

The **Virginia Alliance for the Severe Mental Illness Exclusion (VASMIE)** is a coalition of organizations that seeks a legal exclusion which protects those with SMI who don't fit the very narrow insanity defense, but have major mental impairments that make them undeserving of the death penalty. For info, contact: [virginia.smi.exclusion@gmail.com](mailto:virginia.smi.exclusion@gmail.com)

### Excluding Individuals With SMI Would:

#### Apply Only to Sentencing

The law does not apply to whether someone is guilty or not guilty, only to whether he or she is eligible for the death penalty. Defendants with SMI who commit violent crimes would still be able to be found guilty and receive tough sentences, including life without parole.

#### Simply Expand Current Policy

Virginia already excludes people with intellectual disabilities from the death penalty. Excluding those with SMI would simply treat these individuals the same way that we already treat people with intellectual disabilities.

#### Be Only Narrowly Applied

This exclusion would apply only to individuals with severe mental illness (see definition to the right).

#### Affect Only a Small Percentage of Cases

Mental Health America estimates that only 5- 20 percent of inmates currently on death row in the United States have a severe mental illness.

#### Raise Awareness of Mental Health Issues in Virginia

Our criminal justice system fails individuals with mental illness due to a lack of preventative community treatment options and limits on treatment while incarcerated.

### Definition of SMI:

"Severe mental illness" means the exhibition of active psychotic symptoms that substantially impair a person's capacity to:

- i) appreciate the nature, consequences, or wrongfulness of the person's conduct;
- ii) exercise rational judgment in relation to the person's conduct; or
- iii) conform the person's conduct to the requirements of the law.

"Severe mental illness" does not include a disorder manifested primarily by repeated criminal conduct or attributable to the acute effects of voluntary use of alcohol or any drug.

### Visit [VASMIE.org](http://VASMIE.org) to learn how to get involved.

The VASMIE Coalition includes mental health advocacy groups and criminal justice reform organizations, including:

- DisAbility Law Center
- Mental Health America of Virginia
- National Alliance on Mental Illness Virginia
- National Alliance on Mental Illness of Central Virginia
- National Association of Social Workers - Virginia Chapter
- Virginia Counselors Association
- Virginia Organization of Consumers Asserting Leadership
- ACLU of VA
- Virginians for Alternatives to the Death Penalty

### How is this exclusion different from the insanity defense?

With this SMI exclusion, a defendant could be prosecuted, convicted and sentenced to life in prison without parole if found guilty — not sent to a psychiatric institution.

The exclusion protects those with SMI who don't fit the very narrow insanity defense, but have major mental impairments that make them undeserving of the death penalty.