

To: Senate Judiciary Committee
Re: Senate Bill 101

Proponent—Written Testimony Only

From Jim Petro
6573 Marissa Loop, #405
Naples, FL 34108

November 13, 2023

Dear Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee:

As a former Ohio Attorney General with decades of experience with Ohio's death penalty, I wholeheartedly support S.B. 101.

I was a freshman legislator on the Ohio House Judiciary Committee in 1981 and voted to move out of committee Senate Bill 1, the bill to restore Ohio's death penalty, after it had been struck down in 1978 by the U.S. Supreme Court. While I had expressed support, it was unexpectedly difficult to vote to restore the death penalty. The bill was approved and then passed into law.

Ironically, about twenty-two years later, as Ohio Attorney General, I had the responsibility, in case of a last-minute stay, of audibly monitoring executions via a dedicated open line to the execution chamber in Lucasville, Ohio. Often, I spoke with the victim's family earlier that day to express the state's sympathy and to notify them that the day had arrived in which justice would be served to the perpetrator who had changed their lives. Then I listened to a step-by-step description in real time of the state taking a life. During my four-year term as Attorney General, Ohio had 19 executions. I dreaded each one and never grew callous to the enormity of this official act.

Over the ensuing decades, I learned that the arguments supporting the death penalty—lower costs than life in prison; a deterrent to heinous crime; supportive of victims—were simply not true. But nothing contributed more to my weakening support of the death penalty than my experience working to identify, reduce, and overturn wrongful convictions. In Ohio and throughout the country credible claims of innocence have resulted in more than 3,400 exonerations of people who spent more than 30,000 years in prison for crimes they did not commit. Students of wrongful conviction believe that countless other innocent inmates do not have the resources to prove their innocence.

Fortunately, those I assisted had not been sentenced to death, but many innocent people have experienced this nightmare. The National Registry of Exonerations reported recently that we know of 1,287 people wrongly convicted of murder, of whom 138 had been sentenced to death before they were exonerated. There is little question in my mind that the criminal justice system has executed in error. This record of wrongful convictions requires abolition of the death penalty.

Equally troubling is the uneven, unfair, and biased application of the ultimate punishment. While people of color make up 13.3% of Ohio's population, they constitute 61% of Ohio's exonerees. This is irrefutable proof of bias in the system, and it begs correction.

My journey from proponent to opponent of Ohio's death penalty was one in which more than twenty years of public service experience and emerging truths replaced superficial rhetoric. From a public safety perspective, life without parole is a wiser punishment than a flawed, irreversible death penalty.

Ohioans deserve a justice system that delivers fair, accurate, and equal justice for all. Passing S.B. 101 is an essential step toward that worthy mission.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Petro". The signature is fluid and cursive, with a large loop at the end of the name.

Jim Petro