

ENGROSSED SENATE AMENDMENT  
TO  
ENGROSSED HOUSE JOINT  
RESOLUTION NO. 1040

By: Breckinridge, Reese, Adair, Rice,  
Boyd (Betty), Bryant (John),  
Caldwell, Coleman, Dunlap, Graves,  
Greenwood, Hamilton (Jeff), Kirby,  
Lucas, Maddux (Elmer), Monks,  
Perry, Roach, Sullivan,  
Thornbrugh, Vaughn (Ray), Webb and  
Weese of the House

and

Douglass of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article II to be designated as Section 34; providing for Bill of Rights for victims; defining term; authorizing enactment of certain laws; clarifying scope of constitutional provisions; providing ballot title; and directing filing.

AMENDMENT NO. 1. Page 1, strike the title, resolving clause and entire resolution and insert

[ constitutional amendment; providing for bill of  
rights for victims ]

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
2ND SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article II of the Constitution of the State of Oklahoma by adding a new Section 34 to read as follows:

Section 34. A. To preserve and protect the rights of victims to justice and due process, and ensure that victims are treated with fairness, respect and dignity, and are free from intimidation, harassment, or abuse, throughout the criminal justice process, any victim of a crime has the right: to be informed by the state whenever the accused or convicted is released from custody or has escaped; to be notified by the state of all proceedings and plea agreements, and to be heard at all proceedings, including, but not limited to, pretrial, trial, sentencing, postconviction, appellate, custody, placement and pardon and parole proceedings; to refuse an interview, deposition, or other discovery request by the defendant, the attorney for the defendant, or other person acting on behalf of the defendant; to receive prompt restitution whenever such is ordered by the court; and to be informed by the state of the constitutional rights of the victim.

B. An exercise by a victim of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

C. The Legislature, or the people by initiative or referendum, has the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

D. The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage other rights granted by the Legislature or retained by victims.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. The measure seeks to preserve and protect the rights of crime victims. Victims would be required to be treated with fairness, respect and dignity, and be free from intimidation, harassment or abuse. A victim would be given notice when an accused or convicted person is going to be released from prison. A victim would be afforded certain rights. The measure would ensure that victims have a role in the criminal justice process. The Legislature or the people of Oklahoma would be given the right to pass laws to implement the rights of victims. The Legislature or the people of Oklahoma could extend these victim protections to juvenile proceedings.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

    /     YES, FOR THE AMENDMENT

    /     NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General."

Passed the Senate the 18th day of April, 1994.

President                   of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_, 1994.

Speaker                   of the House of Representatives