

ARKANSAS SENATE
94th General Assembly - Regular Session, 2023
Amendment Form

Subtitle of Senate Joint Resolution No. 10

A CONSTITUTIONAL AMENDMENT TO BE KNOWN AS "MARSY'S LAW"; AND TO PROVIDE RIGHTS
FOR VICTIMS OF CRIMINAL OFFENSES OR DELINQUENT ACTS.

Amendment No. 1 to Senate Joint Resolution 10

Amend Senate Joint Resolution No. 10 as originally introduced:

Page 1, delete lines 10 and 11, and substitute the following:

“AS THE VICTIM’S BILL OF RIGHTS; AND TO PROVIDE RIGHTS FOR VICTIMS OF VIOLENT
AND SEXUAL CRIMINAL OFFENSES.”

AND

Delete the subtitle in its entirety and substitute:

"A CONSTITUTIONAL AMENDMENT TO BE KNOWN
AS THE VICTIM’S BILL OF RIGHTS; AND TO
PROVIDE RIGHTS FOR VICTIMS OF VIOLENT AND
SEXUAL CRIMINAL OFFENSES."

AND

Page 1, delete lines 34 through 36 and substitute the following:

“§ 1. Title.

This amendment shall be known and may be cited as the “Victim’s Bill of
Rights.”

§ 2. Victim’s rights

(a)(1) As used in this section, “victim” means a person:

(A) Against whom a violent or sexual criminal offense is



committed;

(B)(i) Who is the representative of an individual against whom a violent or sexual criminal offense is committed.

(ii) Subdivision (a)(1)(B)(i) of this section includes without limitation a situation in which the court makes a finding that a victim under subdivision (a)(1)(A) of this section is incompetent or a minor and the representative of the victim is acting in the best interest of the victim; or

(C) Who, if an individual is killed or incapacitated, is the individual's spouse, parent, child, or other lawful representative, except if the individual is in custody for an offense or is the accused.

(2) "Victim" does not include:

(A) The accused; or

(B) An individual whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

(b) To preserve and protect victims' rights to justice and due process, a victim has a right to:

(1) Be treated with fairness, respect, and dignity and to be free from intimidation, harassment, or abuse throughout the criminal justice process;

(2) Be informed, upon request, when the accused or convicted person is released from custody or has escaped;

(3) Be present at and, upon request, to be informed of all criminal proceedings in which the defendant has the right to be present;

(4)(A) Be heard after formal charges have been filed at any proceeding involving a post-arrest release decision, negotiated plea, disposition, or sentencing.

(B) The court or other authority with jurisdiction shall act promptly on a request under subdivision (b)(4) of this section;

(5) Refuse an interview, a deposition, or the release of documents not found in the prosecuting attorney's or the court's file when requested by the defendant, the defendant's attorney, or other person acting on behalf of the defendant;

(6)(A) Refuse the release of the home address of a victim to ensure the personal safety and security of the victim.

(B) A release of information under subdivision (b)(6)(A) of this section under Rule 17.1 of the Arkansas Rules of Criminal Procedure may be made after a hearing and court ruling that:

(i) The address must be released to ensure the needs of justice are met; and

(ii) There is no reasonable alternative to the release of the victim's home address;

(7) Confer with the prosecution at any point after the crime against the victim has been charged and to be informed of the final disposition;

(8) Read pre-sentence reports relating to the crime against the victim when they are available to the defendant;

(9) Receive restitution payment prior to the payment of court fines, costs, and fees from the person or persons convicted of the criminal conduct that caused the victim's loss or injury;

(10) Be heard at any proceeding when any post-conviction release from confinement is being considered;

(11)(A) A speedy trial and, after the conviction and sentence, to a prompt and final conclusion of the case.

(B) The victim's right to a speedy trial under subdivision (b)(11)(A) of this section does not give the victim standing in trial or pre-trial matters;

(12) Have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights; and

(13) Be informed of the constitutional rights of a victim.

(c)(1) The exercise of any right granted to a victim by this section shall not be grounds for dismissing a criminal proceeding or setting aside a conviction or sentence.

(2) The enumeration in the Arkansas Constitution of certain rights for victims shall not be construed to deny or disparage other rights granted by the General Assembly or retained by victims.

(d) This amendment does not create a cause of action for compensation or damages against:

(1) The State of Arkansas;

(2) A political subdivision of the State of Arkansas;

(3) An officer, employee, or agent of the State of Arkansas or of any of its political subdivisions;

(4) An officer or employee of the court; or

(5) An employees of a city attorney's office.

SECTION 2. EFFECTIVE DATE. This amendment is effective on and after January 1, 2025.

SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this Joint Resolution shall be the ballot title; and

(2) The popular name shall be "A Constitutional Amendment To Be Known as the "Victim's Bill of Rights" and to Provide Rights for Victims of Violent and Sexual Criminal Offenses"."

AND

Page 2, delete lines 1 through 36

AND

Page 3, delete lines 1 through 30

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator D. Wallace

MBM/MBM - 03-27-2023 12:25:18

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Secretary