



**Senator Sandra Williams
21st Ohio Senate District**

Committees:

- Public Utilities – Ranking Member
- Ways and Means – Ranking Member
- Energy and Natural Resources
- Insurance and Financial Institutions
- Finance Subcommittee on Higher Ed - Vice Chair

**Senate Bill 40 Joint Sponsor Testimony
Senate Judiciary Committee
Tuesday February 21, 2017**

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary committee, thank you for the opportunity to present joint sponsor testimony on Senate Bill 40.

In 2011, the Chief Justice of the Ohio Supreme Court, Maureen O'Connor, initiated a review of the state's death penalty to identify any systemic problems associated with the administration of the death penalty in Ohio. Chief Justice O'Connor called for a 20 person task force committee of judges, prosecuting attorneys, criminal defense lawyers, lawmakers, and academic experts, to conduct a study and submit a final report and recommendations to the Ohio State Bar Association and the Ohio Supreme Court.

The Joint Task Force submitted 56 recommendations to Chief Justice O'Connor and to the Ohio State Bar Association. Recommendation number eight (8) from the report makes up the foundation of the bill you see before you today, Senate Bill 40.

Over the past thirty years, the number of people with mental health conditions and other mental disabilities on death row has steadily increased.¹ It has been difficult to determine precise statistics, but it is estimated that five (5) to ten (10) percent of people on death row have a serious mental illness.²

Senate Bill 40 addresses the complexity of cases involving criminal defendants with mental health conditions. Conditions that influence an individual's mental state at the time he or she commits a crime can affect how voluntary and reliable an individual's statements are, can compromise a person's competence to stand trial and competence to waive his or her rights, and may have an effect upon a person's knowledge of the criminal justice system.

¹ The National Coalition to Abolish the Death Penalty. Fact Sheet: "Mental Competency and the Death Penalty." <http://www.ncadp.org/facts.html>

² Mental Health America; Death Penalty and People with Mental Illnesses: California Appellate Project.



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Individuals diagnosed with a mental illness should not be executed or sentenced to death if, at the time of the offense, they had significant limitations in both their intellectual functioning and adaptive behavior, as expressed in social, conceptual, and practical adaptive skills, resulting from bipolar disorder, delusional disorder, schizophrenia, dementia, or major depressive disorder.

Moreover, mental illness can affect every stage of a capital trial. When the judge, prosecutor, and jurors are misinformed about the nature of mental illness and its relevance to the defendant's culpability or guilt, tragic consequences often follow for the accused.

Those who are interested in finding common ground, whether they are supporters of the death penalty or opponents, owe it to Ohioans to embrace the thoroughly considered recommendations submitted by the Joint Task Force. I believe any steps to decrease the miscarriage of justice should be welcome, particularly for those facing death at the hands of their own government.

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary committee, thank you for your time and I ask for your favorable consideration of passage of this legislation.