

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 6
Corrected Copy 1/27/95
Judiciary I/Constitution Committee Substitute Adopted 2/15/95
Fourth Edition Engrossed 2/15/95

Short Title: Victims Rights Amend.

(Public)

Sponsors:

Referred to:

January 26, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
3 ESTABLISH RIGHTS FOR VICTIMS OF CRIME.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article I of the Constitution of North Carolina is amended by
6 adding a new section to read:

7 "Sec. 37. Rights of victims of crime.

8 (1) **Basic rights.** Victims of crime, as prescribed by law, shall be entitled to the
9 following basic rights:

10 (a) The right as prescribed by law to be informed of and to be present at
11 court proceedings of the accused in a manner prescribed by law;

12 (b) The right to be heard at sentencing of the accused in a manner
13 prescribed by law, and at other times as prescribed by law or deemed
14 appropriate by the court;

15 (c) The right as prescribed by law to receive restitution in a manner
16 prescribed by law.

1 (2) **No money damages; other enforcement.** Nothing in this section shall be
2 construed as creating a claim for money damages against the State, a county, a
3 municipality, or any of the agencies, instrumentalities, or employees thereof. The
4 General Assembly may provide for other remedies to ensure adequate enforcement of this
5 section.

6 (3) **No ground for relief in criminal case.** Nothing in this section shall be
7 construed to authorize a court to set aside or to void a finding of guilty or not guilty or an
8 acceptance of a plea of guilty or to set aside any sentence imposed or any other final
9 disposition in any criminal case."

10 Sec. 2. The amendments set out in Section 1 of this act shall be submitted to
11 the qualified voters of the State at a special election to be held on November 7, 1995,
12 which election shall be conducted under the laws then governing elections in the State.
13 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the
14 General Statutes. The question to be used in the voting systems and ballots shall be:

15 **"[] FOR [] AGAINST**

16 Constitutional amendment adding a Victims' Rights Amendment."

17 Those qualified voters favoring the amendment set out in Section 1 of this act
18 shall vote by making an X or a check mark in the square beside the statement beginning
19 "FOR", and those qualified voters opposed to that amendment shall vote by making an X
20 or a check mark in the square beside that statement beginning "AGAINST".

21 Sec. 3. If a majority of the votes cast on the question are in favor of the
22 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
23 amendment to the Secretary of State. The amendment becomes effective upon this
24 certification. The Secretary of State shall enroll the amendment so certified among the
25 permanent records of that office.

26 Sec. 4. Sections 1 through 3 of this act are effective upon ratification.