



## WHAT IS MARSY'S LAW?

Marsy's Law is an effort to amend the Pennsylvania Constitution to include statutory and common law rights currently afforded to crime victims in Pennsylvania, including the right to:

- Receive information about their rights and available services
- Receive notification of proceedings and major developments in the criminal case
- Receive timely notifications/changes to the offender's custodial status
- Be present at court proceedings
- Provide input to the prosecutor before a plea agreement is finalized
- Be heard at plea, sentencing proceedings or any process that may result in the offender's release
- Restitution

Marsy's Law has qualified to be on the **November 5, 2019** ballot as a voter referendum.

## WHY IS MARSY'S LAW NEEDED?

Currently, Pennsylvania is **one of only a handful of states** that does not provide constitutional protections for crime victims.

Although the Pennsylvania Crime Victims Bill of Rights is good policy, it is not **sufficient**. Victims do not have **standing** if statutory rights are violated. Marsy's Law would correct this imbalance by allowing victims to assert their rights.

## WHAT DO PENNSYLVANIA VOTERS THINK?

Marsy's Law is overwhelmingly supported by Pennsylvania voters across party lines\*:

- **87% of Pennsylvania voters support Marsy's Law**
- **92% of Democratic voters in Pennsylvania said that they would vote YES for Marsy's Law if the election were held today**
- **79% of Democratic voters are MORE LIKELY to vote for a candidate that supports Marsy's Law**

\* January 2019 and August 2019 surveys: +/-4.0%



## WHO SUPPORTS MARSY'S LAW IN PENNSYLVANIA?

The Pennsylvania General Assembly passed Marsy's Law with **overwhelming majorities** in two consecutive legislative sessions (2017-18 and 2019-20) with strong support from both the **House and Senate Democratic Caucuses**.

Support is **broad and bipartisan support**, with hundreds of individuals and groups endorsing the measure. Supporters include:

- Governor Tom Wolf
- Attorney General Josh Shapiro
- Auditor General Eugene DePasquale
- Office of the Victim Advocate
- Pennsylvania Coalition Against Domestic Violence
- Pennsylvania Coalition Against Rape
- Pennsylvania District Attorneys Association
- Pennsylvania State Troopers Association
- Pennsylvania Chiefs of Police Association
- Philadelphia City Council (Unanimously in 2018 & 2019)

## MARSY'S LAW & DEFENDANT RIGHTS

Marsy's Law **DOES NOT** diminish the rights of the accused and convicted. Victims' rights will not trump defendants' constitutional rights. Marsy's Law simply gives victims a voice in the criminal justice process, not a veto.

### EXAMPLES:

Marsy's Law **DOES NOT** infringe upon "innocent until proven guilty." Victim status attaches when law enforcement determines probable cause that a crime has been committed. Even if a perpetrator is never identified or convicted, victims deserve fairness, respect and dignity.

Under the U.S. Constitution, **ONLY** the defendant has the right to a speedy trial. Marsy's Law **DOES NOT** change that. Under Marsy's Law, a victim has a right to request that there is no unreasonable delay. But the court makes the decision as to how a matter should progress.

Marsy's Law **DOES NOT** interfere with a defendant's pretrial discovery process. In Pennsylvania, victims are not required to participate in pretrial criminal depositions and already may refuse an interview request made by anyone, not just the accused. Marsy's Law gives these provisions constitutional protection.