



Introduced Version

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# HOUSE JOINT RESOLUTION No. 7

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## DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Article 1, Section 13 of the Constitution of the State of Indiana.

**Synopsis:** Victim's rights. Provides for additional victim's rights in the Indiana Constitution. Removes gender specific references in the applicable section of the Indiana Constitution.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

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January 16, 2019, read first time and referred to Committee on Courts and Criminal Code.

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2019

HJ 7—HJ 9209/DI 107



PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## HOUSE JOINT RESOLUTION No. 7

A JOINT RESOLUTION proposing an amendment to Article 1, Section 13 of the Constitution of the State of Indiana concerning victim's rights.

*Be it resolved by the General Assembly of the State of Indiana:*

1 SECTION 1. ARTICLE 1, SECTION 13 OF THE CONSTITUTION  
2 OF THE STATE OF INDIANA IS AMENDED TO READ AS  
3 FOLLOWS: Section 13. (a) In all criminal prosecutions, the accused  
4 ~~shall have~~ **has** the right:  
5 (1) to a public trial, by an impartial jury, in the county in which  
6 the offense ~~shall have~~ **has** been committed;  
7 (2) to be heard ~~by himself and~~ **personally, by counsel, and both**  
8 **personally and by counsel;**  
9 (3) to demand the nature and cause of the accusation ~~against him;~~  
10 and to have a copy thereof;  
11 (4) to meet the witnesses face to face; and  
12 (5) to have compulsory process for obtaining witnesses in ~~his~~ **the**



- 1 **accused's** favor.
- 2 (b) Victims of crime, as defined by law, ~~shall~~ have the right:
- 3 (1) to be treated with:
- 4 (A) fairness;
- 5 (B) dignity,
- 6 (C) **privacy**; and
- 7 (D) respect, **including respect for the victim's safety**;
- 8 throughout the criminal justice process; ~~and, as defined by law,~~
- 9 (2) to be **reasonably** informed of and present during public
- 10 hearings **concerning the criminal or delinquent conduct**;
- 11 (3) to be heard in any proceeding concerning the:
- 12 (A) release;
- 13 (B) pleas;
- 14 (C) sentencing;
- 15 (D) disposition;
- 16 (E) parole; or
- 17 (F) probation;
- 18 of the accused;
- 19 (4) to be heard in any proceeding in which a right of the
- 20 victim is implicated;
- 21 (5) to have reasonable protection from the accused or any
- 22 individual acting on behalf of the accused;
- 23 (6) to be given reasonable notice that the accused has been
- 24 released from prison or has escaped from prison;
- 25 (7) to refuse an interview, deposition, or other discovery
- 26 request made by the accused or any individual acting on
- 27 behalf of the accused;
- 28 (8) to full and timely restitution; ~~and~~
- 29 (9) to confer with the prosecution, to the extent that exercising
- 30 these rights does not infringe upon the constitutional rights of the
- 31 accused; **and**
- 32 (10) to be informed of the rights set forth in this section.
- 33 (c) A victim may assert the victim's rights set forth in subsection
- 34 (b) in:
- 35 (1) a trial of the accused that involves the victim;
- 36 (2) any related appellate and postconviction proceedings that
- 37 occur as a result of a trial described in subdivision (1); and
- 38 (3) other related administrative actions involving the accused
- 39 that occur as a result of a trial described in subdivision (1).

