

# Effort to Repeal and Replace Utah's Death Penalty Fails on 6 – 5 Vote in State House Committee

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A high-profile Republican-led effort to abolish the death penalty in **Utah** has failed in committee by a single vote. State representatives in the House Law Enforcement and Criminal Justice Committee voted 6-5 on February 14, 2022 not to advance a proposal that would repeal Utah's death penalty and replace it with a new non-capital sentencing alternative of 45 years to life.

The bill, [HB 147](#), was [introduced](#) in the deeply conservative state by Republican lawmakers **Representative V. Lowry Snow** and **Senator Daniel McCay** (pictured). It would have prohibited the death penalty for aggravated murders committed after May 4, 2022 and for all other aggravated murders for which prosecutors had not filed a notice of intent to seek the death penalty before May 4, 2022. It would not have affected the sentences of the seven men currently on the state's death row.

The committee heard testimony from proponents and opponents of the death penalty, including family members of murder victims who testified on both sides. Eventually, proponents of capital punishment persuaded legislators that a non-retroactive repeal would subject family members of murder victims to years of additional litigation over whether capitally sentenced prisoners would nevertheless be removed from death row. Andrew Peterson, death-penalty counsel in the state's Attorney General's Office, argued that passage of the bill would cause those on death row to challenge their death sentences. "This bill will not deliver on its promise," he said.

After the bill failed to advance, Representative Snow said, "Given the amount of time devoted to this issue, I would be lying if I didn't say I was disappointed." "This is not a matter of if, it is when the time is right, Utah will move forward," he explained after the hearing. "23 states already have; that's a growing number."

Other testimony against the bill argued that the state should try first to fix the death penalty, rather than repeal it. Norman Black, whose granddaughter's convicted murderer is on the state's death row, said that instead of "throwing away the death penalty, perhaps [lawmakers] ought to look at ways to fix it." This sentiment was echoed by members of the committee, who asked retired First District Judge Kevin Allen, during his testimony in favor of the bill, to explain what it would take to fix the state's death penalty. "I don't think we can, given the current system that we have. Fixing that would have to take place at a national level, not just a state level," he said. He explained that "constitutional provisions in place that are currently interpreted by the U.S. Supreme Court – and I don't see those changing – require the state to pass this extraordinary burden to show that everything was done correctly as best they can."

Victim family member testimony in support of the bill was led by **Sharon Wright Weeks**, an outspoken advocate for repeal whose sister and niece were murdered in 1984. She spoke about how the death-penalty appeals process for Ron Lafferty, the man convicted of killing her family members, caused additional trauma for her family. "I thought of Ron Lafferty and the death penalty almost every single day of my life," she said. "It eclipses everything you do." She told the Associated Press that "[i]t's never-ending. It's like carrying around this huge weight that just gets heavier and heavier and heavier." Lafferty died on the state's death row due to natural causes in 2019. "I do not want anybody else to have to go through that again," Weeks said.

Snow, a former prosecutor who is one of the bill's sponsors, was convinced in part to support the bill because of Weeks. He argued three points before the committee: "No. 1, the death penalty is broken. No. 2, the death penalty unintentionally can cause more harm to victim (family) members. No. 3, maintaining the death penalty means we run the

risk, in our state, of executing innocent people.” He pointed to a [2018 report](#) in the state that found, despite spending \$40 million prosecuting death penalty cases in the last 20 years, the state only imposed two death sentences. “We have almost nothing to show for that,” he said. “How much better would it be to redirect that to helping the victims and the victims’ families?”