

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

State of Arkansas  
95th General Assembly  
Regular Session, 2025

*As Engrossed: H2/12/25*

HJR 1009

By: Representative K. Brown

*By: Senator Gilmore*

## HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO BE KNOWN AS THE ARKANSAS VICTIMS' BILL OF RIGHTS; AND TO PROVIDE RIGHTS FOR VICTIMS OF MISDEMEANOR AND FELONY OFFENSES, INCLUDING VICTIMS IN THE ADULT AND JUVENILE JUSTICE SYSTEMS.

### Subtitle

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO BE KNOWN AS THE ARKANSAS VICTIMS' BILL OF RIGHTS; AND TO PROVIDE RIGHTS FOR VICTIMS OF MISDEMEANOR AND FELONY OFFENSES, INCLUDING VICTIMS IN THE ADULT AND JUVENILE JUSTICE SYSTEMS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, 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 “Arkansas Victims’ Bill of Rights.”

§ 2. Victim’s rights.

(a)(1) As used in this section, “victim” means an individual directly and proximately harmed by the commission of an offense under any law of this state, regardless of whether the offense is classified as a misdemeanor or a felony.

(2) "Victim" includes the legal guardian of a victim, a representative of a victim’s estate, a member of a victim’s family, a significant other of the victim, or any other individual appointed by a court to act on a victim’s behalf if the victim is:

- (i) Less than eighteen (18) years old;
- (ii) Incompetent;
- (iii) Incapacitated; or
- (iv) Deceased.

(3) "Victim does not include:

- (A) The defendant; or
- (B) A person whom the court finds would not act in the best interest of the minor, incompetent, incapacitated, or deceased victim.

(b) A victim has a right to:

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

(2) Be reasonably protected from the defendant and any individual acting on behalf of the defendant;

(3) Have the safety of the victim and the victim’s family considered as a factor in setting the amount of bail and conditions of release for the defendant;

(4) Refuse an interview, deposition request, or other discovery request and to set reasonable conditions on the conduct of any interview, deposition, or other discovery request to which the victim consents;

(5) Upon request, reasonably confer with the prosecuting attorney regarding the case against the defendant;

(6) Upon request, receive reasonable notice of all public

proceedings and delinquency proceedings at which the defendant and the prosecuting attorney are entitled to be present and to be present at all public proceedings and delinquency proceedings;

(7) Upon request, to be reasonably heard at any public proceedings or administrative proceedings in any court or other venue involving the release, plea, sentencing or any other proceedings which implicates a victim's rights, to include delinquency proceedings and postconviction release proceedings;

(8) The timely disposition of the case following the arrest of the defendant;

(9) Provide information to a public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and to see any sentencing report and recommendations before the sentencing of the defendant;

(10) Upon request, be informed of the:

(A) Conviction, sentence, place, and time of incarceration, or other disposition of the defendant;

(B) Scheduled release date of the defendant; and

(C) Release of or escape by the defendant from custody;

(11) Full and timely restitution;

(12) The proper return of legal property when no longer needed as evidence;

(13) Upon request, to be timely informed of and to be present at all postconviction release proceedings, to provide information to the postconviction release authority to be considered before the release of the defendant, and to be notified of any postconviction release;

(14) Have the safety of the victim, the victim's family, and the general public considered before any postconviction release of the defendant;

(15) Have all monetary payments, money, and property collected from any individual who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim; and

(16) Be specifically informed of the rights enumerated in this section and to have information concerning the rights enumerated in this section made available to the general public.

(c)(1) A victim has standing to assert the rights under this section in any court with jurisdiction over the case involving the defendant.

(2) The court shall promptly rule on a request by a victim under subdivision (c)(1) of this section.

(3) A defendant does not have standing to assert the rights of his or her victim under this section.

(d) This section does not alter the powers, duties, or responsibilities of a prosecuting attorney.

(e) A victim does not have the status of a party in a criminal proceeding.

(f)(1) Except as authorized in subsection (g) of this section, an individual shall not maintain an action against the state or any public officer or employee of the state for damages or for injunctive, declaratory, or other legal or equitable relief on behalf of a victim as a result of a violation of:

(A) This section; or

(B) A statute enacted by the General Assembly under this section.

(2) A violation of this section does not authorize setting aside a conviction.

(g) An individual may maintain an action to compel a public officer or employee to carry out any duty required by:

(1) This section; or

(2) A statute enacted by the General Assembly under this section.

(h) The rights granted to victims under this section shall not be construed to deny or disparage other rights possessed by victims, including without limitation rights granted by the General Assembly or otherwise retained by victims.

(i) A postconviction release authority shall extend the right to be heard at a postconviction release hearing to any individual harmed by the defendant.

(j) The General Assembly may provide by law for any other measure necessary or useful to secure to victims the benefit of the rights under this section.

SECTION 2. EFFECTIVE DATE. This amendment is effective on and after January 1, 2027.

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 "Arkansas Victims' Bill of Rights" and to Provide Rights for Victims of Misdemeanor and Felony Offenses, including Victims in the Adult and Juvenile Justice Systems."

*/s/K. Brown*