

By: Representative Gunn

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 47

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE CERTAIN RIGHTS TO
3 VICTIMS THROUGHOUT THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
5 MISSISSIPPI, That the following amendment to the Mississippi
6 Constitution of 1890 is proposed to the qualified electors of the
7 state:

8 Amend the Mississippi Constitution of 1890 by creating a new
9 section to read as follows:

10 "Section ____ . (1) To preserve and protect justice and due
11 process for victims throughout the criminal and juvenile justice
12 systems, a victim shall have the following rights which shall be
13 protected in a manner no less vigorous than the rights afforded to
14 the accused:

15 (a) To be treated with fairness and respect for the
16 victim's safety, dignity and privacy;



17 (b) Upon request, to reasonable and timely notice of,
18 and to be present at, all public proceedings involving the
19 criminal or delinquent conduct;

20 (c) To be heard in any public proceeding involving the
21 criminal or delinquent conduct;

22 (d) To be heard in any public proceeding involving
23 release, plea, sentencing, disposition, parole, and any public
24 proceeding during which a right of the victim is implicated;

25 (e) To reasonable protection from the accused or any
26 person acting on behalf of the accused;

27 (f) To reasonable notice, upon request, of any release
28 or escape of an accused;

29 (g) To refuse an interview, deposition, or other
30 discovery request made by the accused or any person acting on
31 behalf of the accused;

32 (h) To full and timely restitution;

33 (i) To proceedings free from unreasonable delay and a
34 prompt conclusion of the case;

35 (j) To confer with the attorney for the government upon
36 request; and

37 (k) To be informed of all rights enumerated in this
38 section.

39 (2) The victim, the victim's attorney or other lawful
40 representative, or the attorney for the government, upon request
41 of the victim, may assert in any trial or appellate court, or



42 before any other authority, with jurisdiction over the case, and
43 have enforced, the rights enumerated in this section and any other
44 right afforded to the victim by law. The court or other authority
45 with jurisdiction shall act promptly on such a request. This
46 section does not create any cause of action for compensation or
47 damages against the state, any political subdivision of the state,
48 any officer, employee, or agent of the state or of any of its
49 political subdivisions, or any officer or employee of the court.

50 (3) Law enforcement officers who become victims of crime in
51 the course of performing their public duties are entitled to the
52 same rights as other victims of crime; however, their identity and
53 the circumstances of the crime may continue to be disclosed as
54 otherwise provided by law.

55 (4) As used in this section, "victim" means any person
56 against whom the criminal offense or delinquent act is committed
57 or who is directly and proximately harmed by the commission of the
58 offense or act. The term "victim" does not include the accused or
59 a person whom the court finds would not act in the best interest
60 of a deceased, incompetent, minor, or incapacitated victim. "

61 BE IT FURTHER RESOLVED, That this proposed amendment shall be
62 submitted by the Secretary of State to the qualified electors at
63 an election to be held on the first Tuesday after the first Monday
64 of November 2019, as provided by Section 273 of the Constitution
65 and by general law.



66 BE IT FURTHER RESOLVED, That the explanation of this proposed
67 amendment for the ballot shall read as follows: "This proposed
68 constitutional amendment provides certain rights for victims
69 throughout the criminal and juvenile justice systems."

