

House Resolution 1199

By: Representatives Parsons of the 44th, Willard of the 51st, Fludd of the 64th, Kaiser of the 59th, and Pak of the 108th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide a definition; to provide for
2 victims' rights; to provide for the enforcement of such rights; to provide for related matters;
3 to provide for submission of this amendment for ratification or rejection; and for other
4 purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article I, Section I of the Constitution is amended by adding a new Paragraph to read as
8 follows:

9 "Paragraph XXX. *Victims' Rights.* (a) As used in this Paragraph, the term 'victim'
10 includes any person against whom the criminal offense is committed or who is directly and
11 proximately harmed by the commission or attempted commission of a crime or delinquent
12 act. The term 'victim' also includes any spouse, parent, grandparent, child, sibling,
13 grandchild, or guardian and a lawful representative of a victim who is deceased,
14 incompetent, a minor, or physically or mentally incapacitated. The term 'victim' does not
15 include the accused or a person whom the court finds would not act in the best interests of
16 a deceased, incompetent, minor, or incapacitated victim.

17 (b) To secure for crime victims justice and due process and to ensure crime victims a
18 meaningful role throughout the criminal and juvenile justice systems, a crime victim shall
19 have the following rights, which shall be respected and protected by law in a manner no
20 less vigorous than the protections afforded to the accused in the criminal and juvenile
21 justice systems:

22 (1) To be treated with fairness and with respect for the victim's safety, dignity, and
23 privacy;

24 (2) To reasonable, accurate, and timely notice of and the right to be present at all
25 proceedings involving the criminal or delinquent conduct;

26 (3) To be heard in any proceeding involving release, plea, sentencing, disposition, or
27 parole and in any proceeding during which a right of the victim is implicated;

- 28 (4) To reasonable protection from the accused and those acting on behalf of the
 29 accused;
- 30 (5) To reasonable notice of any release or escape of an accused;
- 31 (6) To refuse an interview, deposition, or other discovery request made by the accused,
 32 the accused's attorney, or a person acting on behalf of the accused;
- 33 (7) To full and timely restitution;
- 34 (8) To proceedings free from unreasonable delay and a prompt conclusion of the case;
- 35 (9) To confer with the attorney for the government; and
- 36 (10) To be informed of all rights enumerated in this Paragraph.
- 37 (c) The victim, the victim's attorney or other lawful representative, or the attorney for the
 38 government upon request of the victim may assert and seek enforcement of the rights
 39 enumerated in this Paragraph and any other right afforded to the victim by law in any trial
 40 or appellate court, or before any other authority with jurisdiction over the case, as a matter
 41 of right. The court or other authority with jurisdiction shall act promptly on such a request
 42 and afford a remedy by due course of law for the violation of any right. This Paragraph
 43 does not create any cause of action for damages against the State of Georgia; any political
 44 subdivision of the State of Georgia; any officer, employee, or agent of the State of Georgia
 45 or of any of its political subdivisions; or any officer or employee of the court."

46

SECTION 2.

47 The above proposed amendment to the Constitution shall be published and submitted as
 48 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 49 above proposed amendment shall have written or printed thereon the following:

50 " YES Shall the Constitution of Georgia be amended so as to provide for rights of
 51 NO victims of crime, including the right to be treated fairly and with dignity and
 52 respect, to be informed, and to have a voice in the judicial process?"

53 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

54 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 55 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 56 become a part of the Constitution of this state.