



House Bill 234 Proponent Testimony

Zachary Miller, Legislative Policy Manager

Senate Judiciary Committee

November 13, 2024

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

On behalf of the Office of the Ohio Public Defender (OPD), thank you for the opportunity to submit proponent testimony on House Bill 234 (HB 234), which prohibits a court from considering whether a person showed genuine remorse for an offense when determining an appropriate sentence after the person enters an Alford plea.

The term Alford plea was born as a result of a case decided by the United States Supreme Court in 1970, in which the Court found, “An individual accused of crime may voluntarily, knowingly, and understandingly consent to the imposition of a prison sentence even if he is unwilling or unable to admit his participation in the acts constituting the crime.”¹ It allows a court to accept the plea of a person who is acknowledging the prosecution may have sufficient evidence to convict them of a crime and consent to punishment, even though the accused individual declines to admit actual guilt. The OPD supports HB 234, as it provides that when an individual enters an Alford plea, the court shall not consider whether the individual showed genuine remorse when determining the sentence for the offense. By the very nature of the plea, an individual entering an Alford plea would not demonstrate remorse as they are not admitting actual guilt – rather a consent to, voluntarily and knowingly, be punished for a crime that the prosecution may be able to prove.

The OPD would like to emphasize, as we have before the House, that the prosecution and the court do not have to accept an Alford plea. However, there are instances where the prosecution may elect to agree to an Alford plea (such as to avoid the risk of losing a trial, etc.). We respectfully submit that in those instances, there is a risk-averse calculation done by both the

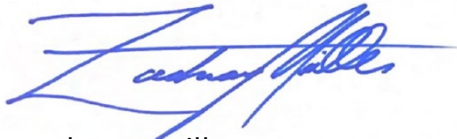
¹ *North Carolina v. Alford*, 400 U.S. 25.



prosecution and the accused, to agree to an Alford plea. In those limited instances, it would be appropriate to remove remorse from consideration in sentencing.

The OPD applauds the introduction and passage of HB 234 in the House, which was passed unanimously. We further urge the Ohio Senate's support and passage of HB 234.

Sincerely,



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