

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HM 335 Rights of Crime Victims/ Memorial  
**SPONSOR(S):** Simmons  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1348

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DIRECTOR	REFERENCE	ACTION	ANALYST	STAFF
	1) Procedures	25 Y, 0 N	Mitchell	Randle
	2)			
	3)			
	4)			
	5)			

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### SUMMARY ANALYSIS

In 1982, President Ronald Reagan formed a Presidential Task Force to study the treatment of crime victims in the United States. After a long and arduous study, the Task Force concluded that the treatment of victims of crime was a "national disgrace". One of the Task Force recommendations was to amend the Sixth Amendment of the United States Constitution to include specific rights for crime victims.

HM 335 urges Congress to enact a proposed amendment to the Constitution of the United States to protect the rights of crime victims. Among those rights are:

- the right to reasonable and timely notice of any public proceeding involving the crime and of any release or escape of the accused;
- the right to be included in such public proceeding and to be reasonably heard at public release, plea, sentencing, reprieve, and pardon proceedings; and
- the right to adjudicative decisions that duly consider the victim's safety, interest in avoiding unreasonable delay, and just and timely claims to restitution from the offender.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0335.pr.doc  
**DATE:** January 23, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

##### Current Situation -

Thirty-three states have adopted their own constitutional amendments on victims' rights. Florida adopted a victim's rights amendment in 1988.<sup>1</sup> Article I, section 16(b), provides:

Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

In 1982, President Ronald Reagan formed a Presidential Task Force to study the treatment of crime victims in the United States. After a long and arduous study, the Task Force concluded that the treatment of victims of crime was a "national disgrace". One of the Task Force recommendations was to amend the Sixth Amendment of the United States Constitution to include specific rights for crime victims.

On January 7, 2003, a Victims' Rights Constitutional Amendment was introduced by United States Senators Jon Kyl (R-AZ) and Dianne Feinstein (D-CA).<sup>2</sup>

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- the right to be included in such public proceeding and to be reasonably heard at public release, plea, sentencing, reprieve, and pardon proceedings; and
- the right to adjudicative decisions that duly consider the victim's safety, interest in avoiding unreasonable delay, and just and timely claims to restitution from the offender.

<sup>1</sup> S.J.R. 135, 1987, Adopted November 1988.

<sup>2</sup> S. J. Res. 1; 108<sup>th</sup> Congress. A number of proposed amendments on victims' rights have been introduced in Congress since 1982.

Congress may propose amendments to the United States Constitution by two-thirds vote of both houses. A proposed amendment must then be ratified by three-fourths of the state legislatures to be valid.<sup>3</sup>

C. SECTION DIRECTORY:

None.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

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<sup>3</sup> Art. V, U.S. Constitution.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**