



Exposé zum Fachreferat

A comparison of the capital punishment in Texas and California

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1 History of the capital punishment in the USA

The capital punishment, also known as the death penalty, is the “process of sentencing convicted offenders to death for the most serious crimes (capital crimes) and carrying out that sentence.” (BJS 2021).

Historically, the capital punishment in America was influenced by Europe. When European settlers came to the New World, they brought the practice of the capital punishment with them (cf. Randa 1997, 48-50). People were executed in the United States until June 1972, when the capital punishment was suspended for four years. Being reinstated in 1976, executions had to meet certain criteria (cf. Snell 2010). Right now, the death penalty is authorized by 27 states, the federal government, and the U.S. military (cf. TDCJ n.d.).

2 The capital punishment in Texas

2.1 Use of the capital punishment in Texas

Texas is the number one state when it comes to executions and between 1976 and now the State of Texas has executed a total of 581 individuals, more than any other state in the United States (cf. TDCJ n.d.).

There are many different capital offences that can lead to a death sentence in Texas, but the main reason people are sentenced to death is because of capital offences such as specific cases of murder. Examples are “murder of a peace officer or fireman who is acting in the lawful discharge of an official duty” (TDCJ n.d.) or “murder during the escape or attempted escape from a penal institution” (TDCJ n.d.).

The execution method used predominantly today is lethal injection. The executions in Texas take place in the Huntsville Unit, which is a state prison in Texas. Individuals that are on death row stay there an average of 11.22 years before they are executed and the average age of the people that are killed in Texas by lethal injection is 39 years old (cf. TDCJ n.d.).

2.2 Public opinion

The opposition to the death penalty in Texas is organized in the *Texas Coalition to Abolish the Death Penalty* and they are working to stop the death penalty in Texas because they claim that “[they] remember the victims... but not with more killing” (TCADP 2023). They are working on reducing the use of the death penalty in Texas, and ultimately want to end this form of punishment (cf. TCADP 2023). The public opinion in Texas has changed significantly over the years: A poll that started in 2010 had 78% supporting the death penalty at first, but only eleven years later in April 2021 merely 63% were in favor of the death penalty with a declining trend (cf. DPIC n.d.).

3 The capital punishment in California

3.1 Development of the capital punishment in California

The capital punishment exists in California until today, but it is suspended now, because in 2019, the Governor of California “signed an executive order instituting a moratorium on the death penalty in California in a form of a reprieve for all people sentenced to death” (CDCR 2023). The order does not release anyone from prison that has been sentenced or alter the sentence that they have received (cf. CDCR 2023).

3.2 Legal process without the capital punishment

Since 2019, no one has been sentenced to death, and so the maximum sentence that someone can get is life without parole. According to polls by the *Death Penalty Information Center*, “victims’ families often prefer life without parole to the uncertainty and the spectacle of the death penalty” (DPIC 2 n.d.). Many prosecutors have also concluded that the capital punishment is not worth the limited resources that they have at their disposal, which also leads them to use life without parole sentences more often reducing the number of death sentences dramatically (cf. DPIC 2 n.d.).

3.3 Public opinion

The support for the capital punishment in California has been on the decline for several years now, as polls show. Even though less people are supporting the capital punishment, there is no sign of a permanent repeal of the death penalty since there are a lot of people that are undecided about the topic and there is still a reasonable number of people that do support it (cf. Willon 2021). “Of the Californians surveyed, 44% said they would vote to repeal the death penalty and 35% favored allowing executions, with 21% undecided” (Willon 2021). But the results of the new polls could also help to reactivate the movement of abolishing the death penalty in California forever (cf. Willon 2021).

4 The possible future of the capital punishment in Texas and California

In California, the death penalty is not very likely to return, since the polls speak for a future without the death penalty. But with so many people uncertain about it, it’s hard to define a clear future for the capital punishment in California (cf. Willon 2021). In Texas, on the other hand, the abolishment of the death penalty is not likely to happen in the near future, even with polls showing that the number of people supporting the capital punishment in Texas is going down (cf. DPIC n.d.).

5 Bibliography

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