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NEVADA CATHOLIC CONFERENCE

DIOCESE OF LAS VEGAS
DIOCESE OF RENO

AB15

V. Robert Payant
Executive Director
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Reno, Nevada 89501-1713

Mr. Chairman and Members of the Committee:

My name is Robert Payant and I am appearing today as the Executive Director of the Nevada Catholic Conference, the public affairs office of the two Catholic Dioceses in Nevada, Las Vegas and Reno. Prior to this, I served a number of years as the President and Dean of the National Judicial College and prior to that served 23 years as a trial and appeals court judge in the State of Michigan.

I should indicate that although the Catholic Conference favors all four of the bills recommended by the interim subcommittee and urges this committee to adopt each as improving a bad policy, we hope that legislation abolishing the death penalty in this state will be before you before June. The Catholic Church, speaking through the United States Conference of Catholic Bishops as well as many other religious groups have come to a position strongly opposing the death penalty. The Church's basic opposition deals with concerns like these:

Death once executed is irreversible

Death is expensive contrasted with life in prison

Death sentences may unfairly target racial minorities

Death fails to deter as evidenced by the fact that on average the 12 states without the death penalty have substantially lower first degree murder conviction rates than states like Nevada with the death penalty

Death is no longer needed since bloodless protection of society through life sentences without parole protects society from the truly evil.

Today you are considering ending the death penalty and executions for a small group of people—the mentally retarded who may commit heinous crimes AB15 is a well-crafted bill in which persons whose life history shows that they have significant deficits in learning ability and in handling the affairs of life would be spared execution. This determination would reside with Nevada's District Judges, a group of excellent and well-trained men and women. I daresay that many of these judges who have seen men and women of clearly limited mental ability appear in court facing sometimes extremely serious crimes will applaud the change that this legislation will make. Those handicapped men and women who would doubtless be excused from serving on juries have been until now, considered able to defend their very lives amid the complexities of the courtroom.

I would make one comment with the proposal and that deals with those people who are not mentally retarded in the classic sense and whose impairment may be the result of accident or illness, strokes and the like which may cause the same impairments but which occur after the person reaches the age of 18. That is an issue you may be facing either in this legislation, or surely in the future.

ASSEMBLY JUDICIARY

DATE: 2/12/03 ROOM 3138 EXHIBIT H

SUBMITTED BY: Robert Payant

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