

Statement of Jan Withers
National President, Mothers Against Drunk Driving
Written Statement in support of H.J. Res. 106
Constitution Subcommittee of the House Judiciary Committee
April 26, 2012

Chairman Franks and Ranking Member Nadler, on behalf of Mothers Against Drunk Driving, I write in strong support of House Joint Resolution 106, which provides for a Crime Victims' Rights Constitutional Amendment.

In 2010, 10,288 people were killed in a crash involving a driver with a blood alcohol content of .08 or higher. In addition, 350,000 people were injured in these crashes. Each of these deaths and injuries equals countless numbers of DUI victims. Last year, MADD and its victim services team served over 60,000 of drunk driving crashes.

As the leading DUI victim assistance organization in the nation, passage of the Crime Victims' Rights Constitutional Amendment is critical to ensuring that DUI victims are heard, present, and informed.

Right now, criminal defendants have over 20 constitutional rights guaranteed to them, but crime victims have none. Victims are often not notified when a criminal has been paroled or escaped, not able to present the impact of the crime to a jury before sentencing, and not even allowed in the courtroom to face the defendant.

Current laws are not enough. Even in states with strong victims' rights laws, victims are not notified of bail release over half of the time. Additionally, the current federal laws which give victims the right to be present at all public court hearings and the right to present impact statements at sentencing hearings in capital cases are not being enforced. Even in the Oklahoma City bombing, victims were forced to choose between impact statements and attendance at the proceedings, in violation of the current federal law.

To remedy these injustices towards those already victimized by crime, Representative Trent Franks introduced the Crime Victims' Rights Amendment. The amendment would grant victims of violent crime the rights to reasonable and timely notice of any public proceeding involving the crime and of any release or escape of the accused, to not be excluded from such public proceedings and reasonably to be heard at public release, plea, sentencing, reprieve, and pardon proceedings, and to adjudicative decisions that consider the victim's safety, interest in avoiding unreasonable delay, and just and timely claims to restitution from the offender. It has been crafted to avoid hurting the rights of the accused while protecting those who have already lost so much.

In short, MADD believes that a constitutional amendment to protect victims' rights is the right thing to do for victims and for the system.

Thank you for your consideration of this resolution.