

## Chronology of the Death Penalty in New Hampshire

New Hampshire is not in love with the death penalty. From the time of the first recorded execution in 1739 to the last execution in 1939, 22 prisoners were hanged by the state, and one, Ruth Blay, is now recognized as having been the victim of a “wrongful execution.”

In the decades after the American Revolution a strong “anti-gallows” and prisoner reform movement arose in the state, and at one point New Hampshire had the most restrictive death penalty in the nation.

- 1834 Democratic Governor William Badger was the first to ask the legislature to abolish capital punishment.
- 1972 The US Supreme Court’s Furman decision voided New Hampshire’s death penalty law. Only two people were on the state’s death row at the time.
- 1973 The NH legislature rejected a reinstatement bill, opting instead to direct a commission, headed by then Attorney General Warren Rudman, to examine the state’s homicide statutes. The commission never carried out its assignment. The only statewide newspaper, The Union Leader, embarked on an editorial crusade in support of the death penalty.
- 1974 Governor Meldrim Thomson called the legislature into special session to enact death penalty legislation. The Senate passed a bill providing for Life without Parole for first degree murder; the House passed a broad death penalty bill. In the end, primarily in response to intense lobbying by law enforcement, a compromise was reached to enact a narrow death penalty law that focused on the death penalty for five categories of murder, including the killing of a law enforcement officer.
- 1977 A bill is passed allowing juries in capital trials to consider the convict’s life circumstances.
- 1986 The NH legislature amended the death penalty law to make lethal injection the method of execution. During the same session, the legislature considered and rejected a bill sponsored by a Republican lawmaker to abolish the death penalty.
- 1990 The NH legislature amended the death penalty law to add two crimes to the list of those that could be prosecuted as capital murder: homicide committed in connection to aggravated felonious sexual assault or in conjunction with manufacture or sale of controlled drugs.
- 1994 Judicial officers are defined and added to the list of victims whose killings can be prosecuted as capital murder.
- 1997 The NH legislature rejected a bill to add several new categories, including a death sentence option for all first degree murder, to the capital murder statute,.

A series of sensational murders touched off a new round of debate about the death penalty in New Hampshire. A six year old girl was raped and murdered in Jaffrey; a rampage in Colebrook resulted in the killing of 2 state troopers, a judge, and a newspaper publisher; and a local police officer was shot and killed in Epsom during a traffic stop. The Attorney General initially sought the death penalty in the Epsom shooting, then accepted plea bargains for life sentences from two suspects, an action that was loudly criticized by many in the law enforcement community.

These high profile acts of violence prompted the governor, the attorney general, and legislative leaders to try to expand the scope of New Hampshire’s capital murder statute. In response, a

group of activists opposed to capital punishment came together in November of 1997 to form what would become the New Hampshire Coalition to Abolish the Death Penalty.

- 1998 The NH House of Representatives took up a proposal to expand the death penalty. At the same time, legislation to abolish the death penalty was introduced. In the end, both measures were defeated. Legislators cast more votes to abolish the death penalty than to expand it.
- 2000 An abolition bill passed both houses of the Republican-controlled legislature, but the Democratic governor at the time, Jeanne Shaheen, vetoed it. 2/3 to overturn was not achieved.
- 2001 An abolition bill fell 8 votes (188-180) short of passage in the NH House.
- 2004 A bill banning the execution of those convicted of killing when they were under the age of 18 passed the NH House and Senate. At the time, there was a national campaign underway to end the death penalty for juvenile offenders. Republican Governor Craig Benson vetoed the bill in a ceremony before a room full of uniformed police officers. The same bill was reintroduced in 2005 and passed again; the current governor, John Lynch, signed it.
- 2006 An abolition bill was again introduced in the House and, with opposition from the governor, it was again narrowly defeated.

Also in 2006, Manchester police officer Michael Briggs was shot and killed in an alley when responding to a domestic violence complaint. Michael Addison was arrested and charged with the murder, and the Attorney General announced she would seek the death penalty for Mr. Addison.

- 2007 Attorney General Kelly Ayotte announces the state will pursue a capital murder conviction and seek the death penalty against John “Jay” Brooks, accused of murder for hire and murder related to kidnapping in the death of Jack Reid.

The NH House defeated by 12 votes a bill to change the sentence for capital murder from the possibility of execution to mandatory life without parole.

- 2008 Bills to expand the death penalty were introduced in the House and Senate. The House bill, which dealt with definitions of judicial officers, was amended to include the study commission proposal and passed the House. With strong opposition from the Attorney General and the Manchester Police, the proposal failed in the Senate. However, neither expansion bill passed.

John “Jay” Brooks is found guilty of capital murder, but the jury decides to sentence him to life imprisonment rather than death.

Michael Addison is found guilty of capital murder and sentenced to death.

- 2009 An abolition bill was again introduced in the House of Representatives. Despite the climate of police outrage and outpouring of support to execute the killer of Officer Briggs, it nearly passed.

A bill to punish murders committed with firearms by execution via firing squad was defeated in the NH House.

In the aftermath of that vote, an ad hoc group of the NH Coalition to Abolish the Death Penalty began meeting to develop a long range plan to end the death penalty in New Hampshire. This plan is based on approaches taken in several other states where bi-partisan and inclusive Death

Penalty Study Commissions have been established to examine the effectiveness of the death penalty as public policy and make recommendations. These study commissions have proven to be an incremental step toward abolition, because even the most ardent supporters of the death penalty come to the conclusion that it doesn't work and should be abolished.

- 2010 The Death Penalty Study Commission, established by the legislature in 2009, voted by a narrow majority to retain but not expand the death penalty, while the minority favored repeal. Members agreed the death penalty is much more expensive than alternatives.  
  
A bill to expand the death penalty to include murders committed while being in a person's home without permission was defeated.
- 2011 Disregarding the conclusions of the Death Penalty Study Commission, the legislature voted to expand the death penalty statute to include homicide committed in conjunction with burglary of an occupied structure.
- 2012 Both major party candidates for Governor expressed opposition to the death penalty. The winner, Maggie Hassan, said she would be willing to sign repeal legislation.
- 2014 The NH House voted by a 2:1 margin to repeal the death penalty, but the Senate deadlocked 12 – 12.
- 2016 A repeal bill was introduced in the Senate and deadlocked at 12-12. A death penalty expansion bill introduced in the NH House was soundly defeated.

New Hampshire has not had an execution in 77 years.

In the 40 years since reinstatement of the Death Penalty, until the John Brooks and Michael Addison cases, no one has been convicted of a capital crime in NH.