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Wider death penalty sought

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By Emily Bazar, USA TODAY

At least a half-dozen states are considering broadening the death penalty, countering a national trend toward scaling back its use.

Lawmakers have proposed legislation that would increase the range of crimes eligible for execution. In Texas and Tennessee, for example, legislators want to include certain child molesters who did not murder their victims.

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"The hope is that these monsters will see that Texas is serious about protecting children," says Rich Parsons, spokesman for Lt. Gov. David Dewhurst. Dewhurst, a Republican, is working with state senators to draft legislation that would make repeat offenders subject to capital punishment in some cases. "If they understand they could face the ultimate punishment, " they might "think twice," Parsons says.

Virginia is considering bills that would make accomplices to murder, as well as killers of judges and court witnesses, eligible for the death penalty.

"I'm a believer in the deterrent effect of the death penalty," says Republican Delegate Todd Gilbert, a state prosecutor who sponsored two of the measures. "I know a number of states are reconsidering their position on the death penalty. ... I feel confident Virginia's system is set up to work."

Lawmakers or courts have temporarily halted all executions in 11 states in the past year, most of them over concerns that lethal injection is cruel and unusual punishment, says Richard Dieter of the Death Penalty Information Center, which he says takes no position on the death penalty but has been critical of how it is applied.

In December, a convicted killer in Florida took 34 minutes to die and had chemical burns on his arms after a lethal injection procedure. After the execution, then-governor Jeb Bush created a commission to study possible improvements and halted executions until the commission releases its report.

Other states with proposals to expand the death penalty:

•**Missouri.** Gov. Matt Blunt said in his State of the State address last month that he wants a mandatory death penalty for the murder of law enforcement officers. Blunt, a Republican, says the state must protect its public servants and the death penalty would be a deterrent. "This is the type of crime that calls for the death penalty," he says.

Robert Blecker, a law professor at New York Law School who specializes in the death penalty, says the Supreme Court has found mandatory death sentences unconstitutional because they don't allow defendants to present mitigating evidence. Blunt says his measure will take that into account.

•**Georgia.** GOP state Rep. Barry Fleming has introduced a bill to allow a judge to impose the death sentence if at least nine of 12 jurors — not all 12, as now — voted for it.

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•**Utah.** The House passed a bill Tuesday making murder of a child under 14 subject to execution.

State Rep. Paul Ray, a Republican, introduced a bill to allow the death penalty for killing a child during abuse, sexual assault or kidnapping, even if prosecutors cannot prove intent to kill. He expects the House to vote later this week.

"We're going to send a message that if you kill our kids in Utah, we're going to kill you," he says. "In Utah, I don't think we use the death penalty enough."

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