ENGROSSED SENATE
JOINT
RESOLUTION NO. 24

By: Douglass of the Senate

and

Breckinridge of the House

[constitutional amendment - Bill of Rights for victims - ballot title - directing filing]

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES 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 person 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 if enacted by the Legislature, 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 State 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. Victims would 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 custody. A victim would be afforded certain rights. The measure would ensure that victims have a role in the criminal justice process. Victims would have a right to be paid back for loss due to crimes. The Legislature and the people of Oklahoma would be given the right to pass laws to implement the rights of victims. The

Legislature and the people of Oklahoma could extend these victim protections to proceedings relating to youth.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

/___/ YES, FOR THE AMENDMENT

/___/ NO, AGAINST THE AMENDMENT

SECTION 3. The President Pro Tempore of the Senate, 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 27th day of February, 1996.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1996.

Speaker of the House of Representatives