

TO: House Criminal Justice Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
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RE: House Bill 3 – Opponent Testimony



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To Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for this opportunity to present opponent testimony on House Bill 3.

The ACLU of Ohio's opposition to HB 3 stems from the portion of the bill that expands the death penalty in our state. Under HB 3, the offense of Aggravated Murder is expanded to include situations where both of these factors apply: 1) the victim was a family or household member of the defendant and 2) the defendant has previously been convicted of *any* domestic violence offense against *any* family or household member. This includes misdemeanor offenses when no physical contact is made with a victim.

The ACLU of Ohio opposes the death penalty under all circumstances so our opposition to HB 3 should come as no surprise. Of course, capital punishment issues are particularly relevant here in our state.

In Ohio (as is the case so many other places), the death penalty has far more to do with geography, income, and race than anything resembling "justice." HB 3 does not solve or minimize these problems; it makes them worse.

In addition, Ohio has proven extremely incompetent with its implementation of capital punishment as, over the past several years, we have experienced multiple botched executions that have understandably earned us national and international notoriety.

Furthermore, in Ohio, we have also had (so far) nine people exonerated from Death Row, with several of those occurring in recent memory.

The ACLU of Ohio feels *any* of the above reasons are suitable to oppose the death penalty in Ohio. When taken together, it is apparent capital punishment in Ohio is thoroughly broken and should be abandoned altogether. Yet, here we are with bipartisan legislation to inexplicably expand the death penalty even further.

Members of this committee, the ACLU of Ohio asks that while you continue to deliberate House Bill 3, please remove any expansion of Ohio's flawed and failed death penalty from this bill.