



SMI exemption - General talking points

The Idaho Alliance for the Serious Mental Illness Death Penalty Exemption (IASMIE) is a coalition of mental health providers, legal professionals, faith leaders, and social justice groups who believe individuals with persistent and documented severe mental illness should be barred from execution in Idaho. The SMI exemption does not bar individuals with severe mental illness from prosecution in capital cases, but rather recognizes their diminished culpability to understand criminal wrong doing and ensures that an appropriate sentence is given, most likely life without the possibility of parole.

Individuals with severe mental illness should be exempt from the death penalty.

- What this bill would do: This bill would prevent individuals with persistent and documented severe mental illness from receiving a death sentence. The exemption would be determined on a case-by case basis and will affect only those with the most severe mental illnesses.
- What this bill would **not** do: The exemption does not pardon defendants of legal responsibility for their crimes and they will still be eligible for other sentences, such as life without the possibility of parole.

Exempting individuals with severe mental illness from execution means equal treatment under the law.

- Idaho law currently forbids the death penalty for juveniles and persons with intellectual disabilities, (formerly known as mental retardation), because of their diminished culpability. Even the United States Supreme Court has ruled in Atkins (2002) and Roper (2005) that individuals with intellectual disabilities and juveniles are barred from execution.
- Despite similar impairments, such as a diminished capacity to communicate clearly, learn from experience, engage in logical reasoning, control impulses and understand other's reactions, individuals with severe mental illness can still be executed unlike individuals with intellectual disabilities.

Mental illness is a medical impairment, and not the result of a choice.

- Severe mental illness is a narrow category of disorders and symptoms that seriously impairs people's ability to understand the world around them, to regulate their emotions, and to control their behavior. Examples of severe mental illnesses include, but are not limited to, many people with schizophrenia and schizoaffective disorders, bipolar disorders, major depressive disorder, and delusional disorders.
- Mental illness impacts a person's thinking, feeling or mood and may affect their ability to relate to others and function on a daily basis. This is usually associated with significant distress in social, occupational or other important activities.

Money saved by enacting the SMI exemption can be reinvested in community mental health programs.

- We know that capital murder trials come at a large expense for Idaho's counties and that executions cost taxpayers significantly more money than a sentence of life without the possibility of parole. Instead of seeking the death penalty for those with severe mental illness, we should be investing in treatment programs to try to prevent these crimes from happening in the first place.
- The current justice system consistently fails individuals with mental illness – lack of preventative community treatment options, restrictions to accessing mental health court, limits on mental health treatment in jail or prison – and we know that most mental illnesses go untreated.
- The exemption would allow cost-savings to go to diversionary treatment options, financial support of Idaho's many mental health crisis centers, expand the mental health court system to include violent offenders or investing in improved mental health programs for prisoners in the state's jails and/or prisons.

Idaho has no current legal protections to bar individuals with severe mental illness from being executed.

- Idaho is one of four states in the U.S. that has no “insanity plea” which leaves defendants with serious mental illness vulnerable to adverse sentencing penalties in our court system.
- Mistakenly, protections for “competency” claims are only meant to determine whether a defendant can understand the proceedings and are fit to stand trial, and are not limited to the question of the penalty they should receive.
- Extensive research has shown that mental illness is often misunderstood and erroneously considered an aggravating factor by the legal system when it is actually intended to be a mitigating factor that reduces the charges and/or sentence.