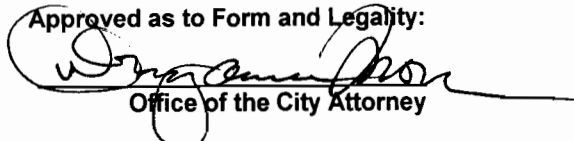


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 JUL 21 PM 12:22

Approved as to Form and Legality:


Office of the City Attorney

Oakland City Council

RESOLUTION NO. 83512 C.M.S.

RESOLUTION IN SUPPORT OF SENATE BILL 490 (HANCOCK), WHICH ABOLISHES THE DEATH PENALTY IN CALIFORNIA IF PASSED BY THE CALIFORNIA LEGISLATURE AND APPROVED BY THE VOTERS

WHEREAS, existing law, as added and amended by various initiatives, including Proposition 7 approved by the voters at the November 7, 1978, statewide general election, provides for imposition of the death penalty for murder in the first degree if certain special circumstances are proved; and

WHEREAS, Proposition 7 may only be amended by the Legislature by approving a statute that can become effective if subsequently approved by the voters; and

WHEREAS, if approved by the voters, SB 490 would halt executions and provide instead for imprisonment for life without the possibility of parole; and

WHEREAS, if approved by the voters, SB 490 would provide that where a defendant or inmate was sentenced to death prior to the date of the enactment of the bill the defendant's or inmate's sentence would automatically be converted to life imprisonment without the possibility of parole; and

WHEREAS, many studies have shown that capital punishment as a penalty is not a deterrent; and

WHEREAS, a recent report by the *Death Penalty Information Center* found that race, geography and the size of a county's budget play a major role in who receives the death penalty; and

WHEREAS, the same report stated that the a majority of the nine Justices who served on the Supreme Court in 1976 when the death penalty was approved eventually concluded the experiment had failed; and

WHEREAS, the American Civil Liberties Union (ACLU) stated in a 2009 report that while the national trend has seen a reduction in the number of death sentences imposed, imposition of the death penalty in California is increasing; and

WHEREAS, the California Supreme Court has a backlog of automatic appeals in death penalty cases with 30 inmates having been on death row for more than 25 years, 119 for more than 20 years, and 240 for more than 15; and

WHEREAS, more than a dozen people were wrongly executed in Illinois before that state banned the death penalty earlier this year; and

WHEREAS, since 1978, there have been a total of 13 executions in California, while 78 prisoners have died of natural or other causes on death row, and as of 2008, 98 convicted inmates have left death row because of overturned convictions or sentences; and

WHEREAS, the death penalty costs three times as much as permanent imprisonment and a recent study in the Loyola of Los Angeles Law Review found that California spends \$184 million a year on the death penalty; and

WHEREAS, the same study found that Californians have spent more than \$4 billion on capital punishment since it was reinstated in 1978, or about \$308 million for each of the 13 executions carried out since reinstatement; and

WHEREAS, the millions of dollars spent on the death penalty could be used to make our communities safer by funding other public safety programs; now, therefore, be it

RESOLVED: That the Oakland City Council hereby provides that it supports Senate Bill 490 and authorizes the City Administrator to communicate to the California State Legislature the City Council's support of the Bill.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 26 2011

PASSED BY THE FOLLOWING VOTE:

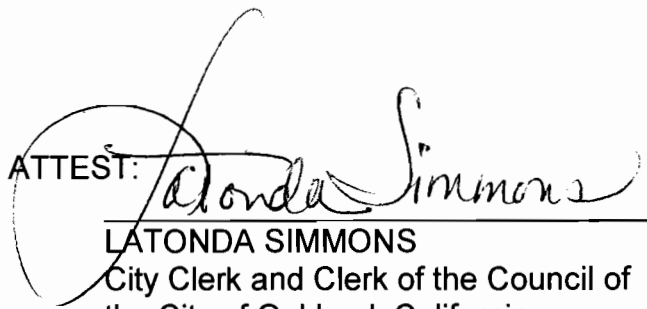
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL,
SCHAAF, AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California