

## Senate Resolution 146

By: Senators Kennedy of the 18th, Mullis of the 53rd, Ligon, Jr. of the 3rd, Shafer of the 48th, Albers of the 56th and others

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for certain rights for victims  
 2 who have suffered or been harmed due to an act committed or attempted to be committed in  
 3 violation of the criminal or juvenile delinquency laws of this state; to provide for the  
 4 enforcement of such rights; to provide for related matters; to provide for submission of this  
 5 amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

## 7 SECTION 1.

8 Article I, Section I of the Constitution is amended by adding a new Paragraph to read as  
 9 follows:

10 "Paragraph XXX. *Rights of certain individuals.* (a) A victim who has suffered or been  
 11 harmed due to an act committed or attempted to be committed in violation of the criminal  
 12 or juvenile delinquency laws of this state, or the representative of such victim if such  
 13 victim is deceased, incompetent, a minor, or physically or mentally incapacitated, shall  
 14 have the following rights:

15 (1) To be treated with fairness, respect, and dignity;

16 (2) To reasonable notice of and to be present at all proceedings involving the alleged  
 17 criminal or delinquent act;

18 (3) To be heard in any proceeding involving the release, plea, sentencing, disposition,  
 19 or parole of the accused who is alleged to have caused such suffering or harm;

20 (4) To have criminal and delinquency proceedings occur without unreasonable delay;

21 (5) To restitution as the General Assembly may provide by general law;

22 (6) To refuse to be interviewed by the accused, or an individual acting on behalf of the  
 23 accused; and

24 (7) To be informed of and assert all rights enumerated in this Paragraph.

25 (b) This Paragraph shall not create any cause of action for damages against the State of  
 26 Georgia; any political subdivision of the State of Georgia; any officer, employee, or agent

27 of the State of Georgia or of any of its political subdivisions; or any officer or employee  
28 of the court."

29 **SECTION 2.**

30 The above proposed amendment to the Constitution shall be published and submitted as  
31 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
32 above proposed amendment shall have written or printed thereon the following:

33 "( ) YES Shall the Constitution of Georgia be amended so as to provide certain rights  
34 ( ) NO to victims harmed by an alleged criminal or delinquent act and allow victims  
35 to assert such rights?"

36 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

37 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
38 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
39 become a part of the Constitution of this state.