

Proposing an amendment to the Constitution of the United States to protect the rights of crime victims. (Reported in the Senate)

SJ 3 RS

Calendar No. 299
106th CONGRESS
1st Session
S. J. RES. 3

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 19, 1999

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

October 4, 1999

Reported by Mr. HATCH, with an amendment

[Insert the part printed in italic]

JOINT RESOLUTION

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

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

`Article--

`SECTION 1. A victim of a crime of violence, as these terms may be defined by law, shall have the rights:

- `to reasonable notice of, and not to be excluded from, any public proceedings relating to the crime;
- `to be heard, if present, and to submit a statement at all such proceedings to determine a conditional release from custody, an acceptance of a negotiated plea, or a sentence;
- `to the foregoing rights at a parole proceeding that is not public, to the extent those rights are afforded to the convicted offender;
- `to reasonable notice of and an opportunity to submit a statement concerning any proposed pardon or commutation of a sentence;*
- `to reasonable notice of a release or escape from custody relating to the crime;
- `to consideration of the interest of the victim that any trial be free from unreasonable delay;
- `to an order of restitution from the convicted offender;
- `to consideration for the safety of the victim in determining any conditional release from custody relating to the crime; and
- `to reasonable notice of the rights established by this article.

`SECTION 2. Only the victim or the victim's lawful representative shall have standing to assert the rights established by this article. Nothing in this article shall provide grounds to stay or continue any trial, reopen any proceeding or invalidate any ruling, except with respect to conditional release or restitution or to provide rights guaranteed by this article in future proceedings, without staying or continuing a trial. Nothing in this article shall give rise to or authorize the creation of a claim for damages against the United States, a State, a political subdivision, or a public officer or employee.

`SECTION 3. The Congress shall have the power to enforce this article by appropriate legislation. Exceptions to the rights established by this article may be created only when necessary to achieve a compelling interest.

`SECTION 4. This article shall take effect on the 180th day after the ratification of this article. The right to an order of restitution established by this article shall not apply to crimes committed before the effective date of this article.

`SECTION 5. The rights and immunities established by this article shall apply in Federal and State proceedings, including military proceedings to the extent that the Congress may provide by law, juvenile justice proceedings, and proceedings in the District of Columbia and any commonwealth, territory, or possession of the United States.'