

SENATE JOINT RESOLUTION 885

By Stevens

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 SENATE OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES 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. 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 shall have the following rights, which shall be protected:

- (1) The right to be treated with fairness 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 criminal public proceedings and all juvenile delinquency proceedings involving the accused;
- (3) The right to be heard in any 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 be free from harassment, intimidation, and abuse throughout the criminal justice system, including 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 a request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant for an interview, deposition, discovery request, or other communication with the victim;

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

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

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

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

A victim, as defined herein, shall have the right to assert the rights enumerated in this Section. The General Assembly shall further provide by general law the process whereby such victim may assert the rights provided. Nothing in this section shall be construed to provide grounds for a victim to challenge any verdict or adjudication; be a party; or obtain confidential juvenile records.

Other than as provided in the preceding paragraph, this section does not create any cause of action or claim for 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 identities and the circumstances of the crime may continue to be disclosed as otherwise required by law.

As used in this section, a "victim" includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" 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 further 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 Senate is directed to deliver copies of this resolution to the Secretary of State and to the Director of the Office of Legislative Information Services.