

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
House Committee Substitute Favorable 6/1/95
Sixth Edition Engrossed 6/7/95

Short Title: Victims' Rights Amendment.

(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) Crime victims or their lawful representatives, including the next of kin in the
9 case of homicide, shall be entitled to certain basic rights as defined by law, including:

10 (a) The right to be treated with fairness, respect, and dignity throughout the
11 criminal justice process.

12 (b) The right to be reasonably protected from the accused or any persons
13 acting on the accused's behalf throughout the criminal justice process.

- 1 (c) The right to be given information about the crime, how the criminal
2 justice system works, the rights of victims, and the availability of
3 services for victims.
- 4 (d) The right to notification of court proceedings and notice of pretrial
5 release of the accused.
- 6 (e) The right to attend trial and all other court proceedings which the
7 accused has a right to attend, unless there is a judicial determination to
8 restrict crime victims' attendance.
- 9 (f) The right to make a sworn statement to the court, either orally or in
10 writing, in person or through counsel, at the time of sentencing prior to
11 the adjudication of the sentence.
- 12 (g) The right to receive restitution, in such manner as established by law.
- 13 (h) The right to information about the conviction or final disposition and
14 sentence of the accused.
- 15 (i) The right to notification of escape, release, proposed parole or pardon of
16 the accused, or notice of a reprieve or commutation of the accused's
17 sentence.
- 18 (j) The right to present their views and concerns to the Governor or agency
19 considering any action that could result in the release of the accused,
20 prior to such action becoming effective, in a manner established by law.
- 21 (k) The right to confer with the prosecution.

22 (2) The General Assembly may provide by law for the enforcement of the rights
23 recognized in this section. The General Assembly may also provide that a portion of the
24 court costs assessed against convicted defendants shall be used to provide compensation
25 for the victims of crime.

26 Nothing in this section shall be construed to create a further cause of action against
27 the State of North Carolina, local governments, public officials, or their agents and
28 employees, or a right to contest the disposition of any charge, or a right to court-
29 appointed counsel to enforce any of these rights.

30 (3) The failure or inability of any person to provide a right or service provided
31 under this section may not be used by a defendant in a criminal case, an inmate, or any
32 other accused as a ground for relief in any trial, appeal, postconviction litigation, habeas
33 corpus, civil action, or any similar criminal or civil proceeding."

34 Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the
35 qualified voters of the State at the general election to be held in November 1996, which
36 election shall be conducted under the laws then governing elections in the State. Ballots,
37 voting systems, or both may be used in accordance with Chapter 163 of the General
38 Statutes. The question to be used in the voting systems and ballots shall be:

39 " FOR AGAINST

40 Constitutional amendment adding Victims' Rights Amendment, giving crime
41 victims basic rights to participate in the justice system".

42 Sec. 3. If a majority of the votes cast on the question are in favor of the
43 amendment set out in Section 1 of this act, the State Board of Elections shall certify the

1 amendment to the Secretary of State. The amendment becomes effective upon this
2 certification. The Secretary of State shall enroll the amendment so certified among the
3 permanent records of that office.

4 Sec. 4. This act is effective upon ratification.