



The Arc of PA Applauds PA Senate Passage of Mental Retardation Death Penalty Ban Legislation

FOR IMMEDIATE RELEASE
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Executive Director

HARRISBURG (PA): The Pennsylvania Senate today passed legislation to implement a 2002 U.S. Supreme Court decision banning executions of persons with mental retardation. Senate Bill 628 was passed by an overwhelming 45-2 margin. The Arc of Pennsylvania applauds this action and urges the House of Representatives to quickly approve the legislation and send it to Governor Rendell for his signature.

In 2002, the U.S. Supreme Court, in *Atkins v. Virginia*, ruled that the execution of people with mental retardation violated the 8th Amendment of the Constitution, which prohibits cruel and unusual punishment. Reasons were several, including the level of culpability of a person with mental retardation and whether someone with mental retardation is able to participate effectively in their own defense. However, the high court left it to the states to decide how to implement the ban at the state level.

The Senate's action today, under the leadership of the bill's prime sponsor, Senator Mary Jo White, advances legislation that addresses satisfactorily two key issues of concern to The Arc of Pennsylvania. First, the definition that would be used to determine a defendant's "mental retardation" status would be consistent with that which is used by clinicians and professionals in the field. Second, a pre-trial procedure would be used to apply the definition to the defendant and a judge would make the determination. Some opponents of SB628 prefer to have that determination made by the convicting jury after the trial has ended. However, this will not produce a fair and unbiased determination given that the jury will have been exposed to evidence of what is admittedly a heinous crime.

"It is no small thing being on trial for one's life – a presumed innocent defendant with mental retardation should not have to go through a capital trial if they are not eligible for capital punishment", said Steve Suroviec, Executive Director of The Arc of Pennsylvania. "What's more, capital trials are very expensive – taxpayers don't want to pay for a capital trial only to find out afterward capital punishment was never even an option", concluded Suroviec.

In addition to The Arc of PA, 13 other statewide disability organizations support SB628. That list is attached.

The Arc was formed 60 years ago by a small group of parents who wanted more for their children with "mental retardation" than an isolated life in a state institution. It has since grown into the largest member-driven advocacy movement in the nation. The Arc of Pennsylvania is affiliated with The Arc of the United States and 36 local chapters of The Arc serving 52 counties across the Commonwealth.

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Advocacy & resources for citizens with
intellectual & developmental disabilities & their families



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Pennsylvania Disability Organizations Supporting SB 628

**The Arc of Pennsylvania
Speaking For Ourselves, Inc.
PA TASH
United Cerebral Palsy of PA
PA Developmental Disabilities Council
Disability Rights Network of PA
Institute on Disabilities at Temple University
Vision for Equality, Inc.
PA Statewide Independent Living Council
PA Council on Independent Living
PA Community Providers Association
PA County MH/MR Administrators Association
PAR – Autism and Intellectual Disabilities
Self Advocates United As 1**

**Advocacy & resources for citizens with
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