

Senate Resolution 146

By: Senators Kennedy of the 18th, Mullis of the 53rd, Ligon, Jr. of the 3rd, Shafer of the 48th, Albers of the 56th and others

ADOPTED SENATE

A RESOLUTION

1 Proposing an amendment to the Constitution so as to acknowledge certain rights of victims
 2 who have suffered or been harmed due to an act committed or attempted to be committed in
 3 violation of the criminal or juvenile delinquency laws of this state; to provide for the
 4 enforcement of such rights; to provide for related matters; to provide for submission of this
 5 amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

10 "Paragraph XXX. *Rights of certain individuals.* (a) A victim who has suffered or been
 11 harmed due to an act committed or attempted to be committed in violation of the criminal
 12 or juvenile delinquency laws of this state shall be accorded the utmost dignity and respect
 13 by the justice system and all agencies and departments that serve such system. Victims
 14 shall have and may assert, in the same criminal proceeding, the specific constitutional
 15 rights established by this paragraph and by general law. The victims' rights shall include,
 16 but not be limited to:

17 (1) The right to be treated with fairness, respect, and dignity;

18 (2) The right to reasonable and accurate notice of all proceedings involving the alleged
 19 criminal or delinquent act;

20 (3) The right to be present and be heard at any public proceeding involving the release,
 21 plea, sentencing, or other public proceeding involving the right of a victim; and

22 (4) The right to be informed of their rights.

23 (b) The General Assembly shall provide by general law the process whereby a victim
 24 may assert the additional rights. When a victim is a minor, legally incapacitated, or
 25 deceased, the victims' rights may be asserted by a family member, and the General
 26 Assembly shall provide by general law how such victim's rights may be asserted. In such
 27 proceeding, a victim may be represented by an attorney, but neither the state nor any of its
 28 political subdivisions shall be obligated to appoint an attorney to represent the victim. This

29 Paragraph shall not confer upon any person the right to appeal or modify any decision in
30 a criminal or delinquency proceeding.

31 (c) This Paragraph shall allow the victim to file a motion in the same criminal proceeding
32 for the limited purpose of asserting injunctive or equitable relief for enforcing these rights.
33 This shall constitute the sole remedy of this Paragraph."

34 **SECTION 2.**

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

38 "() YES Shall the Constitution of Georgia be amended so as to provide certain rights
39 of victims harmed by an alleged criminal or delinquent act and allow victims
40 () NO to assert such rights?"

41 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
42 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
43 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
44 become a part of the Constitution of this state.