



**State Senator Nickie J. Antonio  
District 23**

**State Senator Stephen Huffman  
District 5**

Senate Judiciary Committee  
March 31, 2021  
Sponsor Testimony SB 103

**ANTONIO:**

Good afternoon, Chair Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary committee. Thank you for this opportunity to provide testimony on Senate Bill 103, which would abolish the death penalty in the state of Ohio and modify the number of jurors that may be challenged in cases where a defendant may be sentenced to life imprisonment.

SB 103 is a reintroduction of SB 296 from last General Assembly and has continuously received bipartisan support. This General Assembly, cosponsors currently include Senators Antani, Craig, Maharath, Roegner, Rulli, Sykes, Thomas, Williams, and Yuko.

It is time for the State of Ohio to take the compassionate, pragmatic and economically prudent step to abolish the death penalty which has been found to be expensive, impractical, unjust, inhumane and even erroneous. Today, 23 states and the District of Columbia, have legislatively abolished the death penalty. This includes, Virginia, where the Governor just signed the death penalty abolishment bill into law last week, after the state executed more people than any other state since 1608.<sup>1</sup>

Despite best intentions in the pursuit of justice, the risk of executing an innocent person is substantial.<sup>2</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>3</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

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<sup>1</sup> <https://www.npr.org/2021/03/24/971866086/virginia-governor-signs-law-abolishing-the-death-penalty-a-1st-in-the-south>

<sup>2</sup> <https://ejusa.org/resource/innocent-lives-in-the-balance/>

<sup>3</sup> <https://otse.org/issues/innocence-wrongful-convictions/>

imprisonment also re-traumatizes the victims' families, and leaves those responsible for the crime unaccountable.

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." The Death Penalty Information Center released a report in September 2020 detailing racial bias in regard to the death penalty.<sup>4</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.

Throughout the United States, 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.<sup>5</sup> Continuing this ineffective practice is an apparent irresponsible policy in pursuit of justice.

## **HUFFMAN:**

The costs associated with pursuing the Death Penalty, are an unnecessary burden on the Ohio tax payer. The cost of the average death penalty case in Ohio, including execution, is \$3 million per inmate.<sup>6</sup> Comparatively, the average cost of a life without parole sentence for an Ohio inmate is \$1 million. In 2014, the Dayton Daily News reported that the annual cost of Ohio's entire death penalty system was \$16.8 million.<sup>7</sup> Ohioans' taxpayer dollars would be better spent pursuing constructive, positive policies that enhance the quality of life in our local communities.

Aside from the financial perspective and above all, I believe that life at all stages is sacred and truly a person's greatest gift received from God. As both a Medical Doctor and a man of unwavering faith, I believe this gift of life should be preserved and defended at all costs.

Now is the time to abolish the death penalty in Ohio as a majority of Americans favor

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<sup>4</sup> <https://files.deathpenaltyinfo.org/documents/reports/Enduring-Injustice-Race-and-the-Death-Penalty-2020.pdf>

<sup>5</sup> <https://deathpenaltyinfo.org/facts-and-research/murder-rates/murder-rate-of-death-penalty-states-compared-to-non-death-penalty-states>

<sup>6</sup> <https://otse.org/deathpenalty-cost/>

<sup>7</sup> <https://www.daytondailynews.com/news/crime--law/execution-costs-rising/c1UWGYDUls1ze8Cngno5yK/>

life without parole options rather than capital punishment. This month, HB 136, from the 133<sup>rd</sup> General Assembly goes into effect, prohibiting the death penalty for those determined to be mentally ill at the time of the offense. Our bipartisan legislation builds upon this progress and represents the desire of the people.

Governor Mike DeWine has established an unofficial moratorium on the death penalty stating that his administration will not “execute anyone under the status quo” as our state is unable to obtain the drugs necessary for the current execution protocol.<sup>8</sup> Past Ohio governors previously shared similar statements, including Governor Strickland, stating “the death penalty is wrong for a lot of reasons,” citing it’s uneven application and danger of executing the innocent<sup>9</sup>; as well as Governor Taft, sharing his concerns in “finding a method that passes constitutional muster, that is, one that does not violate Ohio’s constitution.”<sup>10</sup>

Despite being considered a first world country, the United States is among the less than 30% of countries around the world to retain the death penalty, along with China, Iran, Saudi Arabia, and Iraq.<sup>11</sup> We are the only Western Nation and Member of NATO that still uses the death penalty.

## **ANTONIO:**

For over a decade, I have worked to abolish the death penalty in Ohio- introducing legislation every General Assembly since 2011. I believe that we as a society must be better than our worst criminals and our flawed criminal justice system. Public opinion on this issue continues to evolve. A recent poll suggests that more and more Ohioans feel the same, with nearly 60 percent of Ohioans polled reflecting support for replacing the death penalty with life prison without the possibility of parole.<sup>12</sup>

This is not a Republican or a Democratic issue. No matter what a person’s reason is for supporting this legislation, this is critical for our own collective humanity. It is our responsibility to work together across party lines and legislative chambers and move forward to end the death penalty in Ohio.

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<sup>8</sup> <https://deathpenaltyinfo.org/news/ohio-governor-mike-dewine-calls-lethal-injection-a-practical-impossibility-says-state-will-not-execute-anyone-in-2021#:~:text=In%20a%20December%208%2C%202020,prisoners%20to%20death%20before%20executions>

<sup>9</sup> <https://www.statene.ws.org/post/former-governors-back-dewine-guns-declare-doubt-over-death-penalty>

<sup>10</sup> <https://www.dispatch.com/opinion/20190310/column-pause-ohios-death-penalty-to-make-it-more-humane-fair>

<sup>11</sup> <https://deathpenaltyinfo.org/policy-issues/international>

<sup>12</sup> <https://www.acluohio.org/archives/press-releases/aclu-of-ohio-enthusiastically-supports-bipartisan-death-penalty-repeal-bill#:~:text=In%20January%20the%20ACLU%20of,without%20the%20possibility%20of%20parole.>

Thank you for the opportunity to testify on this important legislation, and we are happy to answer any questions the committee may have at this time.