

Senate Bill 1001

Death Penalty: Intellectual Disabilities

Senator Nancy Skinner (D-Berkeley)

THIS BILL

Existing state law and rulings by the US Supreme Court have deemed the execution of a person who is intellectually disabled as cruel and unusual punishment. Intellectual disability is defined as someone who has below average intelligence and whose life skills, before adulthood, demonstrate difficulty in thinking and understanding that impacts conceptual, social, and practical skills.

SB 1001 would provide important safeguards to California's existing law to help prevent the execution of those who are intellectually disabled. Specifically, SB 1001 would retain the requirement that a person's intellectual disability had to be present when they were young, e.g.; during their developmental period, but would not require the disability to have been formally diagnosed during that time period.

ISSUE

In *Atkins v. Virginia* (2002), the U.S. Supreme Court held that the execution of intellectually disabled individuals violates the Eight Amendment's prohibition on cruel and unusual punishments. In 2003, California codified this prohibition in SB 3 (Burton), and in 2020, AB 2512 (Stone) updated and modernized the statute to adopt current clinical standards for diagnosing intellectual disability.

However, these prior bills did not adequately account for the fact that some people with legally defined intellectual disabilities were not able to be formally diagnosed while they were young and in their developmental period.

Research demonstrates that many people with intellectual disabilities do not receive proper diagnosis in childhood. Only [41% of adults with intellectual or developmental disabilities](#) are currently served through the disability system in the United States. Intellectually disabled individuals evade diagnosis for many reasons.

Families lacking health care coverage or living in areas without clinics or specialists who can administer the necessary tests for such a diagnosis may not have had the means or ability to determine their child's intellectual disability.

Schools also vary in what testing and services may be available, leaving many children undiagnosed and untested. These socio-economic and other barriers can prevent the determination of an intellectual disability during a person's developmental stage. This does not mean that a person is not intellectually disabled, it only means the person was not able to obtain such a diagnosis before adulthood.

SOLUTION

SB 1001 will help ensure that California is not executing people who meet the legal definition of being intellectually disabled by:

1. Allowing someone to show, through evidence, such as medical evaluation, diagnosis and testing, and testimony that they were intellectually disabled before the end of their developmental period;
2. Codifying court rules to clarify the procedures used when the prosecutor seeks additional testing of the individual;

SUPPORT

- California Catholic Conference (Co-Sponsor)
- Friends Committee on Legislation (Co-sponsor)
- California Anti-Death Penalty Coalition
- Smart Justice California
- Communities United for Restorative Youth Justice
- Ella Baker Center for Human Rights
- La Defensa
- Santa Cruz Barrio Unidos
- Young Women's Freedom Center

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