

***Superseded 5/10/2016***

**77-15a-101 Mentally retarded defendant not subject to death penalty -- Defendant with subaverage functioning not subject to death penalty if confession not corroborated.**

- (1) A defendant who is found by the court to be mentally retarded as defined in Section 77-15a-102 is not subject to the death penalty.
- (2) A defendant who does not meet the definition of mental retardation under Section 77-15a-102 is not subject to the death penalty if:
  - (a) the defendant has significantly subaverage general intellectual functioning that exists concurrently with significant deficiencies in adaptive functioning;
  - (b) the functioning described in Subsection (2)(a) is manifested prior to age 22; and
  - (c) the state intends to introduce into evidence a confession by the defendant which is not supported by substantial evidence independent of the confession.