

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

1 State of Arkansas *As Engrossed: S3/28/23*

2 94th General Assembly

3 Regular Session, 2023

SJR 10

4

5 By: Senator D. Wallace

6 By: Representative Wardlaw

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SENATE JOINT RESOLUTION

9

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO BE KNOWN

10

AS THE VICTIM'S BILL OF RIGHTS; AND TO PROVIDE RIGHTS

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FOR VICTIMS OF VIOLENT AND SEXUAL CRIMINAL OFFENSES.

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Subtitle

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A CONSTITUTIONAL AMENDMENT TO BE KNOWN AS

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THE VICTIM'S BILL OF RIGHTS; AND TO

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PROVIDE RIGHTS FOR VICTIMS OF VIOLENT AND

18

SEXUAL CRIMINAL OFFENSES.

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BE IT RESOLVED BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE

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STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL

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MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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THAT the following is proposed as an amendment to the Constitution of

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the State of Arkansas, and upon being submitted to the electors of the state

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for approval or rejection at the next general election for Representatives

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and Senators, if a majority of the electors voting thereon at the election

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adopt the amendment, the amendment shall become a part of the Constitution of

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the State of Arkansas, to wit:

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SECTION 1. The Arkansas Constitution is amended to add an additional

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amendment to read as follows:

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§ 1. Title.

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This amendment shall be known and may be cited as the "Victim's Bill of

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Rights."



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2 § 2. Victim's rights

3 (a)(1) As used in this section, "victim" means a person:

4 (A) Against whom a violent or sexual criminal offense is
5 committed;

6 (B)(i) Who is the representative of an individual against
7 whom a violent or sexual criminal offense is committed.

8 (ii) Subdivision (a)(1)(B)(i) of this section
9 includes without limitation a situation in which the court makes a finding
10 that a victim under subdivision (a)(1)(A) of this section is incompetent or a
11 minor and the representative of the victim is acting in the best interest of
12 the victim; or

13 (C) Who, if an individual is killed or incapacitated, is
14 the individual's spouse, parent, child, or other lawful representative,
15 except if the individual is in custody for an offense or is the accused.

16 (2) "Victim" does not include:

17 (A) The accused; or

18 (B) An individual whom the court finds would not act in
19 the best interests of a deceased, incompetent, minor, or incapacitated
20 victim.

21 (b) To preserve and protect victims' rights to justice and due
22 process, a victim has a right to:

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

26 (2) Be informed, upon request, when the accused or convicted
27 person is released from custody or has escaped;

28 (3) Be present at and, upon request, to be informed of all
29 criminal proceedings in which the defendant has the right to be present;

30 (4)(A) Be heard after formal charges have been filed at any
31 proceeding involving a post-arrest release decision, negotiated plea,
32 disposition, or sentencing.

33 (B) The court or other authority with jurisdiction shall
34 act promptly on a request under subdivision (b)(4) of this section;

35 (5) Refuse an interview, a deposition, or the release of
36 documents not found in the prosecuting attorney's or the court's file when

1 requested by the defendant, the defendant's attorney, or other person acting
2 on behalf of the defendant;

3 (6)(A) Refuse the release of the home address of a victim to
4 ensure the personal safety and security of the victim.

5 (B) A release of information under subdivision (b)(6)(A)
6 of this section under Rule 17.1 of the Arkansas Rules of Criminal Procedure
7 may be made after a hearing and court ruling that:

8 (i) The address must be released to ensure the needs
9 of justice are met; and

10 (ii) There is no reasonable alternative to the
11 release of the victim's home address;

12 (7) Confer with the prosecution at any point after the crime
13 against the victim has been charged and to be informed of the final
14 disposition;

15 (8) Read pre-sentence reports relating to the crime against the
16 victim when they are available to the defendant;

17 (9) Receive restitution payment prior to the payment of court
18 finances, costs, and fees from the person or persons convicted of the criminal
19 conduct that caused the victim's loss or injury;

20 (10) Be heard at any proceeding when any post-conviction release
21 from confinement is being considered;

22 (11)(A) A speedy trial and, after the conviction and sentence,
23 to a prompt and final conclusion of the case.

24 (B) The victim's right to a speedy trial under subdivision
25 (b)(11)(A) of this section does not give the victim standing in trial or pre-
26 trial matters;

27 (12) Have all rules governing criminal procedure and the
28 admissibility of evidence in all criminal proceedings protect victims'
29 rights; and

30 (13) Be informed of the constitutional rights of a victim.

31 (c)(1) The exercise of any right granted to a victim by this section
32 shall not be grounds for dismissing a criminal proceeding or setting aside a
33 conviction or sentence.

34 (2) The enumeration in the Arkansas Constitution of certain
35 rights for victims shall not be construed to deny or disparage other rights
36 granted by the General Assembly or retained by victims.

1 (d) This amendment does not create a cause of action for compensation
2 or damages against:

- 3 (1) The State of Arkansas;
4 (2) A political subdivision of the State of Arkansas;
5 (3) An officer, employee, or agent of the State of Arkansas or
6 of any of its political subdivisions;
7 (4) An officer or employee of the court; or
8 (5) An employees of a city attorney's office.

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10 SECTION 2. EFFECTIVE DATE. This amendment is effective on and after
11 January 1, 2025.

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

- 16 (1) The title of this Joint Resolution shall be the ballot
17 title; and
18 (2) The popular name shall be "A Constitutional Amendment To Be
19 Known as the "Victim's Bill of Rights" and to Provide Rights for Victims of
20 Violent and Sexual Criminal Offenses".

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22 /s/D. Wallace
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