## 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

Short Title: Victims' Rights Amendment.

(Public)

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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. Right	s of victims of crime.	
8	<u>(1)</u> <u>Crime</u>	e 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	<u>(a)</u>	The right to be treated with fairness, respect, and dignity throughout the	
11		criminal justice process.	
12	<u>(b)</u>	The right to be reasonably protected from the accused or any persons	
13		acting on the accused's behalf throughout the criminal justice process.	
14	<u>(c)</u>	The right to be given information about the crime, how the criminal	
15		justice system works, the rights of victims, and the availability of	
16		services for victims.	

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1	<u>(d)</u>	The right to notification of court proceedings and notice of pretrial	
2		release of the accused.	
3	<u>(e)</u>	The right to attend trial and all other court proceedings which the	
4		accused has a right to attend, unless there is a judicial determination to	
5		restrict crime victims' attendance.	
6	<u>(f)</u>	The right to make a sworn statement to the court, either orally or in	
7		writing, in person or through counsel, at the time of sentencing prior to	
8		the adjudication of the sentence.	
9	<u>(g)</u>	The right to receive restitution, in such manner as established by law.	
10	<u>(h)</u>	The right to information about the conviction or final disposition and	
11		sentence of the accused.	
12	<u>(i)</u>	The right to notification of escape, release, proposed parole or pardon of	
13		the accused, or notice of a reprieve or commutation of the accused's	
14		sentence.	
15	<u>(j)</u>	The right to present their views and concerns to the Governor or agency	
16		considering any action that could result in the release of the accused,	
17		prior to such action becoming effective, in a manner established by law.	
18	<u>(k)</u>	The right to confer with the prosecution.	
19		General Assembly may provide by law for the enforcement of the rights	
20	recognized in this section. The General Assembly may also provide that a portion of the		
21	court costs assessed against convicted defendants shall be used to provide compensation		
22	for the victims of crime.		
23	Nothing in this section shall be construed to create a further cause of action against		
24	the State of North Carolina, local governments, public officials, or their agents and		
25	employees, or a right to contest the disposition of any charge, or a right to court-		
26	appointed counsel to enforce any of these rights.		
27	(3) The failure or inability of any person to provide a right or service provided		
28	under this section may not be used by a defendant in a criminal case, an inmate, or any		
29	other accused as a ground for relief in any trial, appeal, postconviction litigation, habeas		
30	corpus, civil action, or any similar criminal or civil proceeding."		
31	Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the		
32	qualified voters of the State at an election to be held in November 1996, which election		
33	shall be conducted under the laws then governing elections in the State. Ballots, voting		
34	systems, or both may be used in accordance with Chapter 163 of the General Statutes.		
35	The question to be used in the voting systems and ballots shall be:		
36	"[]FOR []AGAINST		
37	Constitutional amendment adding Victims' Rights Amendment, giving crime		
38	victims basic rights to participate in the justice system".		
39	Sec. 3. If a majority of the votes cast on the question are in favor of the		
40	amendment set out in Section 1 of this act, the State Board of Elections shall certify the		
41	amendment to the Secretary of State. The amendment becomes effective upon this		
42	certification. The Secretary of State shall enroll the amendment so certified among the		
43	permanent reco	rds of that office.	

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Sec. 4. This act is effective upon ratification.