

## **AMENDMENT 6 Rights of Crime Victims and Judges**

**Ballot Language:** Creates constitutional rights for victims of crime; requires courts to facilitate victims' rights; authorizes victims to enforce their rights throughout criminal and juvenile justice processes. Requires judges and hearing officers to independently interpret statutes and rules rather than deferring to a government agency's interpretation. Raises mandatory retirement age of state justices and judges from seventy to seventy-five years; deletes authorization to complete judicial term if one-half of term has been served by retirement age.

**How The Amendment Reached The Ballot:** Constitution Revision Commission

**What Your Vote Means:** A **Yes** vote on this measure: (1) adds rights for crime victims, collectively known as Marsy's Law, to the Florida Constitution; (2) requires that state courts independently interpret statutes rather than deferring to administrative agencies; and (3) raises the retirement age for judges from 70 to 75.

A **No** vote on this measure: (1) retains the status quo on constitutional rights of crime victims; (2) allows judges to continue the pattern of deference shown towards agencies; and (3) maintains the current mandatory retirement age for judges.

**Pro:** Marsy's Law supplies crime victims—and their families—with a series of rights. Currently, the Florida Constitution does not enumerate specific rights for crime victims or their families. If the amendment were to pass, crime victims would benefit from: the right to due process and fairness; the right to be free from intimidation; and the right to be reasonably protected from the accused. A **Yes** vote respects the importance of victim's rights throughout a criminal proceeding. Marsy's Law is a nationwide push to strengthen victim's rights, and six states have passed the legislation since 2009. In addition to the provisions contained in Marsy's Law, the measure encourages judges to independently interpret statutes. The Florida Supreme Court often defers to agency interpretations, and a **Yes** vote would curtail this trend. Administrative law judges face mounting questions as their role in the judiciary grows. This amendment would ensure that authority over legal questions rests with appointed judges rather than administrative agencies. Finally, Amendment 6 raises the retirement age for judges from 70 to 75. This effort recognizes increases in life spans and accommodates for a longer working career

**Con:** Florida's Constitution already offers a subsection that details victim's rights—albeit unclearly. Additionally, the legislature guarantees a certain set of rights and safeguards for crime victims. Instead of adding additional (and potentially excessive) language to the Constitution, the issues present in Amendment 6 could be handled through the legislative process. Opponents argue that the approval of Marsy's Law would overwhelm and overburden the courts with a litany of "unfunded mandates." Critics also contend that providing

more rights to victims would have a wide range of unintended consequences. For example, the legislation does not define a handful of relevant terms. Some claim this amendment is good politics, but bad policy. Apart from the concerns present in Marsy's Law, Amendment 6 upends a functioning and orderly system in administrative agencies. Judges outsource many decisions to administrative law judges because they have a better understanding of the issues. Although this amendment would stress the importance of traditional judges, it risks the progress made in administrative law