

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

JANUARY 7, 2003

Mr. KYL (for himself and Mrs. FEINSTEIN) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

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
4 following article is proposed as an amendment to the Con-
5 stitution of the United States:

6 “ARTICLE —

7 “SECTION 1. The rights of victims of violent crime,
8 being capable of protection without denying the constitu-
9 tional rights of those accused of victimizing them, are
10 hereby established and shall not be denied by any State

1 or the United States and may be restricted only as pro-
2 vided in this article.

3 “SECTION 2. A victim of violent crime shall have the
4 right to reasonable and timely notice of any public pro-
5 ceeding involving the crime and of any release or escape
6 of the accused; the rights not to be excluded from such
7 public proceeding and reasonably to be heard at public re-
8 lease, plea, sentencing, reprieve, and pardon proceedings;
9 and the right to adjudicative decisions that duly consider
10 the victim’s safety, interest in avoiding unreasonable
11 delay, and just and timely claims to restitution from the
12 offender. These rights shall not be restricted except when
13 and to the degree dictated by a substantial interest in pub-
14 lic safety or the administration of criminal justice, or by
15 compelling necessity.

16 “SECTION 3. Nothing in this article shall be con-
17 strued to provide grounds for a new trial or to authorize
18 any claim for damages. Only the victim or the victim’s
19 lawful representative may assert the rights established by
20 this article, and no person accused of the crime may obtain
21 any form of relief hereunder.

22 “SECTION 4. Congress shall have power to enforce
23 by appropriate legislation the provisions of this article.
24 Nothing in this article shall affect the President’s author-
25 ity to grant reprieves or pardons.

1 “SECTION 5. This article shall be inoperative unless
2 it has been ratified as an amendment to the Constitution
3 by the legislatures of three-fourths of the several States
4 within 7 years from the date of its submission to the
5 States by the Congress. This article shall take effect on
6 the 180th day after the date of its ratification.”.

