

Criminal Justice Issues and Prisoners' Rights

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COLUMBUS The ACLU of Ohio urges a no vote on State Issue 1, which threatens the fundamental rights of the accused in the criminal justice system. The ballot initiative, the Ohio Crime Victims Bill of Rights (OCVBR) or Marsys Law, will amend the state Constitution to erode important due process protections, including prevention of the accused from obtaining evidence and allowing victims to interject at all stages of a trial.

Our legal system has a responsibility to uphold the principle of innocent until proven guilty, and if passed this law will fundamentally change the nature of criminal proceedings, said Gary Daniels, chief lobbyist for the ACLU of Ohio. The ACLU fully supports the enforcement of existing legal protections for victims, but this law would negatively impact the accuseds constitutional right to due process. Cooperation by both parties is essential to a fair trial, but this proposed amendment will threaten due process for those still presumed innocent.

OCVBR will allow victims to refuse interviews, depositions, or other discovery requests made on behalf of the accused. Additionally, OCVBR will allow victims to intervene at various phases of the criminal proceedings and eliminate judicial oversight of the victims participation, threatening the fundamental rights to fairness and a speedy trial. The consequences will be felt systemically as well as individually. This initiative will result in longer prison sentences and higher incarceration rates, and will bolster the states power over the accused, added Daniels.

Ohios criminal justice system is already overburdened, and OCVBR will deepen those existing systemic failings. Most everyone can agree that protecting and aiding victims is a worthy goal, and Ohio could do better. However, we cannot achieve that by simultaneously depriving the accused of their constitutional rights, concluded Daniels.

The ACLU of Ohio stands in opposition to State Issue 1 and encourages a no vote.

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