

Ohio House Criminal Justice Committee

May 19, 2020

Proponent Testimony for House Bill 610, “The Ohio Crime Victim’s Bill of Rights”

Provided by

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Chairman Lang, Vice Chair Plumber, Ranking Member Leland, and Committee Members:

HB 610, The Ohio Crime Victim’s Bill of Rights, deserves your support.

Our support of HB 610 is founded in Crime Victim Services’ of Allen and Putnam Counties, Ohio, 40 year history of understanding and serving all types of crime victims, creating and providing quality services, and advocating for public policies and laws to help victims attain safety, healing, justice, and restitution.

Specifically, Executive Director David Voth was co-Chair of the effort which successfully passed the 1994 Victim Rights Constitutional Amendment by a 78% Ohio voter margin. He was part of the Ohio Criminal Sentencing Commission Advisory Board that drafted current Ohio Revised Code Section 2930, and he

testified for its 1996 passage. Staff attorney Abigail Hefflinger is familiar with how ORC 2930 does and does not meet its intended goal of providing victims their rights to be informed, present, and heard throughout the justice process. Prior to being a victim rights attorney, she was a juvenile public defender in Hancock County, Ohio.

The context for HB 610 is instructive, and lends itself to support of this legislation.

- 1) HB 610 is rooted in victim rights already in law for almost 25 years. Its core concepts of victim participation are currently part of Ohio justice culture.
- 2) The foundation for HB 610 was solidified by the enactment of Ohio's Constitution Section 10a by an 83% voter approval margin in 2017. Its expanded concepts of victim rights have already been decided by Ohio voters.
- 3) HB 610 was drafted by many interested partners over the course of two years, since the 2017 Constitutional Amendment's passage. The HB's language is the result of years of daily observation, trial and error, debate, and compromise, and it is not a rushed or theoretical "we hope it works" document.
- 4) HB 610 is middle ground and reasonable law. It neither ignores victims (the original sin of the justice process), nor does it swing the pendulum too far in the other direction, as it does not give victims power to make decisions

rightfully the purview of the accused, detectives, prosecutors, or judges. For example, victims do not have the right to choose who is arrested, what their bond should be, when hearing dates are, what charges to file, whether someone is guilty, or to determine the sentence of a convicted person.

Rather, HB 610 articulates how to practically and consistently provide victims' their rights to be informed, present, and heard at proceedings which were established by the other rightful parties to the case. HB 610 explains and directs how to provide for victims' rights considering their safety and privacy, as well as their constitutional right to an order of full and timely restitution – of an amount determined by the court. Victims are neither treated as simply members of the public, nor are they full parties to the case, rather they hold a special middle ground status with meaningful rights to participation. HB 610 does not grant victims the ability to determine case progress or grant them veto power over justice professionals' decisions.

HB 610 is necessary, in its detailed implementation language, to update, clarify, and synchronize Ohio's victims' rights laws. For example, one of the specific victims' rights already in Ohio's Constitution that took effect in February, 2018, involves just four words, "full and timely restitution." That specific right is not specific enough for courts in 88 counties to know how to provide the victims' right to a mandatory restitution order. HB 610 delineates and clarifies that restitution:

1) is determined by preponderance of the evidence; 2) is an automatic civil lien; 3) must be paid promptly; 4) must be ordered regardless of the offender's ability to pay; 5) is paid in a sequence that prioritizes individual victims; 6) includes all reasonable losses to the victim; 7) includes use of Ohio's Unclaimed Fund for victims to claim their money; 8) includes a list of attachments and garnishments of bond, tax refunds, property, lottery winnings, and other options available to recover the court order of restitution, and; 9) clarifies that the court of record maintains jurisdiction until the constitutional right to repayment, when possible by the offender, is fully discharged.

We urge your support of HB 610. This legislation will provide the public with a fairer justice process, with Miranda Rights for suspects and Marsy Rights for victims. Victims' rights will be handled uniformly across Ohio, and when victims' rights are violated, victims will have recourse through the appellate process.

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