



Ohio Prosecuting Attorneys Association

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House Bill 610

Written Interested Party Testimony
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Chairman Lang, Vice-Chair Plummer, Ranking Member Leland and members of the House Criminal Justice Committee, thank you for the opportunity to provide interested party testimony on House Bill 610, a bill to implement the constitutional victims' rights amendment known as Marsy's Law. As you all know, part of the mission of the OPAA is to advocate for public policies that strengthen prosecuting attorneys' ability to secure justice for the victims of crime. Our members are driven by their desire to do that. They work diligently to keep victims informed about what is going on in their case and to make sure that their rights are respected. House Bill 610 is an important piece of legislation that we believe is needed to provide clarity on implementation of the constitutional provision.

We also want to commend the bill sponsor and now Speaker Cupp for his efforts last year and earlier this year to build consensus around this legislation. We sat through many hours of meetings over several days and worked through a variety of issues that made the bill that is before you today a better piece of legislation. There are, however, several outstanding issues that remain that we hope to work through before this bill becomes law. There are two primary concerns with the bill that I want to bring to your attention today, along with a third concern that is not of the bill but that is related to our ability to meet victims' rights.

First, the bill amends Revised Code section 2930.19 to provide for an interlocutory appeal as a means of enforcing a violation of victims' rights. While the bill calls for such an interlocutory appeal to be heard by a court of appeals on an expedited basis under Appellate Rule 11.2, interlocutory appeals nevertheless create the potential for prolonged appellate litigation in the midst of the State trying to prosecute a criminal case. The State, of course, has a legitimate interest in prosecuting cases while memories and evidence are fresh. Substantial delay due to interlocutory appeals could hinder this. We recommend instead that victims rights be enforced through extraordinary writ.

Second, the bill would repeal language currently in Revised Code section 2930.06 stating that the prosecutor's failure to confer with a victim and the court's failure to provide notice do not affect the validity of an agreement between the prosecutor and the defendant or alleged juvenile offender in the case, a pretrial diversion of the defendant or alleged juvenile offender, an amendment or dismissal of an indictment, information, or complaint, a plea, an admission, or any other disposition in the case. Our concern is that it may not be in the best interest of the State for victims to undo agreements between the State and the defendant or to control whether indictments were properly dismissed. We recommend retaining this language in the current statute.

Finally, prosecutors are being asked to do more keep victims informed and to protect victims rights at a time when the funding that supports their ability to do this is being drastically cut at the national level. Victims of Crime Act (VOCA) grants are the primary source of federal funding for victim service providers across the nation. Prosecutors rely on these grants funds to meet many of the needs of victims who are involved in the

criminal justice system. In fiscal year 2020, VOCA disbursement decreased by 25% and victim service providers have been told to expect further, potentially catastrophic cuts. The OPAA has encouraged Ohio's Congressional delegation to take steps to restore these funds. Similar advocacy is taking place in other states and in Washington. We hope that the Ohio General Assembly remains cognizant of the issues created by these drastic cuts and encourage you to help us find ways to offset and/or restore them.

Thank you for the opportunity to provide this written testimony. We look forward to continued discussion of these issues.