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House Judiciary Committee, Sponsor Testimony on House Bill 36
March 5th, 2025

Thank you, Chair Thomas, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the House Judiciary Committee, for hearing sponsor testimony today regarding HB 36, a bill that, if passed into law, will provide an alternative method to carry out duly imposed executions in the State of Ohio.

Capital punishment has been recognized in Ohio since 1803 when Ohio became a state. By a substantial margin, Americans support it being an available sentence for those convicted of the most heinous crimes. These sentences are imposed by unanimous juries in our justice system, and so long as capital punishment remains the law of the land, the law should be enforced, and the sentences carried out.

Since 2018 when Ohio's defacto moratorium on the death penalty began, more than 100 convicted criminals sentenced to capital punishment have been executed nationwide, including 13 federal inmates.

During this same period, the executive branch of Ohio state government has declined to carry out duly imposed capital punishments, citing a claimed lack of access to certain drugs used for lethal injections. Murderers who have had their executions "postponed" since 2018 include people like:

- John Stojetz who, as the head of the Aryan Brotherhood at Madison Correctional Institution, murdered 17-year-old Damico Watkins, a black juvenile inmate.
- Cleveland Jackson who, along with his half-brother, murdered 3-year-old Jala Grant, shooting her twice in the back of the head, and 17-year-old Leneshia Williams, fatally shooting her in the back of the head, after stealing drugs, money, and jewelry in a home in Lima.

- Quisi Bryan who murdered 32-year-old police officer Wayne Leon, shooting him in the face at a gas station in Cleveland in order to prevent Officer Leon from discovering Bryan's parole violation for an attempted robbery conviction.

However, in multiple interviews, the governor has indicated that the legislature could authorize another method of carrying out capital punishments in addition to lethal injection. Nitrogen hypoxia is an alternative method for carrying out capital punishments that has been made available by legislatures in other states. In federal court pleadings, even defense counsel have conceded that "Death by nitrogen hypoxia...is completely painless" and that it is their belief that an offender executed by nitrogen hypoxia would "be quickly, painlessly, and humanely rendered unconscious, followed rapidly by death." In re Ohio Execution Protocol Litigation, Case No. 2:11-cv-01016-EAS-MRM Doc #: 3863 (S.D. Ohio). Presently, eight states allow for lethal gas to be used for capital punishment. All four of these states (Alabama, Louisiana, Mississippi, and Oklahoma) specifically allow for nitrogen hypoxia. To date, Alabama has successfully carried out three executions using nitrogen hypoxia. Our legislation will authorize the State of Ohio to utilize nitrogen hypoxia in addition to lethal injection, and direct that it shall be used whenever lethal injection is not an available means of carrying out a capital sentence.

In addition, this legislation will restore the confidentiality protections which the Ohio Revised Code previously gave to manufacturers and suppliers of drugs used in lethal injections. These protections expired due to a sunset clause in that was built into R.C. 2949.221 when it was enacted by House Bill 663 (130th G.A.) but should be restored to better facilitate the state's need to acquire these drugs to carry out capital sentences.

This legislation does not change the manner or frequency in which capital punishments are imposed by Ohio juries. But so long as capital punishment remains the law in Ohio, the law should be followed, and duly enacted sentences should be carried out to give victims' families the justice and finality they deserve. This legislation has been drafted in collaboration with the Ohio Attorney General's Office and the Ohio Prosecuting Attorneys Association, and we are grateful to have them as proponents of the bill.

HB 36 offers a pragmatic solution which will allow Ohio to resume carrying out capital sentences, we respectfully urge that it be favorably reported by this Committee, and we are available to answer any questions the Committee may have.