

Miles' SB 418 & Thompson's HB 1139

Process for Determining Intellectual Disability in Capital Punishment Cases

SB 418 & HB 1139:

Provides a process for judges to determine whether the defendant is intellectually disabled in capital cases. This bill requires courts to make the determination before trial and to use the most up-to-date medical standards of intellectual disability.

SB 418 and HB 1139 are modeled on best practices, using the Diagnostic and Statistical Manual of Mental Disorders, which defines intellectually disabled individuals using scientific criteria.

This bill does not alter the application of the death penalty in Texas outside of excluding those determined to be intellectually disabled from execution, consistent with U.S. Supreme court precedent.

Background:

In 2002, there was a landmark ruling from the United State Supreme Court which ended the execution of those with intellectual disabilities stating it was a violation of the 8th amendment, ban on cruel and unusual punishment. The United States Supreme Court declared in 2017 and 2019 Texas' test for intellectual disability in capital cases unconstitutional. The previous rules were too strict and relied on outdated medical definitions and subjective considerations.

Individuals with an Intellectual Disability:

- have IQs lower than 97.5% of the population,
- have disproportionately negative outcomes when they interact with the criminal justice system,
- lack basic supports to live independently, and
- experience these challenges beginning as kids.

However, the Court of Criminal Appeals did not update courts and did not provide guidance on how to determine whether someone is intellectually disabled in death penalty cases. This bill provides courts with the procedure to make such determinations.

Cost:

Saves the state money. By placing the hearing prior to the trial and sentencing phase, any disputes over disability determinations can be litigated without a redo of the sentencing phase, a significant expense to the state. This is particularly true given that the U.S. Supreme Court has now twice overturned Bobby Moore's conviction, requiring significant additional court time.