



HOUSE CRIMINAL JUSTICE COMMITTEE – PROPONENT TESTIMONY, HB 234, 10.24.23

Chairwoman Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee, thank you for holding this hearing and for the opportunity provide written testimony. My name is Hannah Kubbins and I am the Deputy Legislative Director for Americans for Prosperity, Ohio. AFP, along with a series of partner organizations, is working to move our society more closely to one reflective of the Principles of Human Progress – the principles so eloquently captured in the Declaration of Independence – one of equal rights and mutual benefit, where everyone can live a life of meaning and succeed by benefiting others with limited government intervention.

AFP believes in an effective criminal justice system that protects people, preserves public safety, respects human dignity, restores victims, removes barriers to opportunity for people with criminal records, and ensures equal justice for all.

Accordingly, on behalf of AFP-Ohio, we support the important change provided within HB 234 as it pertains to Alford pleas.

HB 234 amends sentencing guidelines in sections 2929.12 and 2929.22 of the Ohio Revised Code to protect a defendant’s ability to plead guilty while maintaining one’s innocence in court.

Under an Alford plea, the defendant is not admitting guilt, but rather acknowledging the court has enough evidence to obtain a conviction at trial even if they are innocent. Current law allows courts to consider the lack of admission of guilt as a lack of remorse which could result in harsher sentencing.

The Alford Plea was established by the Supreme Court in *North Carolina v Alford* in 1970. The defendant, Henry Alford, faced a death sentence for the murder of Nathaniel Young. Alford plead guilty to the lesser offense of second-degree murder to avoid the death penalty despite maintaining his innocence.

HB 234 allows the court to maintain the right of the judge or prosecution to accept or reject an Alford Plea while also recognizing that innocence claims need to be taken seriously. Since 1975, [according to the National Registry of Exonerations](#), Ohio is home to 104 individuals who have been wrongfully convicted and exonerated. In order to maintain a criminal justice system that ensures equal justice for all, it’s crucial that we amend the current sentencing guidelines in the

aforementioned sections of the ORC to reflect the language found in HB 234. Doing so will align Ohio law with judicial and common law precedent.

Thank you to the primary sponsors of this bill – Rep. Williams and Rep. Rogers - and thank you to the committee for holding this hearing. AFP-Ohio urges a “yes” vote on HB 234.