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**Testimony in Opposition to House Bill 2167**  
**Presented to the House Committee on Corrections and Juvenile Justice**  
**By Attorney General Derek Schmidt**

**February 13, 2017**

Mr. Chairman, members of the Committee, thank you for this opportunity to testify in opposition to House Bill 2167, which proposes to repeal the Kansas death penalty law.

I oppose this repeal measure and urge you not to approve it. The Kansas death penalty law is narrowly tailored and has been applied only in the most horrific cases.

When I served in the Kansas Senate, I believed strongly that the death penalty should remain on the books. Having now served as Attorney General for six years and in that capacity having worked on death penalty cases, including arguing two death penalty cases before the United States Supreme Court, my convictions in this regard have only been strengthened.

The death penalty evokes strong emotions on both sides of the debate. Whatever your views, I urge you to resolve this matter based on those fundamental concepts that underlie the death penalty – notions of justice, of life, of morality, of religious belief. I would discourage you from cheapening this debate by allowing it to devolve into a dollars-and-cents calculation, a cold mathematical approach that in my view obscures the very real human dynamics at work in this discussion.

In the three years since this repeal measure was last considered by the Legislature, the Kansas death penalty law has been tested before the nation's highest court in two separate days of arguments presenting three constitutional issues involving a total of four cases, and in each case has been upheld. In addition, our state Supreme Court has now upheld capital murder convictions and death sentences in four cases. Our law is sound, and in my view, the death penalty is appropriate for justice in some cases. It should remain an option available to a jury of the defendant's peers in proper cases. I urge you not to repeal it.

Thank you for your consideration.

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