April 22, 2020

Honorable Reggie Jones-Sawyer, Chair
Public Safety Committee
California State Assembly
Capitol Building, Room 111
Sacramento, CA 95814

RE: AB 2512 (Stone) as introduced February 19, 2020 – SUPPORT

Dear Assembly Member Jones-Sawyer:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, is in strong support of AB 2512 (Stone) to modernize our state statute regarding intellectual disabilities and death row.

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 The statute is now out-of-date and as a result, people with intellectual disabilities continue to face death sentences and remain on death row for decades.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. **Identification and Certification:** The statute will be modernized to accurately identify and certify individuals with intellectual disabilities.

2. **Resentencing:** Those on death row who have intellectual disabilities will be resentenced.

3. **Prohibition:** The statute will prohibit the execution of individuals with intellectual disabilities.

4. **Mandatory Review:** There will be a mandatory review of all individuals with intellectual disabilities on death row to ensure they are not sentenced.

Disability Rights California (DRC) urges you to support AB 2512 (Stone) to ensure that California does not continue to sentence people with intellectual disabilities to death row and that those who are currently on death row are not resentenced.

Sincerely,

Disability Rights California

April 22, 2020

[Signature]
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.

We strongly support AB 2512 (Stone) as urgently needed to address these issues. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,

Sawit Seyoum
Senior Legislative Advocate
Disability Rights California

cc: Honorable Members, Assembly Public Safety Committee
Honorable Mark Stone, California State Assembly