

1 Section 34. A. To ~~preserve and protect the rights of~~ secure
2 for victims ~~to~~ justice and due process, ~~and ensure that victims are~~
3 throughout the criminal and juvenile justice systems, a victim shall
4 have the following rights, which shall be protected by law in a
5 manner no less vigorous than the rights afforded to the accused:

6 1. To be treated with fairness, and respect and for the safety,
7 dignity, and are free from intimidation, harassment, or abuse,
8 throughout the criminal justice process, any victim or family member
9 of a victim of a crime has the right to know the status of the
10 investigation and prosecution of the criminal case, including all
11 proceedings wherein a disposition of a case is likely to occur, and
12 where plea negotiations may occur. The victim or family member of a
13 victim of a crime has the right to know the location of the
14 defendant following an arrest, during a prosecution of the criminal
15 case, during a sentence to probation or confinement, and when there
16 is any release or escape of the defendant from confinement. The
17 victim or family member of a victim of a crime has a right to be
18 present at any proceeding where the defendant has a right to be
19 present, to be heard at any sentencing or parole hearing, to be
20 awarded restitution by the convicted person for damages or losses as
21 determined and ordered by the court, privacy of the victim;

22 2. Upon request, to reasonable and timely notice of and to be
23 present at all proceedings involving the criminal or delinquent
24 conduct;

1 3. To be heard in any proceeding involving release, plea,
2 sentencing, disposition, parole and any proceeding during which a
3 right of the victim is at issue;

4 4. To reasonable protection;

5 5. Upon request, to reasonable notice of any release or escape
6 of an accused;

7 6. To refuse an interview, deposition or other discovery
8 request made by the accused or any person acting on behalf of the
9 accused;

10 7. To full and timely restitution;

11 8. To proceedings free from unreasonable delay and prompt
12 conclusion of the case;

13 9. Upon request, to confer with the attorney for the
14 government; and to

15 10. To be informed by the state of the constitutional of all
16 rights of the victim enumerated in this subsection.

17 ~~B. An exercise of any right by a victim or family member of a~~
18 ~~victim or the failure to provide a victim or family member of a~~
19 ~~victim any right granted by this section shall not be grounds for~~
20 ~~dismissing any criminal proceeding or setting aside any conviction~~
21 ~~or sentence~~ The victim, attorney for the victim or other lawful
22 representative, or the attorney for the government upon request of
23 the victim, may assert and have enforced in any trial court,
24 appellate court or other authority with jurisdiction over the case

1 the rights enumerated in this section and any other right afforded
2 to the victim by law. The court or other authority with
3 jurisdiction shall act promptly on such request. This section does
4 not create any cause of action for compensation or damages against
5 the state, any political subdivision of the state, any officer,
6 employee, or agent of the state or of any of its political
7 subdivisions, or any officer or employee of the court.

8 C. The Legislature, or the people by initiative or referendum,
9 ~~has~~ have the authority to enact substantive and procedural laws to
10 ~~define,~~ further implement, preserve and protect the rights
11 guaranteed to victims by this section, ~~including the authority to~~
12 ~~extend any of these rights to juvenile proceedings and if enacted by~~
13 ~~the Legislature, youthful offender proceedings.~~

14 D. The enumeration in the Constitution of certain rights for
15 victims shall not be construed to deny or disparage other rights
16 granted by the Legislature or retained by victims.

17 SECTION 2. The Ballot Title for the proposed Constitutional
18 amendment as set forth in SECTION 1 of this resolution shall be in
19 the following form:

20 BALLOT TITLE

21 Legislative Referendum No. _____ State Question No. _____

22 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

23 This measure amends the State Constitution. This measure
24 addresses the justice and due process rights of victims. The

1 changes to this section will make clear what types of rights
2 victims have under the laws of this state. It will allow
3 victims to enforce these rights when necessary. Changes to this
4 section also make clear that a cause of action for compensation
5 or damages may not be made when seeking to enforce these rights.
6 It would also clarify the authority to pass procedural and
7 substantive laws to preserve and protect the rights of victims.

8 SHALL THE PROPOSAL BE APPROVED?

9 FOR THE PROPOSAL - YES _____

10 AGAINST THE PROPOSAL - NO _____

11 SECTION 3. The Chief Clerk of the House of Representatives,
12 immediately after the passage of this resolution, shall prepare and
13 file one copy thereof, including the Ballot Title set forth in
14 SECTION 2 hereof, with the Secretary of State and one copy with the
15 Attorney General.

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17 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/14/2017 - DO PASS,
18 As Coauthored.
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