



Death Penalty

Ohio's law provides prosecuting attorneys with the option of seeking the death penalty for murders that involve certain circumstances. These include the killing of a child or law enforcement officer; the killing of one prison inmate by another; the killing of a crime witness to prevent testimony or in retaliation for testimony; murder-for-hire cases; and, in murder cases involving other serious offenses such as rape and kidnapping. The death penalty is called "capital punishment."

The law makes sure the death penalty can only be sought after careful consideration by prosecuting attorneys of many factors. These include taking into account whether the offender was younger than age 18, whether the offender was provoked or forced to commit the crime, if the defendant has a mental disease or didn't understand that what he was doing was a crime and whether the offender has a significant criminal history.

Any defendant sentenced to the death penalty in Ohio has legal options available to appeal his sentence. On average, the appeals process takes more than 15 years before a final verdict is rendered. Until the time when a capital punishment sentence is carried out, the Governor of the State of Ohio has the authority to change, or "commute," the death penalty to a life sentence in prison.

In virtually all felony criminal cases – and certainly in those involving capital punishment offenses – prosecuting attorneys consult with the victims of crime and their families. To the extent possible or prudent, the wishes of crime victims help determine the course of a criminal trial and the punishment sought for a defendant. Some victims who have lost loved ones during the commission of a capital offense believe the death penalty is the only option that assures justice. Others, wishing not to endure years of court appeals, will accept a sentence of life in prison without the possibility of parole. Prosecuting attorneys make every effort to respect the wishes of crime victims.

Some citizens object to capital punishment and do so for a variety of reasons. These can include everything from religious beliefs to concerns that "an innocent person" might be executed. Ohio's prosecuting attorneys, as ministers of justice, are sworn to uphold the laws of the state, one of which is the capital punishment statute. Accordingly, the death penalty is an option for punishment in capital offense cases.

Although capital punishment has been used in Ohio since the early 1800s, all state death penalty laws were suspended by the U.S. Supreme Court in 1972. However, states were permitted to rewrite their death penalty laws to address concerns expressed by the Supreme Court in its 1972 ruling. Within a few years, states began reinstating capital punishment statutes. Ohio reinstated its death penalty in 1981. **In November 2011, the Joint Task Force to Review the Administration of Ohio's Death Penalty was convened as a cooperative effort between the Supreme Court of Ohio and the Ohio State Bar Association. The task force was not asked to pass judgment on the merits of Ohio's death penalty. Its charge is to provide guidance on the current laws on the subject, the data and costs, the practices in other jurisdictions and other aspects of the subject.**

In Ohio, the Death Penalty:

- **Is a state law that can be considered for capital offenses.**
- **May be sought only after the prosecuting attorney carefully considers many factors.**
- **Is virtually always considered in consultation with crime victims and their families.**
- **Is currently under review by the Joint Task Force to Review the Administration of Ohio's Death Penalty.**