

SRES 4

A resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided *Kennedy v. Louisiana*, No. 07-343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child.

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Jan 6, 2009

Current Status: Referred to the Committee on the Judiciary. (text of measure as introduced: CR S148)

Latest Action: Referred to the Committee on the Judiciary. (text of measure as introduced: CR S148) (Jan 6, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-resolution/4>

Sponsor

Name: Sen. Vitter, David [R-LA]

Party: Republican • **State:** LA • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. DeMint, Jim [R-SC]	R · SC		Jan 12, 2009

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jan 6, 2009

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Summary (as of Jan 6, 2009)

Expresses the sense of the Senate that: (1) the eighth amendment to the Constitution allows the death penalty for the rape of a child where the crime did not result, and was not intended to result, in death of the victim; (2) the Louisiana statute making child rape punishable by death is constitutional; (3) because *Kennedy v. Louisiana* was decided under a mistaken view of federal law, the U.S. Supreme Court should grant any petition for rehearing of the case and the portions of the decision regarding the national consensus or evolving standards of decency with respect to the imposition of the death penalty for child rape should not be viewed as binding precedent; and (4) the Supreme Court should reverse its decision on rehearing or in a future case because it was supported by neither commonly held beliefs about cruel and unusual punishment nor by the text, structure, or history of the Constitution.

Actions Timeline

- **Jan 6, 2009:** Introduced in Senate
- **Jan 6, 2009:** Referred to the Committee on the Judiciary. (text of measure as introduced: CR S148)