

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

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025

HJR 1009

4
5 By: Representative K. Brown

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8 **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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16 **Subtitle**

17 AN AMENDMENT TO THE ARKANSAS
18 CONSTITUTION TO BE KNOWN AS THE ARKANSAS
19 VICTIMS' BILL OF RIGHTS; AND TO PROVIDE
20 RIGHTS FOR VICTIMS OF MISDEMEANOR AND
21 FELONY OFFENSES, INCLUDING VICTIMS IN
22 THE ADULT AND JUVENILE JUSTICE SYSTEMS.

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

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

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35 SECTION 1. The Arkansas Constitution is amended to add an additional
36 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."