

**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 victims 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.

(E) All provisions of this section shall be self-executing and severable, and shall supersede all conflicting state laws.

(F) This section shall take effect ninety days after the election at which it was approved.

~~Victims of criminal offenses shall be accorded fairness, dignity, and respect in the criminal justice process, and, as the general assembly shall define and provide by law, shall be accorded rights to reasonable and appropriate notice, information, access, and protection and to a meaningful role in the criminal justice process. This section does not confer upon any person a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right guaranteed by the Constitution of the United States or this constitution, and does not create any cause of action for compensation or damages 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.~~

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Catherine Harper Lee
2441 Shillingham Court
Powell, OH 43065

Darrin Klinger
1053 Cheliway Court
Powell, OH 43065

Brandon S. Lynaugh
1299 Avondale Avenue
Grandview Heights, OH 43212

NOTICE

Whoever knowingly signs this petition more than once; except as provided in section 3501.382 of the Revised Code, signs a name other than one's own on this petition; or signs this petition when not a qualified voter, is liable to prosecution.

MUST USE MOST RECENT ADDRESS ON FILE WITH BOARD OF ELECTIONS
(Sign with ink. Your name, residence, and date of signing must be given.)

SIGNATURE	County	Township	Rural Route or other Post-office address	Month/Day/Year
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STATEMENT OF CIRCULATOR

I, _____, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of _____ electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with knowledge of the contents of same. I am employed to circulate this petition by

(Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.)

I further declare under penalty of election falsification in accordance with section 3501.38 of the Revised Code that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

(Signed)

(Address of circulator's permanent residence)

Number and Street, Road, or Rural Route

City, State, Zip

**WHOEVER COMMITS ELECTION FALSIFICATION
IS GUILTY OF A FELONY OF THE FIFTH DEGREE**