



# Ohio Crime Victim Justice Center

To: Ohio Senate Finance Committee  
From: Elizabeth Well, Legal Director, Ohio Crime Victim Justice Center  
Date: May 6, 2025  
Re: H.B. 96 Interested Party Testimony

Chair Cirino, Vice Chair Chavez, Ranking Member Hicks-Hudson, and members of the Senate Finance Committee:

Good morning. My name is Elizabeth Well, and I am the Legal Director at Ohio Crime Victim Justice Center. For twenty-five years, OCVJC has provided free legal representation and advocacy services to victims of crime during the criminal justice process. We provide these services statewide and have served victims in every county and jurisdiction throughout Ohio.

OCVJC provides free legal assistance to victims of all types of crime. Nearly 50% of crime victim referrals come from advocates, law enforcement, and prosecutors. These referral cases commonly include defending the privacy of child victims of sexual abuse, ensuring all surviving family members of homicide victims can be notified, present, and heard at court proceedings, and ensuring victims of violent and nonviolent crimes alike receive restitution.

Over the years, we have served nearly 11,000 crime victims, with over 3,000 of those victims being served since the passage of 2022's House Bill 343, despite experiencing significant VOCA funding cuts during that same timeframe. Thankfully, we received ARPA funding to make up for the loss in VOCA funding for 2023 and 2024. But that funding has ended now.

I am here today because Ohio victims desperately need our help and deserve the free legal services that we provide...but we need your help to continue ensuring that victims in each and every Ohio county, city, and town continue to get the services they need and deserve.

In 2017, Ohio voters passed Marsy's Law, a constitutional amendment providing critical rights to victims of crime. Importantly, the Ohio constitution mandates that victims' rights be "protected in a manner no less vigorous" than the rights of the defendant.

In 2023, House Bill 343 and Senate Bill 16 went into effect. The laws passed by this legislature in those bills are extraordinary and are, frankly, a benchmark for other states to strive toward.



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And many of us hoped that the passage of these bills would go a long way toward correcting the injustices victims often face in criminal courts—the invasions of victims’ privacy, the inaccessibility of even the most basic information about victims’ rights, the failure to notify victims of court hearings, the refusal to allow victims to be heard, and the denial of their rights to be made financially whole by the defendant who harmed them.

In short, in victims’ legal services, the hope is that, through legislation, litigation, or both, you will eventually work yourself out of a job by getting great laws passed and great court decisions interpreting those laws to provide protection to every single Ohio victim.

But, unfortunately, we have seen just the opposite in courts around the state. Though victims seldom have access to counsel unless they are one the victims we are able to serve, criminal courts are still holding victims to the same standards—and requiring them to meet the same burdens—as defendants who have the right to court-appointed counsel.

For example, in a recent case, the Tenth District Court of Appeals acknowledged that a victim asserted their right, but basically held that, because the victim failed to stand up and interrupt court proceedings to assert the right *again*, the victim lost the right forever. While a victim with counsel will not wish to interrupt court proceedings, a victim without counsel simply never will.

In two Adams County cases in the Fourth District, the trial court went forward with a change of plea and sentencing without notifying the prosecutor or the victims. When the prosecutor attempted to help the victims assert their rights to be notified, present, heard, and to seek restitution on appeal, the appeals court ruled that the prosecutor did not have the ability to file on the victims’ behalf. Consequently, those victims have forever lost their rights to be heard concerning the sentences and to seek restitution. Importantly, the state’s role in victim appeals has been called into question in both the 12th and 2nd Districts, as well.

In a Fifth District case out of Knox County, the appeals court overturned a restitution order because the trial court improperly journalized the sentencing entry. The appeals court admitted that the victims could have had no way of knowing that the sentencing entry was improper—especially because the defendant failed to object to the entry or the setting of the restitution hearing—he and his counsel even showed up to the hearing without objection. But still, the victims’ court-ordered restitution was stripped away with no recourse.

In a Sixth District decision out of Fulton County, the appeals court held that, even though the trial court had improperly denied restitution to a child victim and her parents, only the child victim’s losses could be considered on re-sentencing because the appeal was in the



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child's name only. As the dissent noted, it makes little sense to reopen a sentence due to a court's error but then deny half the victims their rights again.

In the Eighth District, an elderly woman has been denied restitution for seven years because even though she followed the controlling case law in her district when seeking appellate relief, won her case and had the trial court ordered to hold a restitution hearing, later the rug was pulled out from under her when the courts decided that she should have known to pursue an appeal—despite the fact that that remedy was foreclosed by the controlling caselaw.

Since the passage of Marsy's Law and, even more so since the passage of House Bill 343, it has become clear that, in many cases, victims have no hope of protecting their rights without the assistance of counsel.

For twenty-five years, OCVJC has been the organization that provides these critical legal services to victims at no cost, and we want to continue to be that crucial resource for victims. But, as I stand here today, we are at a critical juncture. We need your help to truly fulfill the constitutional guarantee that victims' rights shall be protected in a manner no less vigorous than the rights of the accused and the promise that this legislature made to Ohio victims when it passed the transformative Marsy's Law legislation over two years ago today.

To put this in perspective, though the constitution promises victims that their rights will be equally as important and protected as vigorously as defendants' rights, *we are only asking for 0.2% of the state public defender's budget in this bill*. This amount is the bare minimum we require to continue providing high quality, no cost legal services to Ohio victims.

Without this funding, OCVJC will be forced to reduce staff by nearly 50% which will mean we turn away hundreds, maybe thousands, of crime victims each year. Please support funding for OCVJC in the state operating budget and allow us the privilege of continuing to help Ohio crime victims protect their rights.