

105TH CONGRESS  
1ST SESSION

# S. J. RES. 6

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

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IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

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

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## 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*  
3       *(two-thirds of each House concurring therein),* That the fol-  
4       lowing article is proposed as an amendment to the Con-  
5       stitution of the United States, which shall be valid for all  
6       intents and purposes as part of the Constitution when  
7       ratified by the legislatures of three-fourths of the several  
8       States within seven years from the date of its submission  
9       by the Congress:

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1 “ARTICLE —

2 “SECTION 1. Each victim of a crime of violence, and  
3 other crimes that Congress may define by law, shall have  
4 the rights to notice of, and not to be excluded from, all  
5 public proceedings relating to the crime:

6 “To be heard, if present, and to submit a written  
7 statement at a public pretrial or trial proceeding to deter-  
8 mine a release from custody, an acceptance of a negotiated  
9 plea, or a sentence;

10 “To the rights described in the preceding portions of  
11 this section at a public parole proceeding, or at a non-  
12 public parole proceeding to the extent they are afforded  
13 to the convicted offender;

14 “To notice of a release pursuant to a public or parole  
15 proceeding or an escape;

16 “To a final disposition of the proceedings relating to  
17 the crime free from unreasonable delay;

18 “To an order of restitution from the convicted of-  
19 fender;

20 “To consideration for the safety of the victim in de-  
21 termining any release from custody; and

22 “To notice of the rights established by this article;  
23 however, the rights to notice under this section are not  
24 violated if the proper authorities make a reasonable effort,  
25 but are unable to provide the notice, or if the failure of

1 the victim to make a reasonable effort to make those au-  
2 thorities aware of the victim's whereabouts prevents that  
3 notice.

4       “SECTION 2. The victim shall have standing to assert  
5 the rights established by this article. However, nothing in  
6 this article shall provide grounds for the victim to chal-  
7 lenge a charging decision or a conviction; to obtain a stay  
8 of trial; or to compel a new trial. Nothing in this article  
9 shall give rise to a claim for damages against the United  
10 States, a State, a political subdivision, or a public official,  
11 nor provide grounds for the accused or convicted offender  
12 to obtain any form of relief.

13       “SECTION 3. The Congress and the States shall have  
14 the power to enforce this article within their respective ju-  
15 risdictions by appropriate legislation, including the power  
16 to enact exceptions when required for compelling reasons  
17 of public safety or for judicial efficiency in mass victim  
18 cases.

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

22       “SECTION 5. The rights established by this article  
23 shall apply in all Federal and State proceedings, including  
24 military proceedings to the extent that Congress may pro-  
25 vide by law, juvenile justice proceedings, and collateral

1 proceedings such as habeas corpus, and including proceed-  
2 ings in any district or territory of the United States not  
3 within a State.”.

