

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 64

Short Title: Victims Rights Amend.

(Public)

Sponsors: Representatives Black; Redwine, Dockham, W. Brown, Ives, Hurley, McMahan, Lemmond, and Wilkins.

Referred to: Judiciary I.

January 30, 1995

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH RIGHTS FOR VICTIMS OF CRIME.

The General Assembly of North Carolina enacts:

Section 1. Article I of the Constitution of North Carolina is amended by adding a new section to read:

"Sec. 37. Rights of victims of crime.

(1) Basic Rights. Victims of crime, as defined by law, shall be entitled to certain basic rights, including the right as defined by law to be informed of and to be present at public hearings and to be heard at sentencing or at any other time deemed appropriate by the court, to the extent that these rights do not interfere with the constitutional or statutory rights of the accused.

(2) No Money Damages; Other Enforcement. Nothing in this section shall be construed as creating a claim for money damages against the State, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The General Assembly may provide for other remedies to ensure adequate enforcement of this section.

(3) No Ground for Relief in Criminal Case. Nothing in this section shall be construed to authorize a court to set aside or to void a finding of guilty or not guilty or an

1 acceptance of a plea of guilty or to set aside any sentence imposed or any other final
2 disposition in any criminal case."

3 Sec. 2. The amendments set out in Sections 1 and 2 of this act shall be
4 submitted to the qualified voters of the State at a statewide general election to be held on
5 November 7, 1995, which election shall be conducted under the laws then governing
6 elections in the State. Ballots, voting systems, or both may be used in accordance with
7 Chapter 163 of the General Statutes. The question to be used in the voting systems and
8 ballots shall be:

9 **"[] FOR [] AGAINST**

10 Constitutional amendment adding a Victims' Rights Amendment."

11 Those qualified voters favoring the amendment set out in Section 1 of this act
12 shall vote by making an X or a check mark in the square beside the statement beginning
13 "FOR", and those qualified voters opposed to that amendment shall vote by making an X
14 or a check mark in the square beside that statement beginning "AGAINST".

15 Sec. 3. If a majority of the votes cast on the question are in favor of the
16 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
17 amendment to the Secretary of State. The amendment becomes effective upon this
18 certification. The Secretary of State shall enroll the amendment so certified among the
19 permanent records of that office.

20 Sec. 4. Sections 1 through 3 of this act are effective upon ratification.