

The Senate Committee on Judiciary offered the following substitute to SR 146:

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to acknowledge certain rights of 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:

### SECTION 1.

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

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 shall be accorded the utmost dignity and respect  
 13 by the justice system and all agencies and departments that serve such system. The  
 14 General Assembly shall provide by general law substantive and procedural laws to protect  
 15 and preserve the rights of victims. Such rights shall include, but not be limited to:

16 (1) The right to be treated with fairness, respect, and dignity;

17 (2) The right to reasonable and accurate notice of all proceedings involving the alleged  
 18 criminal or delinquent act;

19 (3) The right to be present and be heard at all proceedings involving the alleged  
 20 criminal or delinquent act; and

21 (4) The right to be informed of their rights.

22 (b) The General Assembly shall provide by general law the process whereby a victim  
 23 may assert the rights provided by this Paragraph. When a victim is a minor, legally  
 24 incapacitated, or deceased, the General Assembly shall provide by general law how such  
 25 victim's rights may be asserted. In such proceeding, a victim may be represented by an  
 26 attorney, but neither the state nor any of its political subdivisions shall be obligated to  
 27 appoint an attorney to represent the victim. This Paragraph shall not confer upon any

28 person the right to appeal or modify any decision in a criminal or delinquency proceeding  
29 and shall not abridge any other right guaranteed by the Constitution of the United States  
30 or this Constitution.

31 (c) This Paragraph shall allow the victim to file a motion in the same criminal proceeding  
32 for the limited purpose of asserting injunctive or equitable relief for enforcing these rights.  
33 This shall constitute the sole remedy of this Paragraph."

34 **SECTION 2.**

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

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

41 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."  
42 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
43 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
44 become a part of the Constitution of this state.