

HR 1627

2006

## House Resolution

1  
2 A resolution declaring the House of Representatives' view  
3 of what the public policy of this state regarding  
4 unanimity of jury recommendations in death penalty cases  
5 should be.

6  
7 WHEREAS, the Florida Supreme Court in its opinion in the  
8 case of State of Florida v. Alfredie Steele, SC04-802, issued  
9 October 12, 2005, suggested that "in light of developments in  
10 other states and at the federal level, the Legislature should  
11 revisit the statute to require some unanimity in the jury's  
12 recommendations" in death penalty cases, and

13 WHEREAS, the Florida Supreme Court quoted the view of the  
14 Supreme Court of Connecticut, which stated in part "[t]he  
15 requirement of a unanimous verdict can only assist the capital  
16 sentencing jury in reaching such a reasoned decision," and

17 WHEREAS, the House of Representatives notes that the State  
18 of Connecticut has executed only one person since 1976 and that  
19 person was a volunteer, and

20 WHEREAS, the House of Representatives finds that no  
21 majority opinion of the United States Supreme Court has  
22 suggested that unanimous agreement of a twelve-member jury was  
23 required, recommended, or advisable for the determination of  
24 whether a death sentence is an appropriate punishment for the  
25 commission of a capital crime, and

26 WHEREAS, the United States Supreme Court has upheld  
27 Florida's existing death penalty statute as constitutional in  
28 *Proffitt v. Florida*, 428 U.S. 242 (1976), and the statute has

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29 | been repeatedly upheld by state and federal appellate courts  
30 | against constitutional attacks for the past 29 years, and

31 |       WHEREAS, the Florida Supreme Court acknowledges that the  
32 | question of whether Florida's death penalty should require  
33 | unanimous agreement of the jury before it can be imposed is a  
34 | matter of public policy for the Legislature to determine, and

35 |       WHEREAS, the House of Representatives finds that a  
36 | requirement of unanimity among twelve jurors is not the proper  
37 | mechanism to determine whether a death sentence is an  
38 | appropriate sentence in individual cases because a requirement  
39 | of unanimity vests with a single juror the ability to override  
40 | the reasoned judgment of all other jurors weighing and  
41 | considering the same facts and circumstances, and

42 |       WHEREAS, the House of Representatives finds that some of  
43 | Florida's most notorious and heinous murderers, including  
44 | Theodore Bundy and Aileen Wuornos, were sentenced to death and  
45 | executed when the jury recommendation of death was less than  
46 | unanimous and that these death sentences were just and  
47 | appropriate despite the lack of unanimity, NOW, THEREFORE,

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49 | Be It Resolved by the House of Representatives of the State of  
50 | Florida:

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52 |       That House of Representatives believes that the public  
53 | policy of this state should be that unanimous jury  
54 | recommendations not be required in death penalty cases.