



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
SACRAMENTO LEGISLATIVE OFFICE

GEORGE GASCÓN • District Attorney
JOSEPH F. INIGUEZ • Chief Deputy District Attorney

DANIEL FELIZZATTO • Legislative Advocate
TAMAR TOKAT • Legislative Advocate

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Senator Nancy Skinner
1021 O Street, Suite 8630
Sacramento, CA 95814

**Senate Bill 1001
SUPPORT**

Dear Senator Skinner:

The Los Angeles County District Attorney's Office is pleased to support Senate Bill 1001 (Skinner).

SB 1001 amends existing law to ensure that people who are diagnosed with an intellectual disability as adults are protected from capital punishment. Current CA law prohibits intellectually disabled defendants from being sentenced to death if mental health experts determine that their impairment manifested before the end of the developmental period. This bill clarifies that to mean that the deficits were present during the developmental period; however, there is no requirement for a formal diagnosis of intellectual disability or tests of intellectual functioning in the disability range before the end of the developmental period.

In 2002, the United States Supreme Court held in *Atkins v. Virginia* that the 8th Amendment forbids the execution of an intellectually disabled defendant. In 2003, the CA Legislature added PC §1376 to implement that decision. In 2004, the CA Supreme Court in *Centeno v. Superior Court* addressed and limited the scope of permissible testing by prosecution experts in capital cases in which intellectual disability is raised. SB 1001 codifies and expands the Court's holding in *Centeno*. It also amends the CA Penal Code to explicitly state that a person with an intellectual disability is ineligible for the death penalty.

By establishing a process that retains the requirement that intellectual disability be present during a person's developmental stage, but allowing the person to obtain a diagnosis of intellectual disability past that time period, SB 1001 ensures that if the State ever resumes executions, it does not ever execute people who are intellectually disabled.

If you have any questions or need additional information, please contact Tamar Tokat in our Legislative Office at 916-442-0668.

Very Truly Yours,

GEORGE GASCÓN
District Attorney