

Wilmington, Delaware  
March 6, 2025

**#0013**

**WHEREAS**, the Wilmington City Council 2022–2025 Strategic Plan envisions a “Safe

**Sponsor:**

and Secure Wilmington,” by prioritizing “Crime Prevention and Intervention.” House Bill 35

**Council  
Member  
Owens**

(HB 35), An Act Proposing An Amendment to Article I of the Delaware Constitution Relating to Prohibition of the Death Penalty, prohibits the imposition of the death penalty under the

**Co-Sponsors:**

Delaware Constitution; and

**Council  
Members  
Oliver  
Harlee  
McCoy  
Cabrera  
Willauer**

**WHEREAS**, a 2016 Delaware Supreme Court ruling held that the State’s death sentencing procedures were in violation of the United States Constitution. At the time of the ruling, 13 inmates were sentenced to death. No new sentencing procedures were enacted at the time. In 2024, Governor John Carney signed a bill that officially barred the state of Delaware from imposing capital punishment. HB 35 would codify these protections under the Delaware Constitution; and,

**WHEREAS**, Innocence Project Delaware currently serves over 175 applicants. Over half of these applicants convicted in the past decade, were from Wilmington. According to the Death Penalty Information Center (DPIC), for every 8.2 people executed in the United States in the modern era of the death penalty, one person from death row has been exonerated, or had their conviction reversed due to demonstrated innocence or flaws in the judicial process; and

**WHEREAS**, one of the goals of a “Safe and Secure Wilmington” is crime prevention, or deterrence of crimes before they are acted out. There is no evidence tying the death penalty to crime deterrence. Data collected by the DPIC shows that, from 1990 to 2020, states with capital punishment sentencing options had higher murder rates per capita than states without. Since

the 2016 Delaware Supreme Court ruling, Wilmington has experienced an overall downward trend in murder rates, with the 2023 rate falling to the lowest it has been since 2003.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that this Legislative body is in favor of House Bill 35 (HB 35), An Act Proposing An Amendment to Article I of the Delaware Constitution Relating to Prohibition of the Death Penalty.

**BE IT FURTHER RESOLVED** that this Legislative body encourages the members of the Delaware General Assembly to support House Bill 35, An Act Proposing An Amendment to Article I of the Delaware Constitution Relating to Prohibition of the Death Penalty, in furtherance of a “Safe and Secure” Wilmington and Delaware.

Passed by City Council,

ATTEST: \_\_\_\_\_  
City Clerk

**SYNOPSIS:** This Resolution expresses favor for House Bill 35, An Act Proposing An Amendment to Article I of the Delaware Constitution Relating to Prohibition of the Death Penalty.