

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/legislature-rushes-secret-executions-bill-last-days-session-says-aclu>

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UPDATE: On December 11, 2014, the Ohio Senate passed House Bill 663 (HB 663) by a vote of 20 to 10. Please see our [statement](#).

COLUMBUS, OhioThe ACLU of Ohio opposes a bill (HB 663) now being pushed through the Ohio House Policy and Legislative Oversight Committee during the lame-duck session of the Ohio General Assembly. The proposed legislation will shroud the capital punishment process in secrecy, according to Mike Brickner, senior policy director of the ACLU of Ohio.

Brickner said, Whats the rush? With botched executions and growing controversy around lethal injections in Ohio, Arizona, Oklahoma, and elsewhere, a federal judge in Ohio rightfully paused executions so the state could thoughtfully consider new protocols. Now, the legislature is attempting to circumvent the courts and the public. This legislation is not only a bad idea, it is bad governance to ram through during a post-election session without due and serious consideration.

HB 663 shields drug manufacturers and medical professionals who assist in executions from public records laws and even prevents courts from adequately monitoring executions. It provides immunity to those individuals from ethical or professional reprimands for their participation. It also voids any contract that prevents foreign or domestic companies from supplying drugs to be used in executions.

Many of the provisions in this legislation are legally questionable and need meaningful deliberation by our elected officials, said Brickner. Preventing courts from reviewing aspects of lethal injections, making it nearly impossible for condemned prisoners to challenge potentially unconstitutional executions, and voiding international or domestic contracts are extreme measures that should not be rushed through the legislature.

According to Brickner, allowing anonymity for drug manufacturers is problematic. Ohio would like to use compounding pharmacies, which are totally unregulated by the Food and Drug Administration for safety and efficacy. He cites that only a few years ago, dozens of people in the United States died from a contaminated batch of steroids produced by a compounding pharmacy.

What is needed here is more accountability, not less, Brickner said. If we are to have a death penalty, the public, courts, and condemned prisoners must all understand how executions are to be carried out and that they will comply with our laws. Anything less violates the publics trust and the U.S. Constitution.

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