

# Calendar No. 299

106TH CONGRESS  
1ST SESSION

## S. J. RES. 3

Proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

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### IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. BIDEN, Mr. GRASSLEY, Mr. INOUE, Mr. DEWINE, Ms. LANDRIEU, Ms. SNOWE, Mr. LIEBERMAN, Mr. MACK, Mr. CLELAND, Mr. COVERDELL, Mr. SMITH of New Hampshire, Mr. SHELBY, Mr. HUTCHINSON, Mr. GREGG, Mr. THOMAS, Mr. CRAIG, Mr. GRAMS, Mr. INHOFE, Mr. THURMOND, Mr. WARNER, Mr. TORRICELLI, Mr. BRYAN, Mr. HAGEL, Mr. CAMPBELL, Mr. MURKOWSKI, Mr. BUNNING, Mr. VOINOVICH, Mr. HELMS, Mr. FRIST, Mr. GRAMM, Mr. LOTT, and Mrs. HUTCHISON) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

OCTOBER 4, 1999

Reported by Mr. HATCH, with an amendment

[Insert the part printed in *italic*]

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## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

1        *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled*  
3 *(two-thirds of each House concurring therein), That the fol-*

1 lowing article is proposed as an amendment to the Con-  
2 stitution of the United States, which shall be valid for all  
3 intents and purposes as part of the Constitution when  
4 ratified by the legislatures of three-fourths of the several  
5 States within seven years from the date of its submission  
6 by the Congress:

7 “ARTICLE —

8 “SECTION 1. A victim of a crime of violence, as these  
9 terms may be defined by law, shall have the rights:

10 “to reasonable notice of, and not to be excluded  
11 from, any public proceedings relating to the crime;

12 “to be heard, if present, and to submit a state-  
13 ment at all such proceedings to determine a condi-  
14 tional release from custody, an acceptance of a nego-  
15 tiated plea, or a sentence;

16 “to the foregoing rights at a parole proceeding  
17 that is not public, to the extent those rights are af-  
18 farded to the convicted offender;

19 *“to reasonable notice of and an opportunity to*  
20 *submit a statement concerning any proposed pardon*  
21 *or commutation of a sentence;*

22 “to reasonable notice of a release or escape  
23 from custody relating to the crime;

24 “to consideration of the interest of the victim  
25 that any trial be free from unreasonable delay;

1           “to an order of restitution from the convicted  
2 offender;

3           “to consideration for the safety of the victim in  
4 determining any conditional release from custody re-  
5 lating to the crime; and

6           “to reasonable notice of the rights established  
7 by this article.

8           “SECTION 2. Only the victim or the victim’s lawful  
9 representative shall have standing to assert the rights es-  
10 tablished by this article. Nothing in this article shall pro-  
11 vide grounds to stay or continue any trial, reopen any pro-  
12 ceeding or invalidate any ruling, except with respect to  
13 conditional release or restitution or to provide rights guar-  
14 anteed by this article in future proceedings, without stay-  
15 ing or continuing a trial. Nothing in this article shall give  
16 rise to or authorize the creation of a claim for damages  
17 against the United States, a State, a political subdivision,  
18 or a public officer or employee.

19           “SECTION 3. The Congress shall have the power to  
20 enforce this article by appropriate legislation. Exceptions  
21 to the rights established by this article may be created  
22 only when necessary to achieve a compelling interest.

23           “SECTION 4. This article shall take effect on the  
24 180th day after the ratification of this article. The right  
25 to an order of restitution established by this article shall

1 not apply to crimes committed before the effective date  
2 of this article.

3       “SECTION 5. The rights and immunities established  
4 by this article shall apply in Federal and State pro-  
5 ceedings, including military proceedings to the extent that  
6 the Congress may provide by law, juvenile justice pro-  
7 ceedings, and proceedings in the District of Columbia and  
8 any commonwealth, territory, or possession of the United  
9 States.”.



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