News

Jessica Able

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A Franklin County Circuit judge ruled July 2 that Kentucky's death penalty regulations are unconstitutional because they fail to provide for an automatic stay of execution for intellectually disabled inmates.

The Catholic Conference of Kentucky and Fr. Patrick Delahanty, retired chair of the Kentucky Coalition to Abolish the Death Penalty, praised the court's decision as a step in the right direction.

The state Catholic conference, the public policy arm of the state's bishops, thanked the court for recognizing the injustice of executing intellectually disabled individuals but its executive director, Jason Hall, stressed that "legislators need to act soon to abolish the death penalty once and for all."

Delahanty, a retired priest of the Louisville Archdiocese, similarly said the state's coalition appreciates the efforts of the public defenders to "force the state to adhere to laws governing executions."

"However, the best way to ensure the state does not execute mentally disabled and mentally ill people is to abolish the death penalty. We will continue to push Kentucky's lawmakers to repeal this immoral practice," he said.

Judge Phillip Shepherd ruled on a petition brought forth by several inmates currently on death row in Kentucky. The motion alleged the "execution regulations fail to expressly prohibit the execution of an intellectually disabled person."

The petition went on to say that the death penalty protocols for such cases are "invalid for failing to comply with state and federal law."

Shepherd said the current state law, as written, is "unconstitutional to the extent that it fails to provide for an automatic stay of the death penalty when the Department of Corrections review has disclosed reasonable grounds to believe the inmate is intellectually disabled."

He said when the Department of Corrections is presented with evidence of an inmate's intellectual disabilities, it has a "constitutional duty to suspend" capital punishment "until there has been a judicial determination of the condemned inmate's intellectual disability."

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Failure to provide for an automatic stay of execution in these circumstances, he said, "creates an unacceptable risk that an intellectually disabled person will be executed in violation of the Eighth Amendment of the United States Constitution."

The Kentucky Supreme Court had previously issued a ruling that required an inmate to have an IQ lower than 70 to qualify as intellectually disabled. Subsequently in 2018, the state Supreme Court cited the United States Supreme Court and said the use of a "bright-line IQ test" without additional evidence cannot be used to conclusively determine that a person is not intellectually disabled" and can be subject to the death penalty.

The Catholic Church stands firmly against capital punishment. Last year, Pope Francis ordered a revision of the Catechism of the Catholic Church to assert "the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person."

[Jessica Able is on the staff of The Record, newspaper of the Louisville Archdiocese.]