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Governor Bill Richardson Signs Repeal of the Death Penalty

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SANTA FE – Governor Bill Richardson today signed House Bill 285, Repeal of the Death Penalty. The Governor's remarks follow:

Today marks the end of a long, personal journey for me and the issue of the death penalty.

Throughout my adult life, I have been a firm believer in the death penalty as a just punishment – in very rare instances, and only for the most heinous crimes. I still believe that.

But six years ago, when I took office as Governor of the State of New Mexico, I started to challenge my own thinking on the death penalty.

The issue became more real to me because I knew the day would come when one of two things might happen: I would either have to take action on legislation to repeal the death penalty, or more daunting, I might have to sign someone's death warrant.

I'll be honest. The prospect of either decision was extremely troubling. But I was elected by the people of New Mexico to make just this type of decision.

So, like many of the supporters who took the time to meet with me this week, I have believed the death penalty can serve as a deterrent to some who might consider murdering a law enforcement officer, a corrections officer, a witness to a crime or kidnapping and murdering a child. However, people continue to commit terrible crimes even in the face of the death penalty and responsible people on both sides of the debate disagree – strongly – on this issue.

But what we cannot disagree on is the finality of this ultimate punishment. Once a conclusive decision has been made and executed, it cannot be reversed. And it is in consideration of this, that I have made my decision.

I have decided to sign legislation that repeals the death penalty in the state of New Mexico.

Regardless of my personal opinion about the death penalty, I do not have confidence in the criminal justice system as it currently operates to be the final arbiter when it comes to who lives and who dies for their crime. If the State is going to undertake this awesome responsibility, the system to impose this ultimate penalty must be perfect and can never be wrong.

But the reality is the system is not perfect – far from it. The system is inherently defective. DNA testing has proven that. Innocent people have been put on death row all across the country.

Even with advances in DNA and other forensic evidence technologies, we can't be 100-percent sure that only the truly guilty are convicted of capital crimes. Evidence, including DNA evidence, can be manipulated. Prosecutors can still abuse their powers. We cannot ensure competent defense counsel for all defendants. The sad truth is the wrong person can still be convicted in this day and age, and in cases where that conviction carries with it the ultimate sanction, we must have ultimate confidence – I would say certitude – that the system is without flaw or prejudice. Unfortunately, this is demonstrably not the case.

And it bothers me greatly that minorities are overrepresented in the prison population and on death row.

I have to say that all of the law enforcement officers, and especially the parents and spouses of murder victims, made compelling arguments to keep the death penalty. I respect their opinions and have taken their experiences to heart -- which is why I struggled – even today – before making my final decision.

Yes, the death penalty is a tool for law enforcement. But it's not the only tool. For some would-be criminals, the death penalty may be a deterrent. But it's not, and never will be, for many, many others.

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While today's focus will be on the repeal of the death penalty, I want to make clear that this bill I'm signing actually makes New Mexico safer. With my signature, we now have the option of sentencing the worst criminals to life in prison without the possibility of parole. They will never get out of prison.

Faced with the reality that our system for imposing the death penalty can never be perfect, my conscience compels me to replace the death penalty with a solution that keeps society safe.

The bill I am signing today, which was courageously carried for so many years by Representative Gail Chasey, replaces the death penalty with true life without the possibility of parole – a sentence that ensures violent criminals are locked away from society forever, yet can be undone if an innocent person is wrongfully convicted. More than 130 death row inmates have been exonerated in the past 10 years in this country, including four New Mexicans – a fact I cannot ignore.

From an international human rights perspective, there is no reason the United States should be behind the rest of the world on this issue. Many of the countries that continue to support and use the death penalty are also the most repressive nations in the world. That's not something to be proud of.

In a society which values individual life and liberty above all else, where justice and not vengeance is the singular guiding principle of our system of criminal law, the potential for wrongful conviction and, God forbid, execution of an innocent person stands as anathema to our very sensibilities as human beings. That is why I'm signing this bill into law.

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