

111TH CONGRESS
1ST SESSION

H. J. RES. 59

Proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2009

Mr. STUPAK introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein),* That the fol-
4 lowing article is proposed as an amendment to the Con-
5 stitution of the United States, which shall be valid to all
6 intents and purposes as part of the Constitution when
7 ratified by the legislatures of three-fourths of the several
8 States within seven years after the date of its submission
9 for ratification:

1 “ARTICLE —

2 “SECTION 1. A victim of a crime of violence, as these
3 terms may be defined by law, shall have the rights:

4 “to reasonable notice of, and not to be excluded
5 from, any public proceedings relating to the crime;

6 “to be heard, if present, and to submit a state-
7 ment at all such proceedings to determine a condi-
8 tional release from custody, an acceptance of a nego-
9 tiated plea, or a sentence;

10 “to the foregoing rights at a parole proceeding
11 that is not public, to the extent those rights are af-
12 farded to the convicted offender;

13 “to reasonable notice of and an opportunity to
14 submit a statement concerning any proposed pardon
15 or commutation of a sentence;

16 “to reasonable notice of a release or escape
17 from custody relating to the crime;

18 “to consideration of the interest of the victim
19 that any trial be free from unreasonable delay;

20 “to an order of restitution from the convicted
21 offender;

22 “to consideration for the safety of the victim in
23 determining any conditional release from custody re-
24 lating to the crime; and

1 “to reasonable notice of the rights established
2 by this article.

3 “SECTION 2. Only the victim or the victim’s lawful
4 representative shall have standing to assert the rights es-
5 tablished by this article. Nothing in this article shall pro-
6 vide grounds to stay or continue any trial, reopen any pro-
7 ceeding or invalidate any ruling, except with respect to
8 conditional release or restitution or to provide rights guar-
9 anteed by this article in future proceedings, without stay-
10 ing or continuing a trial. Nothing in this article shall give
11 rise to or authorize the creation of a claim for damages
12 against the United States, a State, a political subdivision,
13 or a public officer or employee.

14 “SECTION 3. The Congress shall have the power to
15 enforce this article by appropriate legislation. Exceptions
16 to the rights established by this article may be created
17 only when necessary to achieve a compelling interest.

18 “SECTION 4. This article shall take effect on the
19 180th day after the ratification of this article. The right
20 to an order of restitution established by this article shall
21 not apply to crimes committed before the effective date
22 of this article.

23 “SECTION 5. The rights and immunities established
24 by this article shall apply in Federal and State pro-
25 ceedings, including military proceedings to the extent that

1 the Congress may provide by law, juvenile justice pro-
2 ceedings, and proceedings in the District of Columbia and
3 any commonwealth, territory, or possession of the United
4 States.”.

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