalty,
430 including the procedures and time frames for notifications, determinations, and
440 judicial review of death penalty decisions.

450 THEREFORE BE IT RESOLVED: That the Maryland Student Legislature urges the
460 Maryland General Assembly to enact legislation placing a moratorium on the
470 administration of the death penalty; and,

480 BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges the Maryland
490 General Assembly to take up consideration of this matter with expedition to 500
avoid administering what could be found to be a discriminatory punishment;
510 and,

520 BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges the Maryland
530 General Assembly to place a moratorium on the death penalty for a time
540 sufficient for members to review the University of Maryland, College Park
550 research study, draft legislation pertaining to the study, and have that
560 legislation signed into law before the moratorium expires.

590 MANDATES: Governor Parris N. Glendening
600 Lt. Governor Kathleen Kennedy Townsend
610 Attorney General J. Joseph Curran, Jr.
620 Senate President Thomas V. Mike Miller
630 Speaker of the House of Delegates Casper R. Taylor, Jr.
640 Senator Walter M. Baker, Chairman of Judicial Proceedings Committee
650 Delegate Joseph F. Vallario, Chairman of Judiciary Committee

Sponsor:
Byron Macfarlane
University of Maryland, College Park
6205 Centreville Hall North
College Park, MD 20742
(301) 314-5517
bmcf@wam.umd.edu

Co-Sponsors:
Federalist Caucus
Mehri Shadman, Caucus Leader
1418 South Campus Commons
4230 Knox Rd.
College Park MD 20742
(301) 226-0310
mshadman@wam.umd.edu