

Senate Resolution 146

By: Senators Kennedy of the 18th, Mullis of the 53rd, Ligon, Jr. of the 3rd, Shafer of the 48th, Albers of the 56th and others

ADOPTED

A RESOLUTION

1 Proposing an amendment to the Constitution so as to acknowledge certain rights of victims
2 against whom a crime has allegedly been perpetrated; to provide for the enforcement of such
3 rights; to provide for exceptions; to provide for related matters; to provide for submission of
4 this amendment for ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article I, Section I of the Constitution is amended by adding a new Paragraph to read as
8 follows:

9 "Paragraph XXX. *Rights of certain individuals.* (a) For the purpose of this Paragraph,
10 a victim shall be considered an individual against whom a crime has allegedly been
11 perpetrated, including crimes alleged as delinquent acts. Such victims shall be accorded
12 the utmost dignity and respect and shall be treated fairly by the criminal justice system of
13 this state and all agencies and departments that serve such system. When the crime is one
14 against or involving the person of the victim or is a felony property crime, such victim shall
15 be afforded the following specific rights:

16 (1) The right upon request to reasonable, accurate, and timely notice of any scheduled
17 court proceedings involving the alleged act or changes to the scheduling of such
18 proceedings;

19 (2) The right upon request to reasonable, accurate, and timely notice of the arrest,
20 release, or escape of the accused;

21 (3) The right not to be excluded from any scheduled court proceedings involving the
22 alleged act;

23 (4) The right upon request to be heard at any scheduled court proceedings involving
24 the release, plea, or sentencing of the accused; and

25 (5) The right to be informed of his or her rights.

26 (b) A victim described in subparagraph (a) of this Paragraph shall have the right to assert
 27 the rights enumerated in subparagraph (a) of this Paragraph. The General Assembly shall
 28 provide by general law the process whereby such victim may assert the rights provided by
 29 subparagraph (a) of this Paragraph by motion within the same criminal or delinquency
 30 proceeding giving rise to such rights. At the hearing on such motion, such victim may be
 31 represented by an attorney, but neither the state nor any of its political subdivisions shall
 32 be obligated to appoint an attorney to represent him or her. The General Assembly shall
 33 provide by general law the process whereby a family member, guardian, or legal custodian
 34 of a victim when he or she is a minor, legally incapacitated, or deceased may assert the
 35 rights of such victim.

36 (c) This Paragraph shall not:

37 (1) Create any cause of action against the State of Georgia; any political subdivision
 38 of the State of Georgia; any officer, employee, or agent of the State of Georgia or of any
 39 of its political subdivisions; or any officer or employee of the court;

40 (2) Confer upon any victim the right to:

41 (A) Appeal any decision made in a criminal or delinquency proceeding;

42 (B) Challenge any verdict or sentence entered in a criminal or delinquency
 43 proceeding; or

44 (C) Standing to participate as a party in a criminal or delinquency proceeding other
 45 than to file a motion as provided in subparagraph (b) of this Paragraph;

46 (3) Restrict the authority of the General Assembly, by general law, to further define or
 47 expand upon the rights provided in this Paragraph or to regulate the reasonable exercise
 48 thereof; or

49 (4) Restrict the inherent authority of the courts to maintain order in the courtroom."

50 **SECTION 2.**

51 The above proposed amendment to the Constitution shall be published and submitted as
 52 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 53 above proposed amendment shall have written or printed thereon the following:

54 "() YES Shall the Constitution of Georgia be amended so as to provide certain rights
 55 to victims against whom a crime has allegedly been perpetrated and allow
 56 () NO victims to assert such rights?"

57 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

58 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 59 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 60 become a part of the Constitution of this state.