

Marsy's Law: Do It Quick or Do It Right?

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Sen. Jeff Smith reports about Marsy's Law, the background of this movement to change state constitutions around the country to increase victim's rights, and the complicated nature of balancing the rights of victims and the accused.

MADISON - Our first week of the legislative session is off to a fast start. It appears my first legislative vote will be changing our State Constitution with a resolution called, "Marsy's Law."

The new Legislature always has a high-priority issue that needs to be addressed immediately. In 2007, as a freshman State Representative, I voted to create the Government Accountability Board (GAB) in response to a caucus scandal years before I took office.

Democrats in the State Senate and Republicans in the State Assembly worked together for the nation's first bipartisan ethics and elections board. It was a model of good government for the nation. My first vote was something to be proud of as a new legislator -- it was because we needed it, not because people or organizations with deep pockets wanted it.

Fast forward to 2019. I was hopeful my first vote would be on something equally important - like protecting voting rights or passing redistricting reform.



When I first heard about protecting the rights of victims with Marsy's Law, it seemed like a great way to start my term as State Senator. As I started asking questions, I learned it is far more complicated.

In 1983 Marsy Nicholas was murdered by her ex-boyfriend in California. One week later, Marsy's mother and brother ran into the murderer in a grocery store. They were overcome with fear and pain not knowing he was out on bail. This traumatic experience led to her brother, now a billionaire investor, to spend millions of dollars in campaign contributions and lobbying efforts to pass state constitutional changes across the country.

Here in Wisconsin, we have some of the strongest protections for victims in the country. Unfortunately, other states did not. That's why California, Florida, Georgia, Illinois, Kentucky, Nevada, North Carolina, North Dakota, Ohio, Oklahoma and South Dakota passed versions of Marsy's Law.



Our judicial branch of government is the impartial arbiter for balancing the rights of victims and the accused. This concept has been depicted for centuries with blind statutes and scales showing balance. Unfortunately, money, emotion and power influence the legislative branch of government. Our job as legislators is to create laws governing our justice system and to keep the scales of justice balanced above all else.

We should be cautious when approached by a national advocacy group with money asking for a "one-size fits all approach" to our State's Constitution. Change to our State's Constitution demands heavy scrutiny. Even more scrutiny should be given to rushing changes to our State Constitution. After all, a constitutional change is our way of "writing it in stone."

Each constitutional change in Wisconsin needs to be passed by two consecutive sessions of the Legislature before being offered as a referendum to voters during a statewide election. If the

new 2019-20 Legislature passes Marsy's Law by the end of January, it will land on the spring election ballot in April, leaving voters little time to learn about its effects.

What do you think? I want to hear from you. I've heard the countless gut-wrenching stories about victims in Wisconsin seeking justice. I've read the editorials across the state cautioning lawmakers. I heard the pleas of local district attorneys asking for additional resources to help victims.

My hope is that we can have a conversation about what's best for helping victims. How do we protect justice for victims while maintaining the rights of the accused? I'm open to considering changes to our Constitution. But instead of getting it done quickly, we need to get it done right.

Senator Smith may be contacted through this [link](#).

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