106TH CONGRESS
1ST SESSION

H. J. RES. 64

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1999

Mr. CHABOT (for himself, Ms. ROS-LEHTINEN, Mr. SALMON, Mr. BARCIA, Mr.
SESSIONS, Mr. BRADY of Texas, Ms. PRYCE of Ohio, Mr. LOBIONDO,
Mrs. BONO, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. HORN, Mr.
CUNNINGHAM, Mr. GREEN of Wisconsin, Mr. LATOURETTE, Mr.
LAHOOD, Ms. GRANGER, Mr. GALLEGLY, Mr. GEKAS, Mr. DELAY, Mr.
YOUNG of Alaska, Mr. MORAN of Virginia, Mr. FOLEY, and Mrs.
MYRICK) 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,*

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 to all

6 intents and purposes as part of the Constitution when

7 ratified by the legislatures of three-fourths of the several

1 States within seven years after the date of its submission

2 for ratification:

3   "ARTICLE —

4   "SECTION 1. Each individual who is a victim of a

5 crime for which the defendant can be imprisoned for a

6 period longer than one year or any other crime that in-

7 volves violence shall have the rights—

8   "to reasonable notice of, and not to be excluded

9   from, any public proceedings relating to the crime;

10   "to be heard, if present, and to submit a state-

11   ment at all such proceedings to determine a condi-

12   tional release from custody, an acceptance of a nego-

13   tiated plea, or a sentence;

14   "to reasonable notice of and an opportunity to

15   submit a statement concerning any proposed pardon

16   or commutation of a sentence;

17   "to the foregoing rights at a parole proceeding

18   that is not public, to the extent those rights are af-

19   forded to the convicted offender;

20   "to reasonable notice of a release or escape

21   from custody relating to the crime;

22   "to consideration of the interest of the victim

23   that any trial be free from unreasonable delay;

24   "to an order of restitution from the convicted

25   offender;

1   "to consideration for the safety of the victim in

2   determining any conditional release from custody re-

3   lating to the crime; and

4   "to reasonable notice of the rights established

5   by this article.

6   "SECTION 2. Only the victim or the victim's lawful

7 representative shall have standing to assert the rights es-

8 tablished by this article. Nothing in this article shall pro-

9 vide grounds to stay or continue any trial, reopen any pro-

10 ceeding or invalidate any ruling, except with respect to

11 conditional release or restitution or to provide rights guar-

12 anteed by this article in future proceedings, without stay-

13 ing or continuing a trial. Nothing in this article shall give

14 rise to or authorize the creation of a claim for damages

15 against the United States, a State, a political subdivision,

16 or a public officer or employee.

17   "SECTION 3. The Congress shall have the power to

18 enforce this article by appropriate legislation. Exceptions

19 to the rights established by this article may be created

20 only when necessary to achieve a compelling interest.

21   "SECTION 4. This article shall take effect on the

22 180th day after the ratification of this article. The right

23 to an order of restitution established by this article shall

24 not apply to crimes committed before the effective date

25 of this article.

1   "SECTION 5. The rights and immunities established
2 by this article shall apply in Federal and State pro-
3 ceedings, including military proceedings to the extent Con-
4 gress may provide by law, juvenile justice proceedings and
5 proceedings in the District of Columbia and any common-
6 wealth, territory, or possession of the United States.".

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