

Marsy's Law Across the U.S.

(updated November 2018)

Background

Marsy's Law is a national campaign funded by California billionaire Henry Nicholas that aims to insert a "victim's bill of rights" into states' constitutions across the country. Nicholas also has a history of multi-million dollar donations funding "tough on crime" initiatives such as California Propositions 21, which increased punishment for gang-related felonies and passed, Proposition 66, which would have softened a three-strike law and failed, and Proposition 83, which increased penalties for sex offenders and also passed. While Nicholas claims Marsy's law supports victims' rights, he has concurrently worked to undermine defendants' rights through other well-funded campaigns.

Marsy's Law is not an Idaho-based solution. There are currently 10 other states considering incredibly similar legislation in 2018. In addition, 5 other states have already implemented Marsy's Law and experienced a multitude of problems with implementation (outlined in more detail below). Marsy's Law is often unnecessary for states (like Idaho) with existing victims' rights constitutional amendments and is an unfunded mandate that has resulted in large unanticipated costs for the state, county, and court systems. In addition, states that have implemented Marsy's Law report that defendants are spending more time in jail and the criminal justice system is being bogged down through the lengthy process that requires victims to be notified of and heard at hearings. The expanded definition of victim is also posing problems, as the direct victim's privacy is threatened and "victim's rights" are over-invoked by "proximately harmed" parties.

Passed and implemented

California

- Passed at the ballot 2008
- Nicholas contributed nearly \$5 million to campaign
- [Bill Language](#)
- Study was done in 2012 by a Law student from the UCLA on [the "Impact of Marsy's Law on parole in California: An Empirical Study"](#)
 - Found that the Marsy's Law doubled the amount of time set by the parole board and between parole hearings.
 - Although there was an increase of victim participation, it's not clear on how it has impacted the quality of victim participation at parole hearing or how it has indirectly impacted parole hearing decisions.
- San Francisco (2013) [News report](#) about a case where Marsy's law was not being implemented and was then required after by presiding Judge that asked San Francisco's Judges honor the law.
 - A 5 part series explains the case and the investigation done if Marsy's law is actually being implemented after 5 years.

Illinois

- Passed at the ballot 2014
- Nicholas contributed more than \$5 million to campaign
- [Language](#) (Section 8.1 Crime Victims' Rights)
 - Provide a [handout](#) stating their rights as victims

North Dakota

- Passed at the ballot November 2016
- Nicholas contributed \$2.5 million to campaign
- [Language](#) (Article I Section 25)
 - [You must assert your right to opt-in to Marsy's law](#)
- Opposition/problems with implementation:
 - [Ward Co. prosecutor](#) – more time spent redacting information on documents shared with victims, timely notification of victims, cases being dismissed because victim can't be found for accused to confront
 - [Victim advocate groups](#): North Dakota Victim Assistance Association, Council on the Abused Women's Services North Dakota, North Dakota Women's Network. Marsy's Law is in conflict with current victim rights laws that work well, will require crime victims to testify in court more often, victims have multifaceted needs and one-size-fits all doesn't work.
 - Costs:
 - \$2 million annually for additional administrative work
 - North Dakota Legislative Council: [\\$5.2 million through 2019 for state and local governments](#) (from [this article](#))
 - [Aaron Birst, Head of North Dakota State's Attorneys Association predicted delays and increased costs](#): Has already seen cases delayed because of Marsy's Law (as of April 2017). Bond hearings are taking longer and requiring more time to schedule because victims are exercising their rights to testify. "As of right now our current staff have absorbed the workload, but there is potential for increased costs to beef up the system." "This was definitely an unfunded mandate for us."
 - [Definition of victim too broad](#): Would put sexual assault victims on the same legal standing as someone who got passed a bad \$5 check. Would place all victims on the same level, painting with too broad of a brush.
 - [Inconsistencies with local interpretation and implementation: According to Jack McDonald, attorney with North Dakota Newspaper Association](#), there have been inconsistencies in how police in different localities have interpreted the laws. Some agencies haven't changed their practices, but others are withholding names, addresses and other information from the media and public following crimes, accidents and fires. It's probably going to take a (state) Supreme Court ruling before we see any uniform polices being set," he said.
 - ["Marsy's Law often invoked to withhold officers names"](#) - explains problem of officer who fatally shot a person at a crime scene. State attorney does not plan to release his name until Bureau of Criminal Investigation completes its probe into the shooting. State

attorney has no problem releasing name but officer was advised that Marsy's law keeps the name confidential.

- Overall problem that Marys Law has been a noticeable reason for keeping officers involved in shootings confidential until investigation is complete.
- ND has had at least 8 officers involved in shootings since Marsy law was enacted, almost all officers in those cases invoked their rights based on the new law.
- Interpretation of the law varies from county to county. An example is two officers fatally shot a person and their names were released two days after, they were given cards advising them on Marsys law but county attorney determined names were not protected under the constitutional measure.
- The law allows victims to invoke a set of rights including keeping information or records that could be used to locate or harass a victim or the victim's family.

Ohio

- Passed at the ballot November 7, 2017 (with 82.59% of the vote). After a 90-day interim, Marsy's Law was implemented on February 5, 2018.
- Nicholas contributed \$8.7 million to campaign.
- [Language](#)
- Opposition:
 - ACLU of Ohio "[watching to see how Marsy's law is implemented across Ohio](#)"
 - [Louis Tobin, Ohio Prosecuting Attorneys Association](#): Definition of victim is too broad, could require notice to family members, extended family members, or even corporations. **Notice might be given to family members even when the direct victim would prefer to keep the matter private, proving detrimental to the direct victim.**
 - Lack of organized opposition campaign
- Support/explanation of implementation:
 - [Perry County Probate/Juvenile Court Judge Luann Cooperrider](#):
 - Marsy's Lawrights were already available to victims in her court (like right to notice of a hearing— victims were already being notified) and generally through Ohio law. For example, one right is the right of reasonable protection from the accused or any person acting on behalf of the accused and Cooperrider writes "there already exists many Ohio revised code sections that protect victims such as protection orders, witness intimidation, protection of identification information, etc."
 - New responsibilities for prosecutors include advising the courts of victim presence and the desire to address the court in any public proceedings involving release, plea, sentencing, disposition, or parole. The courts will be responsible for making time to allow victims to speak and consider victims statements in making determinations about release, pleas, and sentencing. Part II of her analysis is forthcoming.

South Dakota

- Passed at the ballot 2016
- Nicholas contributed \$2 million to campaign
- [Language](#)
 - **Variation with CA/IL versions of Marsy's Law (["Why didn't this happen in Illinois and California?"](#))**: Privacy clause less strict in IL and CA. In CA, the words "upon request" appear 7 times (in SD only once) and in IL language is state must protect victims' "dignity and privacy." In addition, in IL there is language saying violations of victims' rights do not create a "cause of action" against state or local governments so victims can't sue IL for violating their rights, but SD version does not contain any of this so state must be extra cautious to avoid lawsuits.
 - [Other problems with language](#): State decision makers weren't reading Marsy's Law as "opt-in," but rather that if victims have a constitutional right to privacy, the government needs to protect it whether victims ask or not. After the AG issued an opinion saying victims had to opt-in, these problems were lessened.
- Opposition/problems with implementation:
 - Pre-South Dakota State's Attorney's Association
 - South Dakota Association for Criminal Defense Lawyers
 - Minnehaha County Commission
 - [Minnehaha County Public Advocate Julie Hofer](#): Worries that extending requirements to every hearing would clog justice system with scheduling conflicts if many victims opt in.
 - Costs:
 - [Pennington County State's Attorney Mark Vargo said having to hire four employees to help notify victims of their rights and the statuses of their cases will cost an extra \\$161,000 for his county of about 100,000 residents.](#) "This is uncharted territory... We don't know how many people we will need to make this work."
 - [Follow up](#): In February, Vargo said employees now spend a lot of time communicating with people about "fairly low-level" cases. There's a tradeoff, he said. "We are putting time and effort into letting people know about petty thefts and criminal trespasses, and that diminishes the amount of time and resources that we have available to deal with people on what we consider to be much more serious cases," Vargo said. "Every time you insist that we treat petty thefts like a rape, rape victims are going to suffer."
 - [House Speaker Mark Mickelson \(R\) will push to repeal in 2018](#)
 - [February update](#): Rep. Mickelson is working with Marsy's Law for South Dakota to potentially negotiate changes to the amendment, possibly "scrubbing or changing the amendment" that would then have to be re-approved by voters in 2018. "If we can make an agreement with them, that's what will happen."
 - **Defendants staying in jail longer:**

- [Example from Minnehaha County Jail](#) in December 2016 defendants were already staying in jail longer because victims weren't able to be notified of a bond hearing.
 - [Minnehaha County](#) (2017): According to Minnehaha County Public Defender Traci Smith, victims' constitutional rights are usurping defendants amounting to additional hurdles and unnecessary jail time. The majority of inmates at the Minnehaha County Jail are awaiting trial or a judge's disposition of a bond revocation. Snapshots of inmate numbers from the Minnehaha County Jail from February and August in 2014-2017 show growth in total numbers, with more than two thirds awaiting a judge's decision on their length of stay.
- [State Automated Victim Notification spike is concerning for victim privacy](#): Names of low-level defendants added because of Marsy's Law, and the system is seeing heavy use by victims and the public who can register for notifications as "interested parties." More than 1,000 people have signed up every month so far, and more than half have listed themselves as victims.
- [Formerly available public records unavailable in immediate aftermath of Marsy's Law](#): Accident reports and crime locations were unavailable due to privacy concerns after passage in 2016, making it more difficult for citizens and businesses such as insurance companies to get crash information.
 - [Previously available childcare records pulled after passage of Marsy's Law](#)
 - [One year later \(November 2017\), there are six people who process accident reports \(a process that was fully automated\) to review cases for potential Marsy's Law implications.](#) "What used to be extremely efficient and hands-off by the bureaucracy is now very fact- and labor intensive."
 - [Less than 10 of the 16, 000 accident reports handled in the first year have seen a victim invoke their rights \(utilization rare\).](#)
 - Minnehaha County Sheriff Mike Milstead reports his office depends on the eyes and ears of the public to help the Sioux Falls-based department solve cases, but the amendment has limited the information they can provide. "[We struggle sometimes being able to share enough information with the public to have them help us in solving crimes,](#)" Milstead said.
- Media's first amendment rights threatened: [In homicide case from August 2017](#), police refused to confirm identity of homicide because family had invoked Marsy's law. Argus Leader Media still published the name of shooting victim based on obituary, death certificate, and interviews and was criticized for "breaking the law." **Newspaper is concerned that media will be seen as "going rogue" when it reports essential information about a significant story.**
- Defense lawyers accused of harassment: Defense lawyers have a duty to reach out to victims on client's behalf, but that could be taken as harassment ([example of paralegal sent a cease and desist letter from AG's office after leaving two voicemails for victim in a bad check case](#)).
- [SD first to consider amending Marsy's Law \(May 2018\)](#)
 - List out the flaws found in Marsy's Law
- [SD first state to make changes to Marsy's Law \(June 2018\)](#)

- Requires victims to opt in to many of their rights and specifically lets authorities share information with the public to help solve crimes.
- Initially they were going to do similar action like in Montana but Marsy's Law campaign made agreements to amend it.

Florida

- Before the state's Constitutional Revision Commission. The Commission must decide by May 10 which of 37 prospective proposals to include on the ballot. As of February, the Commission was on a public hearing tour to gather feedback. If approved, Marsy's Law will be placed on the 2018 General Election ballot.
 - From the Florida Tax Watch: "The Constitutional Revision Commission (CRC), which is composed of the sitting Attorney General and 36 members appointed by state leaders, meets once every 20 years to research the need for constitutional revisions. Any revisions offered by the commission are then placed on the next general election ballot. The CRC last met in 1997-98 and will meet again in 2017-18."
 - [Miami Herald article summarizing the Constitutional Revision Commission's process and the 2018 prospective proposals \(February 2018\)](#)
- [Language](#)
- Support
 - Tim Cerio, commissioner on Florida's Constitution Revision Commission
- Opposition
 - [Florida Public Defender Association](#): **Conflicts with US Constitution and federal rights of defendants** because "proposal would allow witnesses to refuse interviews, depositions and other discovery requests of the defense. The association also is concerned over changes to defendant payments and speedy trial provisions."
 - [Florida Association for Criminal Defense Lawyers](#): "Provisions would prevent 'meaningful discovery,' which could lead to more trials and an in turn an increased burden on taxpayers. The group also argued that more trials would lead to more exposure of the victim and that some of the provisions in Marsy's Law would interfere with the rights of the accused."
 - [Amy Mercer, ED Florida Police Chiefs Association](#): Concerned about enforcement, especially around how to "reasonably protect" a victim.
- **Ballot initiative-November 6th Election 2018:**
 - Passed with 62% of the vote
 - [Proposed Amendment 6 Language: Pg. 14-19](#)
 - Adds specific rights to crime victims aka Marsy's law, increase judicial retirement age, prohibit state courts from deferring to an administrative agency's interpretation of a state statute or rule in lawsuits.
 - Opposing:
 - [Florida Attorneys against proposition 6](#): proposition is misleading and concern over changes to defendant
 - League of Woman Voter of Florida
 - Tampa Bay Young Republicans

- Libertarian Party of Florida
- Democratic Progressive Caucus of Florida
- Support:
 - [Nicholas contributed: \\$325,000](#) for campaign
 - Walton County Sheriff Micheal A Adkinson
 - Orange county and mayor elect Jerry Demings
 - [Florida Smart Justice](#)
 - Republican party of Palm Beach County
 - Florida Family Policy County

Georgia

- Passed by a vote of 50-4 in the Senate but was tabled in 2017. The House will consider SR 146 in 2018 and if it receives the required two-thirds majority, it will be on the 2018 ballot.
- No current victims' rights constitutional amendment.
- [Language](#)
- Support
 - [Rep. Rick Williams \(R\)](#)
 - Sen. John F. Kennedy (R)
 - [Georgia Conservatives in Action \(co-chair Kay Godwin\)](#)
- Opposition
 - [Benita Dodd, VP of Georgia Public Policy Foundation](#): Cautious of a constitutional amendment (vs. legislature), Georgians are already protected by a crime victim's bill of rights, expanded definition of victim is costly and process becomes more time consuming, violates sixth amendment rights of defendant.
 - [Chuck Spahos, ED Prosecuting Attorneys' Council of Georgia](#): Georgia already has strong statutory victims' bill of rights that has been amended and strengthened. Opposed to constitutional amendment and the ability for victim to hire a lawyer and intervene in the criminal process ("independent cause of action").
- **November 6th election 2018:**
 - Passed with 80% of the vote
- [Summary and actions taken](#) prior to be on the ballot
 - [Bill Language](#) (updated 2018)
- Support:
 - Henry Nicholas- \$350,000 campaign
- Opposing:
 - Georgia Public Policy Foundation
 - Op-Ed explains why Marsys law should not be supported and financial burden.
 - [Why I am voting NO on Marsys Law](#)

Nevada

- On the ballot for 2018 (needed to be passed un-amended in two legislative sessions. Was passed in 2015 and again in 2017).
- No victims' rights constitutional amendment

- [Bill Language](#)
- Support:
 - North Las Vegas City Council and Police Chief Alex Perez
 - Clark County District Attorney Steve Wolfson
 - 6 Clark county commissioners, 5 Las Vegas City Council members, 4 Henderson City Council members
- Opposition:
 - [Public defenders offices from Clark and Washoe counties](#): unnecessary because existing statutes already guarantee victims' rights
 - [Clark County Deputy Public Defender John Piro](#): "A solution in search of a problem... I think constitutions are sacrosanct and should be touched very little," he said Wednesday. "If this passes, it's going to take eight years to adjust it if there's unintended consequences." He said several of the provisions exist in state law already, and law enforcement agencies already do a lot of the same work with victims. "Victim participation in the system can be cathartic and healing, but the system is designed to be dispassionate," he said Wednesday. Opponents say the resolution expands the legal definition of a victim. From a criminal defense perspective, Piro is concerned that Marsy's Law will slow the process, leaving defendants in jail longer and creating problems for attorneys. **Privacy provisions in the measure, for example, could prevent defense attorneys from cross-examining or deposing alleged victims, he said. And a provision that gives victims the right to attend all hearings could contradict the exclusionary rule, which prevents witnesses from hearing other witnesses' testimony.** He also scoffed at the resolution's lacking a fiscal note, even though Marsy's Law has led to increased spending in other states
- **Ballot initiative-November 6th Election 2018:**
 - Passed with a 61% of vote
 - Campaign support Henry Nichols- \$680,000

North Carolina

- In 2017, HB 551 Marsy's Law passed the House (98-17) and the Senate will vote in 2018 (session begins in May). If the Senate passes HB 551, it will be on the ballot in 2018.
- [Bill Language](#)
- Already has a victims' rights constitutional amendment.
- Support:
 - [Davidson County Board of County Commissions](#): Unanimously approved resolutions of support of Marsy's Law.
- Opposition:
 - [National Association of Criminal Defense Lawyers](#): "It really turns the presumption of innocence upside down by designating someone as a victim ... before it's been established that the defendant has committed any crime." **[President Barry Pollack] said most Marsy's Laws "give rights to 'victims' before there has been any conclusion about whether the accused has committed a crime.'"**

- [Mark Rabil \(law professor and director of Wake Forest University Innocence and Justice Clinic\)](#): Victims become a third party in the criminal justice system, which works well as is based on two parties: the government (prosecution) and the accused (defense).
- [Davidson County District Attorney Garry Frank](#): Marsy's Law would cause problems coexisting with a recent bill that allows 16-17 year olds who commit certain crimes to be tried as juvenile. Juvenile proceedings are closed without any public record, which would present conflicting compliance problems if Marsy's Law elevates victims to an informed party in these cases.
- [Wake County District Attorney Lorrin Freeman](#): Unfunded mandate. North Carolina already has a structure in place to help crime victims, but the financial resources have not been adequate in recent years to meet their needs.
- **Ballot initiative-November 6th Election 2018:**
 - [History of bill](#) and how it got on ballot
 - Passed with 62% of the vote
 - Marsy's law total spending- 7.95 Million

Oklahoma

- On the ballot for 2018.
- Already has a victims' rights constitutional amendment. SQ 794 would amend the section addressing the rights of crime victims with a version of a Marsy's Law.
 - Distinctions (from [Oklahoma Watch](#) article): It would add provisions for constitutional victims' rights to privacy, "timely" restitution and reasonable protection. New language also states victims' rights would be protected in a "manner no less vigorous than the rights afforded to the accused" and that victims can be heard at almost any court proceeding involving the accused. The proposal expands the definition of victim to any person who is "directly or proximately harmed" by the crime. It does not make a distinction among crimes the law would apply to.
 - According to [Oklahoma Watch](#), OK proposed version of Marsy's Law is different than CA, IL, MT, SD, and ND in that it contains fewer specific rights.
- [Bill Language](#)
- Support:
 - [Oklahoma Bondsman Association](#)
- Opposition:
 - [Al Hoch, president of the Oklahoma Criminal Defense Lawyers Association](#): Requirements are redundant (such as notifications requirements). **New provisions are overly broad and conflict with federal rights of accused** (for example, victims or lawyers could demand judges reject plea agreements or appeal bond decisions which, even if rejected, could delay trials, add to backlog of cases, and cost state and local governments time and money). **Marsy's Law claims that it advocates for right of speedy trial for victims, but does the opposite.**
- **Ballot initiative-November 6th Election 2018:**
 - Known as state [question number 794](#)
 - Passed with 78 % of vote

- Campaign support Henry Nichols-\$900,000

Kentucky

- In January, SB 3 Marsy's Law passed (House 87-3, Senate 34-1) and will be on the ballot in 2018.
 - Bill Sponsor- Whitney Westerfield (R)
- Bill [Language](#) (2018)
- Passed the state Senate in 2016 but did not get through the House. ([Language](#) 2016)
- Currently has crime victims' rights listed in statute but not the constitution.
- Bill would add ten protections on Kentucky Constitution
- Support:
 - [Kentucky Baptist Convention](#)
 - [Pam Darnell, president of Family and Children's Place](#)
- Opposition:
 - [ACLU of Kentucky](#): argues that Marsy's Law introduces another opportunity for inequitable treatment within the justice system. **Well off victim would yield more influence than poor, vulnerable, or victim that has been criminal defendant himself or herself.**
- **Ballot initiative-November 6th Election 2018:**
 - Campaign funding Marsy Law for Kentucky LLC- 5.67 Million
 - **August-** Kentucky Association of Criminal Defense Lawyers filed [lawsuit](#) against the ballot initiative. ([press release statement](#))
 - **Ballot initiative passed with 63% of vote**
 - Franklin Circuit Judge Thomas Wingate [orders](#) vote can't be certified until final ruling from higher court.
 - "Language is vague and fails to inform voter on impact it has on constitution"
 - Court wont convene until December 3rd

I. Passed, but ruled unconstitutional

Montana

- Passed at the ballot fall 2016.
- Nicholas contributed \$2.4 million to campaign
- [Bill Language](#)
- Lawsuit filed by ACLU against implementation in June 2017, ruled unconstitutional November 2017.
- **Financial Consequences-** Great Falls city attorney recently announced it will spend \$90,000 this year on additional prosecutors, and in Bozeman, where officials are exploring hiring additional staff.
- [The Montana Supreme Court has voided Marsy's Law](#)
- Opposition:

- Montana Association of Counties: Cost of more attorneys and support staff for victims and of detaining more people accused of crimes

II. Moving through the legislature

Hawaii

- “In 2016, Marsy’s Law for Hawaii was passed in both the Hawaii House and Senate. However, lawmakers were unable to reconcile differences in the language of the bill prior to the deadline for constitutional amendments to be sent to the governor’s office” – Marsy’s Law Hawaii website
- [Language](#)
- Marsy’s Law Hawaii FB page and twitter are defunct— it appears the campaign has stalled.
- Checked Marsy’s campaign and ACLU affiliates, it seems that it is still stalled; no updates have been made since 2016. (updated 2018).

Idaho

- **2017 Legislative effort**
 - SJR 103 (formerly SJR 101, 102)-Bill sponsor Todd Lakey(R)
 - Failed to pass in House State Affairs
- **2018 Legislative effort**
 - HJR8 [2018 Bill language](#)-Bill sponsor Brent Crane (R)
 - [Statement of purpose](#)
 - House State Affairs committee approves to move HJR8 to house (vote 9-6) if passed by 2/3 of vote it would be on the ballot on November.
 - Failed to pass in the house (42-28-0)
 - Marsys law campaign has been sharing stories through their online website
 - Marsy Law for Idaho and supporters response after bill died: [“We won’t give up the fight”](#)
- **Supporters:** ID Sheriff association, ID fraternal order of police, ID prosecuting Attorneys Association, ID association of Figherfighters, ID Victim witnesses Associations, (everyone else who has been deceived)
- **Opposed:** ACLU-ID, IADV
- **2019 Legislative effort**
 - Marsy’s law has been reaching out to law makers in December

Iowa

- One of 15 states that does not constitutionally protect victims’ rights.
- Senate [Study Bill 3040](#) and [House Joint Resolution 2003](#) are patterned after Marsy’s Law.
 - In January 2018 Iowa House and Senate representatives held subcommittee hearings to discuss Marsy’s Law. Both subcommittees failed to advance the proposals, although lawmakers said the measures could still be considered this session.

- Already has a victims' rights constitutional amendment.
- Marsys law campaign bringing up for next legislative session and providing petitions signatures collected
- If passed in next legislation it needs to be passed again the next session in order to be on the ballot.
- **Supporters:**
 - Governor Reynolds and Lt. Gov. Gregg
 - Soaring Heart Foundation
 - Paul Cassesl- Retired Judge and law professor at University of Utah
- **Oppose:**
 - Coalition Against Sexual Assault- "there needs to be a change in the culture not in the constitution."- Kerri True-Funk Associate with the organization
 - Iowa Coalition Against Domestic Violence
 - Iowa State Bar Association

Maine

- During the 2017 legislative session, the Criminal Justice and Public Safety Committee voted to carry LD 1168 to the 2018 session.
 - Concern on the costs and effects on the judicial system.
- No current victim's rights constitutional amendment.
- In October of 2017, Marsy's Law for All had spent \$100,000 in the year so far.
- Language:
 - Victim – "directly or proximately harmed by the commission of the offense"
 - Enforcement – "The victim, the victim's attorney or another lawful representative of the victim, or, upon request of the victim, the attorney for the government, may assert in any trial or appellate court or before any other authority with jurisdiction over the case and have enforced the rights enumerated in this section and any other rights afforded by law."
 - Other – Right to prompt and full restitution, present and heard at all public proceedings, to confer with prosecution,
- Support:
 - [Senate President Michael Thibodeau \(R-Waldo\)](#)
 - [Maine chapter of the Parents of Murdered Children](#)
- Opposition:
 - Groups opposed: ACLU, Maine Chiefs of Police, Maine Commission on Domestic and Sexual Abuse (reasons for opposition include national campaign that doesn't understand specific ME needs, state already not currently funding victim services – how can that be ensured with expanded constitutional amendment)
 - [Bangor Daily News editorial](#)
 - [Maine Prosecutors Association](#): Unfunded mandate. Proposal creates a set of procedures that will require additional resources, including staff in prosecutors' offices and the judicial branch.

- Spokesperson for the Maine courts said that they are not taking a position on the bill but to expect additional costs if it is approved.
- 2018 Legislation
 - Have proposed measure [LD 1168](#) (Marsy's Law) that died on adjournment in September 13 2018
 - Maine Legislation also sponsored another similar bill [LD 1705 HP 1185](#) to strengthen crime victims' rights. (Not Marsy's Law)

New Hampshire

- CACR 22 Marsy's Law was introduced in the 2018 legislative session (Senate Judiciary Committee hearing was on February 6).
- [Language](#)
- No victims' rights constitutional amendment.
- Support:
 - Governor Chris Sununu
 - New Hampshire Coalition Against Domestic and Sexual Violence
- Opposition:
 - [Senator Bob Giuda \(R\)](#): Listed as a sponsor of the bill, Sen. Giuda testified in opposition to Marsy's Law who was worried about "losing sight of the rest of the constitution" and a defendant's right to due process. His name was added to the list of sponsors before he really knew the details of the amendment and he guesses there are other sponsors in the same position.
 - Defense Attorney Jaye Rancourt
 - [ACLU and criminal defense attorney Mark Sisti](#): "Under Marsy's Law, the victim would have the right to refuse deposition and discovery requests made by the accused (even if such discovery requests were necessary to provide the accused with a fair trial). The victim would have the right to be heard and intervene at every stage of the criminal proceeding before the accused has even been convicted (arguably creating another prosecutor). The victim would have the right to a prompt conclusion of the criminal case (even if the accused needs more time to develop their defense). **None of these rights check the power of the state. In fact, these victims' rights do the opposite; they enhance the power of the state at the expense of the accused.**"
- ACLU defeated bill in the house of Representatives with a vote of 284 to 51 in spring session 2018.

Pennsylvania

- One of the few states that do not address victim rights on their constitution
- [Senate Bill 1011](#) was introduced in session 2017-18
- It will have to be passed in two consecutive sessions and then be placed on the ballot for voters to approve.
 - Passed with a unanimous vote in the senate in the 2018 legislative session.
 - Went to the house where it was amended and then passed with another unanimous vote.
 - Senate approved the amended version

- Will be introduced to legislature again in the coming 2019 session.
- **Support:**
 - Governor Tom Wolf and District Attorney Tom Hogan
 - Almost all State lawmakers. No one has opposed, yet.
- **Oppose:**
 - ACLU-Penn, sent a [memorandum](#) to the House of Representatives to oppose Marsy's law.
 - Richard G. Settgast- Penn State Law Professor

Wisconsin

- Passed legislature in 2017 (81-10 vote in Assembly, 29-4 in Senate), will need to pass again in 2018 to get on the ballot.
- Already has a victims' rights constitutional amendment
- Assembly Joint Resolution 47/Senate Joint Resolution 53-[Language](#)
- 2018 Legislation:
 - Failed to adopt pursuant to Senate- Tabled
- Support:
 - Attorney General Brad Schimel
 - Wisconsin Coalition Against Sexual Assault
- Opposition:
 - [Wisconsin Democracy Campaign](#): Victim's right to refuse interview, deposition or other discovery request..." is violation of US Constitution sixth amendment. Also "runs afoul" of the due process clause of the fifth and fourteenth amendment.
 - [Prominent defense attorneys Jerome Buting and Dean Strang](#):
 - Marsy's Law establishes a complainant's status as a victim before a trial taking away the presumption of innocence before and during trial
 - False promises to victims— the good things in Marsy's Law may be overshadowed by unconstitutional and unworkable ideas that will present a false hope or promise to victims, undermining the position of victims in the criminal justice system
 - Representative Sargent [Statement](#) on Marsy's Law

III. No active campaign

No victims' rights constitutional amendment: AR, DE, MA, MN, NY, VT, WV, WY

Already has victims' rights constitutional amendment: AL, AK, AZ, CO, CT, IN, KS, LA, MD, MI, MS, MO, NE, NJ, NM, OR, RI, SC, TN, TX, UT, VA, WA