



August 28, 2022

**VIA Email to the Office of the Governor and Author**

The Honorable Gavin Newsom  
Governor of California  
State Capitol  
Sacramento, CA 95814

**RE: AB 2657 (Stone) – Incarcerated person’s competence – REQUEST FOR  
GOVERNOR’S SIGNATURE**

Dear Assemblymember Stone:

**The League of Women Voters of California writes to request your signature on AB 2657 (Stone)**, which modernizes our process for identifying people sentenced to death who are permanently incompetent -- and thus ineligible for execution. The bill also creates a process for courts to resentence these individuals to life in prison without the possibility of parole.

The United States Supreme Court has concluded that the Eighth Amendment of the Constitution prohibits the execution of a person who is mentally incompetent – that is, someone who has been determined to lack the cognitive function to understand that they are being executed or the reasons why. Some people deemed mentally incompetent and sentenced to death have long suffered from severe mental illness while others became incompetent as the result of severe brain injury.

The League supports the abolition of the death penalty and supports individual liberties guaranteed by the 8th Amendment of the Constitution. AB 2657 provides relief to those individual’s sentenced to death, who through time and age, have

developed conditions of permanent mental disability that make them constitutionally ineligible to be sentenced to such an extreme and inhumane punishment.

Currently, the most common cause of mental incompetence among people sentenced to death in California is dementia – a condition that is increasingly prevalent among the aging population sentenced to death in California. Although some courts have vacated a handful of death sentences of permanently incompetent people and resentenced them to life in prison without parole, at least one court has refused to consider a permanent incompetence petition until an execution date has been set.

AB 2657 requires courts to resentence people sentenced to death if they are deemed permanently mentally incompetent, as established by a preponderance of the evidence, and eliminates the need for an execution date to be set. AB 2657 eradicates pointless litigation of post-conviction proceedings in capital cases in state and federal courts when a person has become permanently incompetent, thus saving California and the federal government from wasting significant resources on futile litigation.

**For these reasons, the League of Women Voters of California strongly supports AB 2657 (Stone) and requests your signature. Thank you.**

Sincerely,



Carol Moon Goldberg  
President