

NEWS:

**Bill Seeks to
Reinstate,
Streamline
Delaware's
Capital
Punishment
Statute**



January 31, 2020 -- Reinstating a streamlined version of Delaware's capital punishment statute is the goal of a new bill unveiled this week.

The Egregious Crimes Accountability Act limits to four brief categories the aggravating circumstances attached to a murder for which prosecutors could consider capital punishment:

1. **Mass Murder:** The defendant's actions resulted in the deaths of three or more people in a public venue. (The threshold number is consistent with federal law. 28 U.S.C. § 530C.)
2. **Repeat Offender:** The defendant was previously convicted of murder.
3. **Horribly Inhumane:** The murder was outrageously or wantonly vile, horrible or inhumane involving torture, depravity, an explosive device, weapon of mass destruction, or poison.
4. **Hate Crimes:** The murder was committed as a hate crime as defined in Title 11, § 1304(a).

State House Minority Leader Danny Short, R-Seaford, said Delaware prosecutors have been unable to seek capital punishment for about three-and-half years.

In January 2016, the U.S. Supreme Court (*Hurst v. State of Florida*) struck down Florida's capital punishment law. Delaware's capital punishment statute, which was similar to that of The Sunshine State, was ruled unconstitutional by the Delaware Supreme Court on August 2, 2016 (*Rauf v. State of Delaware*).

The Egregious Crimes Accountability Act, which is currently being circulated for state lawmakers' support, addresses the issues cited in the Delaware Supreme Court ruling.

"This bill was drafted by an attorney with more than 30 years of experience in Delaware criminal law," Rep. Short said. "It fully addresses all of the issues the Supreme Court

cited and would restore capital punishment as an option when prosecutors are dealing with our state's worst offenders."

According to the National Conference of State Legislatures, capital punishment is currently authorized in 29 states, by the federal government and the U.S. military.

"Before the Delaware Supreme Court struck down our capital punishment statute, there were 22 aggravating circumstances which could have warranted capital punishment," Rep. Short said. "I still believe fixing the flaws of our original law and returning it to service has merit. That is the goal of House Bill 165.

"However, I realize that with nearly two dozen aggravating circumstances, the debate over our former capital punishment statute may just be too big for some legislators to get their arms around," Rep. Short continued. "The Egregious Crimes Accountability Act refines the issue by reserving capital punishment only to those murders committed under the worst of aggravating circumstances: mass murder, murders committed by previously convicted murderers, inhumane murders, and hate crime murders."

The bill's Senate prime sponsor, State Sen. Dave Wilson, R-Cedar Creek Hundred, said his support of the measure came after some soul-searching. Ultimately, he believes giving prosecutors the extreme option is needed to both serve justice and protect Delawareans.

"A convicted murderer serving a life sentence could escape and endanger the public," Sen. Wilson said. "Life sentences also mean that some of our most violent criminals pose a constant threat to other inmates and corrections officials. Lt. Steven Floyd was tortured and murdered at James Vaughn prison three years ago. The only person convicted of that crime was already serving a life sentence. How has justice been served in that case? How has the public been made safer by returning him to prison?"

Both Rep. Short and Sen. Wilson said Delaware has a modern legacy of using capital punishment sparingly and with great deliberation. Both men said the cautious and appropriate application of the ultimate penalty would continue under their bill, citing its increased protections and restricted focus.