



Utah

AMERICAN CIVIL LIBERTIES UNION OF UTAH

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Wednesday, March 11, 2026

Dear Governor Spencer Cox:

The **American Civil Liberties Union of Utah (ACLU of Utah)** strongly urges you to veto House Bill 495, “Capital Felony Case Amendments.” HB495 has been packaged as an efficiency bill, aiming to qualify Utah for expedited federal review of capital felony cases. This concern with efficiency comes in response to recent death penalty cases in Utah that continued for decades, although not for reasons addressed by this bill. Key drivers of delay in cases like Ralph Menzies’ were outlier issues stemming from decades-old collateral litigation issues that are outside the scope of HB495. Moreover, these issues have largely been addressed because these cases were commenced before Utah enacted Rule 8 of Criminal Procedure, which safeguards capital cases with additional attorney qualifications.

With quality lawyers and a more adequate process, innocent people who were falsely convicted and wrongfully sentenced to death have been exonerated. We are particularly concerned with the changes made by HB495 because they weaken protections for individuals subjected to a process that already risks executing innocent people. According to the [Death Penalty Information Center](#), for every eight people executed, one innocent person has been [exonerated from death row in the U.S.](#)

The process in HB495 disproportionately relies on a hastily acquired IQ score that is not determinative of intellectual disability. IQ tests have a standard rate of error that requires a thorough process, and even when done correctly, they are not a valid sole basis for diagnosing intellectual disability. For the sake of expediency, HB495 imposes a rigid, unworkable timeline of 30 days to use an invalid proxy for an intellectual disability diagnosis that undermines due process for intellectually disabled individuals during some of the most essential proceedings in a death penalty case.

This bill risks foreclosing legitimate claims of intellectual disability, prioritizing speed over accuracy and due process. HB495 changes the current appeals system to remove a judge’s ability to complete competency proceedings before an individual is executed by the state. Administratively, HB495 is short-sighted, removing a judge’s ability to consider the timing of competency proceedings and practical considerations outside the parties’ control, such as the availability of qualified Department of Health and Human Services (DHHS) mental health examiners or relevant evidence necessary to make reliable intellectual disability determinations. Moreover, HB495 was amended to remove protections for individuals who may not meet the legal definition of “intellectually disabled,” but have significant disabilities that should be considered in the interest of justice.

Rather than achieving the stated goal of efficiency, HB495 is a redundant piece of legislation that targets an issue that has already been addressed. Instead of ensuring competency proceedings are done the first time properly, HB495 removes critical death penalty safeguards for intellectually disabled individuals. This invites inaccuracy, unnecessary disputes, and additional proceedings, ultimately jeopardizing due process and risking further delay.

While the death penalty exists in Utah, the state has a legal and moral duty to afford individuals—especially vulnerable individuals, such as those with intellectual disabilities—their constitutionally mandated legal protections. The changes proposed in HB495 send the message that Utah values speed above due process, accuracy, and a fair criminal legal system. For these reasons, we urge you to veto HB495.

Sincerely,

**Brittney Nystrom**  
*Executive Director, ACLU of Utah*

CC:  
Lt. Governor Deidre Henderson  
Jon Pierpont  
Neil Abercrombie