



ENACTMENT NEWS

Senate Bill 139

Postconviction relief in death-penalty cases
Effective April, 2017

On January 4, 2017, Governor Kasich signed Senate Bill 139 into law. The bill pertains to the procedures courts and clerks must follow when considering postconviction relief petitions in death-penalty cases. The bill takes effect in April, 2017.

S.B. 139 incorporates several of the recommendations of the Joint Task Force to Review the Administration of Ohio's Death Penalty. Specifically, the bill:

- Allows a person who had been sentenced to death to file a petition requesting postconviction relief if the person claims that there was a denial or infringement of the person's rights under the Ohio or U.S. Constitution that creates "a reasonable probability of an altered verdict."
- Requires a clerk of court, when the court imposes a sentence of death, to make and retain a copy of the entire record, and deliver the original record in its entirety to the court of appeals.
- Allows a court to authorize depositions, subpoenas, and other forms of discovery in postconviction relief proceedings in death-penalty cases. For good cause shown, the court may permit the petitioner or the prosecutor to take depositions of or issue subpoenas (1) to witnesses who testified at trial, or who were disclosed by the state prior to trial, if, by clear and convincing evidence, the witness is material and a deposition or subpoena is of assistance in substantiating or refuting the petitioner's claim that there is a reasonable probability of an altered verdict, or (2) to any other witness if there is good cause that the witness is material and that a deposition or subpoena is of assistance in substantiating or refuting the petitioner's claim that there is a reasonable probability of an altered verdict.
- Provides that there is no page limit for petitions for postconviction relief in a death-penalty case.
- Requires a judge who considers a petition for postconviction relief filed by a person who had been sentenced to death to state specifically in the findings of fact and conclusions of law the reasons for a dismissal, denial, or granting of relief.