



House Bill 221 Proponent Testimony

Zachary Miller, Legislative Policy Manager

House Criminal Justice Committee

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Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee:

On behalf of the Office of the Ohio Public Defender (OPD), thank you for the opportunity to submit proponent testimony on House Bill 221, which would reform Ohio law relating to petitions for post-conviction relief based on DNA testing. The OPD provides legal representation to Ohioans who are indigent, and we believe HB 221 represents a crucial step toward ensuring that Ohio's criminal justice system protects innocent Ohioans from wrongful conviction and provides relief to those who have been wrongfully convicted.

Under the current law, when prosecutors ask for DNA testing and the results are exculpatory, defendants are limited in the way they can use those results. HB 221 remedies this limitation by permitting the filing of a petition for post-conviction relief based on DNA testing performed at the state's request. Allowing individuals to file petitions based on DNA testing performed at both their own request AND testing completed on behalf of the state provides an opportunity to rectify potential miscarriages of justice that may have historically been overlooked due to current statutory limitations.

Additionally, HB 221 ensures that individuals are not unduly restricted from seeking post-conviction relief by allowing for second and successive petitions for state-ordered DNA testing results that are favorable to the defendant. This proposed change acknowledges the evolving nature of forensic science and the potential for new evidence to come to light over time, which provides a crucial opportunity to help exonerate people who have been wrongfully convicted.

The OPD applauds the introduction of HB 221 and its retroactive application to rectifying past injustices and providing recourse to those who may have been wrongfully convicted. If enacted, HB 221 will empower individuals to seek relief based on compelling DNA evidence. OPD urges



this committee's support for the sake of justice and the preservation of all Ohioans' fundamental rights.

Sincerely,



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