ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1036

By: Breckinridge, Adair, Reese, Glover, Ferguson, Bryant, Adkins, Coleman, Greenwood, Hastings, Perry, Phillips, Pope (Tim), Roach, Roberts, Smith (Bill), Thornbrugh, Tyler, Weese and Widener

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; authorizing enactment of certain laws; clarifying scope of constitutional provisions; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 45TH 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 person is released from custody or has escaped, to be notified by the state of all proceedings and plea agreements, to be heard at all criminal proceedings at which such

criminal defendant has the right to be present, to be awarded restitution by the convicted for damages or losses as determined and 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 and youthful offender 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 protect the rights of crime victims. It makes victims be treated with fairness and be free from abuse. A victim would be told when certain persons are going to be let out of jail or prison. A victim would have certain rights. Victims would have a role in the justice process. Criminals would be made to pay restitution to their victims. The Legislature or the people of Oklahoma could extend these rights to juvenile and youthful offender 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 House of Representatives the 7th day of March, 1995.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate