105TH CONGRESS 1ST SESSION S. J. RES. 6

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

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. KYL (for himself and Mrs. FEINSTEIN) 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

7 ratified by the legislatures of three-fourths of the several

8 States within seven years from the date of its submission

9 by the Congress:

"ARTICLE —

2 "SECTION 1. Each victim of a crime of violence, and
3 other crimes that Congress may define by law, shall have
4 the rights to notice of, and not to be excluded from, all
5 public proceedings relating to the crime:

6 "To be heard, if present, and to submit a written
7 statement at a public pretrial or trial proceeding to deter8 mine a release from custody, an acceptance of a negotiated
9 plea, or a sentence;

"To the rights described in the preceding portions of
this section at a public parole proceeding, or at a nonpublic parole proceeding to the extent they are afforded
to the convicted offender;

14 "To notice of a release pursuant to a public or parole15 proceeding or an escape;

16 "To a final disposition of the proceedings relating to17 the crime free from unreasonable delay;

18 "To an order of restitution from the convicted of-19 fender;

20 "To consideration for the safety of the victim in de-21 termining any release from custody; and

"To notice of the rights established by this article;
however, the rights to notice under this section are not
violated if the proper authorities make a reasonable effort,
but are unable to provide the notice, or if the failure of

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the victim to make a reasonable effort to make those au thorities aware of the victim's whereabouts prevents that
 notice.

4 "SECTION 2. The victim shall have standing to assert 5 the rights established by this article. However, nothing in this article shall provide grounds for the victim to chal-6 7 lenge a charging decision or a conviction; to obtain a stay 8 of trial; or to compel a new trial. Nothing in this article 9 shall give rise to a claim for damages against the United 10 States, a State, a political subdivision, or a public official, nor provide grounds for the accused or convicted offender 11 to obtain any form of relief. 12

"SECTION 3. The Congress and the States shall have
the power to enforce this article within their respective jurisdictions by appropriate legislation, including the power
to enact exceptions when required for compelling reasons
of public safety or for judicial efficiency in mass victim
cases.

19 "SECTION 4. The rights established by this article20 shall apply to all proceedings that begin on or after the21 180th day after the ratification of this article.

"SECTION 5. The rights established by this article
shall apply in all Federal and State proceedings, including
military proceedings to the extent that Congress may provide by law, juvenile justice proceedings, and collateral

proceedings such as habeas corpus, and including proceed ings in any district or territory of the United States not
 within a State.".

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