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## DIGEST

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HB 1107 Original

2026 Regular Session

Melerine

**Abstract:** Provides relative to the legislative overruling of certain jurisprudence with respect to the determination of intellectual disability in capital cases.

Present law (C.Cr.P. Art. 905.5.1) provides relative to capital defendants who have intellectual disabilities.

Proposed law generally retains present law.

Present law requires any defendant in a capital case who makes a claim of intellectual disability to prove the allegation by a preponderance of the evidence.

Proposed law amends present law to require the defendant to prove all of the following:

- (1) The defendant has significantly subaverage intellectual functioning with consideration of the margin of error when evaluating a defendant's intelligence quotient test score.
- (2) The defendant has significant and substantial deficits in adaptive behavior.
- (3) Both the significantly subaverage intellectual functioning and the substantial deficits in adaptive behavior manifested before the defendant reached the age of 18 years.
- (4) Both the significantly subaverage intellectual functioning and substantial deficits in adaptive behavior exist concurrently.

Proposed law requires a defendant to prove all of the criteria provided in proposed law to be considered intellectually disabled.

Proposed law provides that present law becomes inoperative immediately upon, and to the extent permitted by, a decision of the U.S. Supreme Court overruling *Atkins v. Virginia*, relative to the imposition of a sentence of death notwithstanding a claim of intellectual disability.

Present law (C.Cr.P. Art. 924) provides for definitions relative to post-conviction relief.

Proposed law retains present law and defines the terms "adaptive behavior", "intellectually disabled", and "significantly subaverage intellectual functioning".

Proposed law provides for the legislative overruling of *State v. Williams* and *State v. Dunn*, relative to capital defendants who allege a claim of intellectual disability.

Proposed law provides that no person found to be intellectually disabled pursuant to proposed law shall be subjected to a sentence of death.

Proposed law provides for criteria that a petitioner is required to prove by clear and convincing evidence in order to obtain post-conviction relief under proposed law.

Proposed law requires a petitioner to prove all of the criteria provided in proposed law to be considered intellectually disabled.

Proposed law provides for certain submissions from the petitioner to prove significantly subaverage intellectual functioning for post-conviction relief. Further provides for duties of the court relative to consideration of the margin of error when evaluating a petitioner's intelligence quotient test score and the cumulative effects of multiple scores.

Proposed law provides a rebuttable presumption that the petitioner does not have significantly subaverage intellectual functioning if he has obtained a score above 75 on any scientifically recognized, standardized intelligence quotient test that is individually administered by a licensed psychiatrist or psychologist.

Proposed law requires any evidentiary hearing, if applicable, to be conducted in accordance with present law (C.Cr.P. Art. 930).

Proposed law provides that present law (C.Cr.P. Art. 905.5.1) becomes inoperative immediately upon, and to the extent permitted by, a decision of the U.S. Supreme Court overruling *Atkins v. Virginia*, relative to the imposition of a sentence of death notwithstanding a claim of intellectual disability.

Proposed law provides for venue in the 21st JDC for any civil action seeking declaratory, injunctive, or other relief challenging the constitutionality of proposed law, in whole or in part.

Proposed law applies both retroactively and prospectively to all post-conviction relief that is sought on the basis of the petitioner's intellectual disability.

Proposed law provides for duties of the La. State Law Institute relative to placement of proposed law.

(Amends C.Cr.P. Art. 905.5.1(C) and 924(intro. para.); Adds C.Cr.P. Arts. 905.5.1(I), 924(7)-(9), and 926.5)