



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

June 21, 2018

Governor's Veto Message Regarding Senate Bill 593

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 21st, 2018, I have vetoed Senate Bill 593, relative to the penalty for capital murder.

Senate Bill 593 would abolish the death penalty in New Hampshire. While I respect the arguments made by proponents of Senate Bill 593, I stand with crime victims, members of the law enforcement community, and advocates for justice in opposing this bill. New Hampshire does not take the death penalty lightly, and we use it only sparingly. No one has been executed in New Hampshire since 1939, and we currently have only one person on death row.

In the most heinous cases where the death penalty may be imposed, New Hampshire is second to none when it comes to protecting defendants' rights and ensuring a fair process. While opponents of the death penalty cite cases from other states where individuals were either wrongfully convicted or did not receive an adequate defense, such cases have not occurred in this State. Our public defender program is among the best in the country. In addition, a defendant cannot receive the death penalty unless a jury of twelve citizens, in a separate sentencing phase, unanimously votes to recommend a sentence of death. I have confidence in the judgement of our citizens and in our criminal justice system, and believe that New Hampshire can continue to apply the death penalty in a sparing, fair and just manner.

During the past thirty years, governors of both parties have either opposed the repeal of the death penalty or expanded its scope. In 2000, Governor Jeanne Shaheen vetoed a death penalty repeal bill, stating "I believe that there are some murders that are so brutal and heinous that the death penalty is the only appropriate penalty." In 2011, Governor John Lynch signed a bill expanding the application of the death penalty to home invasions. This expansion came in the wake of one of the most heinous crimes ever committed in our State, the Cates murder. This crime was a home invasion that resulted in the murder of a mother and the severe injury of her daughter. Kimberly Cates was stabbed 32 times and her twelve year old daughter was stabbed 18 times. David Cates, Kimberly's husband, testified in favor of expanding the death penalty in 2011. To repeal the death penalty in its entirety today would deprive the Cates' and other crime victims of the justice they deserve.

Abolishing the death penalty in New Hampshire would send the wrong message to those who commit the most heinous offenses within our State's borders, namely that New Hampshire is a place where a person who commits an unthinkable crime is guaranteed leniency. New

Hampshire is not and will never be a safe haven for those who would murder a police officer, cause a death during the commission of an aggravated sexual assault or home invasion, or commit any other capital offense. If a person chooses to commit such an unspeakable act in our State, that person should know that a jury of their peers may elect to impose the ultimate justice.

The arguments made by the proponents of this bill must give way to our obligation to support our law enforcement community, deliver justice for crime victims, and protect New Hampshire's citizens by preserving the death penalty as the ultimate legal deterrent to the commission of heinous crimes.

For the reasons stated above, I have vetoed Senate Bill 593.

Respectfully submitted,



Christopher T. Sununu
Governor