

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017

HJR 1017

4  
5 By: Representative C. Douglas  
6

7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROVIDING  
9 CERTAIN ADDITIONAL RIGHTS TO VICTIMS OF CRIMES; AND  
10 PROVIDING THAT THE GENERAL ASSEMBLY SHALL IMPLEMENT  
11 THE AMENDMENT BY LAW, INCLUDING WITHOUT LIMITATION  
12 THE CREATION OF AN ENTITY WITHIN STATE GOVERNMENT TO  
13 IMPOSE PENALTIES AND REMEDIES FOR VIOLATIONS OF THE  
14 AMENDMENT.  
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16  
17 **Subtitle**

18 AN AMENDMENT TO THE ARKANSAS CONSTITUTION  
19 PROVIDING CERTAIN ADDITIONAL RIGHTS TO  
20 VICTIMS OF CRIMES.  
21

22  
23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL  
24 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL  
25 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:  
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27 That the following is proposed as an amendment to the Constitution of  
28 the State of Arkansas, and upon being submitted to the electors of the state  
29 for approval or rejection at the next general election for Representatives  
30 and Senators, if a majority of the electors voting thereon at the election  
31 adopt the amendment, the amendment shall become a part of the Constitution of  
32 the State of Arkansas, to wit:  
33

34 SECTION 1. The Arkansas Constitution is amended to add a new amendment  
35 to read as follows:

36 (a) A victim of a crime shall have the following rights, beginning at



1 the time of victimization:

2 (1) The right to due process and to be treated with fairness and  
3 respect for the victim's dignity;

4 (2) The right to an advocate of the victim's choice at all  
5 times;

6 (3) The right to counsel;

7 (4) The right to receive information and communication in an  
8 effective manner in accordance with the primary language of the victim;

9 (5) The right to be free from intimidation, harassment, and  
10 abuse;

11 (6) The right to be reasonably protected from the accused and  
12 any person acting on behalf of the accused;

13 (7) The right to have the safety and welfare of the victim and  
14 the victim's family considered when the court sets bail or makes a release  
15 decision;

16 (8) The right to:

17 (A) Prevent the disclosure of information or records:

18 (i) That could be used to locate or harass the  
19 victim or the victim's family; or

20 (ii) Which could disclose confidential or privileged  
21 information about the victim; and

22 (B) Be notified of a request for information or records  
23 under subdivision (a)(8)(A) of this section;

24 (9) The right to privacy, including without limitation the right  
25 to:

26 (A) Refuse an interview, deposition, or other discovery  
27 request by the accused; and

28 (B) Set conditions on the conduct of any interaction to  
29 which the victim consents;

30 (10) Right to reasonable and timely notification of an arrest;

31 (11) The right to reasonable, accurate, and timely notice of,  
32 and to be present at, all proceedings involving the criminal or delinquent  
33 conduct, including without limitation:

34 (A) A release proceeding;

35 (B) A bail proceeding;

36 (C) A plea proceeding;

1                   (D) A sentencing proceeding;

2                   (E) An adjudication or disposition proceeding;

3                   (F) A parole proceeding; and

4                   (G) Any proceeding during which a right of the victim is  
5 implicated;

6                   (12) The right to testify and be heard in a proceeding under  
7 subdivision (a)(11) of this section involving:

8                   (A) Release;

9                   (B) Bail;

10                  (C) Plea;

11                  (D) Sentencing;

12                  (E) Adjudication and disposition;

13                  (F) Parole; and

14                  (G) Any proceeding during which a right of the victim is  
15 implicated;

16                  (13) The right to be promptly notified of the release or escape  
17 of the offender;

18                  (14) The right of the victim or the victim's counsel to confer  
19 with the attorney for the government;

20                  (15) The right to:

21                   (A) Provide information regarding the impact of the  
22 offender's conduct on the victim and the victim's family to the individual  
23 responsible for conducting any presentence or disposition investigation or  
24 compiling any presentence investigation report or plan of disposition; and

25                   (B) Have information provided under subdivision (a)(15)(A)  
26 of this section considered in sentencing or disposition recommendations;

27                  (16) The right to receive a timely copy of a presentence report  
28 or plan of disposition and any other report or record relevant to the  
29 exercise of a victim's right, except for those portions made confidential by  
30 law;

31                  (17) The right to the prompt return of the victim's property  
32 when no longer needed as evidence in the case;

33                  (18)(A) The right to full and timely restitution in every case  
34 and from each offender for all losses suffered by the victim as a result of  
35 the criminal conduct and as provided by law for all losses suffered as a  
36 result of delinquent conduct.

1                   (B) If an offender is ordered to make restitution to the  
2 victim and the state, all moneys and property collected from the offender  
3 shall be applied equally to the restitution owed the victim and the  
4 restitution owed the state.

5                   (19) The right to proceedings free from unreasonable delay, and  
6 to a prompt and final conclusion of the case and any related postjudgment  
7 proceedings;

8                   (20) The right to be timely informed of the:

9                   (A) Conviction, adjudication, sentence, disposition, place  
10 and time of incarceration, detention, or other disposition of the offender;  
11 and

12                   (B) Scheduled release date of the offender;

13                   (21)(A) The right to:

14                   (i) Be informed in a timely manner of all  
15 postjudgment processes and procedures;

16                   (ii) Participate in postjudgment processes and  
17 procedures;

18                   (iii) Provide information to the release authority  
19 to be considered before any release decision is made, including without  
20 limitation the opportunity to testify and be heard at postjudgment processes  
21 and procedures; and

22                   (iv) Be notified of any release decision regarding  
23 the offender.

24                   (B) Any parole authority shall extend the right to testify  
25 and be heard to any victim harmed by the offender;

26                   (22) The right to:

27                   (A) Be informed in a timely manner of clemency and  
28 criminal record sealing procedures;

29                   (B) Provide information to the Governor, the court, the  
30 Parole Board, any clemency board and any other authority in the postjudgment  
31 processes and procedures, including without limitation the opportunity to  
32 testify and be heard at the postjudgment processes and procedures;

33                   (C) Have the information under subdivision (a)(22)(B) of  
34 this section considered before a clemency or criminal record sealing decision  
35 is made; and

36                   (D) Be timely notified of the outcome of a clemency or

1 criminal record sealing decision in advance of any release of the offender;  
2 and

3 (23)(A) The right to be timely informed of the rights under this  
4 section and to be timely informed that a victim may seek the advice of an  
5 attorney with respect to the victim's rights.

6 (B) Information under subdivision (a)(23)(A) of this  
7 section shall be made available to the general public and provided to each  
8 victim of a crime.

9 (b) The General Assembly shall implement this amendment by law,  
10 including without limitation the enactment of laws:

11 (1) Defining terms used within this amendment as the General  
12 Assembly deems necessary, including without limitation the term "victim";

13 (2) Establishing remedies for violations of this section; and

14 (3) Establishing by law an entity within state government to:

15 (A) Prepare a standard notification to be used by all law  
16 enforcement and other necessary persons that informs a victim of his or her  
17 rights under this section; and

18 (B)(i) Receive complaints of violations of this section;

19 (ii) Investigate complaints of violations of this  
20 section when the entity deems such investigation necessary; and

21 (iii) Impose remedies for violations of this  
22 section.

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24 SECTION 2. BALLOT TITLE AND POPULAR NAME. When this amendment is  
25 submitted to the electors of this state on the general election ballot:

26 (1) The title of this joint resolution shall be the ballot  
27 title; and

28 (2) The popular name shall be "An Amendment to the Arkansas  
29 Constitution to Provide Additional Rights for Crime Victims and a Mechanism  
30 for the Enforcement of Those Rights".

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