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Sponsor Testimony SB 101

ANTONIO:

Good afternoon, Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary committee. Thank you for this opportunity to provide testimony on Senate Bill 101, which would abolish the death penalty in the state of Ohio moving instead to a sentence of life imprisonment for crimes now identified as capital crimes.

SB 101 is a reintroduction of past legislation from previous General Assemblies and has recently received bipartisan support. This General Assembly, cosponsors currently include Senators Blessing, Craig, DeMora, Hicks-Hudson, Ingram, Lang, Reynolds, Roegner, Smith, and Sykes. It should be noted that this represents more than a third of the members of the Senate.

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 signed the death penalty abolishment bill into law 2 years ago, after the state had executed more people than any other state since 1608.

Despite best intentions in the pursuit of justice, the risk of executing an innocent person is substantial. In Ohio, there are eleven death row exonerees. Since the reinstatement of the punishment, the state has executed 56 people, which means for every five executions, one person has been exonerated. 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 only to be later set free. False 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 former Ohio Supreme Court Justice, Paul Pfeifer, as a “death lottery...depending on where you happen to commit the crime and the attitude of the prosecutor.” It is worth noting that Pfeifer, as a lawmaker, sponsored the legislation that reinstated Ohio's death penalty in 1981.

For several years both Justice Pfeifer and former Ohio Attorney General Jim Petro, also a primary author of Ohio's death penalty statute, have called for an end to the death penalty. They recognize the human errors that plague this ultimate and irreversible punishment. Others who have come out publicly against the use of the death sentence include former Ohio Supreme Court Justice, Evelyn Lundberg Stratton. Originally against the use of this punishment for mentally ill defendants, she has since been opposed to the death penalty all together. Petro, author of *False Justice: Eight Myths that Convict the Innocent*, was quoted as stating, "We are probably safer, better and smarter to not have a death penalty".

In a 2020 report the Death Penalty Information Center detailed racial bias with regard to the death penalty. Cuyahoga County and Hamilton County are among the top 2% of counties responsible for the majority of inmates on death row. Over half of Ohio's 134 death row inmates are Black, while Black people make up only 13% of Ohio's total population. This study examined the way the death penalty is unfairly applied in Hamilton County by showing that Black men are 3-5 times more likely to receive a death sentence if their victim was white. The fact that the majority of Ohio's death row inmates only come from a handful of counties seems to indicate that they are the ones that can afford the high cost of a death penalty trial.

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. Therefore, to continue this ineffective practice is a pursuit of justice through the use of an irresponsible policy.

Last year, Senator Steve Huffman and myself heard from a delegation of human rights counselors from European Union Member States- members of the International Commission Against the Death Penalty. Members included representatives from France, Germany, and the Netherlands, to name a few. They shared that the abolition of capital punishment in Ohio would lead to an interest and engagement with more international business and commerce due to the amount of international corporations who want to do business with abolition states.

I would like to turn over to my joint sponsor, Senator Steve Huffman to continue.

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. 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. 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 life without parole options rather than capital punishment. On April 12, 2021, HB 136 from the 133rd General Assembly went 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. Past Ohio governors previously shared similar statements, including Governor Strickland, stating "the death penalty is wrong for a lot of reasons," citing its uneven application and danger of executing the innocent; 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."

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. We are the only Western Nation and Member of NATO that still uses the death penalty.

ANTONIO:

For over more than a decade, legislators and advocates have worked to abolish the death penalty in Ohio- I've been introducing legislation every General Assembly since 2011 when I first came to the House. 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 in prison without the possibility of parole.

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

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.