



Georgia: A Dangerous Outlier in Death Penalty & Intellectual Disability Law

Finding your legislators in the Georgia General Assembly

Find your Legislators by entering your address at <https://pluralpolicy.com/find-your-legislator/>. If a bill reaches the floor of either chamber (House or Senate) for a vote, your legislator will vote. For this reason, it's important your legislators knows that you support important changes to death penalty disability law in Georgia!

House Judiciary Non-Civil Committee Members

The House Judiciary Non-Civil Committee in the Georgia General Assembly is responsible for reviewing most proposed legislation impacting the criminal legal system in the House. Click each name to visit the official representative webpage. Once there is a proposed bill, contact these legislators even if *your* legislator isn't on the committee. If your representative *is* on the committee, make sure to let them know that you are their constituent.

Name	District	Position
<u>Tyler Paul Smith</u>	18th	Chairman
<u>Deborah Silcox</u>	53rd	Vice Chairman
<u>Clint Crowe</u>	118th	Secretary
<u>Mandi Ballinger</u>	23rd	Member
<u>James Burchett</u>	176th	Member, Majority Whip
<u>Charlice Byrd</u>	20th	Member
<u>Sharon Cooper</u>	45th	Member
<u>Chuck Efstration</u>	104th	Member, Majority Leader
<u>Barry Fleming</u>	125th	Member
<u>Joseph Gullett</u>	19th	Member
<u>Stan Gunter</u>	8th	Ex-Officio
<u>Soo Hong</u>	103rd	Member, Subcommittee Chair
<u>Dar'shun Kendrick</u>	95th	Member
<u>Rob Leverett</u>	123rd	Member, Subcommittee Chair
<u>Tanya F. Miller</u>	62nd	Member
<u>Farooq Mughal</u>	105th	Member
<u>Yasmin Neal</u>	79th	Member
<u>Matt Reeves</u>	99th	Member
<u>Shea Roberts</u>	52nd	Member
<u>Steven Sainz</u>	180th	Member



Senate Judiciary Committee Members

The Senate Judiciary Committee in the Georgia General Assembly is responsible for reviewing most proposed legislation impacting the criminal legal system in the House. Click each name to visit the official representative webpage. Once there is a proposed bill, contact these legislators even if *your* legislator isn't on the committee. If your representative *is* on the committee, make sure to let them know that you are their constituent.

Name	District	Position
<u>Brian Strickland</u>	17th	Chairman
<u>Bill Cowsert</u>	46th	Vice Chairman
<u>Mike Hodges</u>	3rd	Secretary
<u>Steve Gooch</u>	51st	Ex-Officio
<u>Bo Hatchett</u>	50th	Member
<u>Harold Jones II</u>	22nd	Member
<u>John F. Kennedy</u>	18th	Member

For more information or if you would like to make a Capitol visit with SCHR, please contact James Woodall (jwoodall@schr.org).



Sample Email or Letter to Legislators

It is important that your legislators know how you feel about intellectual disability and the death penalty. Writing to them is one way to make a concrete impact. Below is a sample letter that you should edit to suit your unique voice.

Dear **State Representative (if House)/Senator (if Senate) [Insert Last Name]**,

My name is **[Insert Your Name]** and I am a Georgia voter from District [insert here].

I am writing you to ask that you support changes to Georgia's process and standard for proving intellectual disability to in death penalty cases.

Intellectual disability (ID) is a cognitive disability that lasts for a person's lifetime. The onset of the disability occurs during childhood and is characterized by significant limitations in both intellectual functioning and adaptive behavior.

In 2002, the United States Supreme Court ruled in *Atkins v. Virginia* that executing people with ID violates the Eighth Amendment's protection against cruel and unusual punishment. Additionally, the Court said that a diagnosis of ID, regardless of severity, categorically excludes defendants with ID from execution.

Despite this ruling, Georgia is the only state in the country that forces people to prove ID beyond a reasonable doubt to avoid execution. It is also the only state that asks the jury to simultaneously decide guilt and ID. Not one person facing the death penalty has ever met the standard, which means that Georgians with ID are at risk for execution.

This process and standard create an extremely challenging legal obstacle, and Georgia is an outlier in requiring it. No defendant in Georgia has ever been able to prove intellectual disability beyond a reasonable doubt to avoid execution. Georgia allows the execution of people with intellectual disability because the burden of proof is too high and the determination process is too prejudicial.

Lowering the standard of proof and separating the determination of ID from the guilt-phase of trial is the only way to ensure that Georgia is in line with the *Atkins* decision.

[State any additional reasons you support this change here. Include a personal story related to this issue if you have one you are comfortable sharing]

Please get Georgia back on the right side of history and in line with the rest of the country and support reforming the way we treat intellectually disabled people facing the death penalty.

Sincerely,

[Insert Your Name]

[Insert Your Contact Information]