

Thank you Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee for the opportunity to provide written testimony on HB 136. I am Kelly Smith, State Program and Policy Director for the Mental Health & Addiction Advocacy Coalition (MHAC). If enacted, the law would exempt from the death penalty defendants who, at the time of the offense, had one of the following serious mental illnesses: schizophrenia, bipolar disorder, schizoaffective disorder, or delusional disorder and that it significantly impaired their capacity to conform their conduct to the requirements of law or to appreciate the nature, consequences or wrongfulness of their conduct.

The MHAC is a statewide member organization actively advocating to increase awareness and advance policies to improve the lives of those impacted by mental illnesses and addiction disorders. The MHAC's membership includes approximately 120 organizations whose members exemplify the diversity of community organizations that have a common interest in behavioral health, including health and human service organizations; the faith-based community; government entities; advocacy organizations; courts; major medical institutions; the corporate arena; and behavioral health agencies serving adults and children.

The MHAC has not taken a stance on capital punishment; however, the coalition has taken a position in support of legislation to exempt individuals with certain serious mental illnesses from execution. Just as juveniles or those with intellectual disabilities have been deemed by the United States Supreme Court to lack the culpability normally associated with death penalty offenses, so too should those who suffer from serious biological brain disorders.

This legislation was recommended by the Ohio Supreme Court's Joint Task Force to Review the Administration of Ohio's Death Penalty. The Task Force recognized the need to address serious mental illness as part of the Eighth Amendment, which protects individuals who have less culpability or blameworthiness, such as juveniles and people with intellectual disabilities. People with serious mental illness experience mental health disorders that impair their cognitive functions and are not the worst of the worst. While this bill provides these individuals the ability to raise the issue of one of the four serious mental illnesses, this is not a categorical exemption. It gives the court the opportunity for an individualized and functional assessment of each defendant's eligibility for the death sentence. If the defendant meets the provisions under the bill, they are still held accountable and sentenced to life in prison.

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It is evident that many people live without access to mental health care. The stigma surrounding mental health disorders continues to be the greatest challenge and is the cause of other symptoms seen by society such as homelessness, problems with functioning and relationships, and involvement with the criminal justice system. We are urging your support to ensure the death sentence is administered more fairly by protecting individuals with certain serious mental illnesses from the ultimate penalty of death. Passing this bill is an important step forward in recognizing mental illness and breaking through years of stigma.