

Proponent Testimony on Senate Bill 101, Abolition of the Death Penalty  
Karen Leith, PhD, League of Women Voters of Ohio – Advocacy Chair  
Ohio Senate Judiciary Committee  
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Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judiciary Committee, thank you for allowing me to speak in **support** of SB 101, Abolition of the Death Penalty in Ohio. I am Dr. Karen Leith, chair of the League of Women Voters of Ohio Advocacy Committee. I was part of the study that resulted in our position of abolition and have followed the bills in every General Assembly, testifying in support of abolition. We need to do this now.

We now have been at this point for decades, introducing bills, gathering the votes and then letting the bills die in committee. It is time to take the death penalty off the table. Ohio has a defacto abolition in that the drug companies will not allow their drugs to be used for executions. Ohio has not been able to find another acceptable method. It is time to just remove the death penalty from all possibilities.

Bills to exempt individuals with severe mental illness from facing the death penalty were reintroduced as bills, SB 40 and HB81, in 2017-18; then in 2019-2020, they were SB54 and HB136; finally, as HB 136, this legislation passed both chambers of the 133<sup>rd</sup> General Assembly in *Lame Duck*. The mental health gap is closed by naming five severe diagnoses of mental illness to become exemptions from the death penalty.

As of today, 23 states plus the District of Columbia have outlawed the death penalty. In 2010, the American Law Institute concluded that the death penalty system is broken and cannot be fixed. This is particularly significant because the prestigious organization of judges, lawyers and law professors was the original source of the intellectual foundation for using the death penalty that the U.S. Supreme Court basically adopted when it reinstated capital punishment in 1976.

This is bipartisan legislation that has been introduced to eliminate the death penalty completely in Ohio and there is unprecedented bipartisan support. The time is now!

Simply put:

- **The death penalty has failed to deter violent crime.** The Death Penalty Information Center reports that the majority of death penalty states show murder rates higher than non-death penalty states.(1)
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- **Capital punishment is not pursued with equity,** and has been described by Ohio Supreme Court Justice, Paul Pfeiffer, as a “death lottery...depending on where you

happen to commit the crime and the attitude of the prosecutor.” Only 6 of the 88 counties put it on the table.

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- The Death Penalty Information Center released a report in September 2020 detailing **racial bias in regard to the death penalty**.<sup>(2)</sup> In Cuyahoga County, 4 of the last 6 defendants sent to death have been black, and Hamilton County is among the top 2% of counties responsible for the majority of U.S. executions. Additionally, in Hamilton County, between 1992 and 2017, the odds that a black defendant accused of killing a white victim would be sentenced to death were 5.33 times higher than for all other cases.
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- **The risk of executing an innocent person is substantial**.<sup>(3)</sup> In Ohio, there are **eleven death row exonerees**. Since the reinstatement of the punishment in 1976, the state has executed 56 people, which means for every five executions, one person has been exonerated.<sup>(4)</sup> This margin for error robs innocent people of years of their lives and missed time outside of incarceration as Ohio’s exonerees spent on average, over 21 years imprisoned,. False imprisonment also re-traumatizes the victims’ families, and leaves those responsible for the crime unaccountable.
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- Following an 18-month statewide study and consensus process, **LWVO adopted a position on the death penalty in 2005** calling for its abolition and a moratorium on its use. Violations of due process, bias against minorities, the unequal quality of representation for capital crime defendants, and the cost of the death penalty process led League members to the conclusion that Ohio’s death penalty should be abolished.
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- In 2007 **LWVUS adopted a national position** calling for the abolition of the death penalty with LWVO as a co-sponsor of the position. According to studies of the death penalty: The death penalty is inherently flawed, and no amount of reform can make it an appropriate sentencing option anywhere. Due process of the accused is often violated. **Capital punishment is systematically biased against minorities.**

**Let this 135<sup>th</sup> General Assembly be the one to finally end the death penalty in Ohio. Vote to pass SB 101.**

1 <https://deathpenaltyinfo.org/facts-and-research/murder-rates/murder-rate-of-death-penalty-states-compared-to-non-death-penalty-states>

2 <https://files.deathpenaltyinfo.org/documents/reports/Enduring-Injustice-Race-and-the-Death-Penalty-2020.pdf>

3 <https://ejusa.org/resource/innocent-lives-in-the-balance/>

4 <https://otse.org/issues/innocence-wrongful-convictions/>