

Official Argument Against Issue 1

Filed with Ohio Secretary of State, August 21, 2017

VOTE NO ON ISSUE 1

Ohio law affords victims extensive rights. Issue 1, known as Marsy's Law, originated in California. One week after a young woman was killed, her mother was confronted by the accused murderer in a store. She didn't know he'd been released on bail. Ohio does not have this problem. Ohio law requires prosecutors to notify victims when a defendant is arrested or eligible for pretrial release. In 1998, Ohio implemented one of the nation's first automated victim notification systems, which offers victims information 24 hours a day, 365 days a year.

Ohio law requires prosecutors to protect the rights of victims. If a crime victim is not receiving the assistance they are entitled to by law, Ohio should provide additional resources and training toward victim's services, not amend our state constitution. Issue 1 does not provide additional resources and the government remains immune to liability. When a victim isn't notified about a court hearing, a plea bargain, or offender's release - the victim should have recourse against the government - which is not provided under Issue 1. The problem in Ohio is not the absence of victims' rights, but the lack of a remedy when the government fails to carry out duties owed to victims.

Issue 1 amends Ohio's constitution to give victims the right to refuse to turn over potential evidence and to petition the court of appeals. Issue 1 conflicts with essential guarantees in the Bill of Rights, including double jeopardy, confrontation, and speedy trial - rights fundamental to our Founders. This amendment will result in increased litigation, increased costs to taxpayers, and will delay cases, only hurting victims. This amendment is wrong for Ohio.

Signed by:
Tim Young, Ohio Public Defender