

**Petition Submitted to the Attorney General for
Certification of Summary of Amendment to the Constitution
to be Proposed by Initiative Petition
as required under Ohio Revised Code 3519.01(A)**

PROPOSED SUMMARY

The amendment would adopt the Ohio Crime Victims Bill of Rights by amending Article I, Section 10a of the Ohio Constitution. More specifically, the amendment would provide:

- for the purpose of securing for victims justice and due process in the criminal and juvenile justice systems, that victims of criminal offenses and delinquent acts have the following rights:
 1. to fair and respectful treatment for the victim's safety, dignity and privacy;
 2. upon request, to notice of, and the right to be present at, all public proceedings involving the criminal or delinquent conduct against the victim;
 3. to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in which the victim's rights are implicated;
 4. to reasonable protection from the accused or person acting on behalf of the accused;
 5. upon request, to reasonable notice of any release or escape of the accused;
 6. to refuse discovery requests made by the accused, except as authorized by Article I, Section 10 of the Ohio constitution;
 7. to full and timely restitution from the criminal or juvenile offender;
 8. to proceedings without unreasonable delay and a prompt conclusion of the case;
 9. upon request, to confer with the government's attorney; and
 10. to written notice of all rights in the amendment;

- that the rights of victims set forth in the amendment must be protected as vigorously as the rights of the accused;

- that the victim, the government's attorney upon request of the victim, or the victim's representative may assert the victim's rights set forth in the amendment or afforded by law, in any proceeding involving the criminal or delinquent conduct against the victim or in which the victim's rights are implicated, and if the relief is denied, may petition the applicable court of appeals, which must promptly consider and decide the petition;

- that the amendment does not establish a cause of action for damages or compensation against the state or its political subdivisions, or any officer, employee, or agent thereof, or any court official;

- that as used in the amendment "victim" means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the offense or act, but does not include the accused or a person the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim;

- that all provisions of the amendment are self-executing, severable, and supersede conflicting state law; and

- that the amendment takes effect ninety days after the election at which it was approved.

The amendment would repeal the existing language of Article I, Section 10a, and replace it with language that, as described above, would expand the existing rights of victims and would establish new rights of victims. And although it would remove the provision in the existing section 10a directing the General Assembly to define and provide by law certain rights of victims, the amendment would not prohibit the General Assembly from enacting laws that are consistent with the amendment, nor would it negate existing laws unless they conflict with the amendment. The amendment would also remove the provisions in the existing section 10a that it: does not confer a right to appeal or modify any decision in a criminal proceeding; and does not abridge any other right guaranteed by the Constitution of the United States or the Ohio constitution.

FULL TEXT OF PROPOSED AMENDMENT

Title: Ohio Crime Victims Bill of Rights

Be it Resolved by the People of the State of Ohio that Article I, Section 10a of the Ohio Constitution be amended to repeal the existing language (shown below with strike throughs) and to replace it with the following:

Section 10a. Rights of Victims of Crimes

- (A) To secure for victim's justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected in a manner no less vigorous than the rights afforded to the accused:
- (1) to be treated with fairness and respect for the victim's safety, dignity and privacy;
 - (2) upon request, to reasonable and timely notice of all public proceedings involving the criminal offense or delinquent act against the victim, and to be present at all such proceedings;
 - (3) to be heard in any public proceeding involving release, plea, sentencing, disposition, or parole, or in any public proceeding in which a right of the victim is implicated;
 - (4) to reasonable protection from the accused or any person acting on behalf of the accused;
 - (5) upon request, to reasonable notice of any release or escape of the accused;
 - (6) except as authorized by section 10 of Article I of this constitution, to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;
 - (7) to full and timely restitution from the person who committed the criminal offense or delinquent act against the victim;
 - (8) to proceedings free from unreasonable delay and a prompt conclusion of the case;
 - (9) upon request, to confer with the attorney for the government; and
 - (10) to be informed, in writing, of all rights enumerated in this section.
- (B) The victim, the attorney for the government upon request of the victim, or the victim's other lawful representative, in any proceeding involving the criminal offense or delinquent act against the victim or in which the victim's rights are implicated, may assert the rights enumerated in this section and any other right afforded to the victim by law. If the relief sought is denied, the victim or the victim's lawful representative may petition the court of appeals for the applicable district, which shall promptly consider and decide the petition.
- (C) This section does not create any cause of action for damages or compensation against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any political subdivision, or any officer of the court.
- (D) As used in this section, "victim" means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.