

History of the Death Penalty in New Hampshire

The New Hampshire legislature has tinkered with the death penalty for two centuries, each iteration more arbitrary than the last. Bills to expand and repeal the death penalty have been won and defeated by small margins and elected officials, from both parties, have consistently raised concerns about New Hampshire's death penalty.

Since 1974, the modern era of the death penalty, New Hampshire has amended its statute eight times. During that same time period, not a single person has been executed, and the state has spent more than four million dollars on its death penalty apparatus.

Chronology of New Hampshire's death penalty

- 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.
- 2011 Against the recommendation 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.
- 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.
- 2005 The legislature banned the execution of those convicted of crimes while they were under the age of 18 and was signed into law by Governor John Lynch.
- 2000 For the first time in the country, a repeal bill passed in both houses of a republican controlled legislature. Democratic Governor Jeanne Shaheen vetoed it. A veto override vote in the House received a 194 to 148 majority, but fell short of the two-thirds vote needed.
- 1994 The legislature expanded New Hampshire's death penalty statute to add murder of a "judicial officer" to the list of death eligible crimes.
- 1990 The legislature amended the death penalty statute to include homicide while engaged in felonious sexual assault and homicide while engaged in drug crimes as death eligible crimes. The amended statute also expanded evidence requirements for "aggravating factors" before a jury could sentence a defendant to death.
- 1986 The NH legislature amended the death penalty law to make lethal injection the method of execution, leaving hanging as an option if lethal injection is not possible.
- 1984 Governor Meldrim Thomson called the legislature into special session to enact death penalty legislation. The end result was a compromise to enact a narrow death penalty law that allowed for the death penalty in five categories of murder.
- 1977 The law was altered to make execution an option, not a mandate.
- 1976 In, *Gregg v Georgia*, the US Supreme Court reaffirmed the use of the death penalty in

the United States. The Gregg decision also made it clear that SCOTUS favored statutes with automatic review and did not mandate a death sentence for any crime.

- 1974 The NH legislature passed a new death penalty statute.
- 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.
- 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.
- 1834 Democratic Governor William Badger was the first to ask the legislature to abolish capital punishment.

Use of New Hampshire's Death Penalty

- 2008: The first death sentences since 1991 are imposed. John "Jay" Brooks was found guilty of capital murder in October, but was sentenced to serve life in prison rather than be executed. Later that year, Michael Addison was found guilty of capital murder sentenced to death, which set in motion a mandatory appeal process.
- 1991: The NH Supreme Court threw out capital charges in *State v. Johnson*, a murder-for-hire case, ruling that the charges were based on retrospective application of state law.
- 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.
- 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."