

To: Members of the House Criminal Justice Committee

Fr: Monica Hueckel, Senior Director of Government Relations, Ohio State Medical Association
Joe Rosato, Director of Government Relations, Ohio State Medical Association

Da: May 2, 2019

Re: HB 136

On behalf of the nearly 16,000 physician, resident and medical student members of the Ohio State Medical Association (OSMA), we write to express our support for House Bill 136, legislation which, if enacted, would provide an exemption from the death penalty for certain defendants who had a serious mental illness at the time of the offense.

Under the bill, defendants would be eligible for the exemption from the death penalty if said serious mental illness impaired their capacity to exercise rational judgment, conform to the law, or appreciate the nature, consequences, or wrongfulness in relation to their conduct at the time of the crime. Serious mental illness can diminish a person's understanding of reality, cognitive ability, judgment, and executive function. Professional mental health evaluators used by the courts make a diagnosis of a serious mental illness following a rigorous examination, and do so with reasonable professional certainty that the defendant has exhibited sufficient symptoms required to meet established diagnostic criteria.

The specific diagnoses in this legislation are defined as serious mental illnesses by federal regulation as these disorders result in significant functional impairment and are found to interfere with or limit one or more major life activities. Disorders such as these affect a person's thinking, planning, and decision-making. These functional impairments should be taken into account as contributing factors with regard to the individual's conduct upon committing a criminal offense, and should be considered when determining the degree of culpability a defendant has for their actions.

It is an unfortunate reality that many individuals with mental illness are unable to access adequate and effective treatments for their conditions, for numerous and complex reasons that are often out of the individual's control. For some serious mental illnesses, even access to treatment cannot be expected to result in a complete resolution of the individual's impairments. For these reasons, the Ohio State Medical Association supports HB 136 in order to prevent defendants from being sentenced to death in Ohio if found to have had a serious mental illness at the time of the offense.

Thank you for the opportunity to be meaningful contributors to the legislative process and to provide comments on HB 136. Please feel free to contact us with any questions you may have.