

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas *As Engrossed: H2/12/25*

2 95th General Assembly

3 Regular Session, 2025

HJR 1009

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5 By: Representative K. Brown

6 *By: Senator Gilmore*

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**HOUSE JOINT RESOLUTION**

9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO BE KNOWN  
10 AS THE ARKANSAS VICTIMS' BILL OF RIGHTS; AND TO  
11 PROVIDE RIGHTS FOR VICTIMS OF MISDEMEANOR AND FELONY  
12 OFFENSES, INCLUDING VICTIMS IN THE ADULT AND JUVENILE  
13 JUSTICE SYSTEMS.

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**Subtitle**

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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. The Arkansas Constitution is amended to add an additional amendment to read as follows:



1       § 1. Title.

2       This amendment shall be known and may be cited as the “Arkansas  
3 Victims’ Bill of Rights.”

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5       § 2. Victim’s rights.

6       (a)(1) As used in this section, “victim” means an individual directly  
7 and proximately harmed by the commission of an offense under any law of this  
8 state, regardless of whether the offense is classified as a misdemeanor or a  
9 felony.

10       (2) "Victim" includes the legal guardian of a victim, a  
11 representative of a victim’s estate, a member of a victim’s family, a  
12 significant other of the victim, or any other individual appointed by a court  
13 to act on a victim’s behalf if the victim is:

14               (i) Less than eighteen (18) years old;

15               (ii) Incompetent;

16               (iii) Incapacitated; or

17               (iv) Deceased.

18       (3) "Victim does not include:

19               (A) The defendant; or

20               (B) A person whom the court finds would not act in the  
21 best interest of the minor, incompetent, incapacitated, or deceased victim.

22       (b) A victim has a right to:

23               (1) Be treated with fairness and respect for his or her privacy  
24 and dignity, and to be free from intimidation, harassment, and abuse  
25 throughout the criminal or juvenile justice process;

26               (2) Be reasonably protected from the defendant and any  
27 individual acting on behalf of the defendant;

28               (3) Have the safety of the victim and the victim’s family  
29 considered as a factor in setting the amount of bail and conditions of  
30 release for the defendant;

31               (4) Refuse an interview, deposition request, or other discovery  
32 request and to set reasonable conditions on the conduct of any interview,  
33 deposition, or other discovery request to which the victim consents;

34               (5) Upon request, reasonably confer with the prosecuting  
35 attorney regarding the case against the defendant;

36               (6) Upon request, receive reasonable notice of all public

1 proceedings and delinquency proceedings at which the defendant and the  
2 prosecuting attorney are entitled to be present and to be present at all  
3 public proceedings and delinquency proceedings;

4 (7) Upon request, to be reasonably heard at any public  
5 proceedings or administrative proceedings in any court or other venue  
6 involving the release, plea, sentencing or any other proceedings which  
7 implicates a victim's rights, to include delinquency proceedings and  
8 postconviction release proceedings;

9 (8) The timely disposition of the case following the arrest of  
10 the defendant;

11 (9) Provide information to a public officer or employee  
12 conducting a presentence investigation concerning the impact of the offense  
13 on the victim and the victim's family and to see any sentencing report and  
14 recommendations before the sentencing of the defendant;

15 (10) Upon request, be informed of the:

16 (A) Conviction, sentence, place, and time of  
17 incarceration, or other disposition of the defendant;

18 (B) Scheduled release date of the defendant; and

19 (C) Release of or escape by the defendant from custody;

20 (11) Full and timely restitution;

21 (12) The proper return of legal property when no longer needed  
22 as evidence;

23 (13) Upon request, to be timely informed of and to be present at  
24 all postconviction release proceedings, to provide information to the  
25 postconviction release authority to be considered before the release of the  
26 defendant, and to be notified of any postconviction release;

27 (14) Have the safety of the victim, the victim's family, and the  
28 general public considered before any postconviction release of the defendant;

29 (15) Have all monetary payments, money, and property collected  
30 from any individual who has been ordered to make restitution be first applied  
31 to pay the amounts ordered as restitution to the victim; and

32 (16) Be specifically informed of the rights enumerated in this  
33 section and to have information concerning the rights enumerated in this  
34 section made available to the general public.

35 (c)(1) A victim has standing to assert the rights under this section  
36 in any court with jurisdiction over the case involving the defendant.

1           (2) The court shall promptly rule on a request by a victim under  
2 subdivision (c)(1) of this section.

3           (3) A defendant does not have standing to assert the rights of  
4 his or her victim under this section.

5           (d) This section does not alter the powers, duties, or  
6 responsibilities of a prosecuting attorney.

7           (e) A victim does not have the status of a party in a criminal  
8 proceeding.

9           (f)(1) Except as authorized in subsection (g) of this section, an  
10 individual shall not maintain an action against the state or any public  
11 officer or employee of the state for damages or for injunctive, declaratory,  
12 or other legal or equitable relief on behalf of a victim as a result of a  
13 violation of:

14                   (A) This section; or

15                   (B) A statute enacted by the General Assembly under this  
16 section.

17           (2) A violation of this section does not authorize setting aside  
18 a conviction.

19           (g) An individual may maintain an action to compel a public officer or  
20 employee to carry out any duty required by:

21                   (1) This section; or

22                   (2) A statute enacted by the General Assembly under this  
23 section.

24           (h) The rights granted to victims under this section shall not be  
25 construed to deny or disparage other rights possessed by victims, including  
26 without limitation rights granted by the General Assembly or otherwise  
27 retained by victims.

28           (i) A postconviction release authority shall extend the right to be  
29 heard at a postconviction release hearing to any individual harmed by the  
30 defendant.

31           (j) The General Assembly may provide by law for any other measure  
32 necessary or useful to secure to victims the benefit of the rights under this  
33 section.

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35           SECTION 2. EFFECTIVE DATE. This amendment is effective on and after  
36 January 1, 2027.

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SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this Joint Resolution shall be the ballot title; and

(2) The popular name shall be "A Constitutional Amendment to be Known as the "Arkansas Victims' Bill of Rights" and to Provide Rights for Victims of Misdemeanor and Felony Offenses, including Victims in the Adult and Juvenile Justice Systems."

*/s/K. Brown*