

## S.140 Testimony 3.13.26

Senators,

Thank you providing me with the opportunity to appear before you today to address S.140.

There are few people in our small State who remember the name Donald Edward Demag. Mr. Demag was the last person executed by the State of Vermont in 1954. A full 18 years after Mr. Demag Vermont ended its use of State sanctioned use of the death penalty, in 1972, the punishment was finally completely abolished in statute in 1987. And here we sit almost 40 years later with people continuing to die in prison while serving life without parole and extreme sentencing; Vermont still has a de facto death penalty with Life sentences.

S.140 provides this committee and the Legislature to correct course and completely end any form of death by incarceration. In 2008 Senator Sears, may he rest, worked with the Council of State Governments to create the first Justice Reinvestment Initiative with the stated purpose of, "Using Data to improve safety, and justice", including, "Advancing health, opportunity, and equity"; S.140 promotes all of these points, and more.

In 2016, then State Senator Balint proposed a "Elder Parole" bill which was an incredible step forward in the progress of helping those incarcerated Vermonters over 60, glaringly the proposal excluded people serving life, people convicted of certain violent crimes, and those convicted of crimes that include sexual harm. When this committee passes S.140 the legislative process of the Justice Reinvestment process will be complete.

From 2009 to 2021 our small State saw a decrease in the incarceration, while the number of those serving life sentences in one form or another, and extreme sentences, continued to rise. As we sit here today 1 in 5, or 20% (with 164 +/-) of those in our prisons are serving life, or virtual life sentences. Is this the reputation of our brave little State, to be seen nationally? A State that ranks among one of the highest states proportionally to have people serving life sentences (according to the Wilson Center for Science and Justice)? We must do better, and we can when S. 140 moves forward.

Vermont has a history of being ranked among the least racially diverse States in the Country with 2% of the total population identifying as Black. And, sadly, those serving life sentences are made up of 6% people of color. With a continuing trend of disproportionately saddling people who do not identify as white with life sentences. Vermonters who are female are as deeply affected by life sentences, ever rising numbers in woman being sentenced to death by incarceration is a disturbing trend that this committee has the authority to change with this legislation.

And for the committee's consideration. In 2021 your former colleagues passed a sentence reduction law, which is codified in Statute (V.S.A. 28 § 818). Those who serving life and extreme sentences, many of who are ready to program, and are involved in educational pursuits, were left out of this reform to reduce our prison populations, and creating an inequity in law.

I leave you with the words of United States Senator, Patrick J. Leahy on the Death Penalty, arguing that "it is cruel and unjust", and that, "it fails as a deterrent". Now is your opportunity to end death by incarceration with S. 140. Thank you for your time.