

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

State of Arkansas
94th General Assembly
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As Engrossed: S3/28/23

SJR 10

By: Senator D. Wallace
By: Representative Wardlaw

SENATE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO BE KNOWN
*AS THE VICTIM'S BILL OF RIGHTS; AND TO PROVIDE RIGHTS
FOR VICTIMS OF VIOLENT AND SEXUAL CRIMINAL OFFENSES.*

Subtitle

*A CONSTITUTIONAL AMENDMENT TO BE KNOWN AS
THE VICTIM'S BILL OF RIGHTS; AND TO
PROVIDE RIGHTS FOR VICTIMS OF VIOLENT AND
SEXUAL CRIMINAL OFFENSES.*

BE IT RESOLVED BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. The Arkansas Constitution is amended to add an additional amendment to read as follows:

§ 1. Title.

This amendment shall be known and may be cited as the "Victim's Bill of Rights."



§ 2. Victim's rights

(a)(1) As used in this section, "victim" means a person:

(A) Against whom a violent or sexual criminal offense is committed;

(B)(i) Who is the representative of an individual against whom a violent or sexual criminal offense is committed.

(ii) Subdivision (a)(1)(B)(i) of this section includes without limitation a situation in which the court makes a finding that a victim under subdivision (a)(1)(A) of this section is incompetent or a minor and the representative of the victim is acting in the best interest of the victim; or

(C) Who, if an individual is killed or incapacitated, is the individual's spouse, parent, child, or other lawful representative, except if the individual is in custody for an offense or is the accused.

(2) "Victim" does not include:

(A) The accused; or

(B) An individual whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

(b) To preserve and protect victims' rights to justice and due process, a victim has a right to:

(1) Be treated with fairness, respect, and dignity and to be free from intimidation, harassment, or abuse throughout the criminal justice process;

(2) Be informed, upon request, when the accused or convicted person is released from custody or has escaped;

(3) Be present at and, upon request, to be informed of all criminal proceedings in which the defendant has the right to be present;

(4)(A) Be heard after formal charges have been filed at any proceeding involving a post-arrest release decision, negotiated plea, disposition, or sentencing.

(B) The court or other authority with jurisdiction shall act promptly on a request under subdivision (b)(4) of this section;

(5) Refuse an interview, a deposition, or the release of documents not found in the prosecuting attorney's or the court's file when

requested by the defendant, the defendant's attorney, or other person acting on behalf of the defendant;

(6)(A) Refuse the release of the home address of a victim to ensure the personal safety and security of the victim.

(B) A release of information under subdivision (b)(6)(A) of this section under Rule 17.1 of the Arkansas Rules of Criminal Procedure may be made after a hearing and court ruling that:

(i) The address must be released to ensure the needs of justice are met; and

(ii) There is no reasonable alternative to the release of the victim's home address;

(7) Confer with the prosecution at any point after the crime against the victim has been charged and to be informed of the final disposition;

(8) Read pre-sentence reports relating to the crime against the victim when they are available to the defendant;

(9) Receive restitution payment prior to the payment of court fines, costs, and fees from the person or persons convicted of the criminal conduct that caused the victim's loss or injury;

(10) Be heard at any proceeding when any post-conviction release from confinement is being considered;

(11)(A) A speedy trial and, after the conviction and sentence, to a prompt and final conclusion of the case.

(B) The victim's right to a speedy trial under subdivision (b)(11)(A) of this section does not give the victim standing in trial or pre-trial matters;

(12) Have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights; and

(13) Be informed of the constitutional rights of a victim.

(c)(1) The exercise of any right granted to a victim by this section shall not be grounds for dismissing a criminal proceeding or setting aside a conviction or sentence.

(2) The enumeration in the Arkansas Constitution of certain rights for victims shall not be construed to deny or disparage other rights granted by the General Assembly or retained by victims.

(d) This amendment does not create a cause of action for compensation or damages against:

- (1) The State of Arkansas;
- (2) A political subdivision of the State of Arkansas;
- (3) An officer, employee, or agent of the State of Arkansas or of any of its political subdivisions;
- (4) An officer or employee of the court; or
- (5) An employees of a city attorney's office.

SECTION 2. EFFECTIVE DATE. This amendment is effective on and after January 1, 2025.

SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

- (1) The title of this Joint Resolution shall be the ballot title; and
- (2) The popular name shall be "A Constitutional Amendment To Be Known as the "Victim's Bill of Rights" and to Provide Rights for Victims of Violent and Sexual Criminal Offenses".

/s/D. Wallace