

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 1020

4
5 By: Representative K. Brown
6 By: Senator Gilmore

HOUSE JOINT RESOLUTION

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8
9 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO BE KNOWN
10 AS THE VICTIM'S BILL OF RIGHTS; AND TO PROVIDE RIGHTS
11 FOR VICTIMS OF VIOLENT AND SEXUAL CRIMINAL OFFENSES.
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Subtitle

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15 A CONSTITUTIONAL AMENDMENT TO BE KNOWN
16 AS THE VICTIM'S BILL OF RIGHTS; AND TO
17 PROVIDE RIGHTS FOR VICTIMS OF VIOLENT
18 AND SEXUAL CRIMINAL OFFENSES.
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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL
21 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL
22 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
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24 THAT the following is proposed as an amendment to the Constitution of
25 the State of Arkansas, and upon being submitted to the electors of the state
26 for approval or rejection at the next general election for Representatives
27 and Senators, if a majority of the electors voting thereon at the election
28 adopt the amendment, the amendment shall become a part of the Constitution of
29 the State of Arkansas, to wit:
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31 SECTION 1. The Arkansas Constitution is amended to add an additional
32 amendment to read as follows:

33 § 1. Title.

34 This amendment shall be known and may be cited as the "Victim's Bill of
35 Rights".
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1 § 2. Victim's rights

2 (a)(1) As used in this section, "victim" means an individual:

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

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

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

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

15 (2) "Victim" does not include:

16 (A) The accused; or

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

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

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

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

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

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

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

34 (5) Refuse an interview, a deposition, or the release of
35 documents not found in the prosecuting attorney's or the court's file when
36 requested by the defendant, the defendant's attorney, or other person acting

1 on behalf of the defendant;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (d) This amendment does not create a cause of action for compensation

1 or damages against:

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

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

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

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

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