



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
SACRAMENTO LEGISLATIVE OFFICE

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The Honorable Mark Stone
California State Assembly
1021 O Street, Suite 5740
Sacramento, CA 95814

ASSEMBLY BILL 2657(STONE)
SUPPORT

Dear Assembly Member Stone:

The Los Angeles County District Attorney's Office is pleased to support Assembly Bill 2657.

AB 2657 authorizes California courts to act in a timely fashion to remove permanently incompetent people, who are ineligible for execution, from death row, and instead resentence them to life in prison without the possibility of parole.

The United States Supreme Court has established that the 8th Amendment prohibits the execution of the mentally incompetent. A person is incompetent when they do not have the cognitive function to understand that they are being executed or the reasons why.

In three recent cases, Superior Courts have vacated death sentences of permanently incompetent people and resented them to life in prison. Unfortunately, at least one court has refused to consider a permanent incompetence petition until an execution date has been set, which only leads to the waste of precious resources on decades of futile litigation.

AB 2657 resolves this issue by requiring courts to resentence people sentenced to death if they are permanently incompetent, as established by a preponderance of the evidence, and eliminates the need for an execution date to be set.

AB 2657 eliminates pointless litigation of post- conviction proceedings in capital cases in state and federal courts when a person has become permanently incompetent, thus saving California and the federal government from wasting significant resources on futile litigation.

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,

GEORGE GASCÓN
District Attorney