

105TH CONGRESS  
2D SESSION

# S. J. RES. 44

Proposing an amendment to the Constitution of the United States to protect  
the rights of crime victims.

---

## IN THE SENATE OF THE UNITED STATES

APRIL 1, 1998

Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. BIDEN, Mr. LOTT, Mr. THURMOND, Mr. TORRICELLI, Mr. BREAUX, Mr. GRASSLEY, Mr. DEWINE, Mr. FORD, Mr. REID, Mr. GRAMM, Mr. MACK, Ms. LANDRIEU, Mr. CLELAND, Mr. COVERDELL, Mr. CRAIG, Mr. INOUE, Mr. BRYAN, Ms. SNOWE, Mr. THOMAS, Mr. WARNER, Mr. LIEBERMAN, Mr. ALLARD, Mrs. HUTCHISON, Mr. D'AMATO, Mr. SHELBY, Mr. CAMPBELL, Mr. COATS, Mr. FAIRCLOTH, Mr. FRIST, Mr. SMITH of New Hampshire, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. SMITH of Oregon, Mr. HUTCHINSON, Mr. INHOFE, Mr. MURKOWSKI, Mr. BOND, and Mr. GRAMS) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

---

## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United  
States to protect the rights of crime victims.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled*  
3       *(two-thirds of each House concurring therein),* That the fol-  
4       lowing article is proposed as an amendment to the Con-  
5       stitution of the United States, which shall be valid for all  
6       intents and purposes as part of the Constitution when

1 ratified by the legislatures of three-fourths of the several  
2 States within seven years from the date of its submission  
3 by the Congress:

4 “ARTICLE —

5 “SECTION 1. Each victim of a crime of violence shall  
6 have the rights to reasonable notice of, and not to be ex-  
7 cluded from, all public proceedings relating to the crime—  
8 “to be heard, if present, and to submit a state-  
9 ment at all public proceedings to determine a release  
10 from custody, an acceptance of a negotiated plea, or  
11 a sentence;

12 “to the foregoing rights at a parole proceeding  
13 that is not public, to the extent those rights are af-  
14 farded to the convicted offender;

15 “to reasonable notice of a release or escape  
16 from custody relating to the crime;

17 “to consideration for the interest of the victim  
18 in a trial free from unreasonable delay;

19 “to an order of restitution from the convicted  
20 offender;

21 “to consideration for the safety of the victim in  
22 determining any release from custody; and

23 “to reasonable notice of the rights established  
24 by this article.

1       “SECTION 2. Only the victim or the victim’s rep-  
2       resentative shall have standing to assert the rights estab-  
3       lished by this article. Nothing in this article shall provide  
4       grounds for the victim to challenge a charging decision  
5       or a conviction; to overturn a sentence or negotiated plea;  
6       to obtain a stay of trial; or to compel a new trial. Nothing  
7       in this article shall give rise to a claim for damages against  
8       the United States, a State, a political subdivision, or a  
9       public official.

10       “SECTION 3. The Congress and the States shall have  
11       the power to implement and enforce this article within  
12       their respective jurisdictions by appropriate legislation, in-  
13       cluding the power to enact exceptions when necessary to  
14       achieve a compelling interest.

15       “SECTION 4. The rights established by this article  
16       shall apply to all proceedings that begin on or after the  
17       180th day after the ratification of this article.

18       “SECTION 5. The rights established by this article  
19       shall apply in all Federal and State proceedings, including  
20       military proceedings to the extent that Congress may pro-  
21       vide by law, juvenile justice proceedings, and proceedings  
22       in any district or territory of the United States not within  
23       a State.”.

○