



HOUSE JOINT RESOLUTION 94

By Hazlewood

A RESOLUTION proposing an amendment to Article I, Section 35 of the Constitution of Tennessee, relative to the rights of crime victims.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRTEENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article I, Section 35 of the Constitution of Tennessee be amended by deleting the section in its entirety and substituting the following:

Section 35. That to preserve and protect the rights of victims of crime to justice and due process throughout the criminal and juvenile justice systems, a victim, as defined by law and which may be expanded by the General Assembly, shall have the following rights, which shall be protected:

- (1) The right to be treated with fairness for the victim's safety and dignity;
- (2) The right, upon request, to reasonable notice of all criminal public proceedings and all juvenile delinquency proceedings involving the accused;
- (3) The right to be present at all public criminal proceedings and all public juvenile delinquency proceedings involving the accused;
- (4) The right upon request to be heard in any proceeding involving release, plea, sentencing, disposition, and parole, as well as any public proceeding when relevant during which a right of the victim is implicated;
- (5) The right to be heard and informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to

be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender;

(6) The right to be free from harassment, intimidation, and abuse throughout the criminal justice system, including reasonable protection, as defined by the General Assembly, from the accused or any person acting on behalf of the accused;

(7) The right, upon request, to reasonable notice of any release, transfer, or escape of the accused or convicted person;

(8) The right to full and timely restitution from the offender;

(9) The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence;

(10) The right to be informed of the minimum sentence the offender will serve in custody and the scheduled release date;

(11) The right to have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made;

(12) The right, upon request, to confer with the prosecution; and

(13) The right to be fully informed of all rights afforded to crime victims.

A victim may assert the rights enumerated in this section, not as a party, but in the manner further provided by the General Assembly protecting the victim's right to standing. The General Assembly has the authority to enact substantive and procedural laws to further define, implement, preserve, and protect the rights guaranteed to victims by this section. This section must be interpreted to preserve and protect the rights of all persons to due process. Nothing in this section or any law enacted under this section shall be construed as creating a basis for vacating a conviction. Nothing in this section

shall restrict the powers of the District Attorney General or the inherent authority of the court.

Other than as provided in the preceding paragraph, this section does not create any cause of action or claim for damages against the state or any political subdivision of the state; any officer, employee, or agent of the state or of any of its political subdivisions; or any officer or employee of the court.

BE IT FURTHER RESOLVED, that the foregoing be referred to the One Hundred Fourteenth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee by posting such amendment on the official website of the Secretary of State and on the official website of the General Assembly.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to deliver copies of this resolution to the Secretary of State, with this final resolving clause being deleted from such copies.

Amendment No. 1 to HJR0094

Hulsey
Signature of Sponsor

AMEND

House Joint Resolution No. 94*

by deleting all language after the caption and substituting:

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- (3) The right to be present at all public criminal proceedings and all public juvenile delinquency proceedings involving the accused;
- (4) The right upon request to be heard in any proceeding involving release, plea, sentencing, disposition, and parole, as well as any public proceeding when relevant during which a right of the victim is implicated;

(5) The right to be heard and informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender;

(6) The right to be free from harassment, intimidation, and abuse throughout the criminal justice system, including reasonable protection, as defined by the General Assembly, from the accused or any person acting on behalf of the accused;

(7) The right, upon request, to reasonable notice of any release, transfer, or escape of the accused or convicted person;

(8) The right to full and timely restitution from the offender;

(9) The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence;

(10) The right to be informed of the minimum sentence the offender will serve in custody and the scheduled release date;

(11) The right to have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made;

(12) The right, upon request, to confer with the prosecution; and

(13) The right to be fully informed of all rights afforded to crime victims.

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create a basis for vacating a conviction. This section does not restrict the powers of the District Attorney General or the inherent authority of the court.

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