

By: Senator(s) Tollison

To: Rules

SENATE CONCURRENT RESOLUTION NO. 551

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE  
2 MISSISSIPPI CONSTITUTION OF 1890 TO INSERT SECTION 26B AS "MARSY'S  
3 LAW" TO AFFORD VICTIMS MEANINGFUL RIGHTS IN THE CRIMINAL AND  
4 JUSTICE SYSTEM IN MISSISSIPPI; AND FOR RELATED PURPOSES.

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

9 Insert Section 26B, Mississippi Constitution of 1890, to read  
10 as follows:

11 Section 26B. (1) To preserve and protect for victims  
12 justice and due process throughout the criminal and juvenile  
13 justice systems, a victim shall have the following rights which  
14 shall be protected in a manner no less vigorous than the rights  
15 afforded to the accused: to be treated with fairness and respect  
16 for the victim's safety, dignity, and privacy; upon request, to  
17 reasonable and timely notice of and to be present at all public  
18 proceedings involving the criminal or delinquent conduct; to be  
19 heard in any public proceeding involving release, plea,



20 sentencing, disposition, parole, and any public proceeding during  
21 which a right of the victim is implicated; to reasonable  
22 protection from the accused or any person acting on behalf of the  
23 accused; upon request, to reasonable notice of any release, or  
24 escape of an accused; to refuse an interview, deposition, or other  
25 discovery request made by the accused or any person acting on  
26 behalf of the accused; to full and timely restitution; to  
27 proceedings free from unreasonable delay and a prompt conclusion  
28 of the case; upon request, to confer with the attorney for the  
29 government; and to be informed of all rights enumerated in this  
30 section.

31       (2) The victim, the victim's attorney or other lawful  
32 representative, or the attorney for the government upon request of  
33 the victim may assert in any trial or appellate court, or before  
34 any other authority, with jurisdiction over the case, and have  
35 enforced, the rights enumerated in this section and any other  
36 right afforded to the victim by law. The court or other authority  
37 with jurisdiction shall act promptly on such a request. This  
38 section does not create any cause of action for compensation or  
39 damages against the state, any political subdivision of the state,  
40 any officer, employee, or agent of the state or of any of its  
41 political subdivisions, or any officer or employee of the court.  
42 Law enforcement officers who become victims of crime in the course  
43 of performing their public duties are entitled to same rights as  
44 other victims of crime; however, their identity and the



45 circumstances of the crime may continue to be disclosed as  
46 otherwise required by law.

47 (3) As used in this section, a "victim" includes any person  
48 against whom the criminal offense or delinquent act is committed  
49 or who is directly and proximately harmed by the commission of the  
50 offense or act. The term "victim" does not include the accused or  
51 a person whom the court finds would not act in the best interests  
52 of a deceased, incompetent, minor, or incapacitated victim.

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

58 BE IT FURTHER RESOLVED, That the explanation of this proposed  
59 amendment for the ballot shall read as follows: "This proposed  
60 constitutional amendment gives victims of crimes the right to be  
61 informed, to be present and to be heard during the criminal or  
62 juvenile justice process of the person accused of the crime, when  
63 authorized by law."

