



**LEGISLATION AND  
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September 2, 2020

Honorable Gavin Newsom  
Governor of California  
Capitol Building, 1st Floor  
Sacramento, CA 95814

**RE: AB 2512 (Stone) – REQUEST FOR SIGNATURE**

Dear Governor Newsom:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 2512 and requests your signature.**

AB 2512 will ensure that individuals with intellectual disabilities are quickly and accurately identified, in order to prevent California from sentencing people with intellectual disabilities to death row and to ensure that people with intellectual disabilities who are currently on death row are resentenced.

The US Supreme Court ruled that it is unconstitutional to execute someone with an intellectual disability in 2002. The following year, the California Legislature added Penal Code section 1376 to implement this decision. Since it was enacted, this code section has only been amended once, in 2012, to change term “mental retardation” to “intellectual disability.” The statute is now out-of-date and as a result, people with intellectual disabilities continue to face death sentences and remain on death row for decades.

AB 2512 (Stone) will make four important changes to the statute:

- 1) Change the requirement that evidence of the disability present “before age 18” to “during the developmental period,” making the statute consistent with current clinical standards;
- 2) Prohibit arguments to increase IQ scores that are based on race, ethnicity, national origin or socio-economic status;
- 3) Allow a person facing a death sentence to establish intellectual disability by requiring the court to appoint an expert if warranted by the evidence; and
- 4) Clarify that experts on intellectual disability may testify to out-of-court statements that they used in forming their opinion in post-conviction proceedings.

DRC is opposed to the death penalty in all circumstances as unjust and inhumane. We are particularly troubled that California continues to send people with intellectual disabilities to death row and that those individuals must spend decades fighting in court to be resentenced. It is also concerning that prosecutors are using race-based arguments in an effort to keep people on death row.

For these reasons, DRC supports this bill and requests your signature. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,

A handwritten signature in black ink that reads "Sawait Seyoum". The signature is written in a cursive, flowing style.

Sawait Seyoum  
Senior Legislative Advocate  
Disability Rights California

cc: Honorable Mark Stone, California State Assembly  
Keely O'Brien, Legislative Director, Office of Assembly Member Stone  
Jessica Devencenzi, Deputy Legislative Secretary, Office of

Legislative Affairs  
Mitchell Rosenberg, Legislative Assistant, Office of Legislative Affairs