



March 31, 2017

Re: Opposition to SRJ103

Honorable Chairman Loertscher and Committee Members
Idaho House State Affairs Committee

Honorable Chairman Loertscher and Committee Members:

The Idaho Coalition Against Sexual & Domestic Violence is a statewide non-profit organization engaging voices to create change in prevention, intervention and response to domestic violence, adolescent relationship abuse, stalking, and sexual assault. The Idaho Coalition's membership is comprised of Idaho's twenty-four community and tribal domestic and sexual violence organizations as well as governmental and non-governmental organizations. The Idaho Coalition respectfully opposes SRJ 103 and asks the Idaho House State Affairs Committee to recommend that an interim committee be established comprised of all key stakeholders, including individuals who are survivors of crime and statewide and community advocacy programs and service providers.

The Idaho Coalition centers individuals who have experienced abuse and rape and other forms of gender violence in the entirety of our work, so it is not without significant thought that we ask the committee to vote no on this legislation to amend Idaho's Constitution. Here's why:

Individuals Who Have Experienced Crime and Community-based Advocacy

Organizations are Key Stakeholders – The Idaho Coalition deeply believes that the voices and lived experiences of individuals who have been victims of crime, especially from marginalized and underserved communities, as well as the community and statewide organizations that advocate for their rights under the criminal justice system, need to be part of developing a solution to the real problem of family members and others who have experienced harm by failures or gaps in the criminal justice system. Without **meaningful participation** of key stakeholders, this legislation may have an unintended negative impact on "direct" victims of crime by an expansive definition of victim that could unintentionally diminish the rights of direct victims.

Idaho Crime Victims Needs Assessment - This well-funded campaign to amend Idaho's Constitution to expand the coverage of the Victim Rights Amendment to individuals or organizations beyond direct victims was initiated by an organization and funded by a single individual, whose family experienced an unspeakable tragedy, from outside the state of Idaho. We extend our deepest sympathies to the family and agree that families and other related individuals need to continue to be informed of actions in the criminal justice system. We also believe that if this is a problem that warrants an amendment to Idaho's Constitution, we can work together to find a solution that does not jeopardize the rights of direct victims of crime. Most importantly, the *2016 Crime Victims in Idaho: An Assessment of Needs and Services* report published by Boise State University, reports that individuals who are crime victims in Idaho already experience significant difficulty in accessing their constitutional rights. Specifically, the *Needs Assessment* states: *"there were even more services that were indicated as needed but were not received, several of which are directly related to the rights afforded to crime victims*

in Idaho". The *Needs Assessment* goes on to say: "legal rights, whether afforded through statute or constitution, are only as good as the mechanism that exists to rectify violations of those rights. When no mechanism exists, rights become courtesies." Despite the efforts of Idaho's criminal justice system, there are unfortunately individuals who are victims that are not currently able to access their constitutional rights. The significant expansion of the definition of victim to "include any person or entity directly and proximately harmed" may unintentionally negatively impact individuals who are direct victims of crime while affording those collaterally impacted by crime additional rights.

Interim Committee - As Marsy's Law organizational campaigns are being fully funded and launched across the country, states such as Georgia, have avoided the confusion in implementation or any unintended consequences, by creating an interim committee to study and make the best recommendations. Additionally, an interim committee would have the benefit of the Idaho Crime Victim Needs Assessment to determine the best path forward.

In conclusion, the Idaho Coalition respectfully opposes SRJ 103 and asks that an interim committee be established to develop a solution that meets the needs of Idaho's citizens who are victims of crime. I am currently out of state and am submitting this as testimony in lieu of my personal appearance.

Thank you for your willingness to consider the complexities and possible negative impact of this well-intentioned legislation.

Kelly Miller, J.D., Executive Director



Kelly Miller, Executive Director

Idaho Coalition Against Sexual & Domestic Violence

Linen Building, 1402 W Grove Street, Boise, Idaho 83702

phone: 208.384.0419 ext. 306 | cell: 208.284.1724 | fax: 208.331.0687

kelly@engagingvoices.org

engagingvoices.org

engaging voices | creating change