

IN THE SENATE

SENATE JOINT RESOLUTION NO. 101

BY STATE AFFAIRS COMMITTEE

A JOINT RESOLUTION

1 PROPOSING AN AMENDMENT TO SECTION 22, ARTICLE I, OF THE CONSTITUTION OF THE
2 STATE OF IDAHO, RELATING TO RIGHTS OF CRIME VICTIMS; STATING THE QUES-
3 TION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUN-
4 CIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRE-
5 TARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.
6

7 Be It Resolved by the Legislature of the State of Idaho:

8 SECTION 1. That Section 22, Article I, of the Constitution of the State
9 of Idaho be amended to read as follows:

10 SECTION 22. RIGHTS OF CRIME VICTIMS. (A) A crime victim, as
11 defined by statute, has the following rights:

12 (1) To be treated with fairness, respect, dignity and privacy
13 throughout the ~~criminal~~ justice process.

14 (2) To timely disposition of the case.

15 (3) To reasonable and timely prior notification of trial court,
16 appellate and parole proceedings and, upon request, to informa-
17 tion about the sentence, incarceration, escape and release of the
18 defendant accused.

19 (4) To be present at all criminal justice proceedings.

20 (5) To ~~communicate~~ confer with the prosecution.

21 (6) To be heard, upon request, at all ~~criminal justice~~ proceed-
22 ings ~~considering a~~ involving plea of guilty, parole,
23 incarceration or post-arrest and post-conviction release of the
24 defendant, unless manifest injustice would result accused, and any
25 proceeding during which a right of the victim is implicated.

26 (7) To full and timely restitution, ~~as provided by law~~, from the
27 person committing the offense that caused the victim's loss.

28 (8) To refuse an interview, ex parte contact, or other request by
29 the ~~defendant~~ accused, or any other person acting on behalf of the
30 defendant, unless such request is authorized by law accused.

31 (9) To ~~read~~ receive a copy of presentence reports relating to the
32 crime.

33 (10) To reasonable protection from the accused and those acting on
34 behalf of the accused.

35 (11) To the same rights in juvenile proceedings, where the offense
36 is a felony would be a crime if committed by an adult, as guaranteed
37 in this section, provided that access to the social history report
38 shall be determined by statute.

39 (B) The victim, the victim's attorney, or other lawful repre-
40 sentative, or the attorney for the government upon request of the
41 victim, may assert and seek enforcement of the rights enumerated in
42 this section and any other right afforded to the victim by law in any

1 trial or appellate court, or before any other authority, with ju-
2 risdiction over the case. The court or other authority with juris-
3 isdiction shall act promptly on such a request.

4 (C) As used in this section, a "victim" includes any person
5 against whom the criminal offense or delinquent act is committed or
6 who is directly and proximately harmed by the commission of the of-
7 fense or act. The term "victim" does not include the accused or a
8 person whom the court finds would not act in the best interests of a
9 deceased, incompetent, minor or incapacitated victim.

10 (D) Nothing in this section shall be construed to authorize a
11 court to dismiss a case, to set aside or void a finding of guilt or
12 an acceptance of a plea of guilty, or to obtain afford a convicted
13 person appellate, habeas corpus, or other relief from any crimi-
14 nal judgment, for a violation of the provisions of this section, nor
15 be construed as creating a cause of action for money damages, costs
16 or attorney fees against the state, a county, a municipality, any
17 agency, instrumentality or person; nor be construed as limiting any
18 rights for victims previously conferred by statute. This section
19 shall be self-enacting. The legislature shall have the power to
20 enact laws to define, further implement, preserve, and expand the
21 rights guaranteed to victims in the provisions of this section.

22 SECTION 2. The question to be submitted to the electors of the State of
23 Idaho at the next general election shall be as follows:

24 "Shall Section 22, Article I, of the Constitution of the State of Idaho
25 be amended to provide equal rights to victims of crime including the right to
26 notification of court proceedings, reasonable protection from the accused,
27 and a voice in the criminal justice process?"

28 SECTION 3. The Legislative Council is directed to prepare the state-
29 ments required by Section 67-453, Idaho Code, and file the same.

30 SECTION 4. The Secretary of State is hereby directed to publish this
31 proposed constitutional amendment and arguments as required by law.