

105TH CONGRESS
1ST SESSION

H. J. RES. 71

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1997

Mr. HYDE (for himself, Ms. PRYCE of Ohio, Mr. BARCIA, Mr. ROYCE, Mr. STUMP, Mr. BONO, Mr. MORAN of Virginia, Mr. HORN, Mr. BRADY, Mr. FOLEY, Mr. STEARNS, Mr. GALLEGLY, Ms. ROS-LEHTINEN, and Mr. LOBIONDO) introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

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 (two-*
3 *thirds of each House concurring therein),* That the follow-
4 ing article is proposed as an amendment to the Constitu-
5 tion of the United States, which shall be valid to all intents
6 and purposes as part of the Constitution when ratified by
7 the legislatures of three-fourths of the several States with-
8 in seven years after the date of its submission for ratifica-
9 tion:

1 “ARTICLE —

2 “SECTION 1. Each individual who is a victim of a
3 crime for which the defendant can be imprisoned for a
4 period longer than one year or any other crime that in-
5 volves violence shall have the right—

6 “to notice of, and not to be excluded from, all
7 public proceedings relating to the crime;

8 “to be heard, if present, and to submit a writ-
9 ten statement at all public proceedings, relating to
10 the crime, to determine a release from custody, an
11 acceptance of a negotiated plea, or a sentence;

12 “to the rights described in the preceding por-
13 tion of this section at a parole proceeding that is not
14 public, to the extent those rights are afforded to the
15 convicted offender;

16 “to notice of any release or escape from custody
17 relating to the crime;

18 “to seek relief from an unreasonable delay of
19 the final disposition of the proceedings relating to
20 the crime;

21 “to an order of restitution from the convicted
22 offender;

23 “to consideration for the safety of the victim in
24 determining any release from custody; and

1 “to notice of the rights established by this
2 article;

3 however, the rights to notice under this section are not
4 violated if the proper authorities make a reasonable effort,
5 but are unable to provide the notice, or if the failure of
6 the victim to make a reasonable effort to make those au-
7 thorities aware of the victim’s whereabouts prevents that
8 notice.

9 “SECTION 2. The victim shall have standing to assert
10 the rights established by this article. However, nothing in
11 this article shall provide grounds for the victim to overturn
12 a charging decision, a conviction, or a sentence; to obtain
13 a stay of trial; or to compel a new trial. Nothing in this
14 article shall give rise to any claim for damages, nor pro-
15 vide grounds for the accused or convicted offender to ob-
16 tain any form of relief.

17 “SECTION 3. The Congress and the States shall have
18 the power to enforce this article within their respective ju-
19 risdictions by appropriate legislation, including the power
20 to enact exceptions when required by the public interest.

21 “SECTION 4. The rights established by this article
22 shall apply to all proceedings that begin on or after the
23 180th day after the ratification of this article.

24 “SECTION 5. The rights established by this article
25 shall apply in all Federal and State criminal proceedings,

1 including military proceedings, juvenile justice proceed-
2 ings, and collateral proceedings such as habeas corpus,
3 and including similar proceedings in any district or terri-
4 tory of the United States not within a State.”.

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