

The Ohio Association of Criminal Defense Lawyers

Opponent Testimony to House Bill 610, Submitted by Blaise Katter, Public Policy Chair

November 19, 2020

Chairman Lang, Vice Chair Plummer, Ranking Member Leland and Members of the Criminal Justice Committee:

While we respect the intent behind Marsy's Law and HB610 to ensure Ohio crime victims have a voice in criminal proceedings, we continue to have serious concerns about the ways in which the amendment and this proposed implementation language, if adopted, will conflict with and undermine the rights of the accused. While we understand that the intent of the legislation is not to make victims a party to a criminal case, in effect, this bill drastically and unfortunately, does just that.

The provisions of the bill lay bare to inherent tensions between the new constitutional crime victims' rights and the traditional and essential guarantees in the Bill of Rights for defendants, among them double jeopardy, confrontation and speedy trial. This will result in increased litigation, increased cost to taxpayers and delays in cases that will only hurt victims in the long run.

The mandatory restitution provisions in the bill also upend the traditional principles of restitution and hamper courts from considering the associated factors, including the defendant's ability to pay.

Recognizing the framework of the amendment as approved by voters, we would welcome the opportunity to work with the sponsor and this committee in an effort to craft implementation language that can better strike a balance between the rights of the victims and the rights of the accused.

Respectfully,



Blaise Katter, Esq.
Legislative Chair,
Ohio Association of Criminal Defense Lawyers