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**House Corrections and Juvenile Justice Committee**  
Attorney General Derek Schmidt  
In Opposition to HB 2323  
March 15, 2012

Chair Colloton, members of the committee, thank you for this opportunity to testify in strong opposition to HB 2323, which proposes to repeal the Kansas death penalty law.

As you may know, during my service in the Kansas Senate I was a strong opponent of legislation such as this. I believed then that, as a matter of public policy, the Kansas death penalty law is an appropriate public policy for our state. I still believe that.

Having now served as attorney general, where we apply that law to individual cases, my belief in the importance of the statute is only reinforced. The Kansas death penalty law is narrowly tailored to apply only to the most heinous murders. It is judiciously administered and carefully used. It is appropriate, however, in some cases to allow a jury of the defendant's peers to determine whether his crime is so severe that, as a matter of law, justice may demand that the defendant forfeit his own life as a consequence.

I regret that I am unable to be with you today in person. Unfortunately, I became aware of this informational hearing only recently, and I already had committed to participate in a law enforcement meeting in Sedgwick County. I have, however, asked Assistant Attorney General Amy Hanley, who successfully co-prosecuted the most recent death penalty case in Kansas, to testify on my behalf. I know you will find her presentation informative.

Please be assured of my continued strong opposition to efforts, like this, to repeal the Kansas death penalty law. Indeed, I would respectfully request that this committee, after this informational hearing, put the matter to rest and take no further action on this matter – now or in the future. The death penalty should be allowed to stand. The families of crime victims should be assured that justice will be played out in the courts without the legislature changing the rules mid-stream.

I can assure you that, so long as this is the law in Kansas, we will continue to seek the death penalty cautiously, somberly and deliberately – as the law contemplates.

Thank you for considering my thoughts on the subject.

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