



## FLORIDA CONFERENCE OF CATHOLIC BISHOPS

### BACKGROUNDER

## UNANIMOUS JURIES IN CAPITAL SENTENCING

Support: SB 7068 (Criminal Justice Committee)

Needs Amending: HB 7101 (Criminal Justice Subcommittee)

**BACKGROUND:** On January 12, 2016, the U.S. Supreme Court ruling in *Hurst v. Florida* found that Florida's death sentencing scheme violates the Constitution which requires a jury, not a judge, to find each fact necessary to impose a death sentence.

Florida is one of 31 states that maintain the death penalty. Florida, however, is the only state that does not require any aggravating circumstance be found unanimously by the jury. Florida is also one of only two states (the other being Delaware) that allow someone to be sentenced to death based on the recommendation of a simple majority of jurors (7 of 12 jurors).

### BILL PROVISIONS:

- After a unanimous finding of guilt, the jury must unanimously find the existence of an aggravating circumstance.
- Allow the judge to only consider the aggravating circumstances found unanimously by the jury.
- **SB 7068:** Requires a jury agree unanimously in order to recommend death.  
**HB 7101:** Requires 9 of the 12 jurors recommend death in order for a death sentence to be imposed.  
***We urge the Florida House to amend HB 7101 to match Senate bill 7068, requiring a jury be unanimous in recommending a death sentence.***

### RATIONALE:

In 2015, Florida:

- was one of only six states that carried out executions;
- had the second highest number of death sentences;
- had the second most populous death row; and
- maintained the highest number of death row exonerees.

Rather than preserving the lowest standard in the nation by which someone is sentenced to death, Florida should require a jury, as a collective body and conscience of the community, to be unanimous in recommending a death sentence as unanimity is already required in every other circumstance when a jury is summoned in Florida. The most severe penalty society can impose should demand the highest standard.

Prior to deliberating about a sentence recommendation, the jury will have already unanimously found the defendant guilty of a capital crime. If unable to unanimously support a death sentence, the defendant will be sentenced to life without the possibility of parole, which is a severe punishment that protects society. It is a much less costly alternative that ends a cycle of violence, and can provide earlier closure to victims' families.

Whether one supports or opposes the death penalty, jury unanimity, although not explicitly addressed in the *Hurst* decision, ensures a more reliable and fair sentencing scheme by promoting more thoughtful deliberation and engaging every juror in the process.

***For additional information, please contact:  
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