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NEVADA CATHOLIC CONFERENCE

DIOCESE OF LAS VEGAS
DIOCESE OF RENO

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

Mr. Chairman and Members of the Judiciary Committee:

My name is Robert Payant and I am serving as the executive director of the Nevada Catholic Conference, representing the two Roman Catholic Dioceses in Nevada. I served for a number of years as Dean and President of the National Judicial College and prior to that served for 23 years as a trial and then appellate court judge in the State of Michigan. I am speaking today in favor of the proposed legislation to eliminate the death sentence for those younger than 18 at the time of the commission of their crime.

The Catholic Church in Nevada, speaking through Bishop Joseph Pepe of Las Vegas and Bishop Phillip Straling of Reno and the United States Conference of Catholic Bishops strongly oppose the death penalty. This basic opposition deals with concerns like these: death, once executed, is irrevocable and not subject to reversal; death is expensive compared to life without parole; death fails to deter as evidenced by the fact that, on average, the 12 states without the death penalty have far fewer first degree murder convictions than states like Nevada with the death penalty.

We realize that there are good citizens of many religious faiths and ethical systems who have come to a different conclusion regarding the imposition of the death penalty, at least under some circumstances, but today you are considering one small but very significant group of persons—those who commit the most serious of offenses at an age when they are still considered too young and immature to be trusted with most of the rights and responsibilities given to our citizens.

In speaking specifically on AB118, we are simply talking about raising the death eligible age to 18. As parents and citizens, we know that age and maturity often move at different rates. We are all acquainted with the mature teenager and the immature adult. but our system of government requires that for certain purposes, we must set ages. You and your predecessors in these seats have done a fine job in protecting Nevada's young people from their immaturity.

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ASSEMBLY JUDICIARY
DATE: 3/27/03 ROOM: 3138 EXHIBIT K
SUBMITTED BY: Robert Payant

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For example, we don't allow people to drink or possess alcohol until they are 21. We don't allow them to marry without parental consent until they are 18 and we don't think they are mature enough to vote to elect public officials or to serve in public office until they are at least 18. We don't consider them mature enough to enter into civil contracts—they can't, even if they had the resources, enter into a binding contract with a lawyer to represent them in legal matters. We don't allow 16 or 17 year olds to serve on juries and so we give a lie to our claim that persons accused of a crime will be tried by a jury of their peers.

We strongly enforce laws prohibiting persons under 18 to buy cigarettes. We don't even allow 16 year olds to attend most movies unless they are accompanied by a mature adult.

Yet with all those decisions as to the maturity and competence of young people, we in Nevada have chosen to consider a 16 year or 17 year old sufficiently mature to face the awesome power and majesty of the criminal justice system in an effort to save himself from the ultimate punishment, that of death.

Some young people have committed horrendous crimes and we weep for their victims and their own families, nevertheless, the grave disparity between our laws concerning the age at which certain activities or rights or obligations are entrusted to young people should be rectified.