

Victims' Rights Constitutional Amendments

“When someone is a victim, he or she should be at the center of the criminal justice process, not on the outside looking in. Participation in all forms of government is the essence of democracy. Victims should be guaranteed the right to participate in proceedings related to crimes committed against them. People accused of crimes have explicit constitutional rights. Ordinary citizens have a constitutional right to participate in criminal trials by serving on a jury. The press has a constitutional right to attend trials. All of this is as it should be. It is only the victims of crime who have no constitutional right to participate, and that is not the way it should be.”

*President William Jefferson Clinton, Remarks at
Announcement of Victims' Rights Constitutional Amendment
June 25, 1996*

The issue of federal constitutional protection of victims' rights was first raised in the landmark President's Task Force on Victims of Crime *Final Report* published in 1982. Its authors proposed augmenting the Sixth Amendment of the U.S. Constitution to provide that “. . . the victim, in every criminal prosecution, shall have the right to be present and to be heard at all critical stages of judicial proceedings.”

Prior to the 1998 elections, a total of 29 states had passed state victims' rights constitutional amendments. In the Fall of 1998, the voters in four additional states approved state victims' rights constitutional amendments -- Louisiana, Mississippi, Montana and Tennessee. Also in 1998, the Oregon Supreme Court overturned that state's victims' rights constitutional amendment, citing structural deficiencies. Thus, with one loss and four gains, a total of 33 *states have amended their constitutions*, but a total of 32 states enjoy *current* constitutional protection for victims, guaranteeing an array of rights, including notification, participation, protection and input. A handful of states apply these constitutional rights to victims of juvenile, as well as adult, offenders.

In April of 1996, and again in the opening session of the new Congress in January of 1997, a Victims' Rights Constitutional Amendment was introduced by Senators Jon Kyl (R-AZ) and Dianne Feinstein (D-CA) in the U.S. Senate and by Henry Hyde (R-IL) in the House of Representatives. In June of 1996, President Clinton endorsed the concept of a federal constitutional amendment for crime victims' rights in a special ceremony held at the White House. His moving words are quoted above.

The Judiciary Committees in the Senate and House of Representatives have held hearings on the federal constitutional amendment. Attorney General Janet Reno testified to the need for constitutional rights for crime victims at hearings held in 1997.

On April 1, 1998, Senators Jon Kyl and Dianne Feinstein introduced a new version of the constitutional amendment, Senate Joint Resolution 44. In order to gain key Senate Judiciary Committee support, this new version of the proposed federal Victims' Rights Constitutional Amendment incorporates two significant language changes to the previous version: (1) the amendment is limited to victims of *violent* crime; and (2) Section 2 now includes language stating that a violation of crime victims' rights pursuant to the Amendment gives no grounds to overturn a sentence or negotiated plea agreement. In July 1998, the Senate Judiciary Committee voted 11-6 in favor of SJR 44. Since no further action was taken on SJR 44 during the 105th Congress, the amendment would have to be reintroduced after the 106th Congress convenes in January 1999.

The proposed federal Victims' Rights Constitutional Amendment continues to receive strong bipartisan support, as well as support from organizations representing national, state and local victim services, law enforcement, criminal justice, and community and institutional corrections.

For additional information on the federal constitutional amendment, contact your elected representative. You may also wish to contact:

National Organization for Victim Assistance

1757 Park Road, NW
Washington, D.C. 20010
202-232-6682 or 1-800-TRY-NOVA (879-6682)

National Center for Victims of Crime

2111 Wilson Boulevard, Suite 300
Arlington, VA 22201
703-276-2880 or 1-800-FYI-CALL (394-2255)

National Victims' Constitutional Amendment Network

789 Sherman Street, Suite 505
Denver, Colorado 80203
1-800-261-2682

History of State Victims' Rights Constitutional Amendments

State	Year Passed	Electoral Support	State	Year Passed	Electoral Support
Alabama	1994	80%	Nebraska	1996	78%
Alaska	1994	87%	Nevada	1996	74%
Arizona	1990	58%	New Jersey	1991	85%
California	1982	56%	New Mexico	1992	68%
Colorado	1992	86%	North Carolina	1996	78%
Connecticut	1996	78%	Ohio	1994	77%
Florida	1988	90%	Oklahoma	1996	91%
Idaho	1994	79%	Oregon	1996	59%
Illinois	1992	77%	OVERTURNED	1998	
Indiana	1996	89%	Rhode Island	1986	*
Kansas	1992	84%	South Carolina	1996	89%
Louisiana	1998	69%	Tennessee	1998	89%
Maryland	1994	92%	Texas	1989	73%
Michigan	1992	84%	Utah	1994	68%
Mississippi	1998	93%	Virginia	1996	84%
Missouri	1992	84%	Washington	1989	78%
Montana	1998	71%	Wisconsin	1993	84%

* Passed by Constitutional Convention.