

February 14, 2007

SB 5787 – Exempting persons with severe mental disorders from the death penalty

Testimony

My name is Kevin Glackin-Coley and I am here this afternoon on behalf of the Washington State Catholic Conference, which represents the Catholic Bishops of Washington State. The Conference urges you to support the passage of SB 5787 which would exempt from the death penalty individuals with a “severe mental disorder. While SB 5787 would not abolish the death penalty, a goal supported by the WSCC, it would ensure that persons suffering from mental illness would not be subject to capital punishment.

On August 8, 2006 the American Bar Association passed Resolution 122A, which urged each jurisdiction that imposes capital punishment to enact legislation that ensured that, “defendants should not be executed or sentenced to death if, at the time of the offense, they had a severe mental disorder or disability that significantly impaired their capacity (a) to appreciate the nature, consequences or wrongfulness of their conduct, (b) to exercise rational judgment in relation to conduct, or (c) to conform their conduct to the requirements of the law. As in SB 5787, the ABA clarified that a disorder manifested primarily by repeated criminal conduct or attributable solely to the acute effects of voluntary use of alcohol or other drugs does not, standing alone, constitute a mental disorder or disability for purposes of this provision. The American Psychiatric Association, the American Psychological Association, and the National Alliance for the Mentally Ill have each endorsed similar resolutions.

In 2001, this Legislature enacted legislation that exempted the mentally retarded from the death penalty. One year later in *Atkins v. Virginia*, the U.S. Supreme Court held that it is a violation of the Eighth Amendment ban on cruel unusual punishment to execute death row inmates with mental retardation. That decision reflected the broad national consensus that had formed on the issue.

Enacting SB 5787 would allow the Washington State Legislature to give evidence of a growing national consensus that we should not impose the death penalty on those suffering from a severe mental disorder. If we are to continue to impose the ultimate punishment, it must be reserved for those who are capable of understanding both their actions and the actions of the state.

Again, in the name of the Catholic Bishops of Washington State, I urge you to support the passage of SB 5787. Thank you for your consideration.