

HOUSE JOINT RESOLUTION 624

By Hicks

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 ELEVENTH 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 instead the following:

Section 35. To preserve and protect justice and due process for victims of crime throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected in a manner no less vigorous than the rights afforded to the accused:

- (1) The right to be treated with fairness and respect for the victim's safety, dignity, and privacy;
- (2) The right, upon request, to reasonable and timely notice of, and to be present at, all public proceedings involving the criminal or delinquent conduct;
- (3) The right to be heard in any public proceeding involving release, plea, sentencing, disposition, and parole, as well as any public proceeding during which a right of the victim is implicated;
- (4) The right to reasonable protection from the accused or any person acting on behalf of the accused;

- (5) The right, upon request, to reasonable notice of any release or escape of an accused;
- (6) The right to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;
- (7) The right to full and timely restitution;
- (8) The right to proceedings free from unreasonable delay and a prompt conclusion of the case;
- (9) The right, upon request, to confer with the attorney for the government; and
- (10) The right to be fully informed of all rights afforded to crime victims.

The victim, the victim's attorney or other lawful representative, or the attorney for the government upon the request of the victim, may assert and have enforced in any trial or appellate court, or before any other authority with jurisdiction over the case, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request.

This section does not create any cause of action for compensation or damages against the state; 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.

Law enforcement officers who become victims of crime in the course of performing their public duties are entitled to the same rights as other victims of crime; provided, that their identity and the circumstances of the crime may continue to be disclosed as otherwise required by law.

"Victim" means any person against whom a criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act, and does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve, and protect the rights guaranteed to victims by this section.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Twelfth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee.

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.