



PRESS RELEASE August 13<sup>th</sup>

**KACDL FILES LEGAL ACTION TO STOP THE MISLEADING EFFORT TO REWRITE  
OUR STATE CONSTITUTION AND PERMANENTLY SKEW THE JUSTICE SYSTEM**

As the representative organization for criminal defense attorneys in the Commonwealth of Kentucky, the Kentucky Association of Criminal Defense Lawyers (KACDL) has filed a lawsuit to stop an unwise and improper amendment of our state constitution. We are devoted to the protection of constitutional liberties in the Commonwealth. We believe in the principles of fairness and justice for all persons accused of crimes. Continued recognition of and adherence to the Bills of Rights contained in the Constitutions of the United States and of the Commonwealth of Kentucky by the Judicial, Legislative and Executive branches of government are necessary to sustain the quality of our American system of justice. Though it is not perfect, the existing criminal justice system produces fair results for the Commonwealth, for victims of crime, and for persons accused of crime.

The KACDL lawsuit reveals two fatal flaws to the “Marsy’s Law” amendment. First, the proposed amendment would significantly change the criminal justice system. Second, the amendment is to be presented to the voters in a confusing manner that fails to inform the voting public how that change would take place. The electorate deserves a fair chance to know what they are voting for and to hold the legislature to its obligations under Section 256 of our Kentucky Constitution. The ballot question is both insultingly vague and grossly misleading. Placing such a proposal on the ballot violates the Kentucky Constitution and is a disservice to the people of our Commonwealth.

Kentucky currently has a robust bill of rights for victims. Though the actual amendment contains more than 40 lines of text with more than 550 words and creates twelve distinct new constitutional rights for some, but not all, “victims” of criminal conduct, the proposed question to be asked of voters is deceptively simply:

“Are you in favor of providing constitutional rights to the victims of crime, including the right to be treated fairly, with dignity and respect, and the right to be informed and have a voice in the judicial process?”

No voter who reads this question would be adequately informed of the complexity and radical departure from current law of this proposed amendment. Because this is a constitutional amendment, it would alter every other constitutional provision to which it is related. It would fundamentally skew the balance in our system of justice. It is designed to effectively remove the presumption of innocence. The amendment would give the legislature control over our courts of justice. And as has been experienced in several other states where this California initiative was pursued, these costly changes provide no effective legal mechanism for enforcement of the rights created and in fact limit the avenues of relief available.

Hon. James David Niehaus at [davidniehaus@icloud.com](mailto:davidniehaus@icloud.com), (502) 494-5117 is available to answer any additional questions you may have.

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