



## 2018 FACT SHEET **SQ 794: MARSY'S LAW** **CRIME VICTIM RIGHTS AMENDMENT**

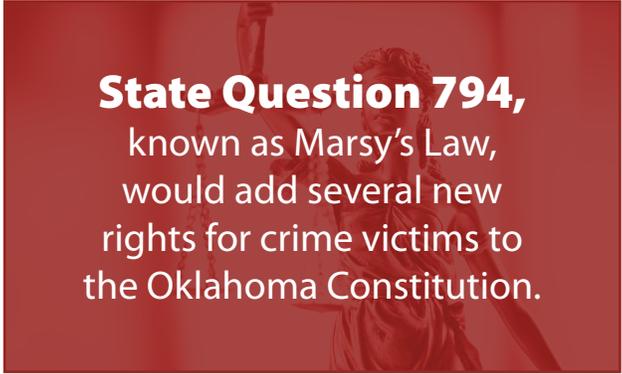
### THE GIST

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State Question 794 would add several new rights for crime victims to the Oklahoma Constitution.

The measure, commonly known as Marsy's Law, would give victims the right to be notified about proceedings in the criminal case they are involved in, to be heard in most court proceedings on their case, to receive full and timely restitution, and to speak with the prosecutor of the case upon request.

These rights would be in addition to several other rights for crime victims that were put into the Oklahoma Constitution in 1996.



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### BACKGROUND INFORMATION

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During the 2017 legislative session, the Oklahoma Legislature voted to put SQ 794 to a vote of the people on the November 2018 ballot. Oklahoma follows several other states that have already voted on similar measures.

Marsy's Law was first passed in California in 2008, and it has since been adopted in five other states: Illinois, South Dakota, North Dakota, Montana, and Ohio.

In 2017, the Montana Supreme Court struck down that state's adoption of the law, ruling that the ballot measure included too many separate issues and did not give voters the opportunity to express their opinion on each change. It is not clear whether SQ 794 could be challenged for similar reasons in Oklahoma.

The campaign for SQ 794 is financed mainly by Dr. Henry T. Nicholas, a wealthy California man whose sister, Marsy, was killed by her ex-boyfriend in 1983.

The effort is supported by a local affiliate of the national group, Marsy's Law for Oklahoma.

...OVER

## SUPPORTERS SAY...



People accused of crimes should not have more rights than the victims, and Marsy's Law simply gives the two groups equal rights before the law.



Victims and their families should have a say in things like plea bargaining, and SQ 794 would ensure that they can participate in the resolution of their case.



Formalizing the right to be notified would ensure that agencies coordinate to notify victims, making it less likely that they will fail to do so.

## OPPONENTS SAY...



The implementation of Marsy's Law will be expensive since courts will have to hire more staff and more attorneys. The courts are already underfunded, and this would strain them even further.



Allowing victims to testify at every stage of a legal proceeding will interfere with a defendant's right to a fair trial or parole hearing.



Marsy's Law could run into legal challenges similar to those that caused the law to be tossed out in Montana. Adding so many different rights for victims may violate Oklahoma's constitutional requirement that each ballot proposal deal with only one subject.

## BALLOT LANGUAGE

“ This measure amends the provision of the Oklahoma Constitution that guarantees certain rights for crime victims. These rights would now be protected in a manner equal to the defendant's rights. The measure would also make changes to victims' rights, including:

- (1) expanding the court proceedings at which victims have the right to be heard;
- (2) adding a right to reasonable protection;
- (3) adding a right to proceedings free from unreasonable delay;
- (4) adding a right to talk with the prosecutor; and
- (5) allowing victims to refuse interview requests from the defendant without a subpoena.

The Oklahoma Constitution currently grants victims' rights to crime victims and their family members. This measure would instead grant these rights to crime victims and those directly harmed by the crime. Victims would no longer have a constitutional right to know the defendant's location following arrest, during prosecution, and while sentenced to confinement or probation, but would have the right to be notified of the defendant's release or escape from custody.

Under this measure, victims would have these rights in both adult and juvenile proceedings. Victims' rights would be protected in a manner equal to the rights of the defendants. Victims would be able to assert these rights in court and the court would be required to act promptly. ”