

1 AN ACT proposing to create a new section of the Constitution of Kentucky relating
2 to crime victims' rights.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO
5 THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

6 *To secure for victims of criminal acts or public offenses justice and due process*
7 *and to ensure crime victims a meaningful role throughout the criminal and juvenile*
8 *justice systems, a victim, as defined by law which takes effect upon the enactment of*
9 *this section and which may be expanded by the General Assembly, shall have the*
10 *following rights, which shall be respected and protected by law in a manner no less*
11 *vigorous than the protections afforded to the accused in the criminal and juvenile*
12 *justice systems: victims shall have the reasonable right, upon request, to timely notice*
13 *of all proceedings and to be heard in any proceeding involving a release, plea,*
14 *sentencing, or other matter involving the right of a victim other than grand jury*
15 *proceedings; the right to be present at the trial and all other proceedings, other than*
16 *grand jury proceedings, on the same basis as the accused; the right to proceedings free*
17 *from unreasonable delay; the right to consult with the attorney for the Commonwealth*
18 *or the attorney's designee; the right to reasonable protection from the accused and*
19 *those acting on behalf of the accused throughout the criminal and juvenile justice*
20 *process; the right to timely notice, upon request, of release or escape of the accused;*
21 *the right to have the safety of the victim and the victim's family considered in setting*
22 *bail, determining whether to release the defendant, and setting conditions of release*
23 *after arrest and conviction; the right to full restitution to be paid by the convicted or*
24 *adjudicated party in a manner to be determined by the court, except that in the case of*
25 *a juvenile offender the court shall determine the amount and manner of paying the*
26 *restitution taking into consideration the best interests of the juvenile offender and the*
27 *victim; the right to fairness and due consideration of the crime victim's safety, dignity,*

1 and privacy; and the right to be informed of these enumerated rights, and shall have
2 standing to assert these rights. The victim, the victim's attorney or other lawful
3 representative, or the attorney for the Commonwealth upon request of the victim may
4 seek enforcement of the rights enumerated in this section and any other right afforded
5 to the victim by law in any trial or appellate court with jurisdiction over the case. The
6 court shall act promptly on such a request and afford a remedy for the violation of any
7 right. Nothing in this section shall afford the victim party status, or be construed as
8 altering the presumption of innocence in the criminal justice system. The accused shall
9 not have standing to assert the rights of a victim. Nothing in this section shall be
10 construed to alter the powers, duties, and responsibilities of the prosecuting attorney.
11 Nothing in this section or any law enacted under this section creates a cause of action
12 for compensation, attorney's fees, or damages against the Commonwealth, a county,
13 city, municipal corporation, or other political subdivision of the Commonwealth, an
14 officer, employee, or agent of the Commonwealth, a county, city, municipal
15 corporation, or any political subdivision of the Commonwealth, or an officer or
16 employee of the court. Nothing in this section or any law enacted under this section
17 shall be construed as creating:
18 (1) A basis for vacating a conviction; or
19 (2) A ground for any relief requested by the defendant.

20 ➔Section 2. This amendment shall be submitted to the voters of the
21 Commonwealth for their ratification or rejection at the time and in the manner provided
22 for under Sections 256 and 257 of the Constitution and under KRS 118.415. The
23 question to be submitted to the voters shall read as follows: "Are you in favor of
24 providing constitutional rights to victims of crime, including the right to be treated fairly,
25 with dignity and respect, and the right to be informed and to have a voice in the judicial
26 process?"