



National Alliance on Mental Illness

NAMI California

April 1, 2022

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The Honorable Reggie Jones-Sawyer, Chair
Assembly Committee on Public Safety
1021 O Street, Room 5210
Sacramento, CA 95814

Re: AB 2657 (Stone) Incarcerated person's competence – SUPPORT

Dear Assembly Member Jones-Sawyer:

NAMI-CA is in support of AB 2657 (Stone), which will authorize incarcerated people on death row to file petitions raising their permanent incompetence at any time after their conviction becomes final, if a psychiatrist or licensed psychologist provides a declaration attesting to their permanent incompetence.

NAMI-CA is the statewide affiliate of the country's largest mental health advocacy organization, the National Alliance on Mental Illness. Our over 110,000 active advocates and 62 affiliates include many people living with serious mental illnesses, their families, and supporters. NAMI-CA advocates on their behalf, providing education and support to its members and the broader community.

People with mental illness are overrepresented in our nation's criminal justice system. Tragically, people with serious mental illness (SMI) are also overrepresented amongst individuals who have been [executed](#) or are currently on death row. While precise numbers are not available, there is evidence that SMI may increase the likelihood of being charged with a capital crime eligible for the death penalty, and [people of color](#) make up the majority of people on death row.

NAMI-CA believes that sentences of death must be reduced to lesser punishment if prisoners under such sentences are found at any time subsequent to sentencing to have a mental disorder or disability that significantly impairs their ability:

- (a) to understand and appreciate the nature of the punishment or its purpose,
- (b) to understand and communicate information relating the death sentence and any proceedings brought to set it aside, or
- (c) to make rational choices about such proceedings.

The U.S. Supreme Court has already ruled that executing juveniles and individuals with intellectual disabilities is cruel and unusual punishment — for many of the same reasons that apply to people experiencing symptoms of a serious mental illness, like diminished capacity, lack of impulse control and inability to participate in their own defense. This standard should also be applied to people with serious mental illness, and the death penalty should be eliminated for people with serious mental illness.

For these reasons, NAMI-CA supports AB 2657. I may be reached at jessica@namica.org or (916) 567-0163. Thank you.

Sincerely,

Jessica Cruz,
MPA/HS
Chief Executive Officer

Cc: Members and Consultant to Assembly Committee on Public Safety
The Honorable Mark Stone, California State Assembly