

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

## ***Statement of The Constitution Project in Support of HB 157/SB330 Requiring Unanimous Jury Verdicts in Florida Death Penalty Cases***

[The Constitution Project](#) (TCP) supports HB 157 and SB 330 and urges the Florida Legislature to pass this important legislation concerning the legitimacy and reliability of death penalty verdicts in the state. In light of the United States Supreme Court's decision on January 12, 2016 in *Hurst v. Florida* – which found Florida's current capital sentencing scheme unconstitutional – the Legislature should act quickly to ensure that juries *unanimously* agree on whether to impose a death sentence. Anything less will subject Florida's death penalty to further constitutional challenges.

**If the Legislature does not enact HB 157/SB330, Florida will remain the only state in the nation to allow the death penalty to be imposed absent a unanimous decision on each aggravating circumstance *and* absent a unanimous decision on whether to impose the death penalty.**

No matter what their political perspectives or views about capital punishment, all Americans share a common interest in justice for victims of crimes and for those accused of committing crimes. Over a decade ago, TCP convened a bipartisan, blue-ribbon [Death Penalty Committee](#) comprising death penalty opponents and proponents who have worked together to forge consensus-based recommendations aimed at achieving these common objectives. The Committee's members include conservatives and liberals and group reflects a range of criminal justice stakeholders, including those with experience as judges, prosecutors, defenders, law enforcement officers, policymakers, victim advocates and scholars. The Committee is chaired by former Florida Supreme Court Chief Justice Gerald Kogan, former Texas Governor Mark White, and Special Prosecutor in the Oklahoma City Bombing Case, Beth Wilkinson. Committee members, such as former Virginia Attorney General Mark Earley and former FBI Director William S. Sessions, have previously sent individual letters of support in favor of unanimous juries in Florida death penalty cases.

Requiring unanimity ensures more reliable verdicts in death penalty cases. Many of the Committee's members have prosecuted, defended and adjudicated capital cases that resulted in a death penalty verdict. And in all of those instances, the jury was required to be unanimous in its decision. Further, juries in cases requiring unanimity are more evidence-driven, often delaying their first "vote" in the case until the evidence has been discussed. Deliberations in non-unanimous cases tend to be verdict-driven, rather than evidence-driven, meaning that jurors vote almost immediately upon deliberations. Non-unanimous juries, unsurprisingly, express less confidence in the justness of their decisions.

Accordingly, we fully endorse HB 157 by Rep. Jose Javier Rodriguez and SB 330 by Sen. Thad Altman and strongly recommend that the Florida Legislature enact these bills now.

### **About The Constitution Project ®**

*Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.*

**CONTACT:** Larry Akey, Director of Communications, (202)580-6922, [lakey@constitutionproject.org](mailto:lakey@constitutionproject.org)