

Senate Bill 101: Abolishing the Death Penalty



Prepared for: Chair Nathan Manning
Ohio Senate Judiciary Committee

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

Thank you for the opportunity to submit a comment for your review.

State executions are incompatible with the principles of individual liberty and limited government. The practice of capital punishment carries an inherent and unconscionable risk of executing innocent individuals at taxpayer expense.

Wrongful convictions and executions are not speculative concerns. While we cannot possibly know how many people have been wrongfully executed, a troublingly high number of people are exonerated while on death row. According to research from the [Death Penalty Information Center](#), 11 people have been exonerated while awaiting execution in Ohio since 1979, three within the past 10 years. That estimate only includes cases where individuals were acquitted of all charges, had all their charges dismissed, or received a complete pardon based on evidence of their innocence. On average, exonerees in Ohio had been on death row for 20 years, and the longest sentence served by a death row exoneree was 39 years.

Proponents of the death penalty often claim that it may serve as a deterrent, but there is no consistent evidence to support this claim. Empirical research on the subject is marked by intense methodological disagreements and has produced conflicting results. As a 2015 National Research Council [report](#) concluded, existing research “is not informative about whether capital punishment decreases, increases, or has no effect on homicide rates.” The report explicitly stated that “these studies should not be used to inform deliberations requiring judgements about the effect of the death penalty on homicides.”

While the moral issues surrounding state executions are the most significant reasons to abolish the death penalty, it should also be noted that capital punishment is significantly more expensive than alternative sentences, such as life without parole. The high cost of capital cases is attributable to longer trials, extensive opportunities for appeal, larger juries, and more lawyers on both sides of a case. These are necessary protections against wrongful executions, but they come at a hefty price. The Ohio Attorney General’s [2022 Capital Crimes Report](#)

estimated that the cost of “imposing the death penalty on the 128 inmates currently on Death Row might range between \$128 million to \$384 million.”

None of the individuals currently on death row in Ohio face imminent execution, either because the state lacks access to lethal injection drugs or because they are pursuing appeals, and yet these costs continue to accumulate. Lengthy delays between sentencing and execution are necessary given the risk of wrongful convictions, but the consequence is that death row inmates in Ohio are more likely to die by other causes. There is simply no reason for the state to spend so much taxpayer money to hand down sentences it is unlikely to carry out. It is time for Ohio to join the [23 other states](#) that have abolished the death penalty.

Thank you for your time and consideration.

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