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*Regarding  
AB 15*

Testimony of Mark Nichols, Executive Director  
Senate Judiciary Committee  
Supporting AB 13, 14, 15, 16, 17 and 118  
April 23, 2003

Good morning Chairman Amodei and members of the Senate Judiciary committee. For the record my name is Mark Nichols, executive director of the National Association of Social Workers - Nevada Chapter. I am here now to speak in support of the bill to prohibit the execution of the mentally retard, but my testimony also relates to each of the study subcommittee's death penalty reform bills as well as AB118.

Officially, the NASW national policy statement supports the abolish of the death penalty. I personally share this belief. As I previously testified before this committee, I acknowledge that this is not an opinion currently shared by a majority on Nevadans. Rather than discussing our differences, lets focus on areas where I believe we all in agreement. If there is to be a death penalty, is it a fair process? Is it an accurate process? Is it an equitable system? I would urge the members of this committee adopt this as a framework to help you make your policy decisions regarding the application of our death penalty system.

The people deserve fairness in the death penalty system. Fairness is shared value we should be able to expect on such a critical decision. During your annual basketball game both sides of the aisle expect that their hoop will be the same size and height as the other side's. We all believe there should be an even playing field. You will be asked to address concerns about the fairness of Nevada's death penalty system.

I would hope we all demand that the death penalty system is accurate. No one wants the burden of executing an innocent person. I am confident that none of you would want to vote against a measure that could, in the future, prevent an innocent person from being executed. I trust that we share the weight of that burden. Today's testimony makes a compelling case that the application of the death penalty to people with mental retardation presents an unacceptable risk of an inaccurate verdict.

Finally, I believe that we can all agree that the death penalty must be equitable in its application. This is part of the fairness issue. If one person commits a murder under a certain set of circumstances and is sentenced to death then any other person under similar circumstance should also receive the same sentence. There is dramatic evidence that a racial bias exists in Nevada's death penalty. We need to be absolutely certain that this is occurring in Nevada. And, if you agree that bias exists, then we must take far more drastic steps to reform our system.

The debate around the death penalty is extremely emotional. But remember, you are not being asked to take an anti-death penalty position during this debate. You will be asked to address the fairness, the accuracy and the equality of Nevada's death penalty. I ask you to approve those reforms that you agree are appropriate and necessary to ensure a fair, accurate and equitable death penalty system.

Thank you Chairman Amodei for this opportunity to speak and to the members of the committee for your willingness to listen. I hope you will agree that each of these bills are necessary reforms to our system and that you will vote yes.

Mark Nichols, Executive Director  
NASW-Nevada  
1555 E. Flamingo Rd., #158  
Las Vegas, NV 89119  
(702) 791-5872 [naswnv@att.net](mailto:naswnv@att.net)

*Thanks for your  
consideration,  
Mark*